STAFF REPORT

To:	Summit County Council
From:	Lisa Wilkinson, ARPA Grants Manager
Date of Meeting	June 9, 2021
Type of Item:	American Rescue Plan Act (ARPA) Overview
Process:	Work Session

Requested Council Action

Provide direction on priorities for an expenditure framework that drives Summit County's ARPA funding decisions.

Background

On March 11, 2021, President Biden signed the American Rescue Plan Act (ARPA) of 2021 into law. The $1.9 trillion economic recovery package, based on President Biden's American Rescue Plan, is intended to provide financial aid to families, governments, businesses, schools, non-profits and others impacted by the COVID-19 public health crisis.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, ARPA established the Coronavirus State and Local Recovery Fund, designed to deliver $350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and recover from the economic impacts caused by the public health crisis.

This legislation provided $1.3 billion in federal money to the State of Utah. Counties in Utah will get $623 million, $8,186,172 of which is expected to go directly to Summit County from the US Treasury. Metro cities will get $290 million. Of that amount, about $1.63 million will go directly to cities in Summit County. The first tranche of funding was delivered to cities and counties in May 2021 and the balance will be delivered 12 months later.

Eligible Expenditures

The Coronavirus State and Local Fiscal Recovery Fund provides eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers from the public health crisis. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use the funding to meet the needs of their communities. Recipients may use these funds to:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector
- Replace lost public sector revenues, using this funding to provide government services to the extent of the reduction in revenue experienced during the pandemic
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet

Ineligible Uses

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund:

- Offset tax cuts implemented during the public health crisis
- Deposits into pension funds or rainy day funds
- Funding debt services and legal services

Governor Cox Recommendation

Guiding principles from the Governor's office in regard to ARPA spending:

- Fiscally prudent- Uphold reputation for return on investments and avoid structural imbalances in the future
- Targeted- People, industries, and locations that continue to suffer the greatest impact
- Proactive investments- Enhance infrastructure to meet our next challenges in an innovative way
- Enduring- Favor investments that solve an existing problem and provide an enduring benefit
- Accountable- Measure and account for funds through a publicly available scorecard

State Matching Funds

The state of Utah is encouraging counties and towns to maximize and leverage their funds and to collaborate with other municipalities and partners. The state will use $50 million to match projects that address:

- Affordable housing or homelessness
- Public health challenges
- Water and sewer infrastructure
- Other allowable uses under ARPA

Details for the program are to be announced. We anticipate that affordable housing and water/sewer projects will be the focus of this matching program.

Impact COVID-19 has had on Summit County

While APRA provides broad expenditure authority, in general, entities have to show a clear nexus to an impact caused by the COVID-19 when making funding decisions. On April 16, 2021, the County Manager's office held an internal brainstorm session with County department representatives to identify impacts that COVID-19 has had on the County government and identify opportunities on which to direct the County's ARPA $8.186 million allocation. Staff is not proposing these initiatives for Council's consideration for the County's expenditure plan. Rather, it is merely part of a staff brain storm. We've put these items on the opportunity list we're compiling as we learn more about the funding. No decisions or commitments have been made yet about the county's $8.1 million.

Impacts

- Housing costs for employees - Summit County already had trouble finding qualified employees who can afford to live in Summit County; this was made more difficult by recent transplants who can afford to move to the mountains and are allowed to work remotely because of COVID
- Sales tax revenue losses, especially in restaurant and TRT taxes
- Loss in Gross Regional Product during 2019-2020 and substantial loss in future growth
- Hiring freeze for vacant county positions
- Employee compensation - 228 county employees did not receive merit pay in 2020 and no employees got a COLA in 2021 (Note: there is a pending proposal before the Council to rectify these compensation losses)
- Projects were delayed - fleet replacement and energy analysis and water concurrency and ESAC (specifically, codifying concurrency in the County health code and improved compliance with water codes in eastern Summit County)
- Retention and recruitment of sheriff deputies - during the public health crisis and currently, we are seeing deputies leave Summit County for better pay in other jurisdictions
- Increase in Search and Rescue (SAR) activity – Summit County experienced an influx in outdoor activity during the public health crisis,

which generated an increase in demand for SAR services and equipment
- Digital divide was realized in the community - one of the biggest tragedies of the COVID-19 public health crisis was when the schools went remote and so many kids did not have access to the Internet for virtual learning
- Public engagement went virtual - COVID-19 changed the way we did public engagement, requiring us to rely on virtual options

Opportunities

- Acquire affordable housing units for County workforce – ARPA funds would provide the upfront investment, then we put new deed restrictions on the units and use the units specifically for county operations or employees
- A big investment in IT and A/V technology so all our public meetings can be in person AND online
- Build space to improve women's health and mental health services in Summit County
- Work with other municipalities to partner on projects and funding initiatives
- Expand transit to and in eastern Summit County, especially North Summit
- Outfit the new County facility on the Gillmor parcel with technology for effective hybrid public meetings
- Improved facilities, equipment, and transportation to provide better programming in and access to the County's three senior centers
- Community resiliency and community outreach for improved emergency preparedness and response – move buildings in flood plains and fortify physical infrastructure; Public Works needs generators
- Build a program to create a pool of people to develop new talent to succeed positions in the County with leaders who are retiring – a "farm" team to build depth in our organization. Scholarship or incentive program in local high schools to get people to work for the County and stay in the community
- In addition to the transit facility, create a training program and facility that trains electric vehicle mechanics that can serve the transit district, county, etc.
    - Give weighted admission to former drug court participants or others that may be underemployed.
    - Partner with universities and community colleges

- We would be creating and developing our own workforce, meeting County and regional goals, and providing economic opportunities.

Timeline

Summit County has until December 31, 2024, to earmark how we plan to spend our ARPA allocation. Interim US Treasury rules currently list December 31, 2026, as the deadline to spend these monies. The Treasury guidelines should be final in August 2021 and dates will be updated if this timeline changes.

The state is encouraging local governments to go slowly with our spending. We should look for ways to leverage our funds, collaborate with other municipalities and community partners. We have almost three years to decide how to spend these monies.

Reporting Requirements

ARPA funds are subject to quarterly project and expenditure reports, which include financial data, information on contracts and subawards over $50,000 and other information regarding utilization of funds. These reports will be similar to what was required for the CARES Act Coronavirus Relief Fund. The first report, which is due October 31, 2021, will cover spending from the date the County receives its first tranche of ARPA funds through September 30, 2021.

Conclusion

Summit County will receive a little over $8 million in federal ARPA funding to be spent on eligible costs related to the COVID-19 emergency response and recovery. Staff recommends taking time to allocate funds and suggests the focus of our spending be on shoring up County budgets and on County services. We have already begun to receive multiple requests from community partners for APRA monies to address their needs, programs, and services. As the Council knows, much of our CARES Act allocation was spent on community needs. Staff feels many of those residual needs in the community can either be addressed through expanded County services or by other ARPA funding opportunities administered by the state or federal agencies.

In addition to the County's direct allocation of APRA funds, there will also be multiple matching or competitive grant programs administered by the state and federal agencies of which the County should consider taking advantage. These programs, which are expected in the areas of public health, mental

health, food security, small business and nonprofit support, transportation systems and infrastructure, and others, may be best suited for community partners to facilitate and manage. However, the County intends to partner on and support these efforts.

Staff would like direction from the Council on how to prioritize eligible expenditures so that we can create an expenditure framework to guide funding decisions and opportunities the County pursues. As this discussion progresses and we get more details from the state and federal agencies about other funding programs, staff will present a proposed ARPA budget to the Council for consideration.


American Rescue
Plan Act

What is the American Rescue Plan Act (ARPA)?

- Signed into law by President Biden on March 11, 2021
- $1.9 trillion COVID-19 federal recovery package
  - $350 billion to state and local governments
  - Paid directly to local government by the US Treasury in two tranches
    - First tranche paid by May 10, 2021
- Provides financial aid to families, governments, businesses, schools, non-profits & others impacted by the COVID-19 public health crisis
- Funds must be earmarked by 2024 and spent by the end of 2026

How much money will Utah receive?

State- $1.38 billion

Counties- $623 million

- Summit County- $8,186,172

Metro Cities- $290 million

- Coalville City- $194,072
- Francis City- $175,557
- Henefer- $109,194
- Kamas City- $253,856
- Park City- $950,955

Other Local- $187 million

Eligible Uses of ARPA Funds

- Public health
- Economic hardship (with focus on tourism sector)
- Public sector revenues
- Essential workers
- Water, sewer, and broadband infrastructure

ARPA Focus

- Infrastructure improvements
  - Limited to water, sewer and broadband projects
- Projects that transform community & have long-lasting economic impacts



How would Governor Cox like to see ARPA funds allocated?

- Fiscal Prudence
- Proactive Investments
- Partnerships
- Targeted
- Enduring
- Accountable

Local Assistance Matching Grant Program

To help local governments maximize and leverage their funds, the state will use $50 million of its allocation to match city/county projects that address:

- Affordable housing or homelessness
- Public health challenges
- Water and sewer infrastructure
- Other allowable uses under ARPA

Other details for the program are TBD

Impacts of COVID-19 on Summit County

- Existing workforce housing challenges compounded
- Sales Tax revenue loss, especially in restaurant and TRT taxes
- Loss in Gross Regional Product
- Frozen county positions and employee compensation
- Projects delayed: fleet replacement and energy analysis; water concurrency and ESAC
- Retention and recruitment of sheriff deputies
- Increased Search and Rescue (SAR) activity
- Digital divide realized in the community (remote learning inequities)
- Public engagement went virtual
- Unplanned county expenditures on pandemic response

Summit County's Current Strategic Priorities

- Transportation and Congestion
- Workforce Housing
- Environmental Stewardship
- Refine County General Plans and Development Codes
- Mental Wellness and Substance Abuse Issues

Staff recommends the County focus its allocation on the County government (i.e. shoring up county budgets and expanding county services)

Next Steps

- Setting priorities & expenditure framework
- Identifying options
  - Flex quickly to take advantage of opportunities based on framework
- Timeline
  - Plan and move slowly (when possible)

STAFF REPORT

TO: Summit County Council
FROM: David Warnock – Summit County Personnel Director
Matt Leavitt – Summit County Financial Officer –
DATE: June 3, 2021
SUBJECT: Updating Chart of Positions & Unfreezing positions

REQUESTED COUNCIL ACTION:

Approve staff recommended changes to the Summit County chart of positions. If staff recommendations are approved by the Council a formal amended 2021 budget resolution will be brought to the Council for consideration at the June 16, 2021 Council meeting.

BACKGROUND:

In April 2020 when the Pandemic started to affect County finances, efforts were established to control costs. One of those control mechanisms was to "freeze" (not fill) some open positions. At the initial hiring freeze, fourteen (14) positions were "frozen". Over the past year, departments impacted by the hiring freeze made adjustments to continue operations and meet the public needs.

Over the past year we have continually reviewed the financial situation of the County and the frozen positions, along with the needs of the specific departments and have "unfrozen" a few of the positions to meet department needs.

In addition to periodically assessing the frozen positions based on need, we have experienced several changes to County operations as a result of the Pandemic that have caused staff to recommend adding several new positions as described below. Two of the three proposed new positions are funded through available grants or shared funding sources.

The County administration requests that the County Council consider unfreezing one position and adding to the Chart of Positions three (3) positions noted below.

SUMMARY INFORMATION:

Request to Unfreeze

1. Landfill Operator: With the community opening back up in the recovery stage of the Pandemic and the summer season approaching, the landfill operations are entering their busiest time of the year. The need to fill this position is important to keep the landfill operations moving at capacity and handling the increase in public use of the landfill.

The total cost to unfreeze this position is $75,941

Additions to Chart of Positions – Grant Funded/Shared Funding

Emergency Manager: During the height of the pandemic, the County separated emergency management from public health emergency preparedness and hired a part-time, time limited Emergency Manager (EM). Prior to this time, both functions were combined into one position. It was clear that a dedicated EM was needed to stand up the Emergency Operations Center (EOC) to handle missions related to logistics, planning, finance, operations, and communications to support the health department's vaccination roll out and to coordinate with community partners.

With the demobilization of the County's mass vaccination clinic and the general winding down of the County's response to the COVID pandemic, staff recommends transitioning the EM from a part-time, time limited position to a full-time equivalent in the County's chart of positions. The Pandemic exposed areas where the County needs to be more prepared for emergencies in the future. With the threat of wildfires, floods, earthquakes, highway spills, and other unforeseen disasters, the County's EM should be full-time, especially considering the number of tourists the County experiences and the role our community plays in the regional and state economies.

First, there are a number of post-situation activities that need to occur from the Pandemic, such as asset inventory, management and storage; after action reports and documentation; and FEMA/public assistance filings, among others. The EM then needs to transition to focus on work in the areas of planning, grants management, communications, training, outreach, and regional coordination that have been neglected over the past several years and need dedicated attention.

On the planning side, the EM needs to update existing plans or draft new plans, including the County's emergency operations plan, a multi-year training and exercise plan, continuity of operations plan, evacuation plans, debris management plans, mass casualty incident plans, community wildland protection plan, Threat and Hazard Identification and Risk Analysis (THIRA), hazard mitigation plan, and Department of Homeland Security Scored Special Event Assessment Rating, which can lead to additional funding for special events in Summit County.

There are also several grants the EM needs to manage, apply for, coordinate with partners on, and track. She also needs to maintain the mobile command vehicle and emergency communications systems and ensure we are fully utilizing their functionality. She needs to update EOC operating procedures, establish and upgrade EOC equipment and develop mission tracking and coordination processes.

Additionally, there are functions around public outreach and private sector/critical infrastructure and regional coordination that have not been done in years. All that to say, there is an immense amount of work that should be done in emergency management after the Pandemic that requires dedicated and full-time attention as well as a special expertise. We

currently have a very dynamic EM and should fully utilize her knowledge, experience and skill sets to make sure the County, as an organization and as a community, is fully prepared for any potential disaster or emergency.

Staff requests the Council approve making the EM a permanent full-time position in the County's chart of positions. The total cost for the Emergency Manager position is $115,000, however, due to grants, the cost to the County budget would be around $45,000. The position reports to the County Manager.

Public Lands Manager: Over the past year, the County has been working with US Forest Service leaders of the Uinta-Wasatch-Cache National Forest, Mountain Regional Water Special Service District, Snyderville Basin Special Recreation District, academics at Utah State University, and consultants from the World Resources Institute on developing a strategy to leverage private funding to plan, scope, and implement fire mitigation treatments on the Upper Weber River watershed with the goal of restoring and preserving this critical water resource from catastrophic wildfire.

It became clear this past year while the County was focused on the COVID-19 emergency response and vaccination effort that additional and more focused staff resources are needed to make progress on this project. Staff recommends hiring a Public Lands Manager, paid with grant funds that will be housed in the County organization but serve the entire project team.

In addition to the Weber River Watershed Project, the Public Lands Manager would also manage all the public lands needs of the County with specific focus on implementing County Council's strategic vision for public lands and natural resource management, supporting current and long-range planning. See attached position description for more details.

The total cost for the Public Lands Manager position is $121,630. The position will be 100% grant funded at least for the first 2-3 years of the position. Currently, the County has received $50,000 from the State's Shared Stewardship program. Weber Basin Water Conservancy District has also pledged $50,000 to the Upper Weber River Watershed Project. The project team is currently applying for two other grants which could provide an additional $400,000 combined. Staff will know if these grants have been awarded to Summit County sometime in October 2021. The position will report to the County Manager.

NOTE: We also added a time limited, full-time Grants Manager to the chart of positions to manage the County's American Rescue Plan Act (ARPA) program and expenditure plans. This position is fully funded by the ARPA allocation and reports to the County Manager.

Addition to Chart of Positions – New position

Multi-Media Coordinator: The Pandemic has shown the County that we can operate effectively in the virtual world and in some cases, enhance service provision to the public through technology. While the

focus on technology to do our business has made it more convenient for many County employees and the public, it has put a strain on the County's IT Department. Additional capacity is needed, particularly to support hybrid public meetings. This proposed position would be responsible for support at public meetings, particularly County Council and Planning Commission meetings. As of April 2020, these meetings have been presented virtually. The consensus is to move to hybrid meetings, offering Council members, staff, and the public to attend either in-person or virtually starting June 2, 2021. Unfortunately, the technology cannot be set and left; it has to be operated, managed and maintained, which is why the IT Specialists have been present at County Council meetings for the past six years.

Over the past year, online meetings have led to increased participation and sometimes meetings that go later into the night, which has strained the staff, who are also providing daily support to employees working remotely and relying more on technology than before.

Responsibilities of the new position would include:

· Setup and manage public meetings

· Use technology to allow remote participation

· Manage recordings on website and make available according to state code

· Look for improvements to drive participation

· Identify and develop opportunities to use technology to enhance and make more accessible and efficient employee work and service to the public

· Advise the Facilities bond project team working on remodeling facilities and constructing a new facility on multi-media meeting spaces

The above responsibilities right now equate to close to a part-time position. Which would allow the employee to provide desktop support or work on other tasks in the IT Department during other times.

The total cost for the addition of the Multi-Media position is $90,000. The position will report to the IT Director.

Summary:

The combined estimated costs of unfreezing/adding these positions is $512,630. Grant/Shared funding sources will cover approximately $192,000 of this cost.

See the attached chart of positions showing the noted positions in RED for the positions structure.

Please address comments or questions to:

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SUMMIT COUNTY
JOB DESCRIPTION

Job Title:	Public Lands Manager		
Division:	County Administration	Effective Date:	04/01/2021
Department:	County Administration	Last Revised:	03/31/2021

GENERAL PURPOSE

The Public Lands Manager provides leadership in organizing and implementing the County Council's strategic vision for public lands and natural resource management for Summit County, Utah. The incumbent promotes progressive land stewardship, practical project development, practical land and water right ownership information for the greater County organization and collaborative guidance with habitat, regional land use connectivity, forest health and watershed resilience. Under the administrative direction of the County Manager, the Public Lands Manager works closely with County staff and the County Council to administer all aspects of current and long-range planning for Summit County governed public lands, keeps the master inventory of County and Special District owned land parcels and water rights, and serves as a liaison for regional collaboration for land related topics.

SUPERVISION RECEIVED

Works under the general direction and supervision of the County Manager

SUPERVISION EXERCISED

None

ESSENTIAL FUNCTIONS

- Serves as project manager and public engagement specialist for Summit County's watershed restoration collaborative with the United States Forest Service (USFS), Mountain Regional Water, Snyderville Basin Special Recreation District, private landowners, and other stakeholders
- In coordination with the County Council and County Manager, develops strategic goals and objectives to support Summit County's mission related to county administered public lands, watershed protection and related land stewardship
- Performs professional resource management duties including, but not limited to, identifying need, planning for and facilitating the implementation of natural resource management, forest health initiatives, watershed protection, restoration, wildfire mitigation efforts, community access and land acquisition

- Provides focus to identify, plan, manage, and coordinate projects involving Summit County administered public lands, promoting cross-boundary landscape scale partnerships whenever possible
- Organizes and manages the activities of the Eastern Summit County Agricultural Preservation and Open Space Advisory Committee and the Basin Open Space Advisory Committee, to advise the County Manager on all matters related to meeting the Council's objectives in open space and agricultural preservation
- Advises the County Manager and Special Service District Directors on the purchase and sale of property and water rights assets of the entities
- Coordinates with US Forest Service to establish and develop consistent land management prescriptions, implementation specifications, and contract development
- Facilitates land management related collaboration between relevant stakeholders, including but not limited to Summit County and Special Service District Staff, Federal and State Agencies, private landowners, NGO's, and educational institutions
- Prepares and maintains a variety of records, reports, plans and resource inventories related to county, special service district, public and protected lands, and water rights holdings
- Manages county owned open space lands to ensure compliance with binding land related agreements, deed restrictions and conservation easements
- Develops County open space management/restoration plans. Works with conservation easement holders to coordinate on management and compliance activities
- Serves as the natural resource agency and regional land liaison for the County
- Assists in the preparation of deed restrictions and conservation easements
- Preforms biological monitoring, as required
- Promotes and supports research and monitoring to assist in land management decision making
- Identifies funding opportunities and prepares applications and proposals in coordination with applicable county offices, the State, and US Forest Service
- Provides sound fiscal responsibility to include budget development, management, and accountability
- Provide status reports to the County Manager, County Staff and County Council
- Serves as a resource in evaluating and proposing amendments to the Summit County General Plans with respect to topics related to land use, open space, and natural resources/environmental quality
- Serves as a county representative on committees, projects and boards as assigned
- In coordination with the Information Technology Department, designs and maintain a GIS database depicting public lands assets, protected open space and associated lands and layers for related planning purposes
- Participates in professional growth opportunities by attending trainings designed to enhance capacity to bring new skills and ideas to the organization
- Works to continuously improve the efficiency and effectiveness of the service or product being delivered

MINIMUM QUALIFICATIONS

1. Education and Experience:
   A. Graduation from an accredited college or university with a bachelor's degree in natural resource management, public administration, planning, or closely related field. Master's degree in natural resource management or public administration strongly preferred.

   AND

   B. Six years of progressive responsibility over public lands or project management experience, involving a stakeholder engagement component.

   OR

   C. A combination of education and experience

2. Required knowledge, skills, and abilities:
   - Must have the ability to understand county planning documents, land use, zoning, and legal descriptions
   - Must be familiar or have the ability to quickly become familiar with PLPCO, R.S 2477, Summit County's Resource Management Plan, and Summit County General Plans
   - Requires considerable knowledge of the principles and practices of public land administration, including management and program implementation for a diverse organization, to include demonstrated skills in leadership, organization, administration as well as a proven ability to motivate stakeholders and private citizens
   - Ability to reduce complex planning theories, concepts, principles, and methodologies to layman's terms and provide accurate information in a comprehensive, concise, and effective manner, often under controversial circumstances
   - Requires proficient use of Geographic Information Systems (GIS), field collection, database, and word processing software
   - Must have a proven ability to communicate and collaborate tactfully and effectively with staff, the public, the media, governmental agencies, and community groups in both public and private settings
   - Must have skills in stakeholder engagement and coalition building
   - Must have a proven ability to discover, apply for, and secure grant funds
   - Must be skilled and experienced with public speaking, including making presentations to the County Council, administrative boards, other agencies, and the public
   - Must demonstrate integrity and build trust through credibility, reliability, commitment, and ethical behavior

- Must exhibit problem-solving skills leading to sound judgment and quality decisions, while achieving goals, and handling assigned workload and new assignments effectively
- Must demonstrate an ability to work independently and with teams
- Prior experience with implementing landscape scale restoration project planning and implementation is an added benefit

WORKING CONDITIONS

Job tasks require a variety of physical activities, such as walking, standing, stooping, reaching, talking, hearing, seeing, and lifting boxes of materials up to and including 40 pounds. Rapid work speed required to perform keyboard operations. Common eye, hand, finger, leg, and foot dexterity exist. Mental application utilizes memory for details, verbal instructions, emotional stability, discriminating thinking and creative problem solving. Position is eligible for the County's remote work program. Periodic travel and outdoor, site/field type work is required in normal course of job performance. However, most job assignments can be completed in a County office or from the incumbent's home, subject to a signed telework agreement with supervisor.

Chart of Fulltime Positions
Proposed January 2021

Department	Position	2000 Fulltime	2001 Fulltime	2002 Fulltime	2003 Fulltime	2004 Fulltime	2005 Fulltime	2006 Fulltime	2007 Fulltime	2008 Fulltime	2009 Fulltime	2010 Fulltime	2011 Fulltime	2012 Fulltime	2013 Fulltime	2014 Fulltime	2015 Fulltime	2016 Fulltime	2017 Fulltime	2018 Fulltime	2019 Fulltime	2020 Fulltime	2021 Fulltime
Animal Control	Animal Control Administrator	1	1	1	1	1	1	1	1	1	1	1	1				1	1	1		1	1	1
	Field Supervisor					1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Animal Control Officers	4	4	4	4	4	4	5	5	5	5	5	4	3	3	3	4	4	4	4	3	3	3
	Kennel Tech	2	2	2	2	2	1						1	1	1	1	2	2	2	2	2	2	2
Subtotal		7	7	7	7	8	7	7	7	7	7	7	7	5	5	5	8	8	8	7	7	7	7
Assessor's Office	County Assessor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Chief Deputy Assessor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Commercial Appraiser															1	1	1	1	1	1	0	0
	Appraisal Supervisor	1	1	1	1	1	1	1	1	1	1	1	1										
	Assoc CommercialAppraiser						1	1	1	1	1	1										1	1
	Appraiser/Software Spec										1	1	1	1	1	1	1	1					
	Deputy Appraisers	7	7	7	7	7	6	6	6	6	5	4	4	4	4	4	4	4	4	4	4	6	6
	Assessing Tech	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	3	3	3	1	1
Subtotal		11	11	11	11	11	11	11	12	12	12	11	10	9	9	10	10	10	10	10	10	10	10
Attorney's Office	County Attorney	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Chief Civil Attorney	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Civil Attorney	1	1	2	2	2	2	2	2	2	2	2	2	2	1	1	2	2	2	2	3	3	3
	Chief Prosecutor	1	1	1	1	1			1							1	1	1	1	1	1	1	1
	Prosecuting Attorneys	1	1	1	1	1	3	3	3	3	3	3	3	3	3	2	2	2	2	2	2	2	2
	Investigator							1	1			1	1	1	1	1	1	1	1	1	1	1	1
	Victim Advocate Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Victim Advocate							1		1	1	1											
	CJC Director																	1	1	1	1	1	1
	Legal Secretary	1	1	1	1	1	1	1															
	Paralegal								1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal		7	7	8	8	8	9	11	11	10	10	11	10	10	9	9	10	11	11	11	12	12	12
Auditor's Office	County Auditor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Chief Deputy Auditor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Financial Officer															1							
	Payroll Clerk																	1	1	1			
	Management Analyst															1							
	Accountant				1	1	1	1	1	1	1	1	1	1	1								
	Auditing Tech	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1
Subtotal		4	4	4	5	5	5	5	5	5	5	5	5	5	5	6	4	5	5	5	4	3	3
Clerk's Office	Clerk	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Chief Deputy Clerk		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Deputy Clerk	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal		3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Community Development	Comm Development Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Office Manager									1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Administrative Assistant	1	1	1	1	1	2	2	2														
	Planning and Zoning Admin	1													1	1	1	1	1	1			
	Planning and Zoning Director																				1	1	1
	Economic Development Spec				1	1	1	1															
	Planning Director				1	1	1	1	1	1													
	Project Coordinator									1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Senior Planner	1		1											2	2	2	2	2	2	2	2	2
	Special Projects Manager														1	1							
	Principle Planner				1	1	1	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	County Planners	6	7	6	5	6	6	5	5	7	6	5	5	5	2	2	2	2	2	2	3	3	4
	Assistant County Planner	1	1	1	1	1	2	2	1			1	1	1	1	1	1	1	1	1	1	1	1
	Code Enforcement Officer		1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Permit Technician			1		1	1	1	1	1	1		1										
	Secretaries	2	3	3	3	3	3	3	2	3	3	2	2	2	2	2	2	2	2	2	2	2	2
	Chief Building Official	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Plan Examiner	1	1	1	1	1	1	1	1	1					1	1	1	1	1	1	1	1	1
	Assistant Plan Examiner																1	1	1	1	1	1	1
	Asst B.O./Supervising B.O.																1	1	1	1	1	1	1
	Plan Exam/Asst Building Offic										1	1	1	1									
	Building Inspectors	7	7	7	6	6	6	8	8	7	7	5	4	4	4	5	5	5	5	5	5	5	5
Subtotal		22	23	23	23	25	27	29	26	26	24	20	20	19	20	21	22	22	22	22	23	23	24

Chart of Fulltime Positions
Proposed January 2021

Department	Position	2000 Fulltime	2001 Fulltime	2002 Fulltime	2003 Fulltime	2004 Fulltime	2005 Fulltime	2006 Fulltime	2007 Fulltime	2008 Fulltime	2009 Fulltime	2010 Fulltime	2011 Fulltime	2012 Fulltime	2013 Fulltime	2014 Fulltime	2015 Fulltime	2016 Fulltime	2017 Fulltime	2018 Fulltime	2019 Fulltime	2020 Fulltime	2021 Fulltime
County Manager's Office	County Manager											1	1	1	1	1	1	1	1	1	1	1	1
	Assistant County Manager										1	1	1	1	1	1	1	1	1				
	Deputy County Manager																			1	1	1	1
	Rural Affairs Assistant Manager																			1	1		
	Commission Administrator		1	1	1	1	1	1	1	1													
	Executive Assistant	1																1	1	1	1	1	1
	Exec Assistant/Purch Admin																						
	Special Projects Director								1	1	1	1											
	Economic Development Coord															1	1	1	1	1	1	1	1
	Sustainability Manager											1	1	1	1	1	1	1	1				
	Comm & Pub Affairs Spec														1	1	1	1	1	1	1		
	Office Manager											1	1	1	1	1	1						
	Financial Officer																1	1	1	1			
	Management Analyst																1	1					
	Risk & Procurement Administrator																		1	1			
	Senior Citizen Cook																			1	1		
	Receptionist										1	1											
	Historian				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
	Administrative Assistant								1	1	1											1	1
	Fair Coordinator																1	1					
NEW ADDITION	Public Lands Manager																						1
	Special Events Manager																		1	1	1		
PERMANENT ADDITION	Emergency Manager																		1	1			1
	Grant Coordinator																						1
	Secretary					1	1	1	1	1			1	1	2	1	1	1	1	1	1		
Subtotal		1	1	1	2	3	3	3	5	5	5	7	6	6	8	8	11	11	12	13	10	5	8
Transit District	Regional Transportation Plan Dir																1	1	1	1	1	1	1
Formerly in Mgr Off 1&2	Transportation Planner																				1	1	2
	Data Analyst																						1
	Admin Technician																						1
Formerly in PW	Transit Tech																1	1	1	1	2	2	2
Subtotal																	2	2	2	2	4	4	7
Communication & P. E.	Director																					1	1
	Deputy Director																					1	1
	Special Events Manager																					1	1
	Specialist																					1	1
Subtotal																						4	4
Engineering	County Engineer	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Engineer	1	1	1	1	1	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3
	Stormwater Manager																				1	1	1
	Stormwater Inspector																					1	1
	Public Works Inspectors	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Engineering Tech	1	1	1	1			1	1	1							1	1	1	1			
	Code Enforcement Tech												1	1	1	1	1	1	1	1	1	1	1
	Eng. Sec/Assistant Tech		1	1	1	1	1	1	1	1	1	1											
	Secretary	1													1	1	1	1	1	1	1	1	1
Subtotal		6	6	6	6	5	6	7	7	7	6	6	6	6	7	8	9	9	9	9	9	10	10
Facilties Department	Facilities Manager	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Grounds Supervisor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1				
	Facilities Tech	1	1	1	1	1	1	1	1	1	1	1	1	1									
	Housekeeping Supervisor				1	1	1	1	1	1	1	1	1	1				1	1	1	1	1	1
	Housekeepers				2	2	3	3	4	4	4	5	5	4	5	5	5	4	5	6	6	6	6
	Maintenance Techs											2	2	2	2	2	2	2	2	3	3	3	3
	Office Manager																	1	1	1	1	1	1
	Custodian	3	4	4	2	2	2	2	2	2	2			1	1	1	1	1					
Subtotal		6	7	7	8	8	9	9	10	10	10	11	11	11	10	10	10	11	11	12	12	12	12
Health Department	Health Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Deputy Health Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Business Manager									1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Emergency Response Planner				1	1	1	1	1	1	1	1	1	1	1	1	1						
	Public Health Emergency Planner																					1	1
	Public Information Officer																	1	1	1	1	0	0
	Administrative Assistant	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	WIC Director														1	1	1	1	1	1	1	1	1
	Clinical Assistant	3	3	3	4	4	4	4	4	4	4	4	4	4	2	3	3	3	3	3	4	4	4
	Clinical Aide	1	1	2	1	3	3	2	2														
	Environmental Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Environmental Health Admin																	1	1	1	1	1	1
	Environmental Hth Scientist	2	2	3	2	2	2	2	2	2	2	2	2	2	2	4	4	4	4	4	5	5	5
	Sustainability Manager																			1	1	1	1
	Behavioral Health Director																				1	1	1
	Behavioral Health Budget Manager																					1	1
	Nurse Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Nurse Practitioner	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			
	Public Health Nurse	4	4	4	4	4	4	4	4	4	5	4	3	3	3	3	3	3	3	3	4	4	4
	Early Intervention Ser. Prov	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Early Intervention Interpret										1	1	1	1	1								
	Registered Dietician													1	1	1	1	1	1	1	1	1	1
	Occupational Therapist														1	1	1	1	1				
	Speech Pathologist																			1	1	1	1
	Prevention Director																				1	1	1
	Health Promotions Director							1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Health Educator	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	2	2	3	3	3	3	3
Subtotal		19	19	21	21	23	23	23	22	21	23	22	21	22	22	24	25	26	27	28	32	33	33

Chart of Fulltime Positions
Proposed January 2021

Department	Position	2000 Fulltime	2001 Fulltime	2002 Fulltime	2003 Fulltime	2004 Fulltime	2005 Fulltime	2006 Fulltime	2007 Fulltime	2008 Fulltime	2009 Fulltime	2010 Fulltime	2011 Fulltime	2012 Fulltime	2013 Fulltime	2014 Fulltime	2015 Fulltime	2016 Fulltime	2017 Fulltime	2018 Fulltime	2019 Fulltime	2020 Fulltime	2021 Fulltime
Information Technology	Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	LAN Administrator	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Network Security Engineer																				1	1	1
	Info Tech Specialists	2	2	2	3	3	3	3	3	4	4	4	4	3	3	3	3	3	3	3	2	2	2
	GIS Coordinator															1	1	1	1	1	1	1	1
	GIS Specialists	1	1	1	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1	2	1
NEW ADDITION	Multi-Media Coordinator																						1
	Web Administrator													1	1	1	1	1	1	1	1	1	1
	Records Imaging Tech				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal		5	5	5	8	8	8	8	8	9	9	9	9	9	9	9	9	9	9	9	9	10	10
Justice Court	Judge	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Court Administrator														1	1	1	1	1	1	1	1	1
	Senior Court Clerk	1	1	1	1	1	1	1	1	1	1	1	1	1									
	Court Clerk	2	2	2	2	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Subtotal		4	4	4	4	4	4	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Heritage & Arts	Director																					1	1
(Formerly Library)	Museum Director																					1	1
	Library Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
	Assistant Library Director										1	1	1										
	Information Serv Librarian								1	1											1		
	Youth Services Librarian		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Teen Services/Social Media Librarian																					1	1
	Technical Services Librarian	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Outreach Services Librarian					1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Spanish Services Librarian											1	1	1	1	1	1	1	1	1			
	Branch Librarians		1	1	1	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	3	3	3
	Administrative Assistant					1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Library Clerks		2	4	4	3	3	5	6	6	6	5	5	6	6	6	6	6	4	4	4	4	4
Subtotal		2	6	8	8	10	10	12	14	14	14	14	14	15	15	15	15	15	13	13	13	14	14
Personnel	Director	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Benefits Administrator	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	HR Tech				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal		2	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Public Works	Public Works Administrator	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Deputy Public Works Director									1	1												1
	Financial Analyst								1														
	Public Works Superintendent		1	1	1	1	1	1	1														
	Weed Supervisor																	1	1	1	1	1	1
	Office Manager																	1	1	1	1	1	1
	Road Superintendant									1	1	1	1	1	1	1	1	1	1	1	1	1	
	Area Supervisor																						3
	Project Foreman	1					1	1	1				2	2	2	2	2	2	2	2	2	2	
	Mechanics	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1
	Mechanic Tech	1	1	1														1	1	1	1	1	1
	Secretary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Weed Control Lead	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1						
	Equip Operator/Weed Spray	1	1	1	1	1	1	1	1	1									1	1	1	1	1
	Equip Operator/Weed Enfor										1	2	1	1	1	1	1	1	1	1	1	2	2
	Weed Enforcement Officer												1	1	1	1	1	1					
	Equipment Operators	13	13	13	13	14	16	17	17	16	15	13	11	11	12	12	15	15	15	15	15	15	14
	Equip Operator/Storm Water							1	1	2	3	3	3	3	3	3							
	Sign Technician											1	1	1	1	1	1	1	1	1	1	1	1
Subtotal		20	20	20	20	21	24	26	27	26	26	25	25	25	26	26	26	27	27	27	27	28	28
Recorder's Office	County Recorder	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Chief Deputy Recorder	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	GIS Technician														1	1	1	1	1	1	1	1	1
	Senior Cadastral Mapper	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Cadastral Mapper																						1
	Deputy Recorder	7	7	7	8	8	8	8	8	8	8	6	4	4	3	3	3	3	3	3	3	3	3
Subtotal		10	10	10	11	11	11	11	11	11	11	9	7	7	7	7	7	7	7	7	7	7	8
Senior Citizens	Senior Director																					1	1
	Senior Cook																					1	1
Subtotal																						2	2
Solid Waste	Solid Waste Manager												1	1									
	Solid Waste Superintendant									1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Solid Waste Foreman																			1	1	1	1
	Landfill Operators	4	4	4	4	4	5	5	5	5	6	6	6	6	6	6	6	6	7	7	7	7	7
	Landfill Spotters							1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Gate Attendant								1	1	1	1	1	1	1	1	1	1					
Subtotal		4	4	4	4	4	5	6	8	9	10	10	11	11	10	10	10	10	10	11	11	11	11

Chart of Fulltime Positions
Proposed January 2021

Department	Position	2000 Fulltime	2001 Fulltime	2002 Fulltime	2003 Fulltime	2004 Fulltime	2005 Fulltime	2006 Fulltime	2007 Fulltime	2008 Fulltime	2009 Fulltime	2010 Fulltime	2011 Fulltime	2012 Fulltime	2013 Fulltime	2014 Fulltime	2015 Fulltime	2016 Fulltime	2017 Fulltime	2018 Fulltime	2019 Fulltime	2020 Fulltime	2021 Fulltime
Treasurer's Office	County Treasurer	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Chief Deputy Treasurer	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Deputy Treasurer	1	1	1	1	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1
	Motor Vehicle Supervisor	1	1	1	1	1	1	1	1	1	1	1	1	1			1	1	1	1	1	1	1
	Motor Vehicle Tech	4	4	4	3	3	3	3	3	3	3	3	3	3	4	4	2	2	3	3	3	3	3
Subtotal		8	8	8	7	7	7	7	7	7	7	8	7	7	7	7	6	6	7	7	7	7	7
Finance	Finance Officer																				1	1	1
	Risk & Procurement																				1	1	1
	Accountant																				1	1	1
	Accounts Payable																				1	1	1
	Accounts Receivable																				1	1	1
	Payroll																				1	1	1
Subtotal																					6	6	6
USU	Secretary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			
Subtotal		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			
Sheriff's Office	Sheriff	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Chief Deputy	1	1	1	1	1	1					1	1				1	1	1	1	1	1	1
	Office Manager										1	1	1	1	1	1	1	1	1	1	1	1	1
	Secretary	2	2	2	3	3	3	3	3	3	3	2	2	2	2	3	3	4	4	4	4	4	4
	Admin Assistant								1	1													
	Emergency Manager																				1	1	1
	Captain					3	3	4	4	4	4	3	1	2	1	1							
	Admin Lieutenant																	1	1	1	1	1	1
	Admin Sergeant																				1	1	1
	Patrol Lieutenant		1	1	1								1	1	1	1	1	1	1	1	1	1	1
	Patrol Sergeants	5	5	5	5	6	6	6	6	5	6	6	4	5	5	5	5	5	5	5	5	5	5
	Patrol Lead Deputies									4	4	4	5	5	4	4							
	Deputies	15	17	20	20	20	20	25	25	21	19	18	15	14	14	15	19	19	19	19	23	23	22
	JRI Deputy																	2	2	2	2	2	2
	Major Crime Lieutenant												1	1	1	1	1	1	1	1			
	Major Crime Sergeant												1	1	1	1	1	1	1	1	1	1	1
	Major Crime Detective												1	4	3	3	3	2	2	2	2	2	2
	Special Ops Lieutenant										1	1	1	1	1	1	1	1	1	1	1	1	1
	Special Ops Sergeant				1			1	1	1				2	1	1	1	1	1	1			
	Special Ops Deputies				3	3	3	2	2														
	Detective Sergeant		1	1	1	1	1	2	2	3	3	3	2										
	School Resource Sergeant																				1	1	1
	Detectives	4	3	3	3	3	4	2	2	8	8	10	8	6	7	7	7	7	7	7	7	7	8
	Evidence Tech					1	1	1	1				1	1	1	1	1	1	1	1	1	1	1
	SAR Lieutenant																				1	1	1
	Corrections Lieutenant	1	1	1	1				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Corrections Sergeant	1	1	1	2	5	5	5	4	4	4	4	4	4	5	5	5	5	5	5	5	5	5
	Corrections Lead Deputies									4	4	4	4	4	4	4							
	Corrections Officers	17	17	15	15	15	16	16	16	15	14	14	13	12	12	12	16	16	16	16	16	16	16
	Corrections Nurse								1	1				1	1	1	1	1	1	1	1	1	1
	Court Security Lieutenant												1	1	1	1	1	1	1	1	1	1	1
	Court Security Sergeant						1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Court Security Lead Deputy									1	1	1	1	1	1	1							
	Court Security Officer	2	4	4	4	5	4	4	4	4	6	6	6	6	7	7	8	8	8	8	8	8	8
	Inmate Working Deputies												2	2				2	2	2	2	3	3
	Kitchen Manager	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Cooks	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Communications Director																				1	1	1
	Dispatch Supervisor		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1			2	2	2
	Communications Lieutenant																		1	1			
	Lead Dispatchers				2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	4	4	4
	Admin Dispatcher																				1	1	1
	Dispatchers	9	9	9	9	11	11	11	11	11	12	12	12	12	12	12	12	12	17	17	11	11	11
Subtotal		61	67	68	76	84	86	90	92	99	99	99	97	98	95	97	97	102	107	107	112	113	113
Total FTE		**203**	**215**	**221**	**236**	**252**	**262**	**277**	**284**	**290**	**290**	**286**	**278**	**277**	276	284	293	303	309	312	326	332	340

11/4/2020

Chart of Part-time Positions
Proposed January 2021

Department	Position	2000 Parttime	2001 Parttime	2002 Parttime	2003 Parttime	2004 Parttime	2005 Parttime	2006 Parttime	2007 Parttime	2008 Parttime	2009 Parttime	2010 Parttime	2011 Parttime	2012 Parttime	2013 Parttime	2014 Parttime	2015 Parttime	2016 Parttime	2017 Parttime	2018 Parttime	2019 Parttime	2020 Parttime	2021 Parttime	
Attorney's Office	Victim Advocate	1									1					1	1	1	1	1	1	1	1	20
	Prosecuting Attorney															1	1	1	1	1	1	1	1	<30
	Civil Attorney														1	1								
	CJC Director														1	1	1							
	Paralegal									1	1	1	1	1	1	1	1	1	1	1	1	1	1	30
	Legal Secretary	1	1	1	1	1	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
Subtotal		2	1	1	1	1	2	2	2	2	3	2	2	2	4	6	5	4	4	4	4	4	4	
Auditor's Office	Auditing Tech III												1	1	1	1	1							
Subtotal													1	1	1	1	1	0	0	0	0	0	0	
Assessor's Office	Assessing Tech																					1	1	
	Data Collector	1	1	1																				
Subtotal		1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	
Clerk's Office	Elections Clerk									1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
Subtotal		0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Council/Commision	Chair										1	1	1	1	1	1	1	1	1	1	1	1	1	
	Vice-chair										1	1	1	1	1	1	1	1	1	1	1	1	1	
	Receptionist							1																
	Commission Member	3	3	3	3	3	3	3	3	3														
	Council Member										3	3	3	3	3	3	3	3	3	3	3	3	3	
Subtotal		3	3	3	3	3	3	4	3	3	5	5	5	5	5	5	5	5	5	5	5	5	5	
County Managers Office	Senior Director															1	1	1	1	1	1	0	0	
	Senior Secretary																1	1	1	2	2	0	0	
	Senior Cook																1	2	1					
	Senior Assistant Cook																		1	1	1	0	0	
	Emergency Manager														1	1	1	1						
Subtotal		0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	4	5	4	4	4	0	0	
Engineering	Engineer Sec/Asst Tech		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
	Engineering Tech					1	1				1	1	1	1	1	1								
Subtotal		0	1	1	1	2	2	1	1	1	2	2	2	2	2	2	1	1	1	1	1	1	1	
Health Department	Clinical Assistant					1	1	1	1	1	1	1			1		1	1	1	1				
	Early Intervention Interpret															1								
	Nurse Practitioner					1	1	1	1	1	1	1												
	Public Health Nurse	1	1	1	1	1	1	1	1	1														
	Environmental Hth Scientist				1	1	1	1	1															
	Physical Therapist										1	1	1	1	1	1	1	1	1	1				<30
	Prevention Prog Coordinator																				1	1	1	30
	Speech Language Patholog										1	1	1	1	1	1	1	1	1	1	1	1	1	
	Occupational Therapist										1	1	1	1							1	1	1	
	Registered Dietician	1	1	1	1	1	1	1	1	1	1	1	1											
	Health Educator							1	2	2	2	2	2	2	2	2	2	2						
	WIC Nurse										1	1	1	1	1	1	1	1	1	1				
Subtotal		2	2	2	3	5	5	6	7	6	9	9	7	6	6	6	6	6	4	4	3	3	3	
Facilities	Housekeeper		1	1	1	2	1																	
Subtotal		0	1	1	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Personnel	HR Tech			1												1	1	1	1	1				
	Personnel Analyst																				1	1	1	30
Subtotal		0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	
Library	Library Aide	6	3	2	5	6	7																	
	Teen Services Librarian																				1	0	0	
	Library Clerk		1					5	5	5	5	6	6	4	4	4	4	4	8	10	9	10	10	20
Subtotal		6	4	2	5	6	7	5	5	5	5	6	6	4	4	4	4	4	8	10	10	10	10	
Sheriff's Office	Corrections Nurse			1	1	1	1	1			2	2	2											
	Secretary							1	1															
	Court Security Officer															1	1	1	1	1	1	1	1	<20
Subtotal		0	0	1	1	1	1	2	1	0	2	2	2	0	0	1	1	1	1	1	1	1	1	

Chart of Part-time Positions
Proposed January 2021

Department	Position	2000 Parttime	2001 Parttime	2002 Parttime	2003 Parttime	2004 Parttime	2005 Parttime	2006 Parttime	2007 Parttime	2008 Parttime	2009 Parttime	2010 Parttime	2011 Parttime	2012 Parttime	2013 Parttime	2014 Parttime	2015 Parttime	2016 Parttime	2017 Parttime	2018 Parttime	2019 Parttime	2020 Parttime	2021 Parttime	
Public Works	Secretary				1	1	1	1																
Subtotal		0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Senior Citizens	Senior Secretary																					2	2	10 22
	Senior Assistant Cook																					1	1	24
Subtotal																						3	3	
Solid Waste	Gate Attendents					2	2	2																
	Landfill Operator	3	3	3	2	2																		
	Landfill Spotters						1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	12
Subtotal		3	3	3	2	4	3	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Treasurer	Motor Vehicle Tech																2	2						
Subtotal		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	
Totals		**17**	**16**	**16**	**18**	**25**	**25**	**24**	**20**	**19**	**28**	**28**	**27**	**22**	**25**	**30**	**32**	**31**	**30**	**32**	**31**	**31**	**31**	

Chart of Time Limited Positions

Proposed January 2021

Position	2016	2017	2018	2019	2020	2021
Sustainability Specialist	1	1				
Pub Policy & Intrgov Affairs Dir		1				
Energy Analyst				1	1	1
Mental Health Coordinator			1			
	1	2	1	1	1	1

Position	2016	2017	2018	2019	2020	2021
Reserves	10	10	8	10	10	10
	10	10	8	10	10	10
Total	11	12	9	11	11	11

Chart of All Positions
January 2021

Totals

FTE

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2121
204	216	222	237	253	263	278	285	291	291	287	279	278	277	284	293	303	309	312	326	332	335

PTE

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2121
17	16	16	18	25	25	24	20	19	28	28	27	22	25	30	32	31	30	32	31	30	30

Time Limited & Reserves

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2121
		10	10	10	10	10	10	10	10	10	10	10	10	10	10	11	12	9	11	11	11

Total FTE & PTE

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2121
221	232	238	255	278	288	302	305	310	319	315	306	300	302	314	325	334	339	344	357	362	365

Totals

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2121
221	232	248	265	288	298	312	315	320	329	325	316	310	312	324	335	345	351	353	368	373	376

Staff Report

To: Summit County Council

From: Jeffrey B. Jones, AICP, Econ. Development & Housing Director

Re: Part I: Demographic and Economic Housing Drivers in Summit County

Type of Item: Informational

Meeting Date: Wednesday, June 9, 2021

BACKGROUND/EXISTING CONDITIONS

Though the County Manager, the Summit County Council has directed staff to prepare information relating to the demand for housing in Summit County. More specifically, the need for affordable and workforce housing.

The interdependence of population growth, employment growth, existing cost burden, wages and available housing stock is not lost on policymakers anywhere within Summit County, though the region's imbalances occur in different degrees from place to place.

Summit County's attractiveness to investors, its resort economy, comparatively low wages and limited housing options have made it increasingly difficult to attract and retain employees who work at local businesses. Only 38.6% of all employees live and work in Summit County. On these points, most observers seem to agree.

Nevertheless, there are noticeable disagreements about the roles and responsibilities of government, not for profit and private businesses as to what "housing affordability" means in Summit County; and the best ways to reduce housing barriers. Unless residents and others with an interest in housing policy can work together as a team, the County and other governments will find it difficult to move forward with a coherent, effective plan for affordable/workforce housing.

The purpose of the attached presentation is to help Summit County leadership (and others) understand the needs that exist in the community, the market dynamics and other factors that contribute to those needs. It is undeniably true that Summit County's location plays a significant role in defining the local

housing market. However, communities do influence the make-up of their populations by the choices they make to control housing development. Summit County is no exception. An economy will find it challenging to thrive without the capacity to house workers at a variety of skill and wage levels. For Summit County, housing has become an important economic development issue.

Key Findings

- Between 2000 and 2020, Summit County's year-round population increased between 39.8% and 45.2% percent.
- The two primary components of population growth are natural increase and net migration.
- Beginning in 2019, non-primary residential properties outpaced the number of residential properties claiming the primary exemption.
- Population is projected to grow between 6,114-7,876 persons from 2021 and 2031.
- Summit County's population is aging. The 65+ age group is the fastest growing age cohort in Summit County.
- The age/economic dependency ratio in Summit County – the sum of people under 20 and people 65 and over – has increased from .505 in 2001 to .664 in 2020. Furthermore, it is projected to increase to .749 by 2031. This ratio means the population percent of working-age people is not much larger than those who depend on their economic productivity.
- Households = Occupied Housing Units.
- In 2020, there were 2.81 persons per household in Summit County.
- 50% of the housing units in Summit County are classified as "vacant."
- Beginning in 2008, residential building permits have declined significantly.
- New households resulting from population growth are expected to grow between 2,425-2,978 from 2021-2031.
- "Households" are groups of people living together in a single home. Members of households can be related ("family households") or unrelated ("non-family households").
- 2-person family households and 1-person non family households make up 53.1% of all households.
- 52% of Summit County's housing stock was constructed between 1990-2009.
- Only 2.3% of Summit County's housing stock has been constructed after 2014.
- The majority of homeowners in Summit County moved into their homes from 2,000-2009.
- 65.9% of all homes in Summit County have 3 or more bedrooms.
- From 2001-2020, employment growth increased 63.8%.
- From 2021 to 2031, employment growth is projected to increase 20.3% (6,142 new jobs).

- 61.4% of labor within Summit County is imported from counties outside of Summit County.
- In 2020, the average earnings per job in Summit County was $58,504. However, when adjusted for cost of living, the average earnings per job falls to $42,673.
- The cost of living in Summit County is estimated to be 37.1 points higher than the national average.
- The area median income in Summit County (family of four) is $120,800.
- The majority of jobs in Summit County offer compensation between 30%-60% of the County's area median income.
- The median sales price for a home in Summit County for April 2021 was $1,337,500.
- At 80% AMI, a 2 bedroom home in Summit County would need to be priced at approximately $264,000.
- 37.2% of renters in Summit County pay more than 30% of their income for rent; 15.6% pay in excess of 50%.

Policy Questions for County Council

1. What percentage (%) of existing employees in Summit County should live in Summit County? Currently, 38.6% of employees live and work in Summit County.
2. What % of future employees in Summit County should live in Summit County? It is projected that 6,142 new jobs will be created between 2021 and 2031.
3. What steps should the County take to reduce the number of households paying more than 30% or 50% of their income for contract rent? It is estimated that 1,529 households are paying in excess of 30% of their income for rent and 642 households are paying in excess of 50% of their income for rent.
4. Should additional deed restricted units be created to reduce this burden? What about cost burdened ownership units?
5. Over the next ten (10) years, population projections show that household formations will result in the need to accommodate between 232-284 households annually. What % of these households should be targeted as "affordable?"
6. Has enough land been zoned to accommodate future affordable/workforce housing populations?
7. Are other jurisdictions in Summit County facilitating their "fair share" of affordable housing? What should a "fair share" formula look?

Conclusions

Housing and the Local Economy. Many people in Summit County seem to recognize, at least intuitively if not from experience, that housing affordability is an economic development issue. A shortage of affordability hinders job growth

and employee recruitment and retention. The absence of a diverse labor force will discourage prospective employers from doing business in Summit County and hinder existing business in their efforts to recover from the COVID-19 pandemic.

Housing Needs. Summit County's housing needs are not limited to the number of affordable units required under its inclusionary housing code. While knowledgeable residents, officials and staff understand this, the public may not. It could take considerable public education and a united front to build support for land use policy changes that would facilitate additional housing development. Furthermore, efforts to provide for more housing diversity through zoning amendments will probably be met with considerable resistance.

Seniors. Summit County's housing market is increasingly dominated by older homeowners who find the County's scenic beauty and amenities very appealing. Many of them may have vacationed in Summit County and eventually chose to retire here. As such, Summit County may have a shortage of affordable, suitable housing both for retirement-age residents and frail elders. This cohort group should be included in future housing discussions.

Direction to Staff

Part 2 of the housing discussion (stewardship, units in the pipeline, etc.) is scheduled for June 16th. As such, staff could potentially prepare a model and projected 10-year housing need based on the Council's response to the policy questions above. The Council might also consider tasking staff with the development of a "fair share" model in partnership with other communities within Summit County.

ATTACHMENT:

PowerPoint Presentation: Part 1: Housing Drivers

2021

Housing Drivers – Part 1
Summit County, UT

Jeffrey B. Jones, AICP

Email: jjones@summitcounty.org

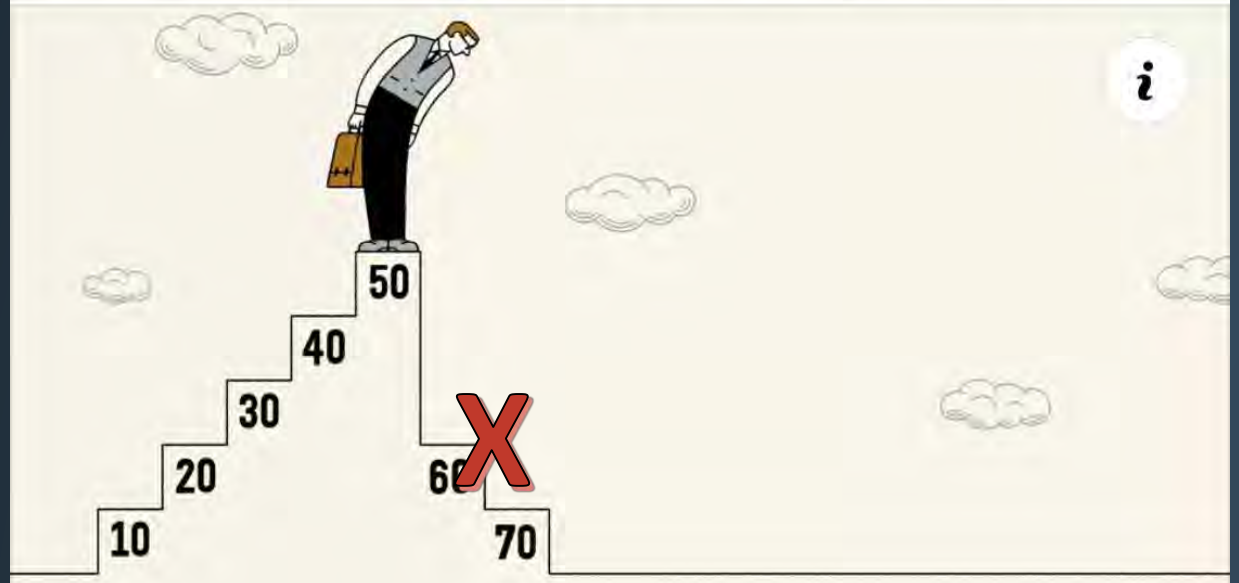
Ph: 435-336-3221

DEMOGRAPHIC AND ECONOMIC DRIVERS OF HOUSING

Jeff sometimes struggles…

The Atlantic
9h ·

"If your profession requires mental processing speed or significant analytic capabilities," Arthur Brooks wrote in 2019, "noticeable decline is probably going to set in earlier than you imagine."



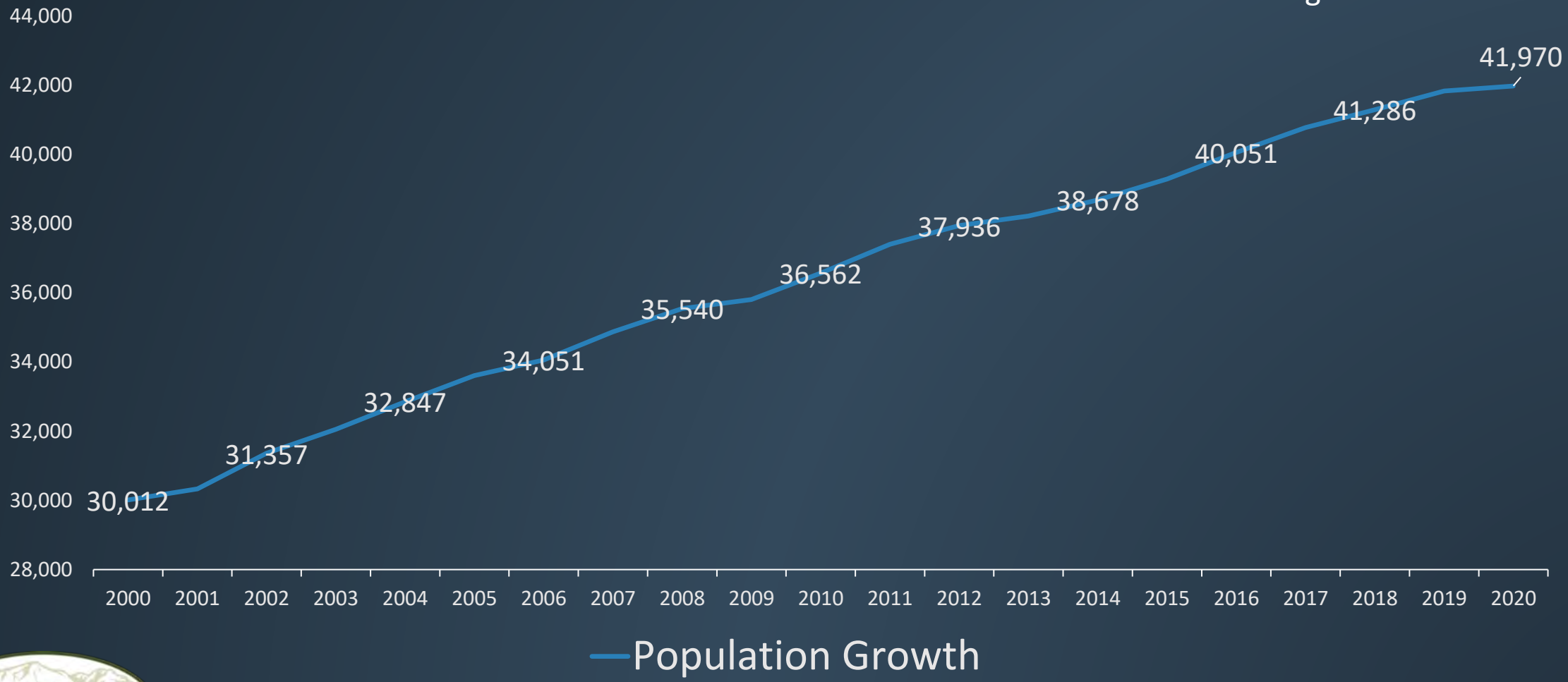
THEATLANTIC.COM
Your Professional Decline Is Coming (Much) Sooner Than You Think

2021

POPULATION

HISTORIC POP GROWTH

11,958 New Population
% Change = 39.8%
Ave Annual % Change =1.99%

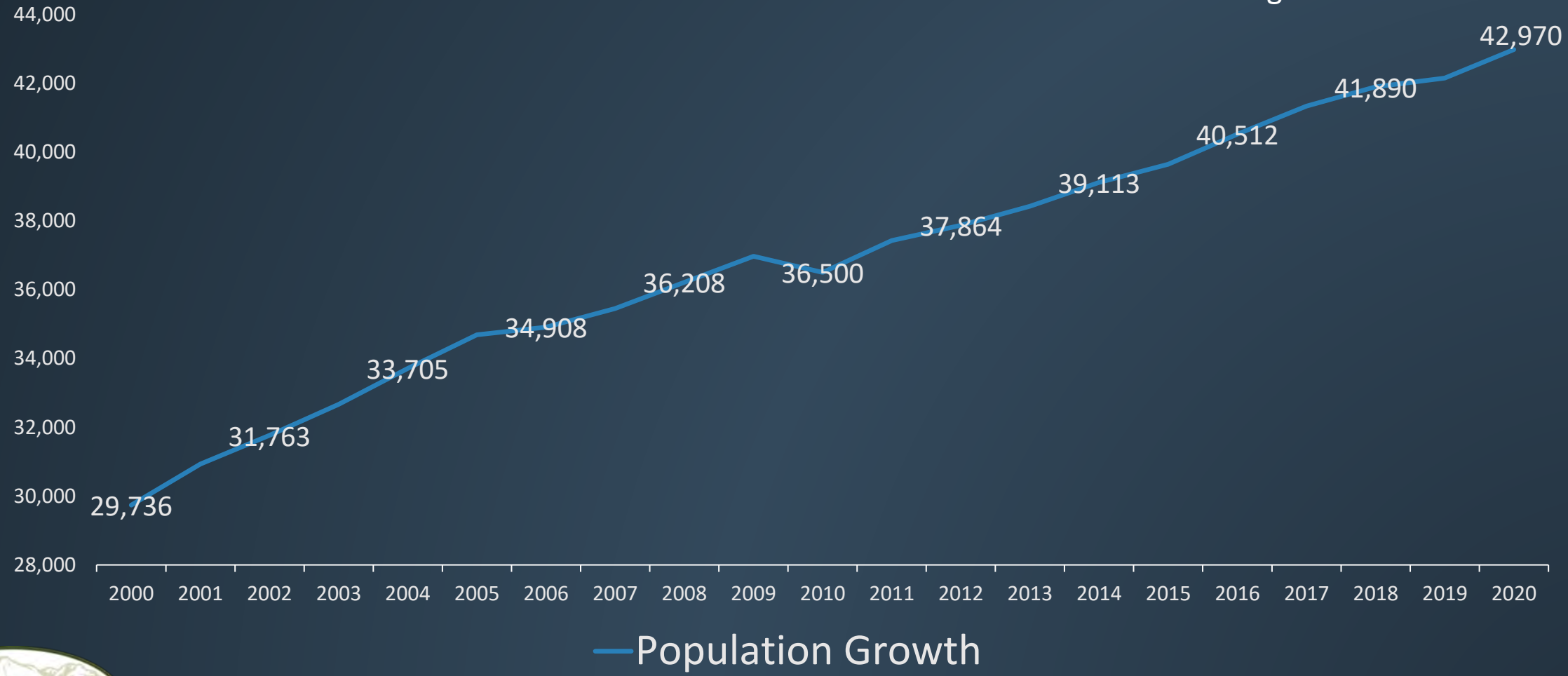


Source: Utah Population Committee/The Kem C. Gardner Policy Institute

2021

HISTORIC POP GROWTH

13,234 New Population
% Change = 44.5%
Ave Annual % Change =2.23%



Source: EMSI Developer

SUMMIT COUNTY UTAH

2021

HISTORIC POP GROWTH

13,441 New Population
% Change = 45.2%
Ave Annual % Change =2.26%

2000	2010	2020
29,736	36,324	43,177
ESRI Business Analyst		

2020 Range of Estimates: 41,970 – 43,177
US Census 2019 Estimate = 41,103

Source: ESRI Business Analyst

COMPONETS OF GROWTH

- The two primary components of population growth are natural increase and net migration.

Population growth = net natural increase plus net migration

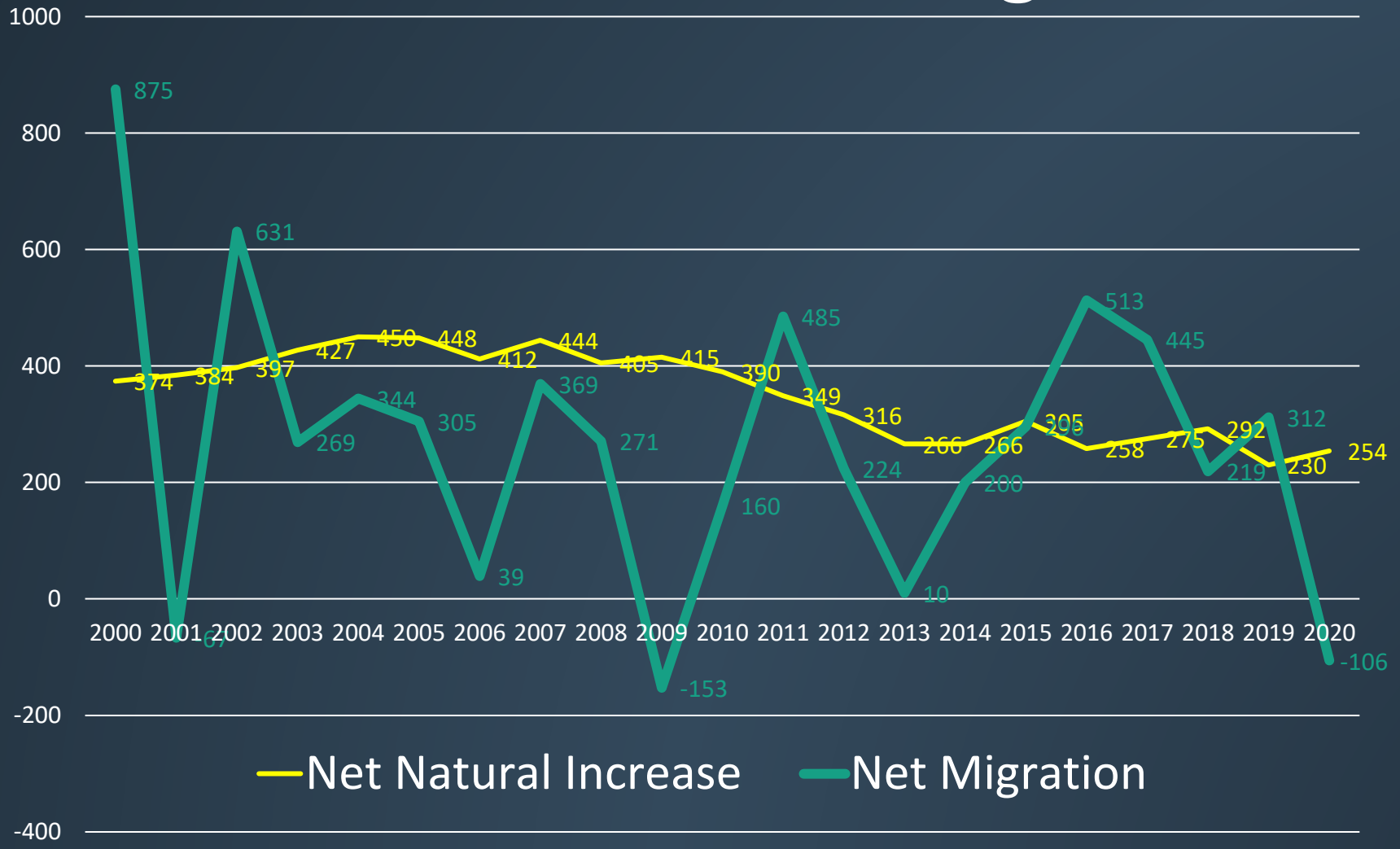
or:

Population growth = (births – deaths) + (arrivals – departures)

Natural Increase

Net Migration

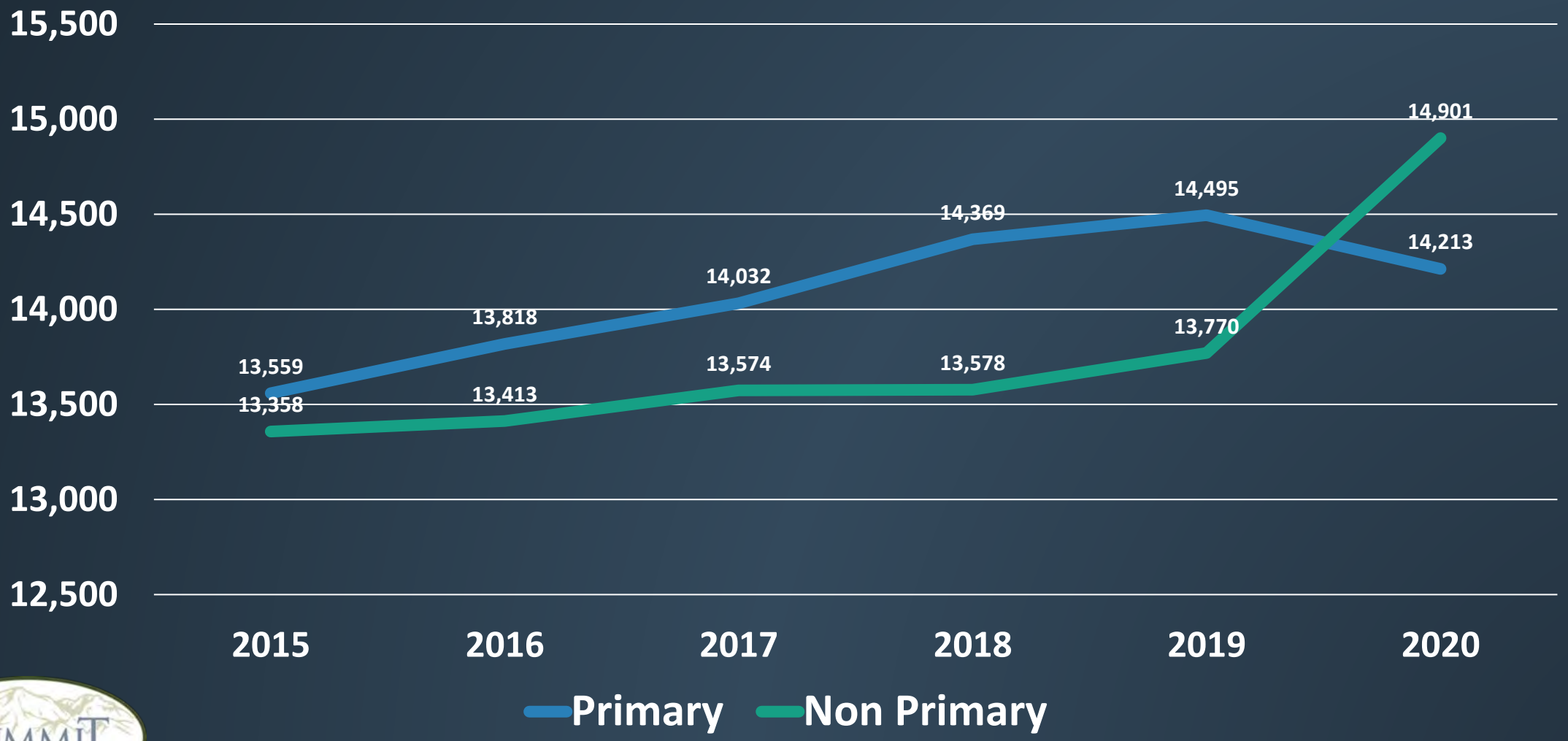
Net Natural Increase & Net Migration



Source: The Kem C. Gardner Policy Institute

2021

PRIMARY VS. NON-PRIMARY EXEMPTIONS

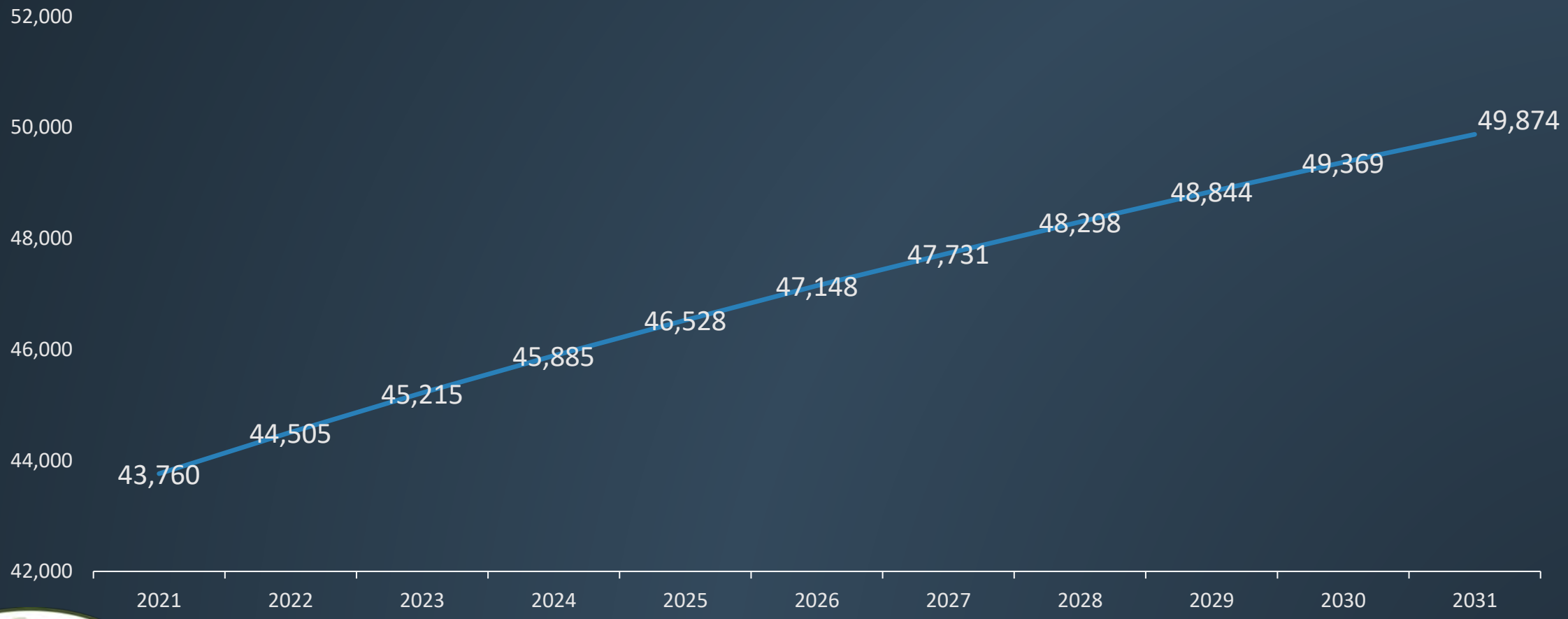


Source: Summit County Assessor's Office

2021

POPULATION FORECAST

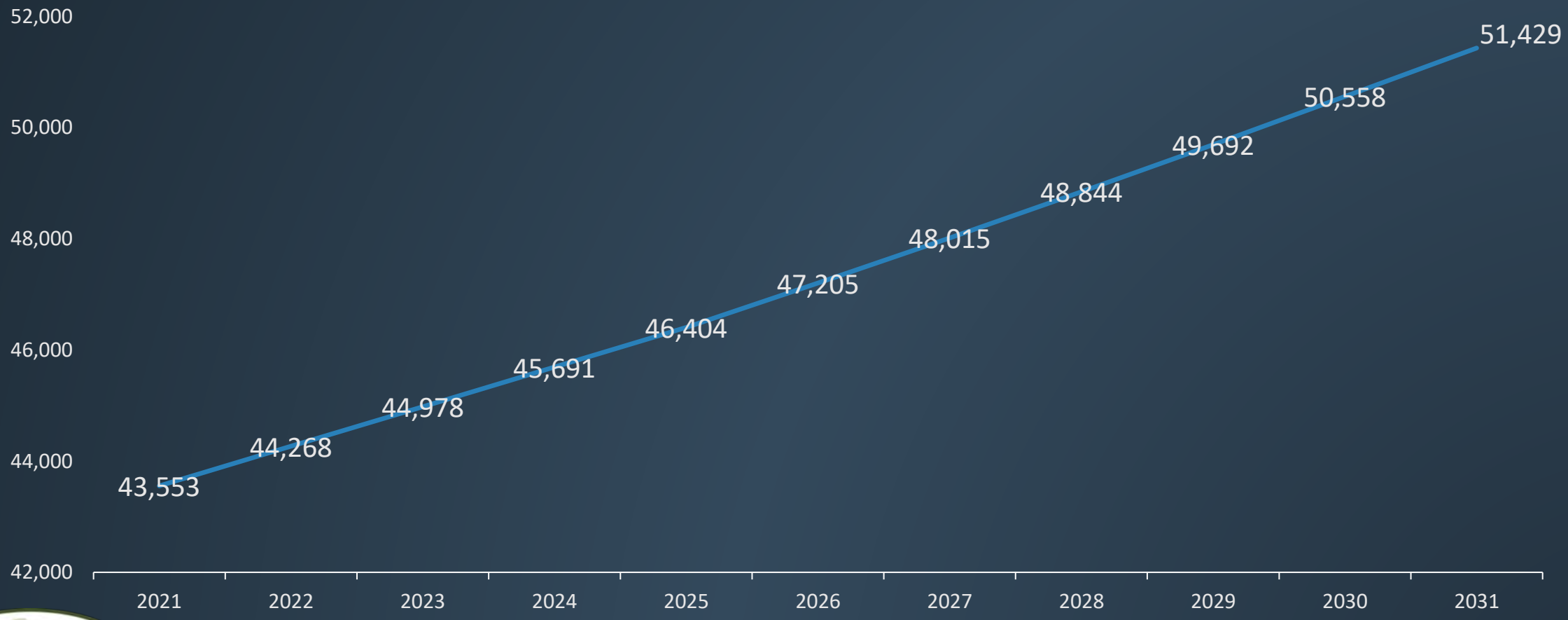
6,114 New Population
% Change = 14%
Ave Annual % Change =1.4%



Source: EMSI Developer

POPULATION FORECAST

7,876 New Population
% Change = 18.1%
Ave Annual % Change =1.81%



Source: Utah Population Committee/The Kem C. Gardner Policy Institute

SUMMIT COUNTY UTAH

2021

POPULATION FORECAST RANGE

2031 Range of Population Estimates:
49,874 – 51,429

Can we agree that these projections are reasonably accurate?

Source: EMSI Developer /Utah Population Committee/The Kem C. Gardner Policy Institute

AGE COHORTS

Age Cohort	2010		2020		2025	
	Person	%	Person	%	Persons	%
Pre-School, 0-4	2,468	6.8%	2,639	6.1%	2,902	6.2%
School Age, 5-17	7,602	20.9%	7,877	18.2%	8,099	17.2%
College Age, 18-24	2,626	7.2%	3,446	8.0%	3,300	7.1%
Young Adults, 25-44	9,882	27.2%	11,371	26.4%	12,955	27.6%
Middle Age, 45-64	10,978	30.2%	12,271	28.4%	12,095	25.7%
Senior Adults, 65+	2,768	7.6%	5,573	13.0%	7,649	16.2%

Source: ESRI Business Analyst

RACE AND ETHNICITY

Race/Ethnicity	2021 Population	2031 Population	Change	% Change	2021 % of Cohort
White, Non-Hispanic	36,519	40,579	4,060	11%	83.45%
White, Hispanic	4,529	5,140	611	13%	10.35%
Asian, Non-Hispanic	807	1,164	357	44%	1.84%
Two or More Races, Non-Hispanic	687	1,020	333	48%	1.57%
Black, Non-Hispanic	519	915	396	76%	1.19%
American Indian or Alaskan Native, Non-Hispanic	151	207	56	37%	0.35%
American Indian or Alaskan Native, Hispanic	146	185	39	27%	0.33%
Two or More Races, Hispanic	122	202	80	66%	0.28%
Black, Hispanic	101	142	41	41%	0.23%
Asian, Hispanic	95	174	79	83%	0.22%
Native Hawaiian or Pacific Islander, Non-Hispanic	58	94	36	62%	0.13%
Native Hawaiian or Pacific Islander, Hispanic	27	54	27	100%	0.06%
Total	43,760	49,874	6,115	14%	100.00%

Source: EMSI Developer

ECONOMIC DEPENDENCY RATIOS

The age/economic dependency ratio in Summit County – the sum of people under 20 and people 65 and over – has increased from .505 in 2001 to .664 in 2020. Furthermore, it is projected to increase to .749 by 2031. This ratio means the population percent of working-age people is not much larger than those who depend on their economic productivity.

YR2001	YR 2020	YR2031
.505	.664	.749

Source: EMSI Developer

HOUSEHOLDS

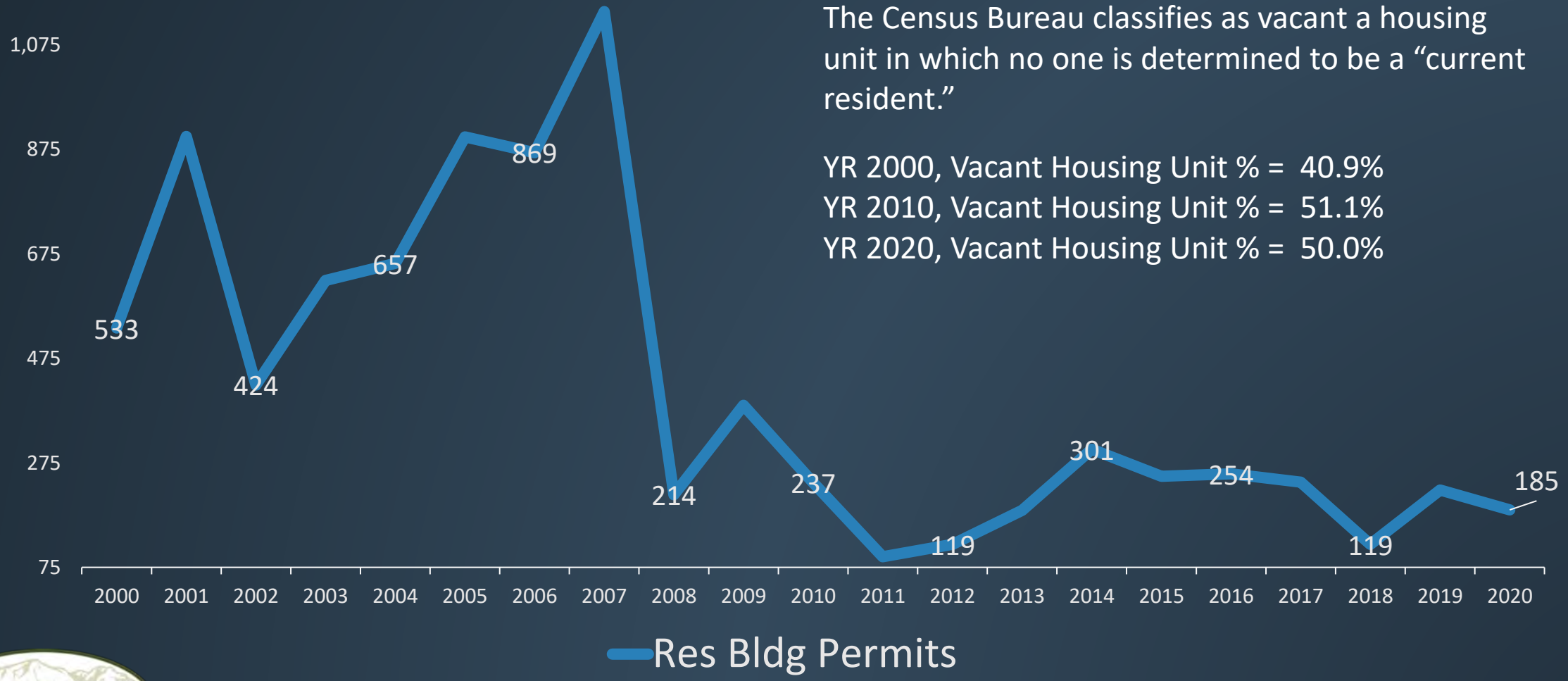
HOUSEHOLDS

Households = **Occupied** Housing Units

YR 2000 Households: 10,332, 2.87 PPH
YR 2010 Households: 12,990, 2.79 PPH
YR 2020 Households: 15,324, 2.81 PPH

Source: ESRI Business Analyst

RESIDENTIAL BUILDING PERMITS



The Census Bureau classifies as vacant a housing unit in which no one is determined to be a "current resident."

YR 2000, Vacant Housing Unit % = 40.9%
YR 2010, Vacant Housing Unit % = 51.1%
YR 2020, Vacant Housing Unit % = 50.0%

Source: Ivory-Boyer Construction Report and Database/ESRI Business Analyst

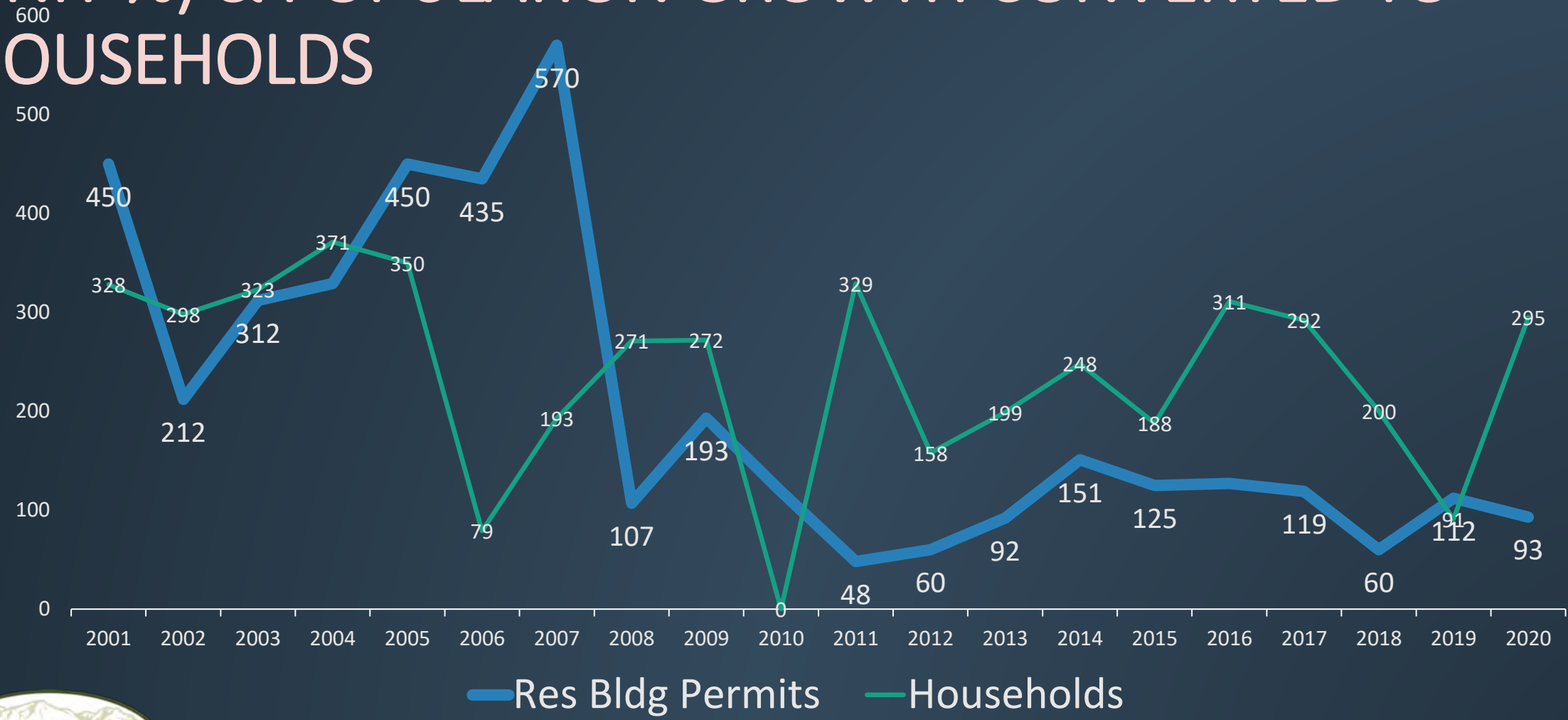
VACANT UNIT % BY ZIP CODE

Zip Code	Vacant Units %
84098 – Park City	34.4%
84060 – Park City	69.9%
84017 – Coalville	34.9%
84055 – Oakley	10.0%
84061– Peoa CDP	15.1%
84033 – Henefer	3.50%
84036 – Kamas	52.5%

Estimate of vacant housing units. A vacant housing unit is classified as no one living in the dwelling, unless its occupant or occupants are only temporarily absent—such as away on vacation, in the hospital for a short stay, or on a business trip—and will be returning.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2020 and 2025 Esri converted Census 2000 data into 2010 geography.

RESIDENTIAL BUILDING PERMITS (ADJUSTED BY VACANT UNIT %) & POPULATION GROWTH CONVERTED TO HOUSEHOLDS



Source: EMSI Developer, ESRI Business Analyst, Ivory-Boyer Construction Report and Database

2021

HOUSEHOLDS FORECAST RANGE (BASED ON POPULATION GROWTH)

49,874 projected 2031 population divided by 2.81 persons per household = 17,749 Households – 15,324 = 2,425 new households (occupied units) + 5% preferred vacancy = 2,546/11YR = 232 units per year (all products).

51,429 projected 2031 population divided by 2.81 persons per household = 18,302 households – 15,324 = 2,978 new households (occupied units) + 5% preferred vacancy = 3,127/11YR = 284 units per year (all products).

2020 Households are estimated at 15,324.

Annual new households created = 232HH-284HH

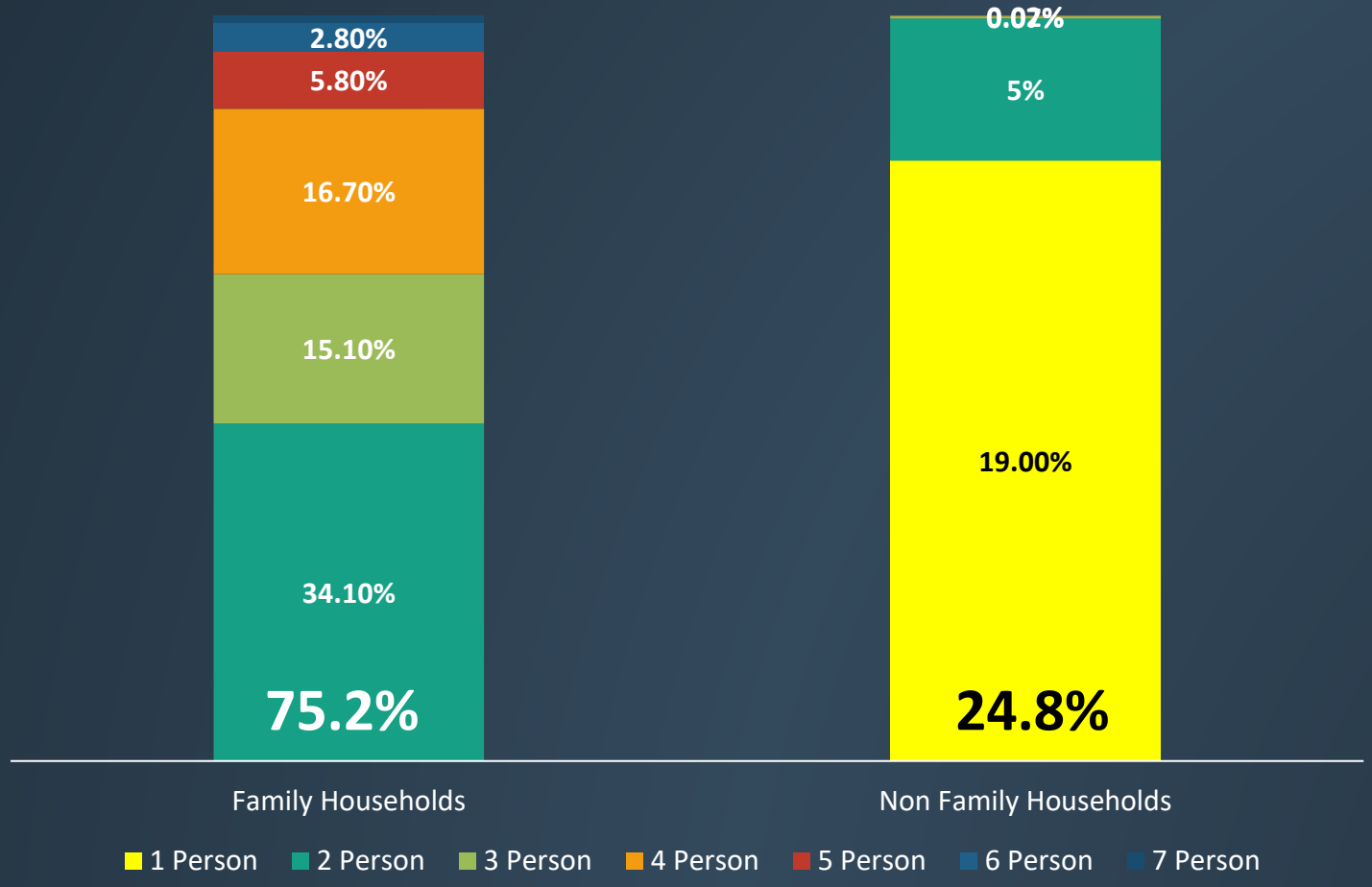
If 50% of new residential building permits are allocated towards "vacant" units, it would require an annual average of **464-568** new units to meet the forecasted demand (all products).

Can we agree that these projections are reasonably accurate?

Source: ESRI Business Analyst

HOUSEHOLDS BY TYPE

"Households" are groups of people living together in a single home. Members of households can be related ("family households") or unrelated ("non-family households").



Source: ESRI Business Analyst/American Community Survey

2021

HOUSING CHARACTERISTICS

HOUSING OCCUPANCY

2020 HOUSING UNIT SUMMARY	PERCENTAGE
Owner Occupied Housing Units	37.8%
Renter Occupied Housing Units	12.3%
Vacant Housing Units	50.0%

Source: ESRI Business Analyst

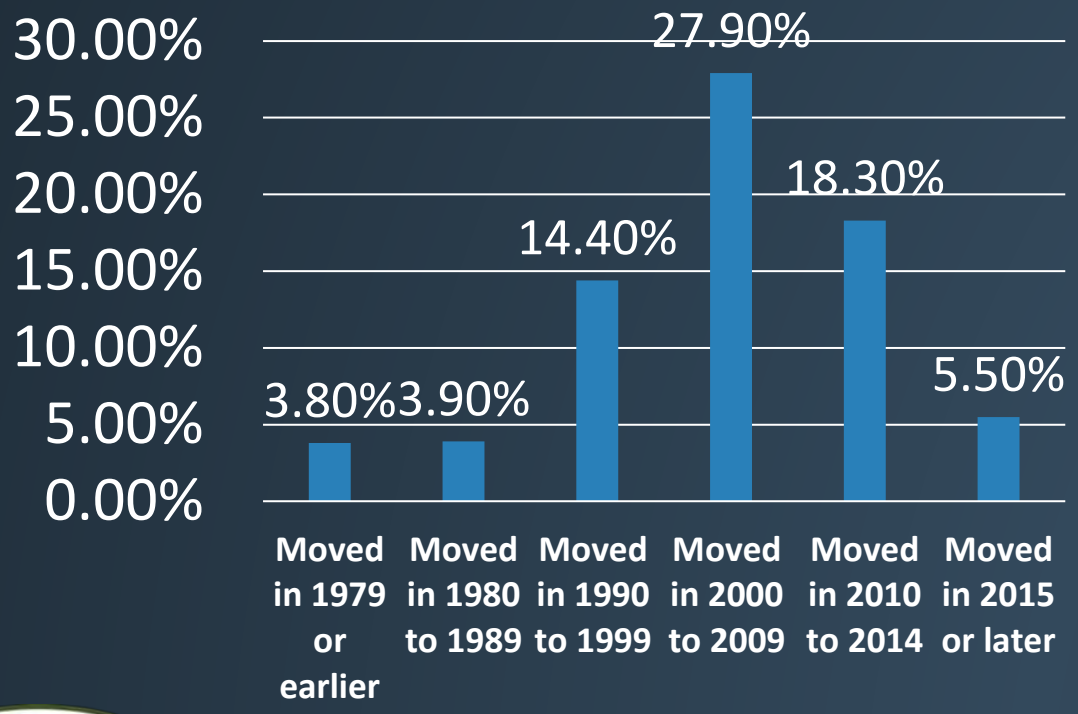
YEAR STRUCTURE BUILT

YR STRUCTURE BUILT	PERCENT
Built 2014 or later	2.3%
Built 2010 to 2013	2.4%
Built 2000 to 2009	25.1%
Built 1990 to 1999	26.9%
Built 1980 to 1989	18.3%
Built 1970 to 1979	16.1%
Built 1960 to 1969	3.2%
Built 1950 to 1959	1.6%
Built 1940 to 1949	0.8%
Built 1939 or earlier	3.2%

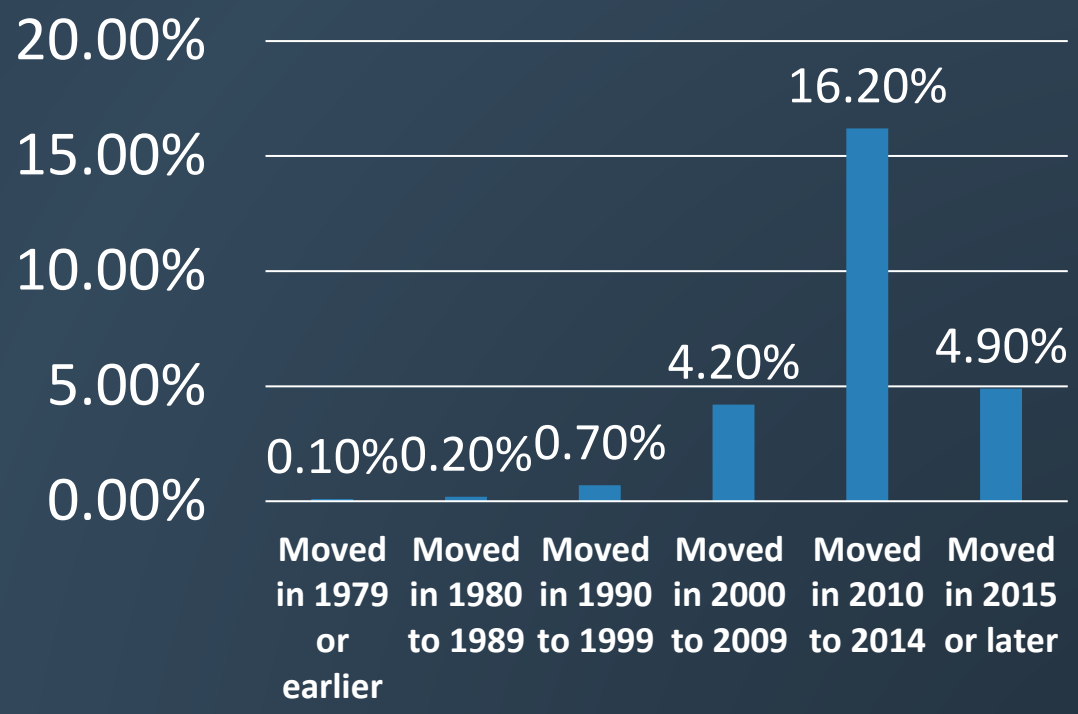
Source: American Community Survey

OCCUPIED HOUSING UNITS BY YEAR HOUSEHOLDER MOVED INTO UNIT

Owner Occupied



Renter Occupied



Source: ESRI, American Community Survey

2021

NUMBER OF BEDROOMS

BEDROOMS	PERCENT
No bedroom	4.7%
1 bedroom	9.5%
2 bedrooms	19.8%
3 bedrooms	27.4%
4 bedrooms	21.8%
5 or more bedrooms	16.7%

Source: American Community Survey

UNITS IN STRUCTURE

BEDROOMS	PERCENT
1-unit, detached	61.5%
1-unit, attached	8.4%
2 units	1.3%
3 or 4 units	3.4%
5 to 9 units	4.6%
10 to 19 units	4.7%
20 or more units	14.9%
Mobile Homes	1.3%

Source: American Community Survey

VEHICLE TRIP GENERATION BY UNIT TYPE

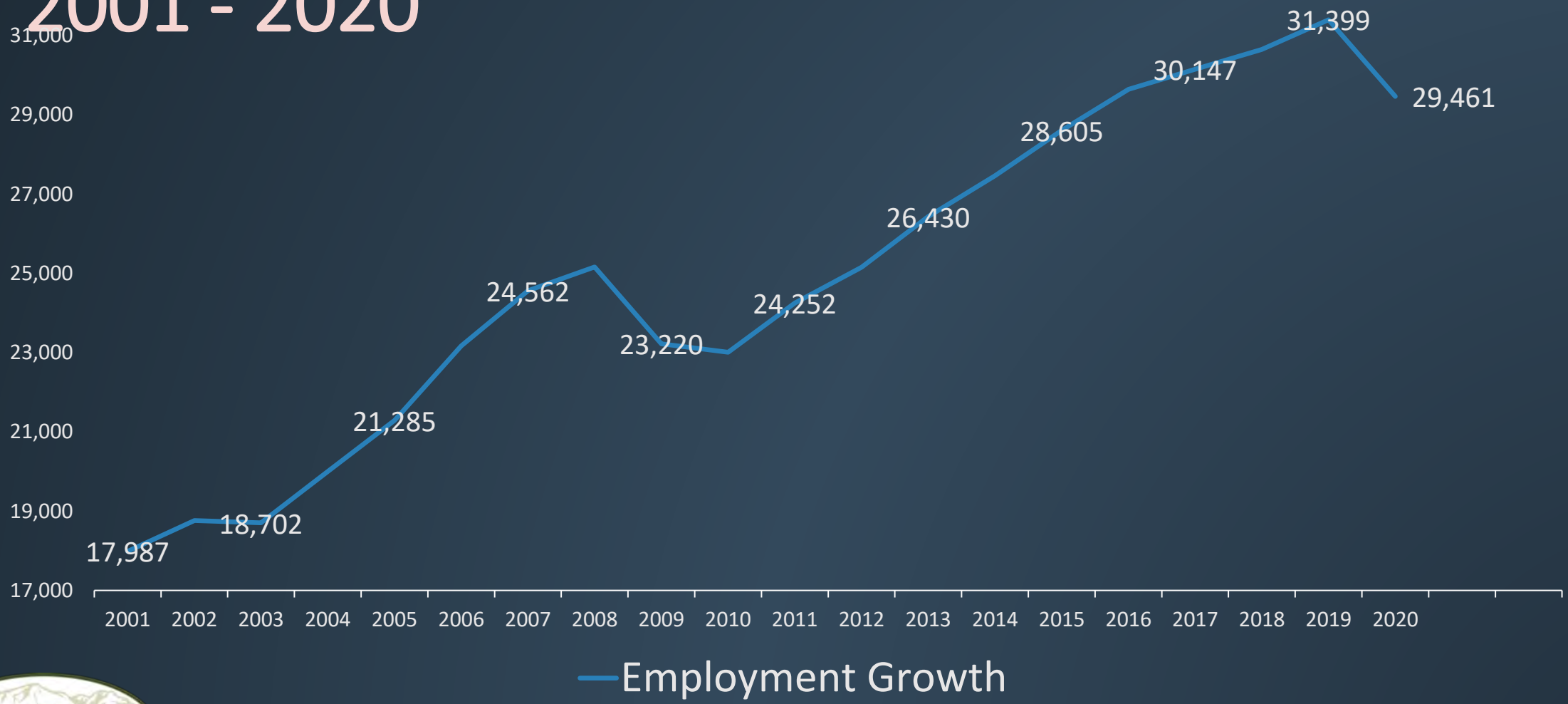
Housing Product Type	NUMBER
Single Family Detached	9.57 Trips Per Dwelling Unit
Low Rise Apartment	6.59 Trips Per Dwelling Unit
High Rise Apartment	4.20 Trips Per Dwelling Unit
Condo/Townhouse	5.86 Trips Per Dwelling Unit

Source: Institution of Transportation Engineers

EMPLOYMENT

EMPLOYMENT GROWTH 2001 - 2020

11,474 New Jobs
% Change = 63.8%
Ave Annual % Change =3.36%

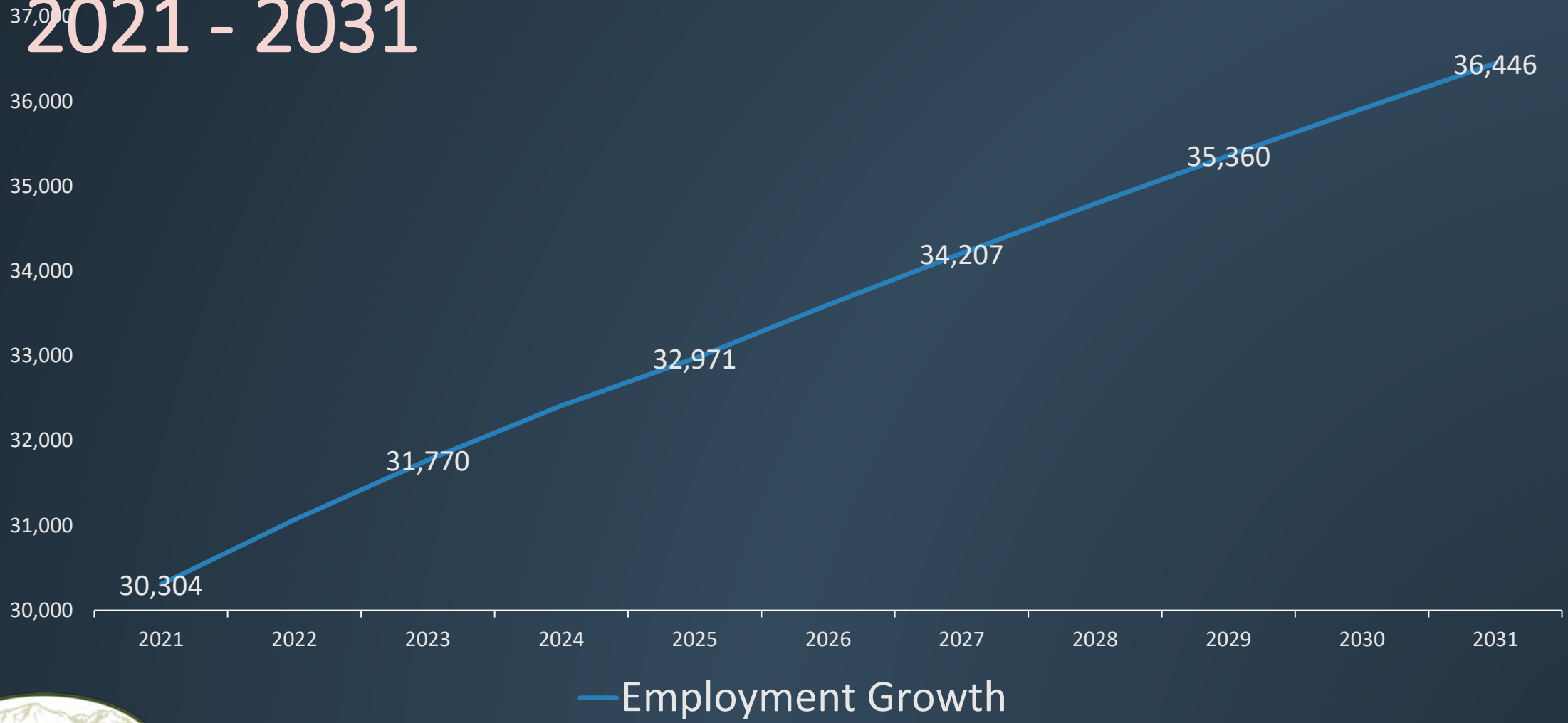


Source: EMSI Developer

2021

EMPLOYMENT GROWTH 2021 - 2031

6,142 New Jobs
% Change = 20.3%
Ave Annual % Change = 2.03%

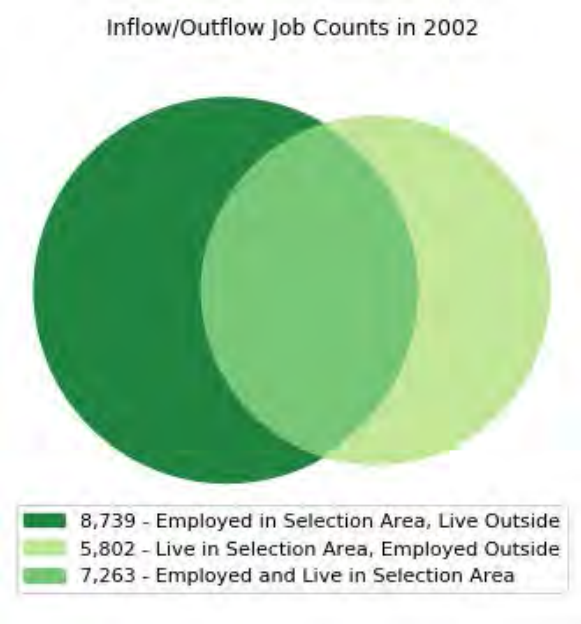


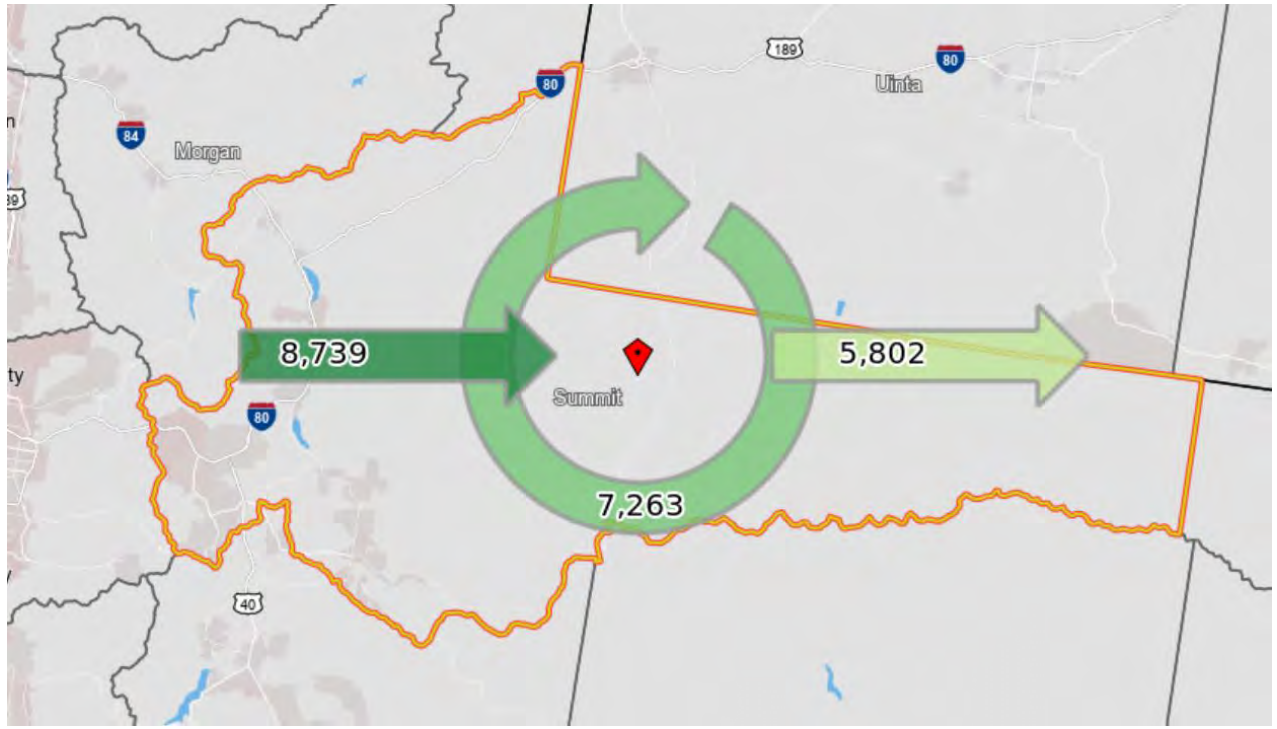
Source: EMSI Developer

IMPORTED LABOR

INFLOW/OUTFLOW, 2002 Summit County

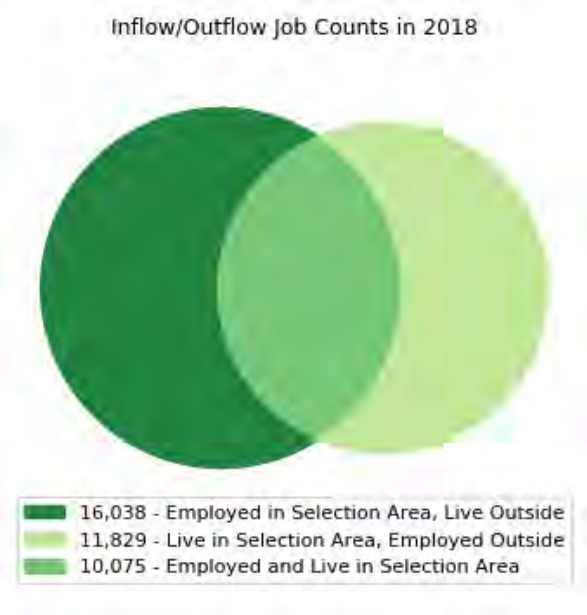
- Source: US Census Bureau

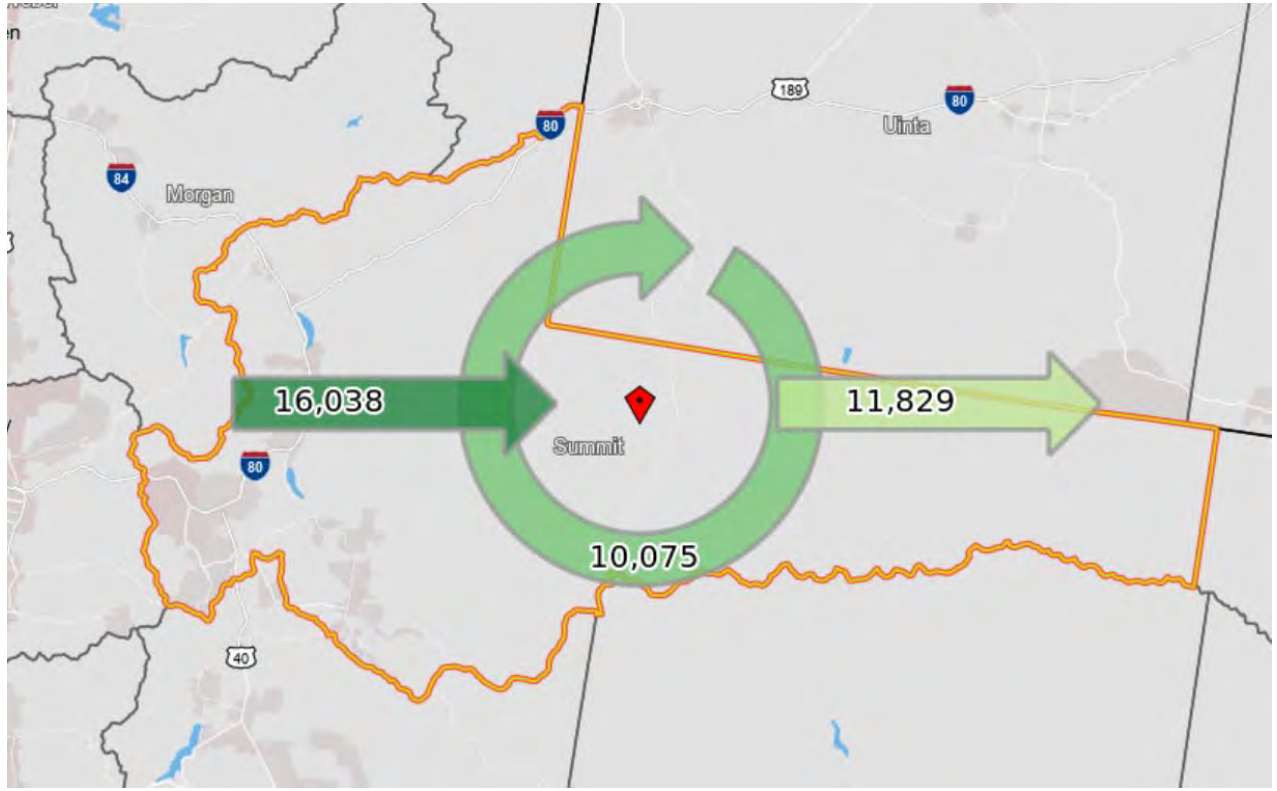




INFLOW/OUTFLOW, 2018 Summit County

- Source: US Census Bureau





2021 NET COMMUTERS BY ZIP CODE

Zip Code	Net Commuters
84098 – Park City	-2,148
84060 – Park City	9,414
84017 – Coalville City	-1,790
84055 – Oakley City	144
84061– Peoa CDP	-227
84033 – Henefer Town	-14
84036 – Kamas City	-3,100

Net Commuters. The minimum number of workers who commute in or out of a given Zip Code to satisfy the regional numbers of jobs held A positive number describes commuters entering the zip code while a negative number describes commuters leaving a region

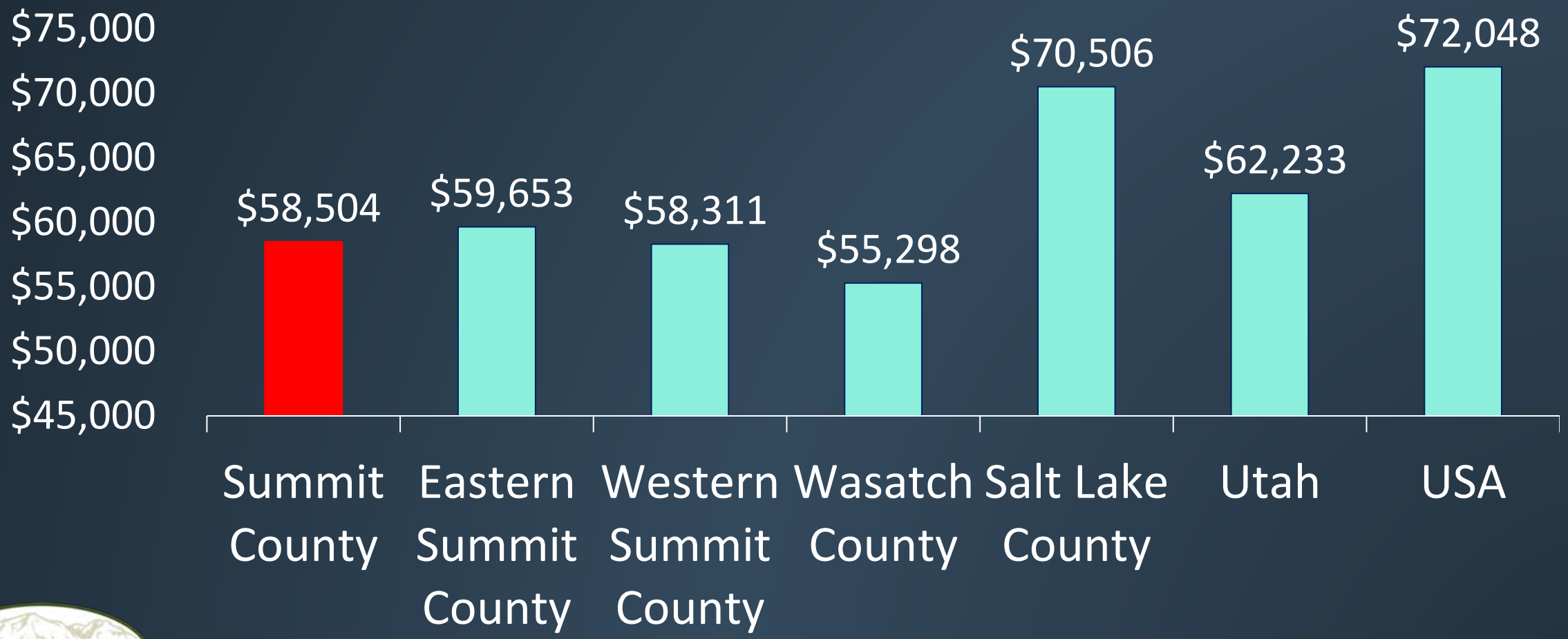
Source: EMSI Developer. EMSI calculates this number by subtracting the Resident Workers from Jobs performed in the selected region. Resident Worker data comes from the Census LODES data, specifically from Origin and Destination (OD) data, Regional Area Characteristics (RAC), and Workforce Area Characteristics (WAC) data which EMSI applies to the occupation jobs figures

SUMMIT COUNTY UTAH

2021

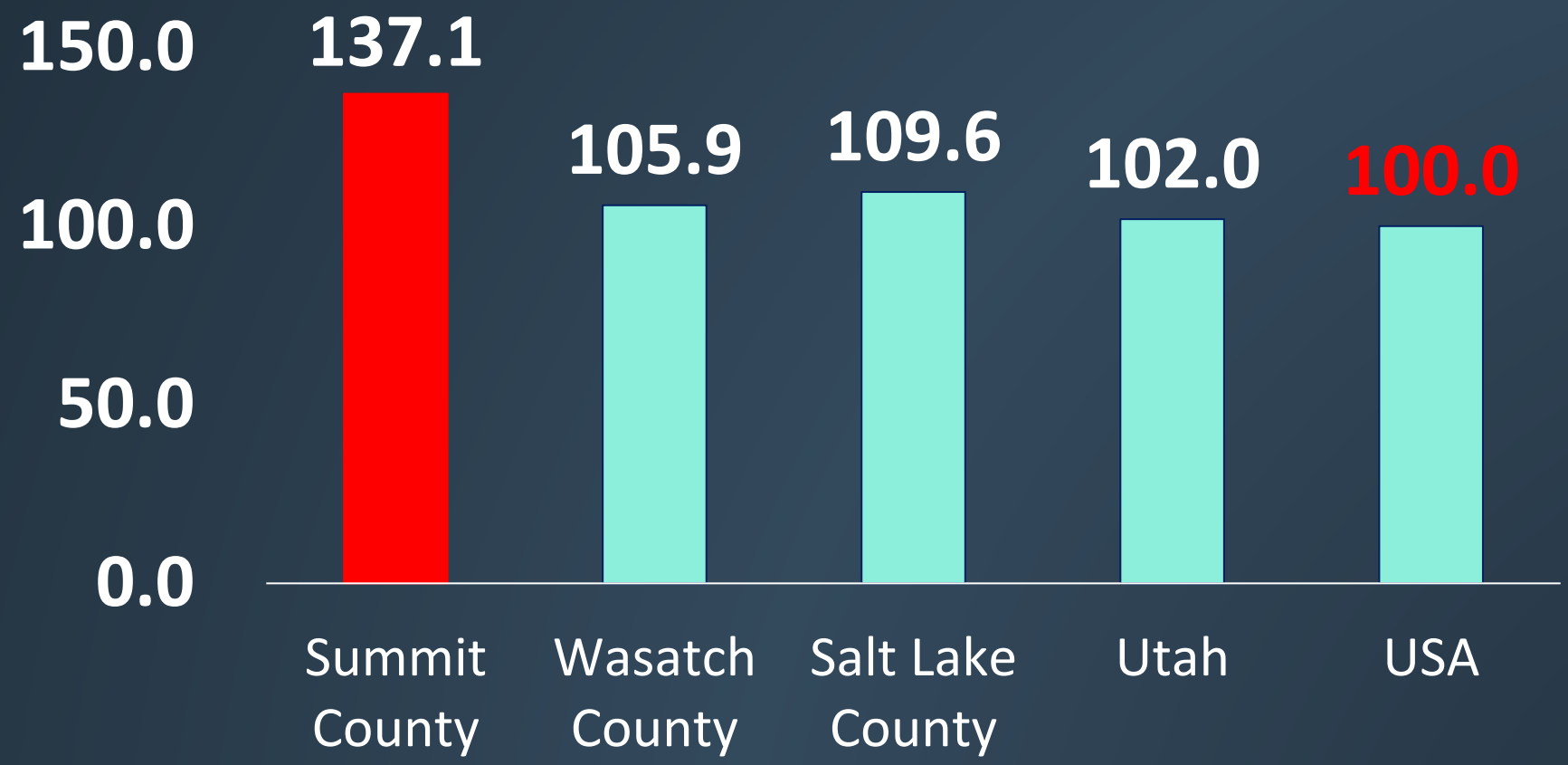
EARNINGS

AVERGE EARNINGS PER JOB (2020)



Source: EMSI Developer

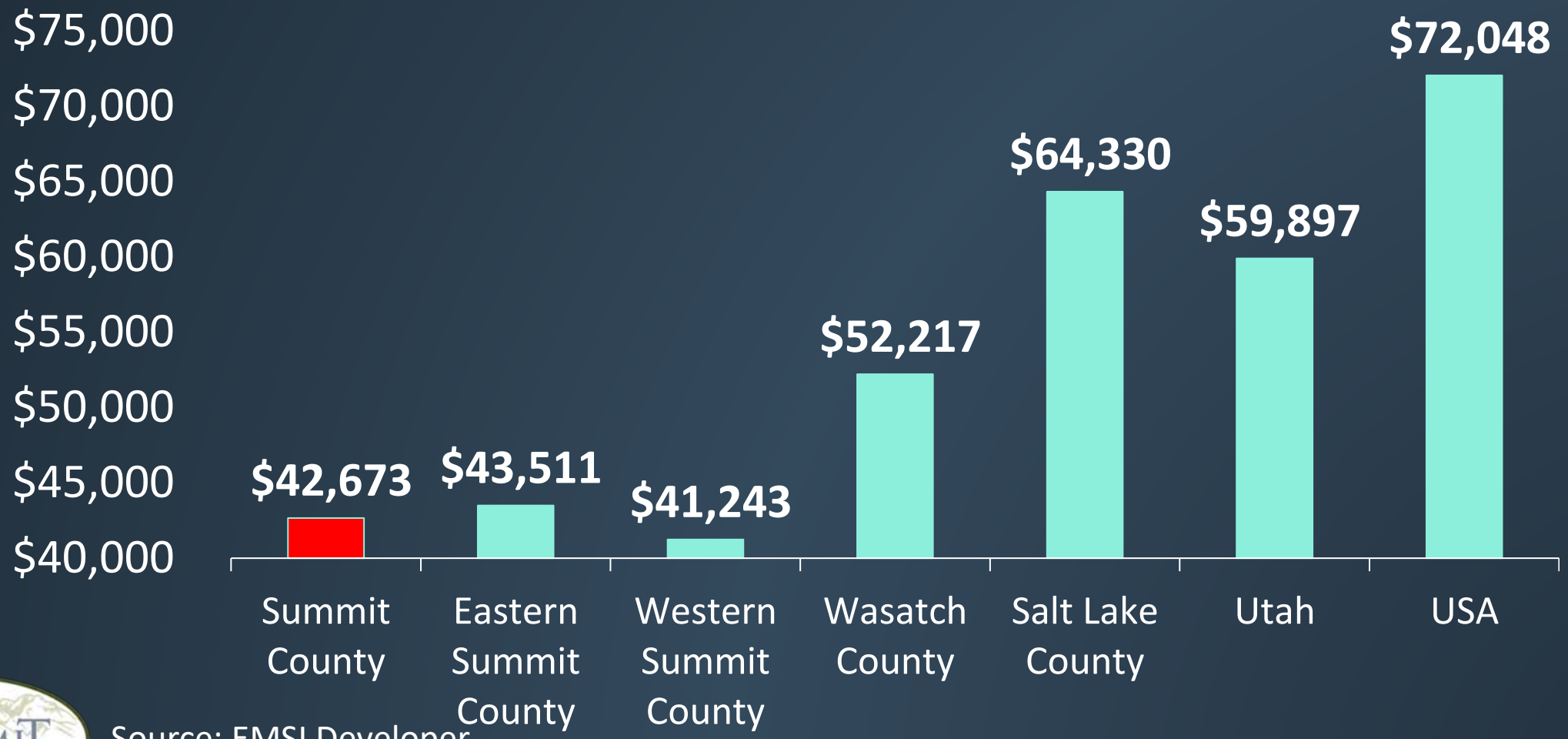
COST OF LIVING (COL)



Source: EMSI Developer

2021

AVERGE EARNINGS PER JOB ADJUSTED BY COST OF LIVING



Source: EMSI Developer

2021

COST OF HOUSING

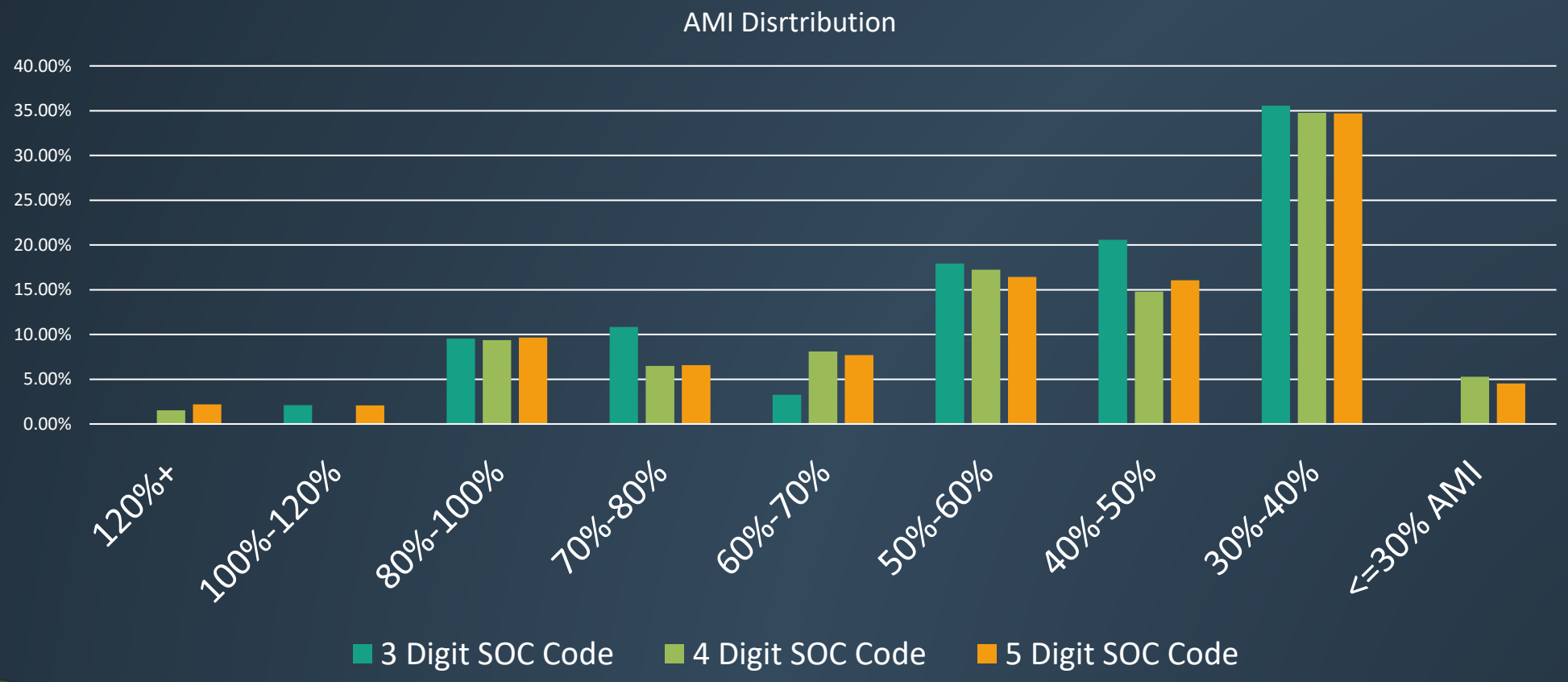
AREA MEDIAN INCOME, 2021 ADJUSTED FOR HOUSEHOLD SIZE

		30% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	100% AMI	120% AMI
1	Person	$25,110	$33,480	$41,850	$50,220	$58,590	**$66,960**	$84,611	$106,914
2	Person	$28,680	$38,240	$47,800	$57,360	$66,920	**$76,480**	$96,640	$122,114
3	Person	$32,280	$43,040	$53,800	$64,560	$75,320	**$86,080**	$108,771	$137,443
4	Person	$35,850	$47,800	$59,750	$71,700	$83,650	**$95,600**	**$120,800**	$152,643
5	Person	$38,730	$51,640	$64,550	$77,460	$90,370	**$103,280**	$130,504	$164,905
6	Person	$41,610	$55,480	$69,350	$83,220	$97,090	**$110,960**	$140,209	$177,168

Source: HUD FY 2021 Multifamily Tax Subsidy Project Income Limits

2021

OCCUPATIONAL MEDIAN EARNNGS PER JOB & AMI THRESHOLDS FOR SINGLE PERSON HOUSEHOLD



EMSI Developer/HUD FY 2021 Multifamily Tax Subsidy Project Income Limits

2021

MAXIMUM RENT (ADJUSTED BY OCCUPANCY) 80% AMI

	Occupancy	AMI Target	Total Income Per Unit based on Occupancies and AMI %	Maximum Monthly Rent Including Utilities Based on AMI %
Studio	1.00	80% AMI	$66,960	$1,674.00
1 Bedroom	2.00	80% AMI	$76,480	$1,912.00
2 Bedroom	3.00	80% AMI	$86,080	$2,152.00
3+ Bedroom	4.00	80% AMI	$95,600	$2,390.00

See if you can find a unit that matches the maximum monthly rent for the targeted AMI. Remember the number includes utilities. https://www.trulia.com/

Source: HUD FY 2021 Multifamily Tax Subsidy Project Income Limits

MAXIMUM RENT (ADJUSTED BY OCCUPANCY) 60% AMI

	Occupancy	AMI Target	Total Income Per Unit based on Occupancies and AMI %	Maximum Monthly Rent Including Utilities Based on AMI %
Studio	1.00	60% AMI	$50,220	$1,255.50
1 Bedroom	2.00	60% AMI	$57,360	$1,434.00
2 Bedroom	3.00	60% AMI	$64,560	$1,614.00
3+ Bedroom	4.00	60% AMI	$71,700	$1,792.50

See if you can find a unit that matches the maximum monthly rent for the targeted AMI. Remember the number includes utilities. https://www.trulia.com/

Source: HUD FY 2021 Multifamily Tax Subsidy Project Income Limits

MAXIMUM RENT (ADJUSTED BY OCCUPANCY) 60% AMI

	Occupancy	AMI Target	Total Income Per Unit based on Occupancies and AMI %	Maximum Monthly Rent Including Utilities Based on AMI %
Studio	1.00	40% AMI	$33,480	$837.00
1 Bedroom	2.00	40% AMI	$38,240	$956.00
2 Bedroom	3.00	40% AMI	$43,040	$1,076.00
3+ Bedroom	4.00	40% AMI	$47,800	$1,195.00

See if you can find a unit that matches the maximum monthly rent for the targeted AMI. Remember the number includes utilities. https://www.trulia.com/

Source: HUD FY 2021 Multifamily Tax Subsidy Project Income Limits

MAXIMUM SALES PRICE, 80% AMI, 2-BED

1. 5% Down payment
2. Mortgage Interest rate 3.14%
3. HOA dues = $300 Month
4. Annual Property Tax = $1,452
5. Annual Insurance $500
6. Annual Private Mortgage Insurance $1,000

Median Sales Price for a home in Summit County for April 2021 was ($1,337,500).

Sales Price Approximately = $264,000

See if you can find a unit that matches the maximum sales price for the targeted AMI. https://www.trulia.com/

Source: HUD FY 2021 Multifamily Tax Subsidy Project Income Limits

2021

EXISTING COST BURDEN

COST BURDENED OWNERS

Income by Cost Burden (Owners only)	>30% of Income	Units
Household Income <= 30% AMI	4.40%	507
Household Income >30% to <=50% AMI	4.20%	484
Household Income >50% to <=80% AMI	3.10%	357
Household Income >80% to <=100% AMI	3.10%	357
Household Income >100% AMI	6.80%	783
Total	**21.6%**	2488
Income by Cost Burden (Owners only)	>50% of Income	Units
Household Income <= 30% AMI	3.70%	426
Household Income >30% to <=50% AMI	2.30%	265
Household Income >50% to <=80% AMI	1.20%	138
Household Income >80% to <=100% AMI	1.30%	150
Household Income >100% AMI	1.20%	138
Total	**9.70%**	1117

Source: HUD CHAS/EMSI Developer

COST BURDENED RENTERS

Income by Cost Burden (Renters only)	>30% of Income	Units
Household Income <= 30% AMI	14.30%	588
Household Income >30% to <=50% AMI	10.10%	415
Household Income >50% to <=80% AMI	5.50%	226
Household Income >80% to <=100% AMI	4.40%	181
Household Income >100% AMI	2.90%	119
Total	**37.2%**	1529
Income by Cost Burden (Renters only)	>50% of Income	Units
Household Income <= 30% AMI	10.60%	436
Household Income >30% to <=50% AMI	3.60%	148
Household Income >50% to <=80% AMI	0.77%	32
Household Income >80% to <=100% AMI	0.64%	26
Household Income >100% AMI	0.00%	0
Total	**15.60%**	642

Source: HUD CHAS/EMSI Developer

NEEDS ASSESSMENT MODEL

DEFINITION OF HOUSING NEEDS ASSESSMENT

- A housing "needs assessment" estimates how much housing, of what type and at what price, are needed.
- A needs assessment is based upon demographic data, employment trends, and policy considerations.
- A needs assessment should provide a quantitative basis for considering the following:
  - Adequacy of the County's planned housing capacity, vacant sites and respective development regulations.
  - Need for changes to County policy such as zoning regulations or the General Plan's growth management provisions.
  - Potential costs and strategies for meeting future affordable housing needs.

Source: Summit County Economic Development Office

DEFINITION OF HOUSING NEEDS ASSESSMENT

- Housing need can be defined in various ways:
  - Policy-based targets related to percentage of households living and working in the County;
  - Local household formation forecast based only on population growth;
  - Employment growth-based forecast (job growth and household formation);
  - Existing households "overpaying" for housing (cost burdened)

Models often include a combination of approaches.

Source: Summit County Economic Development Office

OBSERVATIONS AND PRELIMINARY CONCLUSIONS

- In 2018, 38.6% of all the jobs in Summit County were filled by Summit County residents.
- In 2002, 45.4% of all jobs in Summit county were filled by Summit County residents. This would indicate that the County's working households are being displaced by increased rents and home prices.
- Increasingly, even "Above Moderate" income households cannot afford a home in Summit County. The median sales price for a home in Summit County for April 2021 was $1,337,500.
- The average earnings per job (all jobs) in Summit County for 2020 was estimated at $58,504.
- A high percentage of jobs in Summit County have median earnings between 30%-60% of the County's Area Median Income.

Source: Summit County Economic Development Office/Utah Association of Realtors, April 2021 Median Sales Price

POLICY QUESTIONS

Policy Question #1

- What % of existing employees in Summit County should live in Summit County?
- Currently, 38.6% of employees live and work in Summit County.
- What % of <u>future</u> employees in Summit County should live in Summit County?
- It is projected that 6,142 new jobs will be created between 2021 and 2031.

Policy Question #2

- What steps should the County take to reduce the number of households paying more than 30% or 50% of their income for contract rent?
- It is estimated that 1,529 households are paying in excess of 30% of their income for rent and 642 households are paying in excess of 50% of their income for rent. Should additional deed restricted units be created to reduce this burden? What about cost burdened ownership units?

SUMMIT COUNTY UTAH

2021

POLICY QUESTIONS

Policy Question #3

- Over the next ten (10) years, population projections show that household formations will result in the need to accommodate between 232-284 households annually.
- What % of these households should be targeted as “affordable?”

Policy Question #4

- Has enough land been zoned to accommodate affordable/workforce housing populations?
- Are other jurisdictions in Summit County facilitating their “fair share” of affordable housing? What should a “fair share” formula look?

SUMMIT COUNTY UTAH

2021

DIRECTION TO STAFF

Part 2 of the housing discussion (stewardship, units in the pipeline, etc.) is scheduled for June 16th. As such, staff could potentially prepare a model and projected 10-year housing need based on the Council's response to the policy questions.

The Council might also consider tasking staff with the development of a "fair share" model in partnership with other communities within Summit County.

SUMMIT COUNTY UTAH

2021

STAFF REPORT

TO: Summit County Council

FROM: Michael Howard, Summit County Auditor
Jared Brooks, Deputy Auditor

DATE: June 1, 2021

RE: 2021 Tax Sale Ratification

Summary:

The 2021 Tax Sale was conducted on May 27, 2021 at 10:00 a.m. in the Ledges Event Center in Coalville, UT. Two parcels were offered at the auction with mixed results. One parcel was sold to a third party and the other was "struck off" to Summit County. The following parcels were offered:

Parcel #	Taxes Owed	Bid Amount	New Owner
PP-116-A-1	$342.02	NO SALE	Summit County
SA-288-288-A-6	$381.21	$1,000.00	Force-12 Real Estate Fund, LLC

Parcel PP-116-A-1 parcel is a 0.01-acre triangular piece of land located along Bear Hollow Drive near the Park City Community Church (see yellow highlight in Exhibit A). Parcel SA-288-288-A-6 is a 0.02 rectangular piece of land between Empire Avenue and Lowell Avenue alongside The Residences at King's Crown on one side and the Sweetwater Projects 2&3 on the other (see yellow highlight in Exhibit B).

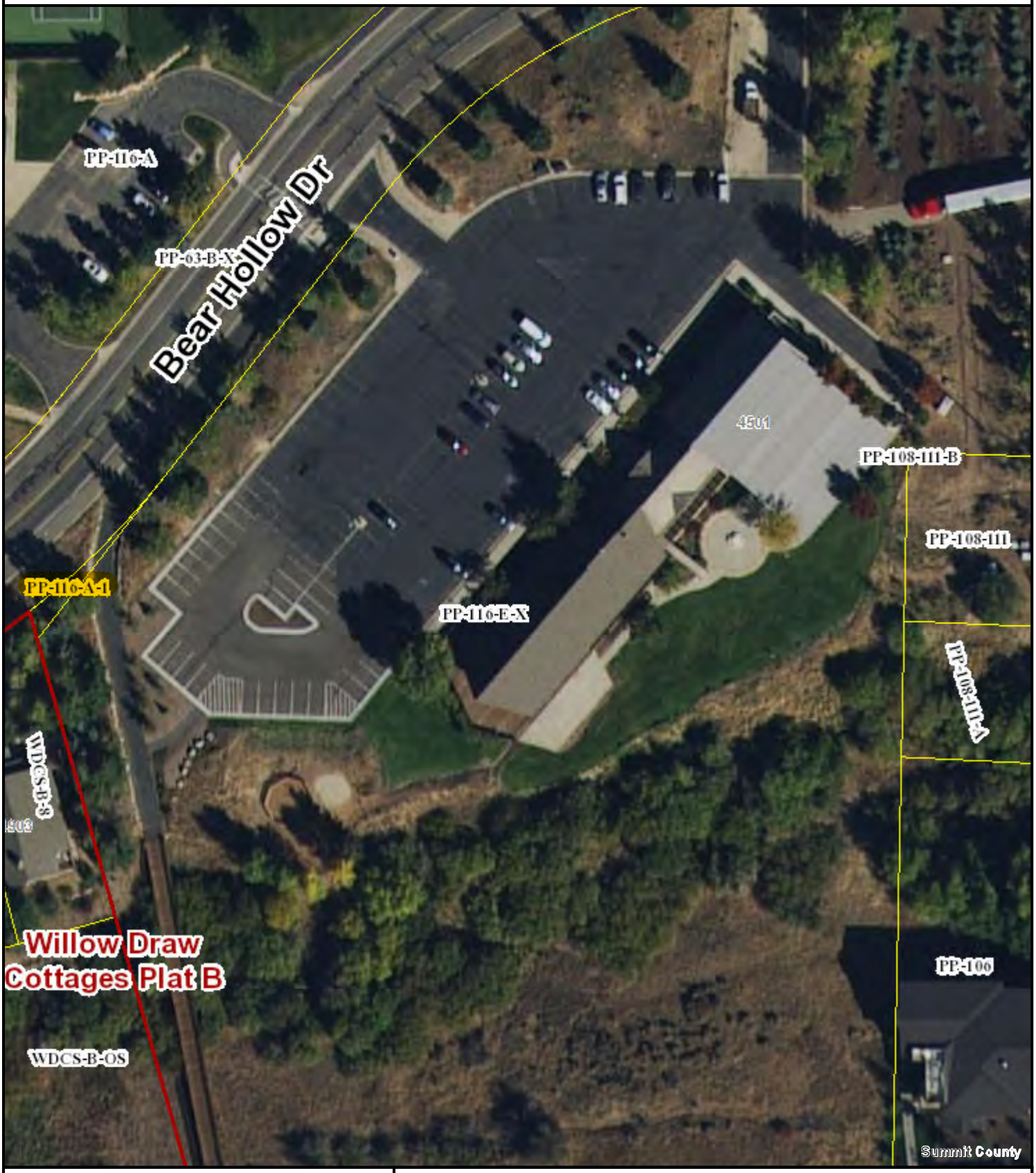
Auditor's Recommendation:

The County Auditor recommends that the Summit County Council ratify the results of the Tax Sale in order to reflect changes in ownership of the affected parcels.

EXHIBIT A - Parcel PP-116-A-1

Summit County Parcel Viewer Application

Printed on: 6/1/2021



SUMMIT COUNTY

1 in = 94 feet

Imagery courtesy of Google

N W E S

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

EXIHIBIT B - SA-288-288-A-6

Summit County Parcel Viewer Application

Printed on: 6/1/2021



SUMMIT COUNTY

1 in = 47 feet

Imagery courtesy of Google

N W E S

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

Glenn Wright, Chair

Council Member Armstrong voted: _____
Council Member Clyde voted: _____
Council Member Robinson voted: _____
Council Member Stevens voted: _____

ATTEST:

_____
County Clerk
Summit County, Utah

STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner
Date of Meeting: June 9, 2021
Type of Item: Discussion / Possible Action
Subject: Development Code Amendment

Recommendation: Staff recommends that the Summit County Council review the proposed Development Code Amendment to create a Neighborhood Mixed Use Zone and adopt the attached ordinance.

Background

As part of the ongoing discussion about the NMU zone, the County Council requested that the County Attorney's office review language relating the Affordable Housing section of the document. The Attorney recommends the following:

> "12. Affordable Housing: For purposes of the NMU-1 Zone, and as a condition of receiving increased uses and densities within said zone, the Obligation Rates set forth under Summit County Code §§10-5-5 (A) (Residential Base Requirement) and 10-5-6 (A) (Commercial Base Requirement) are increased to 40%."

Staff has inserted this language into the document and is recommending that the Council adopt the proposed ordinance.

Purpose

The purpose of the Neighborhood Mixed Use (NMU-1) zone is to prevent the challenges caused by urban sprawl. If implemented correctly, it will provide the County with solution-based urban design practices and limit the damage caused by unsustainable development. The zone is intended to support human interaction, environmental stewardship, public health, and economic growth.

Benefits of the NMU-1:

1. Decreased Reliance on Transportation: The process promotes alternative transportation with an emphasis on walkability. This helps reduce pollution, keep congestion down, and enables a healthier, more active lifestyle.

2. Increased Economic Viability: Lower costs per capita, increase of tax base, as well as numerous other benefits which add to a healthier economy.
3. Improved Community Health: An emphasis on mixed-use design and similar concepts provides a healthier and more engaging life. It also helps promote safer planning.
4. Environmental Stewardship: These Regulations encourage green transportation and promote various sustainable building methods. This will help the County achieve a greater level of sustainability.

Analysis:

Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment according to the following criteria.

Criteria 1: The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

> **Analysis**: The following Goals and Policies of the General Plan apply to this amendment:
>
> OBJECTIVE A: Encourage the creation of highly livable neighborhoods and mixed-use areas that are connected by open spaces and multi-modal transportation systems.
>
> Policy 2.1: Identify, plan, and create neighborhood master planned specific areas where development/redevelopment should occur. These designated areas should be rezoned accordingly.
>
> OBJECTIVE B: Incentivize compact, dense, and nodal development, defined by abundant and contiguous open spaces, as well as a predictable process to achieve this goal through clear regulations in the Snyderville Basin Development Code.
>
> OBJECTIVE C: Create Zoning Districts that match existing development and/or promote desired future development.
>
> Policy 2.13: Create new mixed-use, inclusive neighborhoods within existing development areas and/or future designated redevelopment areas.
>
> Policy 2.14: Identify specific nodes where development and/or redevelopment will be encouraged and zone these areas accordingly.

OBJECTIVE D: Ensure future development is well designed and appropriately located.

Policy 2.17: Within defined mixed-use areas, a range of uses should be supported that are appropriate for each individual location and neighborhood, and may include small scale retail, offices, business and personal services, schools, and parks designed to meet the needs of the neighborhood.

Policy 2.18: Identify specific areas where mixed use areas may be appropriate to preserve natural open spaces and vistas, prevent urban sprawl, and 7 promote the mountain resort community through managed growth. These areas should contain an appropriate mix of residential and commercial development as well as recreational opportunities that provide connections to existing and future community trails and transit facilities.

Policy 2.21: Encourage locally based and neighborhood commercial businesses.

Policy 2.23: Identify appropriate areas for light industrial/service commercial activities to meet the needs of local businesses and development activities. Light industrial/service commercial activities should be discouraged along scenic corridors or at community gateways.

Policy 2.25: Strongly discourage roadside or strip commercial development where there is continuous or intermittent linear development generally one store deep, one or more access points for separate properties and with highly visible parking located between the road and the building.

Policy 2.26: Discourage large scale commercial “one story” structures.

The proposed amendments to the Snyderville Basin Development Code clarify the process for appeals in the Code and brings it into conformance with current County practices and what has been the practice of Courts of Law. The changes make the procedures in the Code clear and easy to understand.

The proposed language was created specifically to address the goals and objectives written in the current version of the Snyderville Basin General Plan.

Criteria 2: The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

Analysis: Provisions have been made in the Performance Standards in the language to ensure that adjoining properties will not be negatively affected.

Criteria 3: The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

> **Analysis**: The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted.

Criteria 4: The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

> **Analysis**: The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners.

Criteria 5: The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

> **Analysis**: Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner, as the NMU-1 zone would be available for any property owner who meets the minimum eligibility requirements.

Criteria 6: The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

> **Analysis**: The proposed changes are consistent with County Council goals of creating well managed and well-designed neighborhoods, promoting additional affordable/employee housing, and mitigating traffic impacts caused by development. Performance standards established in the zone will require developers to address connectivity, sustainability, parking, open space, transportation, and other mitigating issues that will have a positive effect on the County population.

Recommendation:

Staff recommends that the Summit County Council review the proposed Development Code Amendment to create a Neighborhood Mixed Use Zone and adopt the attached ordinance.

Findings of Fact

1. The applicant is requesting an amendment to the Snyderville Basin Development Code to create a Neighborhood Mixed Use zoning district (NMU-1).

2. The NMU-1 zone is a concept that was initially created and presented to the Planning Commission by Staff in July of 2017.
3. Because the process was not moving forward (due to other staff priorities and responsibilities) the applicant took the NMU-1 draft, modified it, and applied to amend the Development Code.
4. The Commission reviewed the proposal as a standalone document at a work session on April 23, 2019 and June 11, 2019.
5. The Planning Commission conducted a public hearing on August 27, 2019 and on September 24, 2019.
6. On November 20, 2019, the Planning Commission forwarded a positive recommendation to the County Council.
7. On June 4, 2020, July 15, 2020, August 19, 2020, September 9, 2020, and March 10 , 2021 the County Council conducted public hearings for the NMU zone amendments.
8. The General Plan identifies several current and future mixed-use neighborhoods in the Snyderville Basin.
9. The General Plan contemplates the creation and adoption of zoning tools to guide future development in these areas.

Conclusions of Law:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change.

Attachments

Exhibit A - Proposed Ordinance

SUMMIT COUNTY, UTAH
ORDINANCE NO. 912

AN ORDINANCE CREATING SECTION 10-2-17 THE NEIGHBORHOOD MIXED USE ZONE (NMU-1) IN THE SNYDERVILLE BASIN DEVELOPMENT CODE

PREAMBLE

WHEREAS, Utah Code Annotated ("UCA") §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, land uses; and,

WHEREAS, Policy 2.5 of the Snyderville Basin General Plan states that language from the Code include clear, predictable, and measurable standards; and

WHEREAS, in furtherance of this goal, §10-1-1(D) of the Summit County Code ("Code") states that the intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists; and,

WHEREAS, the creation of the NMU-1 zone is an important component in promoting and reaching these goals and policies; and,

WHEREAS, the requirements and performance standards in the NMU-1 zone are written specifically to promote the goals and objectives in the Snyderville Basin General Plan; and,

WHEREAS, the Snyderville Basin Planning Commission held a public hearing on September 24, and August 28, 2019; and

WHEREAS, the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on October 9, 2019; and

WHEREAS, the County Council held a public hearing on June 5, 2020, July 15, 2020, August 19, 2020, September 9, 2020 and March 10, 2021; and,

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

Section 1. **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this ___ day of_____.

ATTEST:

_____
Evelyn Furse
Summit County Clerk

APPROVED AS TO FORM

_____
David L. Thomas
Chief Civil Deputy

SUMMIT COUNTY COUNCIL

_____
Glenn Wright, Chair

VOTING OF COUNTY COUNCIL:

Councilmember Stevens	_____
Councilmember Robinson	_____
Councilmember Clyde	_____
Councilmember Armstrong	_____
Councilmember Wright	_____

SECTION 10-2-17

Neighborhood Mixed-Use 1 (NMU-1) Zone

A. Purpose: The purpose of the Neighborhood Mixed-Use 1 (NMU-1) Zone is to create new Development and redevelopment areas that are:

- Mixed use,
- Pedestrian-focused, and
- Transit-oriented

The desired development pattern of the NMU-1 Zone shall be facilitated through flexible site and community design principles that:

- Result in a mix of land uses that are compatible, mutually supportive, well connected through a variety of transportation choices.
- Result in convenient, safe, direct, and well-connected transit and pedestrian linkages,
- Result in A reduction in the need for parking,
- Result in Compact development that creates public spaces, including but not limited to plazas and other outdoor amenity areas; and
- Result in Sustainable infrastructure and building design consistent with best practices.

B. Uses: Uses in the NMU-1 zone are limited to the Following:

Allowed Uses

1. Bars, Taverns, clubs
2. Home Based Business, Class 1 (see Section 10-8-4)
3. Mixed Use Structure
4. Mobile Food Business
5. Open Space
6. Park, Community
7. Park, Neighborhood
8. Recycling Facilities, Class I
9. Solar Array, Minor
10. Telecommunication Facilities, Co-location
11. Trails, Community Wide
12. Trails, Neighborhood
13. Trailhead Parking
14. Offices, General
15. Retail Sales, Convenience Store

Low Impact Uses

1. Art Space with Limited Public Performances
2. Banks and Financial Services, no Drive-Through
3. Building and Maintenance Services
4. Childcare Center
5. Construction Management Office
6. Construction Services, Contract
7. Cultural Activity
8. Dwelling Unit, Employee
9. Funeral Services
10. Healthcare Facilities
11. Home Based Business, Class II
12. Laundromat
13. Offices, Medical and Dental
14. Personal Improvement Services
15. Personal Services
16. Property Management Offices, Check-in
17. Public Community Event Center
18. Rehearsal or Teaching Studio for creative, performing and/or martial arts with no public performances
19. Restaurant, Deli or Takeout (no drive through)
20. Restaurant Full Service
21. Retail Sales, General, less than 10,000 square feet in size
22. Telecommunication Facilities other than Co-location or Stealth
23. Telecommunication Facilities, Stealth
24. Transportation Services
25. Utility Facilities, Above Ground
26. Utility Facilities, Major
27. Utility Facilities, Underground
28. Veterinarian

Conditional Uses

1. Churches, Schools, Institutional uses
2. Commercial Event Center
3. Dwelling Unit, Multi-Family
4. Group Home
5. Hazardous Liquids or Materials Transmission Pipelines
6. Historic Structures, preservation of, including related Accessory and supporting Uses
7. Hotel, Motel, or Inn
8. Indoor Entertainment such as bowling alleys, skating rinks, movie theaters,

performing arts center
9. Mobile Food Court
10. Nursing Home
11. Office, Intensive
12. Open Recreation Uses, Commercial
13. Park and Ride Lot
14. Parking Lot, Commercial
15. Public Facilities
16. Recreation and Athletic Facilities, Commercial
17. Recreation and Athletic facilities, Private
18. Recreation, Public
19. Retail sales, General, larger than 10,000 sf less than 50,000 sf in size

Temporary Uses

1. Temporary Use or Structure

B. Rezoning Eligibility: Properties must meet all the following criteria to be eligible for consideration for a rezone to NMU-1:

1. The property(s) must be designated for mixed-use on the Snyderville Basin General Plan, Future Land Use Map;
2. The property(s) must be adjacent to (or a redevelopment of) existing commercial, mixed-use, or Institutional/civic Development:
3. The property(s) must be located along an existing transit system or within the County Master Planned Development process, receive a written commitment to provide service from the County Regional Transportation Planning Director.
4. Property subject to the terms and conditions of any prior Development Agreement, Settlement Agreement or similar instrument shall remain subject to those terms and conditions until such time as the prior agreement is amended or terminated as part of the Master Planned Development Process..

C. Rezoning and Master Planned Development: A proposal for a rezone to the NMU-1 Zone shall be processed concurrently with a Master Planned Development application subject to Section ____ of this title.

D. Density: The maximum Density in the NMU-1 shall be determined by the ability of the proposed development to meet all required development and performance standards and criteria set forth in this title.

E. Setbacks: Unless otherwise permitted through the Master Planned Development process, setbacks in the NMU-1 Zone shall be as follows:

Exterior Boundary Setback	To mitigate negative impacts, preserve view corridors or create a compatible street design/streetscape, the Planning Commission or County Council may modify the setbacks around the exterior boundary of the project. In some cases, that Setback may be increased to create an adequate buffer to adjacent Uses at the discretion of the County. The Planning Commission/County Council may reduce Setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the General Plan.
Front Setback	The minimum Front Setback is twenty feet (20') for all Structures. The twenty-foot (20') Front Setback may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or is in structured parking.
Front Setback if property line extends to the centerline of a road	The minimum Front Setback is forty-five feet (45') for all Structures. The forty-five-foot (45') Front Setback may be reduced to twenty feet (20'), provided all on-Site parking is at the rear of the Property or is in structured parking. All Structures and improvements, excluding driveways, are to be fully contained on the Lot.
Side Setback	The minimum side setback is ten feet (10’).
Rear Setback	The minimum Rear Setback is ten feet (10’).
Wetland Setback	40’ from delineation line as defined by the Army Corps of Engineers
East Canyon Creek Setback	150’ from centerline

River or Perennial Stream Setback	100’ from centerline
Lake or Natural Pond Setback	50’ from High Water Mark
Designated Roadway Setback, Highways 224, 40, 248, and Interstate 80	100’ from the edge of the Right of Way
Frontage Road Setback, including, but not limited to Kilby Road, Rasmussen Road, Bitner Road, North Pace Frontage Road, and US-40 Frontage Road	60’ from the edge of the Right of Way

On a Corner Lot, one minimum Front Setback and one minimum side Setback is required with the following provisions:

a. Any frontage with a driveway leading to a garage or Parking Space shall have a Front Setback.

b. On any Corner Lot, a clear view area must be maintained. This is a triangular area formed by the property lines abutting the street and a line connecting them at points twenty-five (25) feet from the intersection of the property lines. No obstruction to view more than three (3) feet in Height shall be placed in the clear view area, including walls, Fences, Structures, signs, trees, shrubs, or hedges. When topography presents a clear view, the area shall be graded to provide visual clearance.

F. Height: Unless otherwise permitted through the Master Planned Development (MPD) process, the maximum building height in the NMU-1 Zone shall be forty-five feet (45’).

Exception: The County Council may grant a height exception up to a maximum of 60 feet to accommodate affordable housing and/or structured parking through the MPD process.

For any Building sharing a common property line with a Detached Single-Family Dwelling Unit, the maximum height is limited to forty-five feet (45') and may not be increased through any process.

Step back Requirement: Floors rising above thirty-five feet (35') in height shall be stepped back fifteen (15) horizontal feet from the building foundation at grade for building elevations that are facing a public street, public trail, or public open space. This step back does not apply to balconies on buildings with floors rising above thirty-five feet (35') in height.

G. Performance Standards: In addition to compliance with all Master Planned Development criteria set forth in Section _____ of this title, the following performance criteria shall apply to the NMU-1 Zone.

1. **Open Space:** Unless otherwise approved through the Master Planned Development process, all Master Planned Developments in the NMU-1 Zone shall provide twenty five percent (25%) of the project area for outdoor space, plaza. pathways, and/or trails and open Space.

2. **Mixed Use:** Unless otherwise approved through the MPD process, all Master Planned Developments in the NMU-1 Zone shall have a minimum of three land uses (residential, commercial, office, recreation, civic, etc.) integrated into the project area. A range of different uses along the street, as well as diversity in building design and scale is encouraged wherever practicable.

3. **Limitation on Direct Retail Sales:** Unless otherwise approved through the Master Planned Development process, no single retail use may exceed 50,000 square feet.

4. **Single-Story Commercial Building Standards** Unless otherwise approved through the Master Planned Development process, no single-story commercial structures greater than 1,000 square feet are permitted it the NMU-1 Zone.

5. **Access to Public Transportation:** All Master Planned Developments in the NMU-1 Zone shall provide facilities that substantially facilitate, enhance, and support the use of alternative public transportation options such as transit services, neighborhood circulators, employee shuttles, car share, bicycle share, and bicycle and pedestrian infrastructure. Unless otherwise permitted through the Master Planned Development process, all Master Planned Developments in the NMU-1 Zone shall provide a Transit Center, transportation stops and/or other improvements necessary to mitigate the impacts of the Development. Unless otherwise permitted through the Master Planned Development process, all Transit Centers shall include a building with a waiting area, restrooms, bicycle lockers, and bike racks. All transportation stops shall include shelters and bicycle racks to mitigate the impacts of the Development.

6. **Neighborhood Connectivity:** All Master Planned Developments in the NMU-1 Zone shall provide pedestrian and bicycle linkages within the project area as well

as connections to adjacent/off site sidewalk, pathway, and trail systems. Wherever possible, the Developer shall separate pedestrian and bicycle linkages from vehicular areas without disrupting the pedestrian way. Bicycle parking, storage, and bicycle racks consistent with the Summit County Bicycle Parking Standards, Guidelines and Regulations shall be provided.

7. **The Public Realm:** All Master Planned Developments in the NMU-1 Zone shall provide a project-specific Public Realm Plan for all areas to which the public has access including but not limited to streets, plazas, parking areas, sidewalks, pathways, and associated green spaces. The design of all utilities, infrastructure, and signs/wayfinding shall be included with the plan.

8. **Parking:** The following parking requirements shall be met. When calculations of the number of required off street parking spaces result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number.

   A. Residential Uses: Unless otherwise modified by the Master Planned Development process, residential parking shall comply with Section 10-4-9 of this title.

   B. Non-Residential Uses: The base parking ratio shall be three and one-half (3.5) off street parking spaces per each one thousand (1,000) square feet of nonresidential space.

   Exception: Parking greater than or less than 3.5 off street parking spaces per 1,000 square feet of non-residential area may be permitted by the Summit County Council as part of a Master Planned Development only after the applicant submits a parking study for comparable uses which demonstrates that a higher/lower demand can be anticipated.

   a. When reviewing a request to exceed or reduce the overall parking requirement the County Council shall consider:

      i. Structured parking.
      ii. Traffic patterns in the area and how the proposed parking plan will affect them.
      iii. Ingress and egress issues, and locations and whether they will affect traffic patterns.
      iv. Requiring spaces for van pooling
      v. Carpool spaces
      vi. Covered bike parking
      vii. Site location as it relates to transit.
      viii. Shared Parking

ix. Other conclusions from the Parking Study
x. The change in parking shall not result in adverse impacts to public walkways, plazas, or other pedestrian circulation areas.

C. Parking Design: To minimize the potential adverse visual impacts of exterior parking, the following requirements shall apply to all parking areas:

1. Unless otherwise permitted through the Master Planned Development process, off-street parking areas shall be located to the rear of the building and be designed to facilitate and optimize the traffic and pedestrian flow of the development. Single purpose uses exceeding 10,000 square feet shall be permitted to design parking to the front façade provided exterior parking lots, parking structures are hidden from view from most primary streets and crossings serving the project and do not create unsafe pedestrian conditions.
2. Parking structures shall be designed to have the appearance of horizontal storied buildings that reflect the character of adjacent buildings.
3. Storefronts shall be located on the street level and designed to create street scape. shall be readily accessible by pedestrian/bicycle linkages and associated facilities.
4. Structured parking design and space count shall consider project access, circulation, convenience, and practicality and be required to conform to the parking guidelines in the NMU-1 Zone. Design shall locate curb cuts away from the main thoroughfare.
5. Developers shall utilize innovative parking reduction techniques such as shared parking, structured parking, smaller stalls, car stackers and valet parking.
6. Bicycle parking shall be provided. Bicycle parking shall be consistent with the Summit County Bicycle Parking Standards, Guidelines and Regulations.

9. Architecture and Building Construction: The project architecture shall foster a distinct neighborhood character. Designs shall be, sensitive to the landscape and topography of the site. While new structures are not required to mimic historic structures or themed designs, buildings in the NMU-1 Zone should reflect local and regional practices regarding materials, and roof forms. Streetscapes should respond to the human, pedestrian scale rather than the automobile. Architecture that relies on standardized corporate designs, mechanical climate control and automobile accessibility is strongly discouraged.

10. Sustainability: Projects shall be socially, economically, and environmentally sustainable. Buildings should be designed, oriented, and constructed to maximize the potential for improved efforts regarding:

a. connectivity
b. energy efficiency
c. on-site energy generation
d. solar orientation, natural light, and ventilation
e. thermal and light reduction
f. sustainable materials
g. water conservation landscaping such as:

    i. drought tolerant plant species
    ii. native plant species
    iii. xeriscaping
    iv. time of day watering; and
    v. rain or moisture sensors on irrigation systems

11. **Site topography:** The project shall be designed to incorporate existing site topography into its design features and to practice excavation and site work that minimizes import and export of materials. Final project grades and elevations may be established as part of the development application and determined through the MPD process.

12. **Affordable Housing: For purposes of the NMU-1 Zone, and as a condition of receiving increased uses and densities within said zone, the Obligation Rates set forth under Summit County Code §§10-5-5 (A) (Residential Base Requirement) and 10-5-6 (A) (Commercial Base Requirement) are increased to 40%.**

STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner
Date of Meeting: June 9, 2021
Type of Item: Discussion/Possible Action
Subject: Development Code Amendment

Recommendation: Staff recommends that the Summit County Council review the proposed Development Code Amendment, and adopt the attached ordinance creating a Master Planned Development process in the Snyderville Basin Development Code.

Background:

On July 19, 2019, the County Council held a joint work session with the Snyderville Basin Planning Commission. The purpose of the work session was to hold discussion on the work program for the revision/updating of the Snyderville Basin Development Code. At the meeting, the Planning Department received input on what the Council and the Commission sees as the key areas of focus and direction for prioritizing a Commission/Council review of the proposed amendments. One of the principal issues that the Council directed was to Continue discussions on the creation of a replacement document for the existing Specially Planned Area (SPA) process.

Whereas a SPA involves negotiating density, use, and design, the draft MPD process is intended to create a land planning and design tool using more predictable standards and offering incentive-based design flexibility in exchange for neighborhood connectivity, public space, alternative transportation strategies, and workforce housing. A key distinction between a SPA and the draft MPD process is that the MPD process does not permit increased density beyond that permitted by the zone except for workforce housing.

On August 27, 2019, November 12, 2019 and January 10, 2020 the Planning Commission held work sessions to review and discuss the process. On February 11, 2020, the Planning Commission forwarded a positive recommendation to the County Council.

On March 4, 2020, the County Council held a work session to discuss the language, and the County Council held public hearings on May 6, 2020, August 19, 2020, September 9, 2020 and April 7, 2021 (the public hearing was closed on April 7).

Highlights of the MPD

1. Establishes applicability requirements. All applications for a rezone, residential projects over 10 units or commercial projects greater than 10,000 square feet in size required to be reviewed as an MPD.
2. Creates performance standards that the County Council and Planning Commission will use when making decisions. These criteria are based on the goals and policies adopted in the Kimball Junction Neighborhood Master Plan approved by the County Council.
3. Created requirements for open/public spaces. Provides guidelines for public spaces relating to location and design.
4. Requires that all MPD applications submit an "Environmental Impact Report." The report is a written explanation of how the project plans to address issues such as water and air quality, energy efficiency, protection of critical lands etc.
5. Requires that all MPD applications submit a "Site Design Narrative." This narrative is a written explanation of how the development will be designed. The applicant will be required to explain how it will be integrated into the surrounding vernacular, what is being done to address the County's housing needs, open areas, parking, external storage etc.
6. Establishes a list of required findings of fact. These are the basic findings that the Council must make before they approve any project.

Analysis:
Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications, or deny the amendment according to the following criteria.

Criteria 1: The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

> **Analysis**: The following Goals and Policies of the General Plan apply to this amendment:
>
> OBJECTIVE A: Encourage the creation of highly livable neighborhoods and mixed-use areas that are connected by open spaces and multi-modal transportation systems.
>
> Policy 2.1: Identify, plan, and create neighborhood master planned specific areas where development/redevelopment should occur. These designated areas should be rezoned accordingly.

OBJECTIVE B: Incentivize compact, dense, and nodal development, defined by abundant and contiguous open spaces, as well as a predictable process to achieve this goal through clear regulations in the Snyderville Basin Development Code.

Policy 2.13: Create new mixed-use, inclusive neighborhoods within existing development areas and/or future designated redevelopment areas.

Policy 2.14: Identify specific nodes where development and/or redevelopment will be encouraged and zone these areas accordingly.

OBJECTIVE D: Ensure future development is well designed and appropriately located.

Policy 2.17: Within defined mixed-use areas, a range of uses should be supported that are appropriate for each individual location and neighborhood, and may include small scale retail, offices, business and personal services, schools, and parks designed to meet the needs of the neighborhood.

Policy 2.18: Identify specific areas where mixed use areas may be appropriate to preserve natural open spaces and vistas, prevent urban sprawl, and 7 promote the mountain resort community through managed growth. These areas should contain an appropriate mix of residential and commercial development as well as recreational opportunities that provide connections to existing and future community trails and transit facilities.

Policy 2.21: Encourage locally based and neighborhood commercial businesses.

Policy 2.23: Identify appropriate areas for light industrial/service commercial activities to meet the needs of local businesses and development activities. Light industrial/service commercial activities should be discouraged along scenic corridors or at community gateways.

Policy 2.25: Strongly discourage roadside or strip commercial development where there is continuous or intermittent linear development generally one store deep, one or more access points for separate properties and with highly visible parking located between the road and the building.

Policy 2.26: Discourage large scale commercial “one story” structures.

The proposed language was created specifically to address the goals and objectives written in the current version of the Snyderville Basin General Plan.

Criteria 2: The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

> **Analysis**: Provisions have been made in the Performance Standards in the language to ensure that adjoining properties will not be negatively affected.

Criteria 3: The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

> **Analysis**: The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted.

Criteria 4: The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

> **Analysis**: The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners.

Criteria 5: The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

> **Analysis**: This language was created as a replacement document for the existing Specially Planned Area (SPA) process. Whereas a SPA involves negotiating density, use, and design, the MPD process is intended to create a land planning and design tool using more predictable standards and offering incentive-based design flexibility in exchange for neighborhood connectivity, public space, alternative transportation strategies, and workforce housing.

Criteria 6: The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

> **Analysis**: The proposed changes are consistent with County Council goals of creating well managed and well-designed neighborhoods, promoting additional affordable/employee housing and mitigating traffic impacts caused by development. Performance standards will require developers to address connectivity, sustainability, parking, open space, transportation, and other mitigating issues that will have a positive effect on the County population.

Recommendation:

Staff recommends that the Summit County Council review the proposed Development Code Amendment, and adopt the attached ordinance creating a Master Planned Development process in the Snyderville Basin Development Code.

Findings of Fact

1. On July 19, 2019, the County Council held a joint work session with the Snyderville Basin Planning Commission.
2. The purpose of the work session was to hold discussion on the work program for the revision/updating of the Snyderville Basin Development Code.
3. One of the principal issues that the Council directed staff to do was to create a replacement document for the existing Specially Planned Area (SPA) process.
4. The SPA process involves negotiating density, use, and design.
5. The draft MPD process is designed to create a land planning and design tool using more predictable standards and offering incentive-based design flexibility.
6. On August 27, November 12, 2019 and January 10, 2020 the Planning Commission held work sessions to review and discuss the process.
7. The Planning Commission conducted a public hearing on February 11, 2020.
8. The Summit County Council held a work session on March 4, 2020, and Public Hearings on May 6, 2020 and July 15, 2020.
9. The General Plan contemplates the creation and adoption of zoning tools to guide future development in these areas.

Conclusions of Law:

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety, and welfare better than the existing regulations for which the amendment is intended to change.

Attachments

Exhibit A - Proposed Ordinance.

SUMMIT COUNTY, UTAH
ORDINANCE NO. 913

AN ORDINANCE AMENDING THE SNYDERVILLE BASIN DEVELOPMENT CODE SECTIONS 10-3 AND 10-2 OF THE SNYDERVILLE BASIN DEVELOPMENT CODE CREATING A MASTER PLANNED DEVELOPMENT (MPD) PROCESS THAT WILL BE REQUIRED FOR PROJECTS THAT INCLUDE: A REZONE, TEN RESIDENTIAL UNITS OR MORE, OR COMMERCIAL, RETAIL, OFFICE, PUBLIC, QUASIPUBLIC, MIXED-USE OR INDUSTRIAL USES, AT TEN THOUSAND SQUARE FEET OR MORE

PREAMBLE

WHEREAS, Utah Code Annotated ("UCA") §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, land uses; and,

WHEREAS, Policy 2.5 of the Snyderville Basin General Plan states that language from the Code include clear, predictable, and measurable standards; and

WHEREAS, in furtherance of this goal, §10-1-1(D) of the Summit County Code ("Code") states that the intention of the county is to assure the managed, proper, and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists; and,

WHEREAS, the creation of the MPD process is an important component in promoting and reaching these goals and policies; and,

WHEREAS, the requirements and performance standards in the MPD process are written specifically to promote the goals and objectives in the Snyderville Basin General Plan; and,

WHEREAS, the Snyderville Basin Planning Commission held a public hearing on February 11, 2020; and

WHEREAS the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on February 11, 2020; and

WHEREAS the County Council held public hearings on May 6, 2020, August 19, 2020 and September 9, 2020, and April 7, 2021; and,

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

Section 1. **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

Section 2. **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this ___ day of_____.

ATTEST:

_____
Evelyn Furse
Summit County Clerk

APPROVED AS TO FORM

_____
David L. Thomas
Chief Civil Deputy

SUMMIT COUNTY COUNCIL

_____
Glenn Wright, Chair

VOTING OF COUNTY COUNCIL:

Councilmember Stevens	_____
Councilmember Robinson	_____
Councilmember Clyde	_____
Councilmember Armstrong	_____
Councilmember Wright	_____

10-3-11: MASTER PLANNED DEVELOPMENTS

INTENT

A Master Planned Development (MPD) is a comprehensive project design strategy. MPDs are intended to provide better opportunities to create projects that address site conditions, the characteristics of the surrounding properties, as well as community and market demands. The MPD process creates administrative tools to promote the efficient use of land resources as well as efficient public infrastructure and utility services. The goal of this strategy is to produce superior project design through flexibility and innovation to advance the goals of the Snyderville Basin General Plan and this Code.

APPLICABILITY

Required: Unless the property is subject to an approved Development Agreement, Settlement Agreement or Consent Agreement, the MPD process shall be required in all zones for the following:

1. Any Application for a rezone.
2. A Residential project with ten (10) or more Units of Density.
3. Any new Hotel or lodging project, Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project with 10,000 square feet or more of Gross Floor Area.

USES

An MPD can only contain Uses, which are Allowed, Low Impact or Conditional in the existing Zone District(s) in which it is located. When the project area includes more than one (1) Zone District, Uses may be relocated across Zone District lines if the Planning Commission determines that relocation results in a project design that advances the goals of the Snyderville Basin General Plan.

PROCESS

1. **Pre-Application Conference**: A pre-application conference shall be held with staff for the Applicant to become acquainted with the MPD procedures and related County requirements and schedules. Staff may give preliminary feedback to the Applicant based on information available at the conference and may inform the Applicant of potential issues or special requirements which may result from the proposal. Any direction or feedback given at the pre-application conference is not vested. Vesting occurs once a complete application is filed, and the project has been reviewed and approved by the County Council or Planning Commission.

2. **Pre-Application Work Session Public Meeting:** To provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for an MPD, the Applicant may request a work session discussion with the Planning Commission after the pre-application conference with staff. Any direction or feedback given at the pre-application work session public meeting is not vested. Vesting occurs once a complete

application is filed, and the project has been reviewed and approved by the County Council or Planning Commission.

At the pre-Application work session public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

It is recommended that the Applicant host neighborhood meetings in preparation of filing of a formal Application for an MPD and provide a report conveying neighborhood concerns discussed.

3. **The MPD Application**:

Plans for the MPD shall be submitted with a completed Application form supplied by the County. A list of minimum requirements will accompany the Application form. The Application must include written consent by all owners of the property to be included in the MPD. Once an Application is received, it shall be assigned to a staff planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a complete Application.

Planning Commission Review and Public Hearing**:** Except in the case of MPDs that include a rezone, the Planning Commission shall approve, approve with modifications, or deny an MPD. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section F herein. In the case of MPDs that include a rezone, the Planning Commission shall review and forward a recommendation to the County Council, including findings of fact, conclusions of law and conditions of approval.

County Council Review and Public Hearing: In the case of MPDs that include a rezone, the County Council shall approve, approve with modifications, or deny an MPD. The County Council action shall be in the form of written findings of fact, conclusions of law and in the case of approval, conditions of approval. Action shall occur only after a public hearing is held. To approve an MPD, the County Council will be required to make the findings outlined in Section F Herein.

4. **Development Agreement:**

Once the Planning Commission or County Council approves a Master Planned Development, the approval shall be put in the form of a Development Agreement reviewed by the County Attorney's office and shall contain, at a minimum, the following:

1. A legal description of the land;
2. All relevant zoning and Development Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions outlining more or less restrictive Height or Setbacks;

3. An express reservation of the future legislative power and zoning authority of the County;
4. A copy of the approved Site plan, architectural plans, Landscaping plans, Grading plan, trails and Open Space plans, and other plans, which are a part of the approval;
5. A description of all Developer exactions or agreed upon public dedications;
6. The Developers agreement to pay all specified impact fees;
7. The form of ownership anticipated for the project;
8. A specific project phasing plan;

The Development agreement shall be signed by the Chair of either the Planning Commission or the Chair of the County Council and recorded with the Summit County Recorder. The Development Agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The Development Agreement shall be reviewed and signed as part of the final approval by the Planning Commission or County Council.

5. **Vesting of Approval**:

a. MPDs Not Associated with A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved Final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the Development of the project to be described in the Development Agreement.

b. MPDs Not Associated with A Rezone but Requiring A Final Subdivision Plat: A final Subdivision plat must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final Subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the final Subdivision plat shall be void.

c. MPDs Associated with A Rezone, But Not Requiring A Final Subdivision Plat: Construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. After construction commences, the MPD shall remain valid if it is consistent with the approved specific project-phasing plan as set forth in the approved final Site Plan and associated documents. It is anticipated that the specific project-phasing plan may require review and re-evaluation of the project at specified points in the Development of the project. If the required construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

d. MPDs Associated with A Rezone and Final Subdivision Plat: Unless otherwise extended per the provisions set forth in this chapter, a final Subdivision plat associated with a rezone must be recorded within five (5) years of the date of the MPD approval. Additionally, construction within the MPD area will be required to commence within five (5) years of the date of the MPD approval. If the required final Subdivision plat recordation and construction commencement has not taken place in the prescribed timeframe, the MPD shall expire and the zone shall revert to the previous zone designation.

   After recordation of the final Subdivision plat and the commencement of construction, the MPD shall remain valid if it is consistent with the approved specific project plan and associated documents.

6. **MPD Modifications**:

   a. Minor Amendment: A minor amendment is defined as an amendment that does not increase square footage, density, or intensity of the previously approved MPD. A minor amendment shall be processed as a Low Impact Permit.
   b. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, or intensity of the previously approved MPD. A major amendment shall be processed as an MPD.

MPD REQUIREMENTS

All MPD Applications shall meet the following minimum requirements. Additional project information necessary for the project analysis may be required at the discretion of the Community Development Director, Planning Commission, or County Council.

1. **AFFECTED PROPERTIES:** All MPD Applications shall include all contiguous holdings by the Owner, unless specifically waived by the Planning Commission. The rezoning Application shall be accompanied by an affirmation of ownership signed by the legal owner of the property. If the Property is under contract for sale, the affirmation shall be signed by the contract Owner and legal Owner and specify the date a contract of sale was executed. In the event corporations are involved, a copy of the resolution legally empowering the Applicant to make Application shall be provided with the Application.

2. **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined through a site suitability analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

   In cases where a project site contains more than one (1) Zone District, the Planning Commission may permit a shift of Density between Zone Districts if the shift results in the project advancing the goals set forth in the General Plan.

Square footage associated with underground/structured parking areas within an MPD is exempt from MPD Density calculations.

Square footage associated with deed-restricted affordable housing units within an MPD is exempt from MPD Density calculations.

3. **SETBACKS.** Setbacks for all structures within an MPD shall be determined by the requirements found in each individual Zone District.

    a. **Exception**: To mitigate negative impacts, preserve view corridors or create a compatible street design/streetscape, the Planning Commission or County Council may modify the setbacks around the exterior boundary of the project. In some cases, that Setback may be increased to create an adequate buffer to adjacent Uses at the discretion of the County. The Planning Commission/County Council may reduce Setbacks within the project from those otherwise required provided the project meets minimum International Building Code and Fire Code requirements and advances the goals set forth in the General Plan.

4. **BUILDING HEIGHT.** The maximum Building Height for all structures within an MPD shall not exceed the requirements found in each individual Zone District.

5. **SITE PLANNING**. An MPD shall be designed to take into consideration characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

    a. Designing with the Topography: MPDs shall be designed to fit into the topography of the site. The Planning Commission/County Council may consider flexibility in the siting of the Development to best fit into the natural terrain, minimize excessive site grading and the need for excessive retaining.

    Efforts shall be made to mitigate impacts of the Development on the natural environment and resources of the surrounding area. The project design shall make suitable provisions for the preservation of all affected Critical Lands.

    b. Designing with Adjacent Uses: The MPD site plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse influences, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

    c. Building Location: All Buildings shall be located to avoid, to the extent practicable, Critical Lands. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable. Building design should create recognizable streets and other spaces with their edges defined by Buildings, making it easy for anyone to find their way around, and promote safety and accessibility.

d. Access: All MPDs shall have vehicular access from a state highway or County road. All Developments shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the Summit County Engineer and Fire Marshall. Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

e. Trails: Existing trails should be incorporated into the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new transportation and/or recreational trails will be required to be consistent with Summit County's Active Transportation Plan and/or Snyderville Basin Special Recreation District's Trails Master Plan, respectively. All new construction will meet or exceed the design standards set forth in the plans.

f. Connectivity: All MPDs shall provide a means of direct, and safe pedestrian and bicycle linkages within the project area as well as connections to adjacent/off site sidewalk, pathway, and trail systems. Pedestrian/ equestrian/bicycle circulation shall be separated from vehicular circulation wherever reasonable.

   Where applicable, MPDs will have a system of streets, alleys, and pedestrian pathways with multiple routes and connections serving the same origins and destinations. All streets, alleys, and pedestrian pathways shall connect to other streets and to existing and projected streets outside the proposed MPD or other Development. Dead ends or cul-de-sacs are discouraged.

g. Snow Removal: Snow storage shall be compliant with the requirements of Chapter 10-4-14 of this Title. The Site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces to provide adequate areas to remove and store snow. Snow should be stored on Site and not removed to an Off-Site location.

h. Waste Disposal/Recycling Facilities: All waste disposal and recycling facilities shall be compliant with the requirements of Chapter 10-4-13 of this Title. The Site plan shall include adequate areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

i. Service and Delivery Access: Service and delivery Access and loading/unloading areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

j. Utilities: Existing or proposed utility and public services for MPDs will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this Chapter.

6. **TRANSPORTATION:** MPDs shall include transportation approaches that add more options for public transportation, pedestrians, and bicycle users, and reduce the need for driving. An MPD should include:

    a. Transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable;
    b. Bike facilities including but not limited to lockers and racks;
    c. Upgraded bike lanes or bike paths; and
    d. Agreements between businesses to stagger delivery services and commute times.

7. **EMPLOYEE/AFFORDABLE HOUSING**. All MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by Chapter 10-5 of this Title. The plan shall include consideration for underserved populations such as seniors, ability challenged and people in need of transitional housing.

8. **OPEN SPACE/PUBLIC SPACES.** All MPDs shall provide at least the minimum zone-required Open Space unless further increased through this MPD Process.

    In more urbanized areas such as the Town Center (TC), Neighborhood Mixed Use (NMU) and Community Commercial (CC) zones, Open Space areas shall include Public Space as defined in this title. Public Spaces shall:

    a. Be well located to support a wide variety of activities and encourage social interaction, that promote health, well-being, social and civic inclusion;
    b. have a hierarchy of spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks;
    c. have public spaces for all to use; and
    d. have trees and other planting within Public Spaces.

    Ownership and maintenance all Open Space lands shall be specified in the MPD Application.

9. **OFF-STREET PARKING.** Unless modified pursuant to this chapter or an individual Zone District, all MPDs shall meet the parking requirements set forth in Section 10-4-9 of this title.

10. **COMPLIANCE WITH DEVELOPMENT EVALUATION STANDARDS.** Unless otherwise permitted by this Chapter, all MPD shall comply with all requisite Development evaluation standards found in Chapter 4 of this Title.

11. **GENERAL PLAN REVIEW.** All MPD applications shall be reviewed for consistency with the goals and objectives of the Snyderville Basin General Plan; however, such review for consistency shall not alone be binding.

12. **ENVIRONMENTAL MANAGEMENT EXPLANATAION:** An MPD Application shall include a written explanation of how the project plan addresses the following environmental issues:

    a. Natural Environment. How does the proposed project integrate existing, and incorporate new natural features into a multifunctional network that supports quality of place, biodiversity, and water management? How does it address climate change mitigation and resilience? Will landscaping work to achieve this goal?
    b. Water Quality: What measures are being taken to manage water use by the Development, and what is being done to ensure the Development does not contaminate ground water or surrounding water ways.
    c. Air Quality: Explain what measures are being taken to ensure the Development does not have a negative effect on Summit County's air quality.
    d. Protection of Critical Lands: If the Development is adjacent to Critical Lands, or within a flood plain or wildfire interface area, explain what is being done to mitigate any negative impacts of the Development on those lands. How is the Development meeting the requirements in Chapter 10-4-3 of this Title?
    e. Energy Efficiency: Explain what is being done to ensure the Development is energy efficient. Are actions being taken to ensure the Development exceeds the minimum requirements found in the International Building Code?
    f. Building Materials: Explain what sustainable materials are being incorporated into the Development.
    g. Recycling/Waste Disposal: Explain the recycling program for the Development. How is it meeting the requirements found in Chapter 10-4-13 of this Title?
    h. Climate Responsive Design: Explain how the Development will work with the Snyderville Basin's climate, how architecture will consider seasonality, the direction of the sun (sun path and solar position), natural shade provided by the surrounding topography and environmental factors (such as wind, rainfall, humidity). Explain how the shaping Massing and Architecture will be designed to:

        i. Reduce snow accumulations at entrances / exits;
        ii. Incorporate passive solar heating;
        iii. Wind driven natural ventilation;
        iv. Locate windows, skylights etc. to benefit daylighting These also impact natural ventilation; and
        v. Provide adequate snow storage and snow melt run-off capacity.
        vi. Contribute to Summit County's sustainability goals.

    i. Landscaping: Explain how the proposed landscaping will be appropriate for the climate and topography of the site. Explain how the irrigation system will be water wise and designed to preserve as much water as possible.

13. **SITE DESIGN NARRATIVE.** A MPD Application shall include a written explanation of how the project plan addresses the following design questions:

    a. Project Neighborhood Connectivity. How does the proposed Development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

        i. Where will vehicles enter and exit the site?
        ii. Where will new streets be developed?
        iii. How pedestrian and bicycle routes (including commuter pathways, trails, and sidewalks) be provided through the project area?

    b. Availability of Neighborhood Facilities and Services. Is the location of the proposed Development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?

    c. Housing Needs. How does the proposed Development advance the community need for a mix of housing types and affordability?

    d. Character. What are the design objectives for the built environment, including Buildings and the public spaces that connect them? How do these design objectives address the local context, climate, and/or community needs?

    e. Site Design. How is the proposed Development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, existing water ways, minimize site grading, etc.?

    f. Complete Street Design. How is the proposed Development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?

    g. Parking Areas. How does the proposed Development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, stormwater runoff and exterior lighting?

    h. Public and Private Outdoor Spaces. What is the proposed Development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed Development address these needs?

    i. External Storage and Service Facilities. How does the proposed project address needs for recycling, garbage collection, above ground utility equipment, mail facilities, service and delivery areas, equipment storage, etc.?

    j. Building Design. How does the Building/Buildings within the Development provide good quality internal and external environments for their users, promoting health and welfare? How does the Building/Buildings relate positively to the private, shared, and public spaces in the area?

F. REQUIRED FINDINGS OF FACT

The County must find enough evidence to support the following conclusions to approve an MPD. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

a. The MPD is designed to fit well into the natural terrain, minimize excessive site grading and protect, preserve, and enhance the level of quality of the surrounding area.
b. The MPD makes suitable provisions for the protection, preservation, and enhancement of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.
c. The MPD takes adjacent land uses into consideration and mitigates potential impacts, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances, through careful planning.
d. The MPD has direct vehicular access from a state highway or County road or suitable private road or driveway access meeting all requirements of the County Engineer and Fire Marshall.
e. The MPD has a secondary point of access/emergency access or other mitigation satisfactory to the Summit County Engineer and Fire Marshall.
f. All roads/streets within MPD follow the natural contours of the site wherever possible to minimize the amount of grading.
g. Existing or proposed utility and public services are adequate to support the proposed MPD at normal service levels and are designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources.
h. The proposed structures within the MPD are located on the most developable and least environmentally sensitive portions of the site. The open areas within the MPD are designed so that existing significant vegetation can be maintained to the greatest degree possible.
i. The MPD includes adequate internal vehicular and pedestrian/equestrian/bicycle circulation.
j. The Building/Buildings within the Development provide good quality internal and external environments for their users, promoting health and welfare.
k. The proposed project integrates existing and incorporates new natural features into a multifunctional network that supports quality of place, biodiversity, and water management.
l. The proposed project contributes to Summit County's sustainability goals.
m. The MPD, as conditioned, complies with all the requirements of Chapter 4 of the Snyderville Basin Development Code.
n. The MPD, as conditioned, is consistent with the General Plan.
o. The MPD has been noticed and public hearing held in accordance with this Code.

STAFF REPORT

To:	Summit County Council
From:	Ray Milliner, County Planner
Date of Meeting:	June 9, 2021
Type of Item:	Discussion/Possible Action
Subject:	Development Code Amendment

Attached please find a draft amendment to the March 10, 2021, Temporary Zoning Ordinance prohibiting the construction of Accessory Buildings in the Snyderville Basin Planning District. The current TZO prohibits construction of all accessory buildings in the Snyderville Basin Planning Area. The proposed amendment would allow for the construction of accessory buildings that are less than 5,000 square feet in size. There would be no limitation on the number of Accessory Buildings on any lot or parcel of land. The Summit County Council is currently reviewing Development Code amendments relating to Accessory Buildings.

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

A TEMPORARY ZONING ORDINANCE AMENDING SUMMIT COUNTY CODE §10-2-10 and §10-3- 2 TO PROHIBIT THE ACCEPTANCE, PROCESSING, AND APPROVAL OF NEW DEVELOPMENT PERMIT APPLICATIONS FOR ACCESSORY BUILDINGS GREATER THAN 5,000 SQUARE FEET IN SIZE WITHIN THE SNYDERVILLE BASIN PLANNING DISTRICT.

PREAMBLE

WHEREAS, one of the purposes of the land use regulations pertaining to the Snyderville Basin Planning District "is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists" (Summit County Code §10-1-1 D); and,

WHEREAS, one of the goals of the Snyderville Basin General Plan is to identify natural resources and ensure that all development undertaken is compatible and in harmony with the surrounding mountain environment while maintaining ecological balance and protecting the scenic and historic qualities of the basin (Snyderville Basin General Plan, Chapter 5); and,

WHEREAS, there may be several accessory buildings ("Accessory Buildings") legally constructed under the current land use regulations that are not in harmony with the purposes and goals of the Snyderville Basin General Plan; and,

WHEREAS, the current regulations pertaining to the Snyderville Basin Planning District may not be consistent with the community vision for development of Accessory Buildings; and,

WHEREAS, Utah Code §17-27a-504 provides that a county may enact a temporary land use regulation without prior consideration or recommendation from the planning commission, including a public hearing, where the county's legislative body makes a finding of compelling, countervailing public interest; and,

WHEREAS, such a temporary land use regulation would be in effect for no longer than six months from the Effective Date (defined below), thus allowing adequate time for Summit County (the "County") to enact the Proposed Accessory Building Regulations through the normal statutory processes; and,

WHEREAS, the Summit County Council, acting as the County's legislative body, finds it to be a compelling, countervailing public interest to prohibit the acceptance, processing, and approval of new development permit applications for Accessory Buildings within the Snyderville Basin Planning District for a period of six (6) months so as to allow adequate time for the consideration of the Proposed Accessory Building Regulations.

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

Section 1. **Amendment:** The Summit County Code §10-2-10, Snyderville Basin Planning District Use Table, and §10-3-2, General Provisions; Permit Applications, are hereby amended to prohibit the acceptance, processing, and approval of new development permit applications for Accessory Buildings that are greater than 5,000 square feet in size within the Snyderville Basin Planning District.

Section 2. **Definition. Building, Accessory:** A building or structure which is subordinate to, and the use of which is incidental to that of, the principal building, structure or use on the same lot.

Section 3. **Intent.** It is the intent of Summit County in enacting this temporary zoning ordinance to provide an adequate period in which to consider the adoption of the Proposed Accessory Building Regulations in order to ensure the appropriateness of development consistent with the health, safety, and welfare of the residents within the Snyderville Basin Planning District.

Section 4. **Effective Period.** This ordinance shall expire six months from the effective date of this ordinance, expiring at 5:00 p.m. on September 10, 2021.

Section 5. **Effective Date**. This ordinance shall take effect upon publication as allowed by law.

Enacted this 9th day of June 2021.

ATTEST:

_____
Evelyn Furst
Summit County Clerk

APPROVED AS TO FORM

_____
David L. Thomas
Chief Civil Deputy

SUMMIT COUNTY COUNCIL

_____
Glen Wright, Chair

VOTING OF COUNTY COUNCIL:

Councilmember Wright	_____
Councilmember Robinson	_____
Councilmember Stevens	_____
Councilmember Armstrong	_____
Councilmember Clyde	_____

STAFF REPORT

To: Summit County Council
From: Amir Caus, County Planner
Date of Meeting: June 9, 2021
Type of Item: Work Session
Process: Legislative

EXECUTIVE SUMMARY: The applicant is requesting to subdivide through the Master Planned Development (MPD) process Parcel NS-227-230 (337.16 acres) and Parcel NS-230-G (10 acres) into thirty (30) lots with one (1) remainder parcel outside of the platted subdivision (31 units total). Parcel NS-227-230 (337.16 acres) would be used for the development of the 30 lots with the associated open space. Parcel NS-230-G (10 acres) would become the remainder parcel outside of the platted subdivision.

Summit County Council is the final land use authority for Master Planned Development (MPD) processes. Summit County Council is also the Governing Board for the Eastern Summit County Water Conservancy Special Service District and is the authority for proposed wastewater systems that serve proposed subdivisions of eleven (11) or more lots.

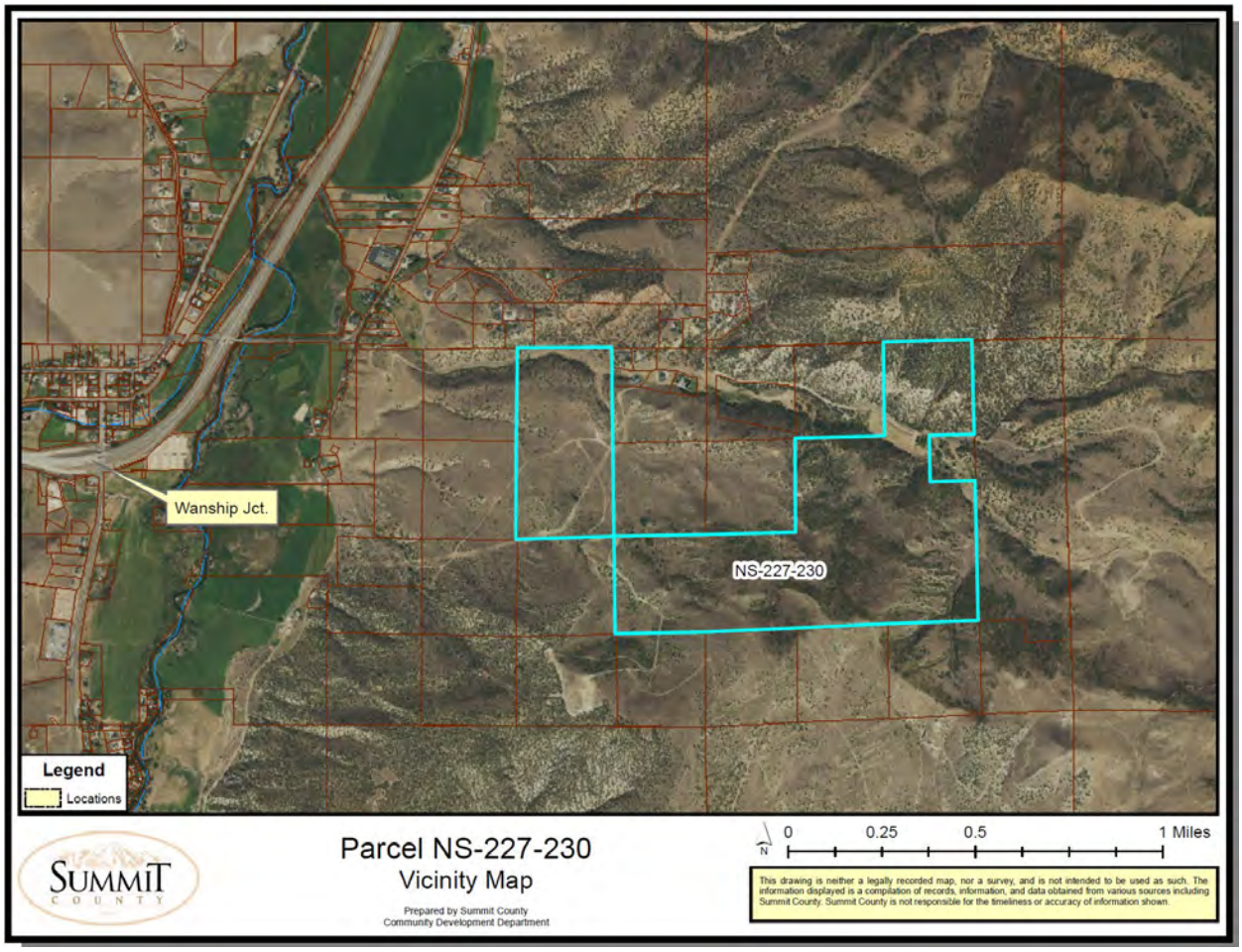
Staff is seeking Summit County Council discussion and direction on the proposed Master Planned Development (MPD) and the proposed Large Underground Wastewater System (LUWS) which would serve the proposed development.

Since Summit County Council is serving in two separate capacities for this project, Staff is seeking direction on whether the County Council would prefer to see the items as separate items on different dates, separate items on the same agenda, or both items as part of the same review.

Project Description

Project Name:	Trail Ridge Subdivision, Master Planned Development (MPD)
Applicant(s):	Brett Hollberg
Property Owner(s):	Trail Ridge Partners LLC and LRH Inc.
Location:	Cherry Canyon, Summit County, UT
Zone District:	AG-10 and AG-20
Parcel Number and Size:	Parcel NS-227-230 (337.16 acres) and Parcel NS-230-G (10 acres)
Type of Process:	Legislative
Final Land Use Authority:	Summit County Council

Vicinity Map



Background

Parcel NS-227-230 (Formerly Parcels: NS-227-D, NS-227-L-1, NS-227-L-2, NS-230, NS-230-I, NS-230-G, NS-230-H, and NS-230-H-1) has historically been used for cattle grazing and private recreation purposes. The parcel is 337.16 acres in size with 182.79 acres located in the AG-10 Zone and 154.38 acres located in the AG-20 Zone.

Parcel NS-227-230 (337.16 acres) and Parcel NS-230-G (10 acres) comprise one (1) Conforming Parcel.

Per Section 2-20-7(B.1.b) of the Eastern Summit County Water Conservancy Special Service District; *For proposed wastewater systems that serve proposed subdivisions of eleven (11) or more lots, ESAC shall review the application and make a recommendation on the proposed wastewater system to the governing board of the district. The governing board shall review the proposed wastewater system, ESAC's recommendation and make a final decision on the application's wastewater system.*

Per Section 2-20-2 (Definitions) of the Eastern Summit County Water Conservancy Special Service District, the Governing Board is the Summit County Council.

On May 28, 2020, the Eastern Summit County Sewer Advisory Committee (ESAC) forwarded a positive recommendation to the Governing Board (Summit County Council) for the proposed Large Underground Wastewater System (LUWS) which would serve the proposed Trail Ridge Subdivision.

Per Section 11-4-12(D.3) of the Eastern Summit County Development Code; *Planning Commission Review and Public Hearing; County Council Action: The County Council is the Land Use Authority for master planned developments. Prior to final action by the County Council, the Planning Commission is required to hold a minimum of one (1) public hearing prior to forwarding a recommendation to the County Council. The County Council shall take final action on the application for a master planned development. County Council action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval.*

On February 4, 2021, the Eastern Summit County Planning Commission held a public hearing regarding the proposal. During the February 4, 2021, the Eastern Summit County Planning Commission directed the applicant to address the outstanding items identified in the February 4, 2021 Staff Report and directed Staff to return with a set of Findings of Fact, Conclusions of Law, and Conditions of Approval to support a positive recommendation to the Summit County Council.

The outstanding items discussed at the February 4, 2021 included;

- No development on slopes over 30%.
- Trailers and how they will be managed.
- Adding of well protection zones and water access easements.
- Open Space and trail access.
- Lot boundaries ending at the road right-of-way.
- Hillside development of Lots 19, 20, and 21.
- Need for a public water company for the entire Cherry Canyon area.

After the applicant addressed the outstanding items, on March 18, 2021, the Eastern Summit County Planning Commission found that the proposal as conditioned met the Master Planned Development (MPD) requirements and forwarded a positive recommendation to the Summit County Council.

On April 7, 2021, Summit County Council held an introductory work session for the Trail Ridge MPD Subdivision. During the meeting the Council expressed the following concerns/items;

- The Council requested a site visit.
- The applicant was asked to resolve/finalize a sewer design which is acceptable to the Health Department.
- The applicant was asked to explain how the off-site sewer system will work.
- The applicant was asked to demonstrate that there enough water for drinking and firefighting purposes

- The Council inquired whether there is a need for a nearby commercial aspect or an expansion of the existing Commercial Zone in Wanship. (**NOTE:** Staff will bring this item back to the Eastern Summit County Planning Commission for discussion)
- The Council expressed concern over garbage removal not being available within the subdivision. (**ITEM UPDATE:** The Public Works Department has stated that there is adequate turnaround space and that curbside service can be provided for the Trail Ridge Subdivision.)
- The Council expressed concern regarding nightly rentals and the potential need for deed restrictions to prohibit nightly rentals. (**NOTE:** The applicant stated at the April 7, 2021 meeting that they plan to restrict nightly rentals through their CC&Rs.)

On April 26, 2021, Summit County Council held a site visit to the Trail Ridge MPD Subdivision. The primary purpose of the site visit was to evaluate the proposed wastewater management. The site visit was attended by Richard Jex, the designer of the proposed wastewater management system. Mr. Jex described how the wastewater system operates and answered wastewater related Council questions. The Council suggested that the applicant return with a suggestion on how the off-site wastewater system will be managed.

During the visit, the Council expressed concern with the water and with the proposed road system and whether they were sufficient with respect to the number of lots, future development, and remote location of the subdivision.

The Council did not wish to discuss the items in detail during the site visit and suggested another work session.

The applicant has submitted additional letters and detail on solid waste, wastewater system management, water, and roads (Exhibit F).

Analysis and Findings

The Master Planned Development process is required for any application to subdivide at base density resulting in four (4) or more lots or parcels. All applications for a Master Planned Development shall meet the following minimum requirements.

1. Density: The maximum density permitted on the project site will be determined because of a site analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section. In cases where a project site contains more than one (1) zone, the County Council may permit the clustering of density irrespective of zone boundaries so long as the relocation results in the project advancing the goals set forth in the General Plan.

> **Analysis:** Parcel NS-227-230 consists of 337.16 acres and breaks down into ~182 acres in the AG-10 Zone and ~154 acres in the AG-20 Zone. Using these numbers to calculate an equivalent zone base density would allow for 25 units at base density. The applicant proposes to set aside ~248 acres (~78%) as permanently deed restricted agricultural open

space which based on the bonus density calculation provides the additional six (6) units requested by the applicant. **COMPLIES**

2. Density Bonus: A density bonus may be permitted in accordance with appendix B of this title.

Analysis: The applicant is seeking a Density Bonus and the bonus density calculation provides for the 31 units requested by the applicant. No more than 50% of the required deed restricted open space consists of undevelopable lands as per Appendix B. **COMPLIES**

3. Setbacks: The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses. The County Council may reduce or increase setbacks within the project from those otherwise required provided the project meets minimum Building Code and Fire Code requirements and can demonstrate that such change:

a. Maximizes agricultural land or open space; and/or
b. Avoids important natural features of the site.

Analysis: The applicant is not requesting to deviate from the development code setback requirements. There are adequate development areas outside of any natural features. Staff has not identified any features that would require an increase in setbacks.

The applicant originally proposed to extend front property lines to the centerline of the road. During the February 4, 2021 Eastern Summit County Planning Commission meeting, the Planning Commission directed the applicant to identify the front property line up to the road right-of-way. The practice of identifying the front property line to the road right-of way allows for clearer development parameters, including road improvements and maintenance. The applicant has revised the subdivision layout to include a defined right-of-way to address the Planning Commission's concerns. While the revised design has resulted in only minor adjustments to the subdivision layout, Staff has included a condition of approval to require that the Recorder's Office and Engineering Department confirm compliance of the revised subdivision layout prior to scheduling the decision before the Summit County Council. **COMPLIES AS CONDITIONED**

4. Building Height: The maximum building height for all structures within a Master Planned Development shall not exceed the zone standard. The County Council may grant additional building height beyond the maximum zone standard up to forty-five feet (45') based on demonstrated good cause related, but not limited to, structured parking, affordable housing, deed restricted open space, community outdoor common area improvements or superior architectural design.

Analysis: The applicant is not requesting to deviate from the 32-foot height limit in the development code. **COMPLIES**

5. Reduction of Minimum Lot Size Requirements: The County Council may reduce the minimum lot size specified in a zone if it finds the proposed decrease in minimum lot size improves the site design, clustering of buildings, and/or preservation of agricultural land or open space.

Analysis: The lot sizes range from 1.04 acres to 4.98 acres with an average lot size of 1.94 acres. The minimum lot size in the AG-10 and AG-20 Zones is 1 acre. The applicant is clustering the 30 subdivision lots on the western part of Parcel NS-227-230 and is proposing to set aside ~248 acres (~78%) as permanently deed restricted agricultural open space. Based on the proposed design, the lots are clustered and there is meaningful preservation of agricultural land. **COMPLIES AS CONDITIONED**

6. Open Space: Master planned developments shall provide for open space of at least ten percent (10%) of the site area.

Analysis: The applicant is proposing ~248 acres (~78%) as permanently deed restricted agricultural open space. The applicant has stated that they plan to maintain private ownership of the open space. An open space deed restriction will be required to be recorded at the time of recordation of the plat.

The development area and the open space area are not physically contiguous. While there is a dirt road that leads to the open space, access to the open space is not contiguous. The applicant has identified in Exhibit D the private Trail Access Agreement and Map which the County Attorney's Office has found acceptable. The applicant has also stated that they will reference the entry number for the Trail Access Agreement on the plat. **COMPLIES AS CONDITIONED**

7. Off-Street Parking: Master Planned Developments shall meet the following off-street parking standards:

Single family dwelling units have a minimum requirement of 2 spaces per unit.

Analysis: The applicant has added the following parking requirement language as part of Plat Note 7; *Each primary residence located in the subdivision shall have a minimum two car garage and outdoor parking space for a minimum of three vehicles. No more than one recreational vehicle or boat may be parked outside of a garage at any residence. The vehicle or boat must be in working order and in good exterior condition.* The applicant will also add a plat note which states; *Unscreened outdoor storage shall be prohibited.*

All 30 lots are proposed to be single family lots. The applicant is planning to sell individual lots and parking requirements are going to be enforced during the building permit review. The Remainder Parcel (10 acres) is already developed with a single-family home and meets the parking requirements.

Due to the large lot sizes, Staff does not anticipate any parking issues. **COMPLIES AS CONDITIONED**

8. Designing with The Topography: Master Planned Developments shall be designed to fit into the topography of the site. The County Council may consider flexibility in the siting of development so as to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.

> **Analysis:** The proposed lots and road system have been designed to follow natural contours. Slopes over 30% have been identified on the property. The Eastern Summit County Development Code prohibits development on slopes over 30%. There is sufficient areas off of 30% slopes and away from any natural features to develop roads and residences. The Planning Commission discussed the requirement of building pads and have decided not to require them. The applicant has added a plat note that states; *No buildings permitted on slopes greater than 30%*. **COMPLIES AS CONDITIONED**

9. Designing with Adjacent Uses: The Master Planned Development plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.

> **Analysis:** The adjacent uses are primarily agricultural and undeveloped parcels with a few clusters of small subdivisions. Staff has not identified any adversely impacts or negative affect relating, but not Iimited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances. **COMPLIES AS CONDITIONED**

10. Access: All Master Planned Developments shall have vehicular access from a public road. All projects shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the County Engineer and/or Fire Marshal. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading.

> **Analysis:** The proposed subdivision has access from Old Lincoln Highway via Cherry Canyon Drive (private road). Secondary emergency access is provided via Elk Hollow Drive. The proposed lots and road system have been designed to follow natural contours. The applicant's engineer has worked closely with the Engineering Department on the infrastructure design. The North Summit Fire District has forwarded a positive recommendation for the proposal. **COMPLIES AS CONDITIONED**

11. Utilities: Existing or proposed utilities, including private and public services for master planned developments will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in chapter 6 of this title.

Code Requirement	Analysis	Finding
Fire Protection Standards	The proposed development is in the Wildland Urban Interface zone. The applicant has added the following language as part of Plat Note 7; *…For fire prevention purposes, Lot owners must maintain a minimum of 50 feet of defensible space around all structures on their Lot…* The North Summit Fire District has forwarded a positive recommendation for the proposal. The North Summit Fire District will require a 100,000-gallon water tank with fire hydrants required to be within 250 feet from the residences. The applicant has stated that the fire hydrants will be located within 500 feet of each homesite which is contradictory to the North Summit Fire District requirement of 250 feet. The applicant has clarified that the 500 feet is a typo. The water storage tank is located on Parcel C of the subdivision. The applicant has identified it and the place holder for the access easement entry number. All Fire District requirements will need to be followed as part of the Building Permit review.	**COMPLIES AS CONDITIONED**
Wildfire Hazard Guidelines	The property will be serviced by the North Summit Fire Station in Wanship which is approximately 2.5 miles from the property. If required, the fuel break limits shall be determined by the North Summit Fire District.	**COMPLIES AS CONDITIONED**
Road Standards **Road Grades** **Intersections** **Turnaround/Cul-De-Sacs**	The County Engineer has confirmed that the proposed road system as designed meets the County minimum standard.	**COMPLIES AS CONDITIONED**
Bridges and Culverts	The applicant's engineer has worked closely with the Engineering Department on the infrastructure design. The County Engineer has confirmed that the proposed road system as designed meets the County minimum standard.	**COMPLIES AS CONDITIONED**
Driveway Access	Driveway compliance will be confirmed during Building Permit review.	**COMPLIES AS CONDITIONED**
Irrigation Ditch Easements	There are no ditches on the development property.	**COMPLIES**

Water Storage for Firefighting Purposes	The North Summit Fire District stated that they will require a minimum of 100,000 gallons of water storage. The North Summit Fire District also stated that the fire hydrants will need to be within 250 feet of the residences. All Fire District requirements will need to be followed as part of the Building Permit review.	**COMPLIES AS CONDITIONED**
Revised Standards Applicable	The proposed development is subject to revised general engineering standards and ordinances which are in effect at the time the application is submitted for review and approval by the County.	**COMPLIES AS CONDITIONED**
Appeals	Appeals of requirements imposed by the North Summit Fire District and the Wildland Fire District (Summit County Fire Warden) are made to the Summit County Council pursuant to the appeals procedure identified in section 11-7-16 of this title. Appeals of requirements imposed by the South Summit Fire District are made to the South Summit Fire Commission.	**N/A**

12. Building Locations: All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes and ridgelines. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable.

Analysis: There are adequate development areas outside of sensitive lands. Slopes over 30% have been identified on the property. The Eastern Summit County Development Code prohibits development on slopes over 30%. There are adequate development areas outside of any natural features. The Planning Commission discussed the requirement of building pads and have decided not to require them. The applicant has added a plat note that states; *No buildings permitted on slopes greater than 30%*.

The applicant has added the following language as part of Plat Note 7; *In order to help minimize energy use, each primary residence located in the subdivision shall be designed to include passive solar features that take advantage of the building's site, climate, and materials.* The applicant has provided draft CC&Rs which specifically regarding solar state the following; ***Energy Systems****. The Board may adopt Rules and regulations for the installation of solar panels or other energy conservation equipment in the Design Guidelines. Any such Rules must require that the installation be an integral and harmonious part of the. architectural design of the Lot and Residence. Solar panels or other equipment shall not be installed so as to be visible from the streets in the Project without prior approval from the Board as a variance…*While Staff believes that the proposed CC&R language is reasonable, the Planning Commission has the option to include a plat note to prohibit restriction of solar equipment beyond the Summit County regulations. **COMPLIES AS CONDITIONED**

13. Connectivity: Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application as deemed necessary by the County Council. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.

Analysis: Cherry Canyon area currently does not have pedestrian/bicycle type facilities/amenities. All lots will be accessed via a private road that is accessed from Old Lincoln Highway via Cherry Canyon Drive (private road). The property is in an area with little opportunity for multi-transportation mode. The applicant has stated that a 3-foot-wide private single-track road base trail will be improved along the main subdivision roads. The applicant has stated that the trail will be improved at the same time as the road.

The applicant has also stated that the owners will have access to the existing private Cherry Canyon Ranch trail network. The development area and the open space area are not physically contiguous. The applicant has identified in Exhibit H the private Trail Access Agreement and Map which the County Attorney's Office has found acceptable. The applicant has also stated that they will reference the entry number for the Trail Access Agreement on the plat. **COMPLIES AS CONDITIONED**

14. Snow Storage: Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off-site location.

Analysis: At an average size of 1.94 acres for the lots, there is adequate snow storage area. **COMPLIES**

15. Outdoor Lighting: All outdoor lighting shall be down directed and fully shielded. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.

Analysis: The applicant is not proposing to develop the parcels and plans to sell them to individual lot owners. County lighting requirements are going to be enforced during the building permit review. All development will be required to comply with the Eastern Summit County Lighting Regulations. **COMPLIES AS CONDITIONED**

16. Compliance with Development Evaluation Standards: Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in Chapter 2 of the Eastern Summit County Development Code.

Code Requirement	Analysis	Finding
Agriculture		
Non-agricultural development shall not be approved without appropriate plat notes.	The following has been placed on the plat; *The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledges and accepts that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.*	**COMPLIES AS CONDITIONED**
Fencing	All State of Utah fencing laws will need to be complied with should new fencing be proposed. The applicant has added the following plat note; All livestock fences shall be installed so as to be wildlife friendly.	**COMPLIES AS CONDITIONED**
Preservation of Agricultural Land	The applicant proposes to set aside ~248 acres (~78%) as permanently deed restricted agricultural open space and as such is providing meaningful preservation of agricultural land.	**COMPLIES AS CONDITIONED**
Irrigation Patterns and Systems	There are no ditches on the development property. The property is currently dry pasture, however the applicant has stated that a pressurized water line is anticipated in the future. According to the applicant; *Secondary water for outdoor uses will be provided by Cherry Canyon Irrigation Company, a non-profit irrigation company. This water will be provided through the North Summit Pressurized Irrigation waterline using water right number 35-12963 for 60 AF. Each lot will be limited to a*	**COMPLIES AS CONDITIONED**

	maximum 0.18 acres of irrigated landscape, which is the equivalent of 0.55 AF per lot, for a total of 16.5 AF (0.55 x 30). Each lot will be metered, and a tiered rate plan will be used to encourage conservation. Water meters will provide detailed information on water usage for each lot. The CC&R's will require that native vegetation be maintained on the remainder of the lot.	
Water and Sewage		
The applicant shall submit documentation indicating what type of water system shall be utilized within the subdivision.	The Division of Drinking Water has accepted that all residential lots be on a public water system.	**COMPLIES AS CONDITIONED**
No development shall be approved in the vicinity of existing well and spring protection zones which are used for domestic purposes without a contained sewage system.	The applicant is proposing an Effluent Sewer System for wastewater treatment. While the Summit County Health Department has accepted the proposed Effluent Sewer System, the Eastern Summit County Sewer Advisory Committee has forwarded a recommendation to the Summit County Council who is the final authority for approving wastewater treatment for subdivisions with more than 10 lots. The County Attorney's Office has stated that it is appropriate to finalize the subdivision design and layout prior to final wastewater treatment approval taking place. Should the Planning Commission forward a positive recommendation, Staff will include a condition of approval to require wastewater treatment approval prior to recordation of the plat.	**COMPLIES AS CONDITIONED**
No development shall be approved without suitable sewage treatment capacity point of discharge and dependability for the specific use.	The applicant is proposing an Effluent Sewer System for wastewater treatment. Summit County Health Department and Utah Division of Water Quality in their service provider capacity have forwarded support for the proposed sewer system. County Council approval of wastewater treatment is required prior to final recordation of the proposed plat. Any applicable well protection zones will need to be identified on the plat.	**COMPLIES AS CONDITIONED**

	Summit County Council is the final authority on both the proposed sewer system and the subdivision (as a separate entity for each). Since this is the first MPD subdivision which requires approval from the Summit County Council with respect to sewer and the subdivision, prior to a public hearing and final decision, Staff will request a work session with the Council to discuss whether the Council will prefer to review the sewer system first or the subdivision first or a combination of the two.	
Natural Resources		
Development shall not contribute to the acceleration of the erosion of soil and rock and stream sedimentation.	Permitting for grading and construction will be required prior to development.	**COMPLIES AS CONDITIONED**
Development shall minimize the highly visible placement of homes on hillsides. It should be sensitively sited.	The proposed subdivision is located on a prominent hillside, however homes on this property will not extend into the skyline. Based on the Planning Commission discussion, building pads to identify development areas are not being proposed. Based on the Eastern Summit County Planning Commission direction, the applicant has included the following plat note; *Lots 19, 20 & 21: All exterior materials (including fencing) must be in darker earth tone colors that blend in with natural surroundings. Highly reflective colors as found in the white, yellow, light red, light greay[sic] and light tan tones are not permitted. The maximum building height is 26 feet above finished grade.*	**COMPLIES AS CONDITIONED**
Development is discouraged in a 100-year floodplain.	The property is not located within the FEMA 100-year floodplain.	**COMPLIES**
No development is permitted in wetlands.	The United States Army Corps of Engineers has confirmed that there are no designated wetlands present on this property.	**COMPLIES**
No development is permitted on slopes more than 30%.	Slopes over 30% have been identified on the property. The applicant has added a plat note that states; *No buildings permitted on slopes greater than 30%*.	**COMPLIES**

Development shall not be placed on any hillside or ridgetop that causes a structure to extend into the skyline as viewed from public roadways.	Due to the low elevation compared to the adjacent ridgetops, Staff is not anticipating structures to extend into the skyline.	**COMPLIES AS CONDITIONED**
Development shall not contribute significantly to the degradation of air quality.	Staff does not anticipate significant unregulated contribution to the degradation of air quality. Compliance will be verified during the Building Permit process.	**COMPLIES AS CONDITIONED**
Infrastructure/Facilities/Services		
No development shall cause the traffic volume on any public road to fall below the design capacity of the roadway.	Based on the Summit County Engineering Department review, the addition of 30 lots will not cause the traffic volume on Old Lincoln Highway to fall below the design capacity. Additionally, the Engineering Department has requested that the applicant widen Cherry Canyon Drive to 20 feet.	**COMPLIES AS CONDITIONED**
Development that presents an unusual fire hazard which is beyond the capability of the fire district will not be approved.	The North Summit Fire District reviewed the subdivision and they have agreed with the applicant on a minimum firefighting requirement. All North Summit Fire District requirements will need to be met.	**COMPLIES AS CONDITIONED**
Development in remote locations that could affect emergency services will not be approved.	The proposed subdivision has year-round access.	**COMPLIES AS CONDITIONED**
Residential development with private roads will not be approved if there is a locked gate at the entrance, unless emergency services have access to the property.	The applicant has stated that they are proposing a vehicle access gate. The applicant has stated that there will be an electric automatic gate with battery backup at the entrance to Trail Ridge Drive. The applicant also stated that they will provide access to all emergency service providers.	**COMPLIES AS CONDITIONED**

17. Site Design Narrative: An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:

Analysis: The applicant has submitted a Site Design Narrative which can be found in Exhibit A of the Staff Report.

Recommendation

Staff is seeking Summit County Council discussion, feedback, and direction on the proposed Trail Ridge Subdivision, Master Planned Development (MPD) and its Large Underground Wastewater System.

While this meeting is not a decision meeting, Staff has included below the Eastern Summit County Planning Commission's Findings of Fact, Conclusions of Law, and Conditions of Approval for their recommendation to the Summit County Council.

Findings of Fact:

1. Trail Ridge Partners LLC is the owner of record of Parcel NS-227-230 (337.16 acres), located in Cherry Canyon, Summit County, UT.
2. LRH Inc. is the owner of record of Parcel NS-230-G (10 acres), located in Cherry Canyon, Summit County, UT.
3. Parcel NS-227-230 and Parcel NS-230-G comprise one (1) Conforming Parcel.
4. Parcel NS-227-230 is currently undeveloped while Parcel NS-230-G is developed with a single-family residence.
5. The applicant is requesting to subdivide through the MPD process Parcel NS-227-230 and Parcel NS-230-G into thirty (30) lots with one (1) remainder parcel outside of the platted subdivision (31 units total).
6. Parcel NS-227-230 would be used for the development of the 30 lots with the associated open space.
7. Parcel NS-230-G would become the Remainder Parcel outside of the platted subdivision.
8. Parcel NS-227-230 consists of 337.16 acres and breaks down into ~182 acres in the AG-10 Zone and ~154 acres in the AG-20 Zone.
9. An equivalent zone base density allows for 25 units at base density.
10. The applicant is seeking a Density Bonus and the bonus density calculation provides for the 31 units requested by the applicant.
11. The applicant proposes to set aside ~248 acres (~78%) as permanently deed restricted agricultural open space which based on the bonus density calculation provides the additional six (6) units requested by the applicant.
12. No more than 50% of the required deed restricted open space consists of undevelopable lands as per MPD Appendix B.
13. The applicant has stated that the open space within the subdivision will be managed as private open space.
14. Per Section 11-4-12(B.2) of the Development Code, the Master Planned Development process is required for any application to subdivide at base density resulting in four (4) or more lots or parcels.
15. On February 4, 2021, the Eastern Summit County Planning Commission held a public hearing regarding the proposal.
16. During the February 4, 2021, the Eastern Summit County Planning Commission directed the applicant to address the outstanding items identified in the February 4, 2021 Staff Report and directed Staff to return with a set of Findings of Fact, Conclusions of Law,

and Conditions of Approval to support a positive recommendation to the Summit County Council.

17. The outstanding items discussed at the February 4, 2021 included;
    - No development on slopes over 30%.
    - Trailers and how they will be managed.
    - Adding of well protection zones and water access easements.
    - Open Space and trail access.
    - Lot boundaries ending at the road right-of-way.
    - Hillside development of Lots 19, 20, and 21.
    - Need for a public water company for the entire Cherry Canyon area.
18. After the applicant addressed the outstanding items, on March 18, 2021, the Eastern Summit County Planning Commission found that the proposal as conditioned met the Master Planned Development (MPD) requirements and forwarded a positive recommendation to the Summit County Council.
19. The applicant is not requesting to deviate from the development code setback requirements.
20. The applicant is not seeking a reduction in lot size requirements.
21. The applicant is proposing ~248 acres (~78%) as permanently deed restricted private agricultural open space.
22. The property has historically been used for cattle grazing and private recreation purposes and the applicant has stated that they will maintain private ownership of the open space but will provide private trail access for the residents as outlined in the Exhibit D private Trail Access Agreement and Map.
23. Slopes over 30% have been identified on the property.
24. The Eastern Summit County Development Code prohibits development on slopes over 30%.
25. Slope analysis information provided by the applicant identify developable building areas outside of slopes 30% or greater.
26. During the February 4, 2021, the Planning Commission discussed the requirement of building pads and have decided not to require them.
27. The applicant has added a plat note that states; *No buildings permitted on slopes greater than 30%*.
28. The adjacent uses are primarily agricultural and undeveloped parcels with a few clusters of small subdivisions.
29. The proposed subdivision has access from Old Lincoln Highway via Cherry Canyon Drive (private road).
30. Secondary emergency access is provided via Elk Hollow Drive.
31. The proposed lots and road system have been designed to follow natural contours.
32. The applicant's engineer has worked closely with the Engineering Department on the infrastructure design.
33. The proposed subdivision has year-round access.
34. The applicant has stated that a 3-foot-wide private single-track road base trail will be improved along the main subdivision roads.
35. The applicant has stated that the private trail will be improved at the same time as the road.

36. The applicant has also stated that the owners will have access to the existing private Cherry Canyon Ranch trail network.
37. The property will be serviced by the North Summit Fire Station in Wanship which is approximately 2.5 miles from the property.
38. The applicant has stated that there will be an electric automatic gate with battery backup at the entrance to Trail Ridge Drive.
39. The applicant also stated that they will provide access to all emergency service providers.
40. The North Summit Fire District has forwarded a positive recommendation for the proposal.
41. All lots are facing west and will have the opportunity for active and passive solar design.
42. At an average size of 1.94 acres for the lots, there is adequate snow storage area.
43. The applicant is not proposing to develop the parcels and plans to sell them to individual lot owners.
44. The State of Utah Division of Drinking Water has accepted that all residential lots be on a public water system.
45. The applicant is proposing an Effluent Sewer System for wastewater treatment.
46. Summit County Health Department and Utah Division of Water Quality in their service provider capacity have forwarded support for the proposed sewer system.
47. The Eastern Summit County Sewer Advisory Committee has forwarded a recommendation to the Summit County Council who is the final authority for approving wastewater treatment for subdivisions with more than 10 lots.

Conclusions of Law:

1. The proposed project, as conditioned, meets the requisites set forth in Section 11-4-12(E) of the Eastern Summit County Development Code.

Conditions of Approval:

1. The Recorder's Office and Engineering Department shall confirm compliance of the revised subdivision layout prior to scheduling the decision before the Summit County Council.
2. All plat notes as identified in Exhibit B shall remain and be recorded on the plat.
3. A plat note shall be added which states; *Unscreened outdoor storage shall be prohibited.*
4. An open space deed restriction shall be recorded at the time of recordation of the plat in a form and manner acceptable to the Summit County Attorney's Office.
5. Private Open Space and trail access shall be guaranteed as outlined in the Exhibit D Trail Access Agreement and Map.
6. A minimum of a 100,000-gallon water tank with fire hydrants within 250 feet from the residences shall be provided as required by the North Summit Fire District.
7. All Fire District requirements shall be followed as part of the Building Permit review.
8. County Council approval of wastewater treatment is required prior to final recordation of the proposed plat.

9. Any applicable well protection zones will need to be identified on the plat.
10. All other service provider requirements shall be met.

Public Notice, Meetings and Comments

Staff is seeking Summit County Council discussion, feedback, and direction on the proposed Trail Ridge Subdivision, Master Planned Development (MPD) and its Large Underground Wastewater System.

No formal action is requested at this meeting. A public hearing will be scheduled in the future.

Attachments

Exhibit A – Applicant Proposal Narrative
Exhibit B – Proposed Plat
Exhibit C – Large Underground Wastewater System Feasibility Report
Exhibit D – Supplemental Septic Information
Exhibit E - Trail Access Agreement and Map
Exhibit F – Applicant Response Information (to the Feb. 4 and site visit comments)

NOTE: Staff can provide the following information upon request;

- Civil Design
- Water Information
- Fire Protection Plan

EXHIBIT A.1

Master Planned Development Application



The Trail Ridge Subdivision

The proposed Trail Ridge Subdivision is located in Cherry Canyon, on the East Wanship bench, and consists of 30 single family lots. The property is 337 acres in size and is currently used for cattle grazing and private recreational uses. The proposed lots are clustered together with a median lot size of 1.8 acres. We plan to set aside 248 acres, or 74% of the total parcel as deed restricted agricultural open space that will be protected from future development.

MPD Requirement Analysis:

1. Density*: The maximum density permitted on the project site will be determined as a result of a site analysis. The maximum density shall not exceed that set forth in the proposed or existing zone, except as otherwise provided in this section. In cases where a project site contains more than one (1) zone, the County Council may permit the clustering of density irrespective of zone boundaries so long as the relocation results in the project advancing the goals set forth in the General Plan.*

The proposed Trail Ridge Subdivision (“TRS”) is located on Parcel NS-227-230 which is in the AG10 and AG20 zones. All of the proposed lots are clustered together in the AG10 zone, allowing for the protection of a larger area for continued agricultural use, which is consistent with the General Plan. Currently the parcel is used for cattle grazing, which will be continued on the undeveloped area of the parcel.

EXHIBIT A.2

***2. Density Bonus**: A density bonus may be permitted in accordance with appendix B of this title.*

The base density of the subdivision parcel is 25 lots. Five additional lots have been proposed using the density bonus, for a total of 30 lots (See calculation on Exhibit A). The TRS sets aside 248.26 acres as permanently restricted agriculture open space, which equals 74% of the total acreage of the development and is 162% larger than required for the density bonus. A note on the subdivision plat will declare that the Agriculture Open Space Parcel is permanently restricted from further development other than is typical for agricultural uses. All undeveloped parcels will continue to be owned by the developer. We plan to continue using the agriculture space, together with adjacent property owned by our family, for cattle grazing and related agriculture uses. In total, Cherry Canyon Ranch has over 5,500 acres of rangeland and pasture, including an interest in 3,800 acres of an adjacent range company. TRS lot owners will have recreational access to the existing private trail system located on Ranch property. The trail system is addressed in #17.3 below.



***3. Setbacks**: The minimum setback around the exterior boundary of an MPD shall match the setbacks of the more restrictive/larger abutting zone setback. In some cases, that setback may be increased to create an adequate buffer to adjacent uses.*

The TRS complies with the County setback requirements for the AG10 and AG20 Zone (code:11-3-4,5). There are no floodplains or wetlands within the development, and no other natural features are impacted by the location of the lots that would require additional setbacks.

***4. Building Height**: The maximum building height for all structures within a master planned development shall not exceed the zone standard.*

The TRS will comply with the maximum building height requirement of 32 feet (code:11-3-4,5).

***5. Reduction of Minimum Lot Size Requirements**: The County Council may reduce the minimum lot size specified in a zone if it finds the proposed decrease in minimum lot size improves the site design, clustering of buildings, and/or preservation of agricultural land or open space.*

We are not requesting a reduction of the minimum lot size. All lots in the TRS meet the minimum one acre lot size requirement for the AG10 and AG20 zones (code:11-3-4,5). The smallest lot is 1.14 acres, and the largest lot is 5.12 acres. The average lot size is 2.07 acres.

EXHIBIT A.3

***6. Open Space**: Master planned developments shall provide for open space of at least ten percent (10%) of the site area.*

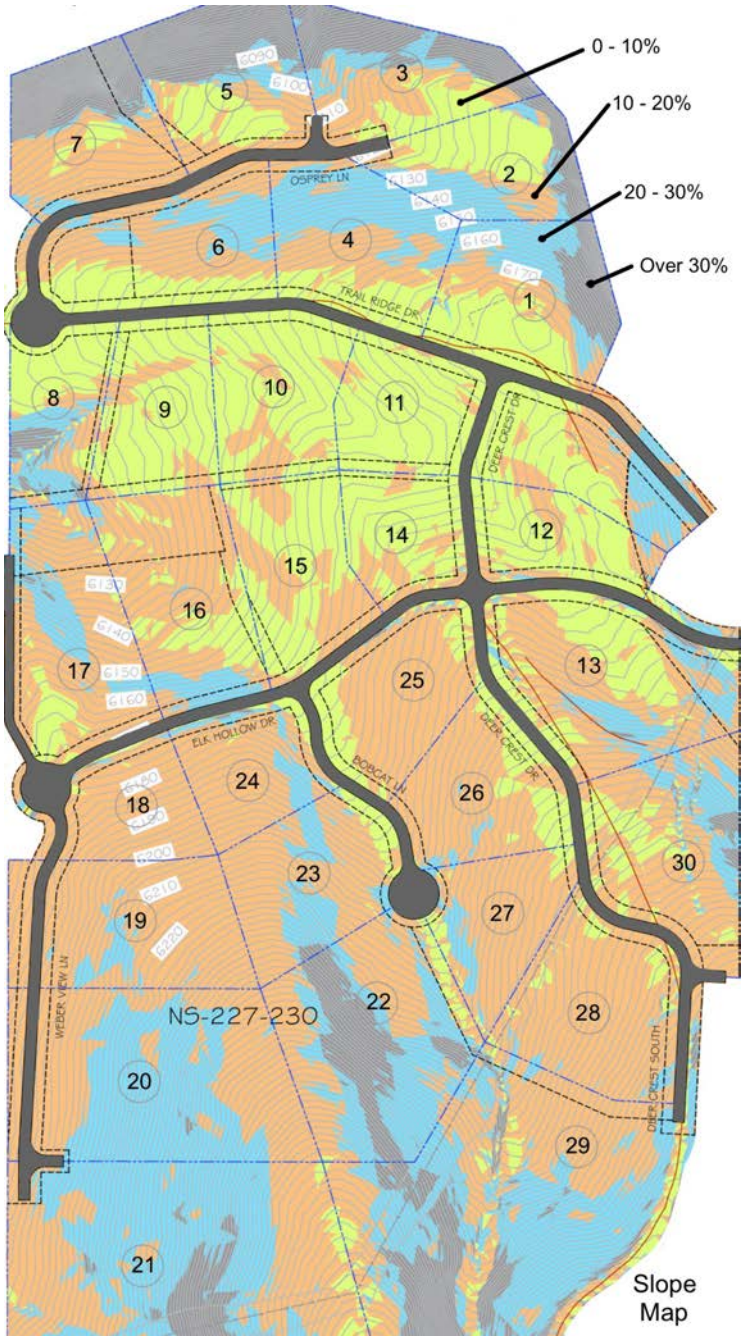
The TRS sets aside 248.26 acres as permanently restricted agriculture open space, which equals 74% of the total acreage of the development and is 162% larger than required for the density bonus. All undeveloped parcels will continue to be owned by the developer, with access provided to lot owners for the use of the private trail system on the Ranch. See the Subdivision Plat submitted with this application and # 2 above for further explanation of Open Space uses.

***7. Off-Street Parking**: Master planned developments shall meet the following off-street parking standards: 2 spaces per single family dwelling unit.*

The CC&R's and Plat Note will require each home to have a minimum two car garage and outdoor parking space for at least three vehicles. With a large average lot size of two acres, there will be more than adequate room for additional parking. There are no parking lots in the proposed development.

***8. Designing with The Topography**: Master planned developments shall be designed to fit into the topography of the site. The County Council may consider flexibility in the siting of development so as to best fit into the natural terrain, minimize excessive site grading and mitigate impacts on the natural environment and resources of the surrounding area. The project design shall demonstrate the preservation of watercourses, drainage areas, wooded areas, rough terrain and similar natural features and areas.*

The road system and lots in the TRS are laid out so as to follow natural grades and contours as much as possible. Most of the subdivision roads will follow existing dirt roads, which will minimize the required amount of new cut and fill. We have been working closely with County Engineering staff to ensure the project is properly designed. All roads will meet County grade requirements. The development avoids all sensitive areas, including ridgelines, wetlands, watercourses, floodplains and steep slopes. Each lot has plenty of area to locate a



Slope Map

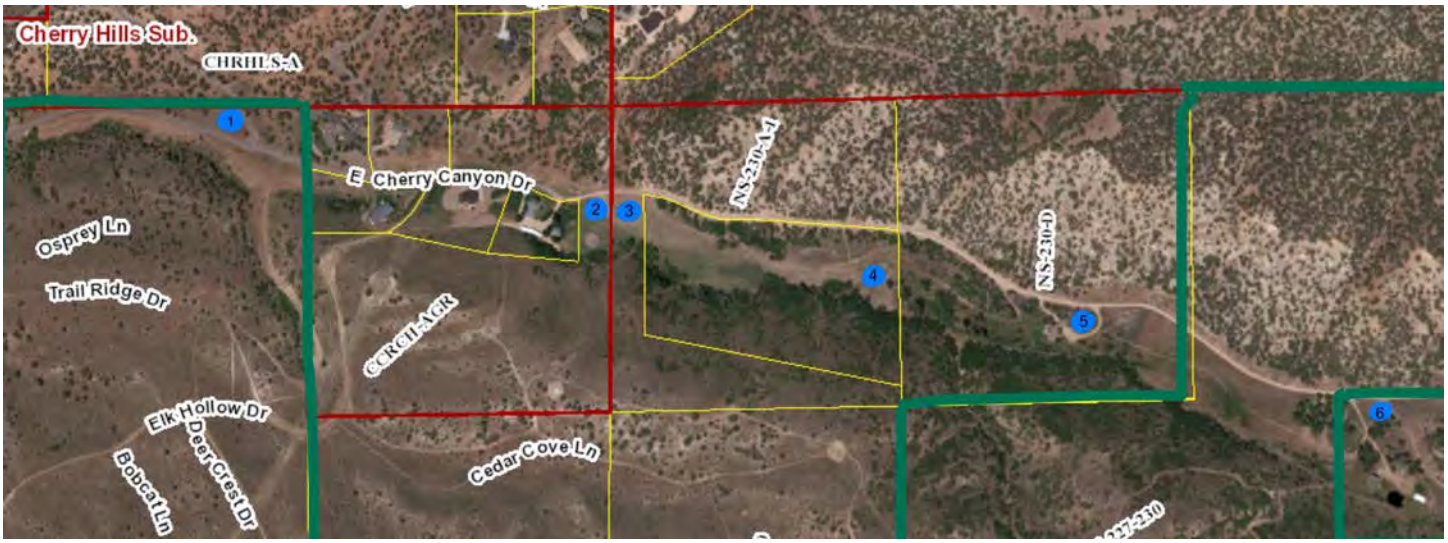
homesite where slopes are under 30% (see slope map). Each lot has been located so that County driveway standards can be met from finished road elevations. See the Site Improvements Plan included with this application.

***9. Designing with Adjacent Uses**: The master planned development plan shall take adjacent land uses into consideration. Development along the project perimeter shall adequately mitigate any potentially adverse effects, including but not limited to flooding, erosion, subsidence, sloping of the soil or other dangers and nuisances.*

The TRS is located adjacent to several small Cherry Canyon subdivisions and agriculture lands used for cattle grazing. The adjacent residential lots are of similar size and quality as the proposed lots. Prior to submitting our plans with the County, we invited the homeowners that belong to the Cherry Canyon HOA to review our plans and share their input and concerns. The HOA is responsible for road maintenance, snow removal and the private water systems serving the existing lots in Cherry Canyon (totaling 17). The homeowners overall impression was positive, although the following two concerns were raised

1. Water: Their primary concern was the impact that the TRS would have on their water supply. The Cherry Canyon HOA maintains three separate private water systems using three wells (#'s 1-3 on map below). These systems provide both culinary and secondary water. There have been several instances over the past few summers where two of the wells (#s 2&3) have not recharged fast enough to meet system demand. This issue was overcome by rotating landscape water days between lots and cutting back on landscape watering during peak usage.

The TRS will get its water for culinary and fire protection from an existing well (#6 on the map below) located 0.64 miles East of the closest HOA well. The TRS well and associated water rights have been approved by the Utah State Engineer. Secondary water for the TRS will come from outside Cherry Canyon via an irrigation company. The HOA water concerns are mitigated as follows: 1) The significant distance (nearly 2/3 of a mile) between the HOA wells and the TRS well reduces any potential impact. 2) The TRS well will only be used for culinary and fire water storage, thus significantly reducing peak demand. 3) The existing irrigation supply for



the two homes using wells 5 and 6 will be switched over to the TRS irrigation system, thus removing approximately 18 AF of peak demand from those two wells and therefore reducing any potential impact on the HOA wells. 4) The HOA owners have the option to switch over their irrigation from the HOA wells to the TRS irrigation system. This would significantly reduce the peak demand on the HOA wells. Note: Well #4 was completed last year for a new home on that parcel. This well is restricted to a maximum usage of 2 AF of water. More information on the TRS water system is provided in #16 below.

2. Cherry Canyon Drive: The HOA members were concerned about the width of Cherry Canyon Drive from Old Lincoln Hwy to the entrance to TRS. The current road pavement in that area is typically 18 feet wide. To mitigate their concerns, we have agreed to widen the pavement in that area to 20 feet. The County Engineer also suggested this improvement.

Prior to submitting this updated application to the County, we provided a draft to the Cherry Canyon HOA trustees and requested their input and concerns. They did not express any concerns with our proposed mitigation of these issues.

Regarding adjacent ag uses, the standard note on the subdivision plat will emphasize that the proposed lots are adjacent to active agricultural operations and that lot owners understand and accept those conditions (see Plat Note on #16 below). We have found with the existing homeowners in Cherry Canyon, that most of the people moving to our area actually come because they like the agricultural setting and understand that there may be some related inconveniences.

In order to mitigate any potential flooding or erosion issues, a storm water collection and mitigation plan has been integrated into the site design, and all grading will be properly revegetated according to County standards. See the Storm Water Management Report included with this application.

***10. Access**: All master planned developments shall have vehicular access from a public road. All projects shall have a secondary point of access/emergency access unless otherwise mitigated to the satisfaction of the County Engineer and/or Fire Marshal. All roads/streets shall follow the natural contours of the site wherever possible to minimize the amount of grading.*

The TRS has vehicular access from Old Lincoln Highway via Cherry Canyon Drive, a private road. A deeded right of way will be recorded for the subdivision. Secondary emergency access is provided via Elk Hollow Drive. The Fire Marshal and the County Engineer have stated that the proposed design is acceptable. The subdivision roads are designed to follow existing contours and will be 20 feet wide with a two-foot shoulder. All roads and turnarounds will meet North Summit Fire District requirements and County grade requirements. Snow removal and maintenance of subdivision roads will be managed by the HOA. See access map below.

EXHIBIT A.6



***11. Utilities**: Existing or proposed utilities, including private and public services for master planned developments will be adequate to support the proposed project at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources. Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite infrastructure standards found in chapter 6 of this title.*

The proposed subdivision will be served by the following utilities: Rocky Mountain Power and Dominion Energy will provide underground electric and gas. All West Communications will provide telecom, plus there are several other broadband providers available. These utilities will provide will-serve letters for the project. Culinary and secondary water providers are discussed in #16 below.

Infrastructure Standards, Chapter 6:

Fire Protection Standards: The TRS is located in the Wildland Urban Interface Zone and has been inspected by Fire Marshall Boyer. A Fire Hazard Severity rating score of 43 was given to the development, which ranks it as below a Moderate Hazard (50-75 score). The Fire Marshall Letter and Rating Form is included with this application.

Wildfire Hazard Guidelines: The TRS will be served by the North Summit Fire station in Wanship, which is 1.2 miles away. The North Summit Fire District has reviewed and approved the fire protection plan for the subdivision which includes 60,000 gallons of reserve capacity in a 115,000 gallon concrete storage tank. Fire hydrants will be located within 500 feet of each homesite. Homes that meet this criteria will not be required to have fire suppression sprinklers installed. The CC&Rs and a Plat Note will require maintenance

of a 50-foot defensible space around each home. See the Fire Protection Plan submitted with this application.

Road Standards: All roads in the TRS will be built to County standards for a private road, and will have a 20' paved surface with two foot shoulders. For more information, see the Site Improvements Plan included with this application.

Road Grades: All subdivision roads will meet County road grade standards for a private road. For more information, see the Site Improvements Plan included with this application.

Intersections: All private road intersections will be designed to meet grade and turn angle standards set by the County.

Turnaround / Cul-de-Sacs: All private roads that dead end will have a Cul-de-Sac or hammerhead that has been approved by the North Summit Fire District.

Bridges and Culverts: There are no bridges located in the proposed subdivision. All culverts have been designed and approved according to County standards. For more information, see the Site Improvements Plan included with this application. Culverts required as part of new home construction will be approved with the home construction plans.

Driveway Access: All driveways in the proposed subdivision will be built to County standards for grade and width. Each lot has been located so that County driveway standards can be met from finished road elevations. For more information, see the Site Improvements Plan included with this application.

Irrigation Ditch Easements: There are no irrigation ditches located in the proposed subdivision.

Water Storage for Firefighting Purposes: The North Summit Fire District has reviewed and approved the fire protection plan for the subdivision which includes 60,000 gallons of reserve capacity in a 115,000 gallon concrete storage tank. The water tank and water distribution system design has been submitted with this application.

Revised Standards Applicable: The proposed development is subject to general engineering standards and ordinances which are in effect at the time the application is submitted for review and approval by the County.

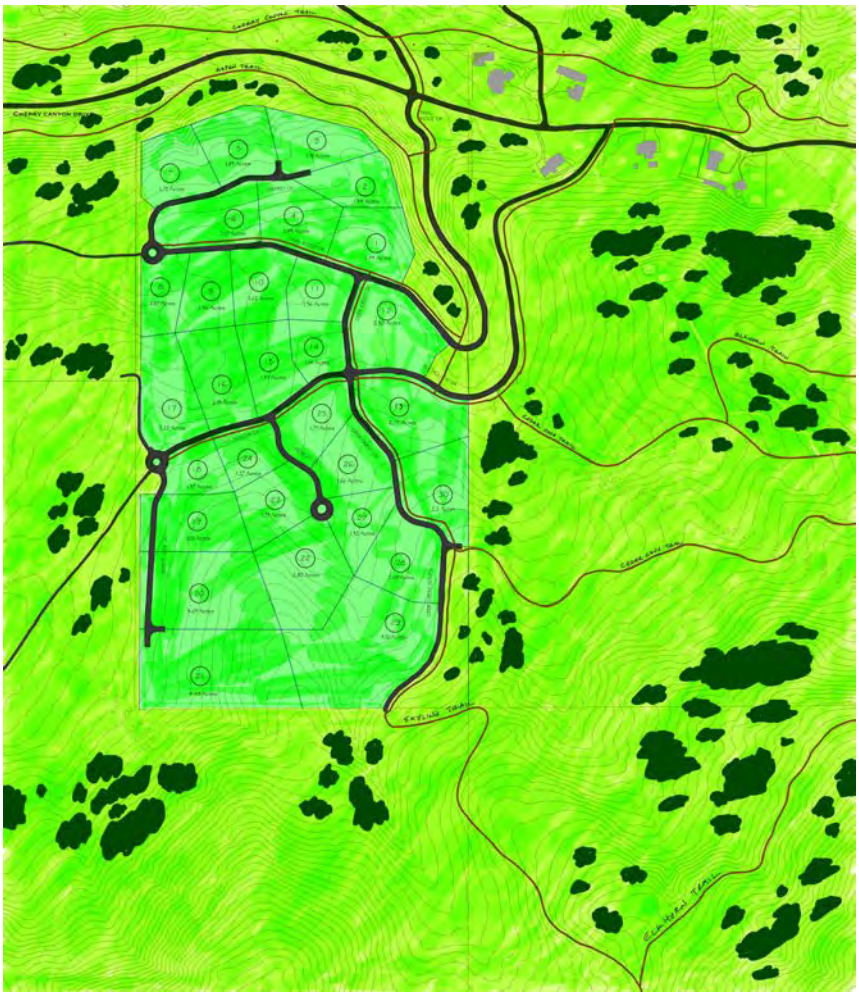
12. Building Locations: *All buildings shall be located to avoid, to the extent practicable, wetlands, riparian areas, steep slopes and ridgelines. Building locations and associated lot configurations should be oriented to encourage active and passive solar design principles wherever practicable.*

There are no ridgelines, riparian areas or wetlands located in the development area. The CC&R's and County code will not permit homes to be located where slopes exceed 30%. Each lot is located and sized so that there is more than adequate area to locate a home in a buildable area. The CC&R's and Plat Note will also

require home designs to include passive solar features that take advantage of the building's site, climate, and materials to minimize energy use. Every lot in the TRS is located so as to include opportunities for passive solar features.

***13. Connectivity**: Internal and external vehicular/pedestrian/bicycle circulation should be demonstrated at the time of application as deemed necessary by the County Council. Pedestrian/equestrian/bicycle circulation should be separated from vehicular circulation wherever reasonable.*

Because this is a small rural subdivision, bike lanes and sidewalks are not included in the road design. The low volume of traffic generated by the development, and wide paved roads and shoulders make Pedestrian/equestrian/bicycle circulation safe on the roads. In addition, there will be a three foot wide single track trail alongside the main subdivision roads. The trail surface will be road-base material which is typically better for equestrian use. This trail system can also be used for pedestrian and bicycle access, and will connect to the existing Cherry Canyon trail system and the Rail Trail via Old Lincoln Hwy (see map right, and the Trail Map on #17.3). Utilizing the paved roads and trail system access, the TRS provides excellent internal and external circulation for all modes of transportation.



***14. Snow Storage**: Master planned developments shall include adequate areas for snow removal and snow storage. An appropriate form of landscaping plan shall allow for snow storage areas. Structures shall be set back from any hard surfaces so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off-site location.*

With the large lot sizes (two acre average) and 60 foot wide road easements, there is ample room for snow storage on site. There are no parking lots or other public areas that will require additional snow storage capacity.

***15. Outdoor Lighting**: All outdoor lighting shall be down directed and fully shielded. All outdoor lighting shall be designed and installed to prevent light trespass on adjacent properties. Lighting of the United States flag is exempt from this provision.*

The TRS will comply with the County Lighting Ordinances.

EXHIBIT A.9

16. Compliance with Development Evaluation Standards*: Unless otherwise permitted by this chapter, all master planned developments shall comply with all requisite development evaluation standards found in chapter 2 of this title*.

Development Evaluation Standards, Chapter 2:

Agriculture Plat Notes: The following note shall be placed on the Plat prior to recordation: The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledges and accepts that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.

Fencing: Subdivision livestock fences shall be wildlife friendly. This will be stated on a Plat Note.

Preservation of Agricultural Land: A total of 248.26 acres, equal to 74% of the development, will be permanently set aside as agricultural lands which will be owned by the developer. We plan to continue using the ag space, together with adjacent property owned by our family, for cattle grazing and related ag uses. In total, Cherry Canyon Ranch has over 5,500 acres of rangeland and pasture, including an interest in 3,800 acres of an adjacent range company. TRS lot owners will have recreational access to the private trail system located on Ranch property.



Irrigation Patterns and Systems: The proposed subdivision does not affect any existing irrigation systems, and there is no irrigated property in the development area.

Water, Indoor Uses: Water for indoor use and fire protection will be provided by a Public Water Company (PWC) that will be operated by the HOA. The well for the PWC has been completed and flow tested according to State regulations. The water quality has also been tested and meets state standards. Sufficient water rights for 30 lots have been approved for the well by the State Engineer as water right number 35-12468, totaling 18 AF. Each home is required by the state to have 0.45 AF for indoor uses, for a total of 13.5 AF (0.45 x 30). The engineering design for the water system has been completed and the Construction Plan Approval Request has been approved by the State. See PWS information and Site Plan submitted with this application. Water for each home will be metered, and a tiered rate plan will be used to

encourage conservation. Water meters will provide detailed information on water usage for each lot.

Water, Secondary: Secondary water for outdoor uses will be provided by Cherry Canyon Irrigation Company, a non-profit irrigation company. This water will be provided through the North Summit Pressurized Irrigation waterline using water right number 35-12963 for 60 AF. Each lot will be limited to a maximum 0.18 acres of irrigated landscape, which is the equivalent of 0.55 AF per lot, for a total of 16.5 AF (0.55 x 30). Each lot will be metered, and a tiered rate plan will be used to encourage conservation. Water meters will provide detailed information on water usage for each lot. The CC&R's will require that native vegetation be maintained on the remainder of the lot.

Wastewater: Wastewater for the TRS will be treated using an effluent sewer system as approved by the State DWQ and the County Council. An effluent treatment system has proved very effective and has been used in communities for many years. Each home in the subdivision would have a precast concrete septic tank where solids are passively digested in the same manner as a typical septic system. Rather than dispersing the effluent through a drain field on the lot, it is transported through small diameter sewer mains to a central treatment system for the development. These systems are much more energy efficient and are less expensive to maintain than standard sewer treatment facilities. They are also much less likely to leak contaminants into the groundwater between the home and the treatment facility. For more information, see the LUWS Feasibility Report submitted with this application.

Erosion: All grading shall be completed and revegetated according to County standards. For more information, see the Site Improvements Plan included with this application.

Highly Visible Home Placement: The proposed subdivision is set back a half mile on the East Wanship bench where the homes will be minimally visible from below. The CC&R's will require exterior colors that blend in with the natural surroundings, which will further reduce visibility. See the white arrows on the photo below pointing to existing homes with similar color restrictions. This demonstrates the effectiveness of using natural colors to reduce visibility.



EXHIBIT A.11



100 Year Floodplain: The development is not located in the floodplain.

Wetlands: The development is not located on wetlands.

Slopes: There are adequate development areas outside of 30% slopes (see slope map with # 8 above).

Ridgetops: No homesites extend into the skyline.

Air Quality: All County regulations will be followed. Woodburning fireplaces and stoves will not be permitted per the CC&R's and a Plat Note.

Traffic Volume: The addition of 30 lots will not cause traffic volume on Old Lincoln Highway to increase above design capacity.

Fire Hazard: The North Summit Fire District has approved the fire protection plan for the proposed subdivision.

Remote Locations: The proposed subdivision is not in a remote location.

Locked Gate: It is anticipated that the proposed subdivision will have an automatic gate for at least the early construction period of the development. All emergency services will be provided access.

17. Site Design Narrative*: An application for a master planned development shall include a written explanation of how the project plan addresses the following design questions:*

a. Neighborhood Connectivity: How does the proposed development interconnect with the surrounding properties, neighborhood, and area? Including but not limited to:

(1) Where will vehicles enter and exit the site?

The proposed subdivision has vehicular access from Old Lincoln Highway via Cherry Canyon Drive. Secondary emergency access is provided via Elk Hollow Drive. See Access Map with #10 above.

The subdivision is approximately one mile from the Old Lincoln Highway, a County maintained road just East of Wanship. Cherry Canyon Drive, the private road that will provide access to the subdivision, also serves four other existing subdivisions with a total of 20 residential lots. Cherry Canyon Drive is only 1.4 miles from the Wanship entrance to Interstate 80, giving residents of the subdivision excellent access to the Coalville, Park City and Salt Lake City areas.

(2) Where will new streets be developed?

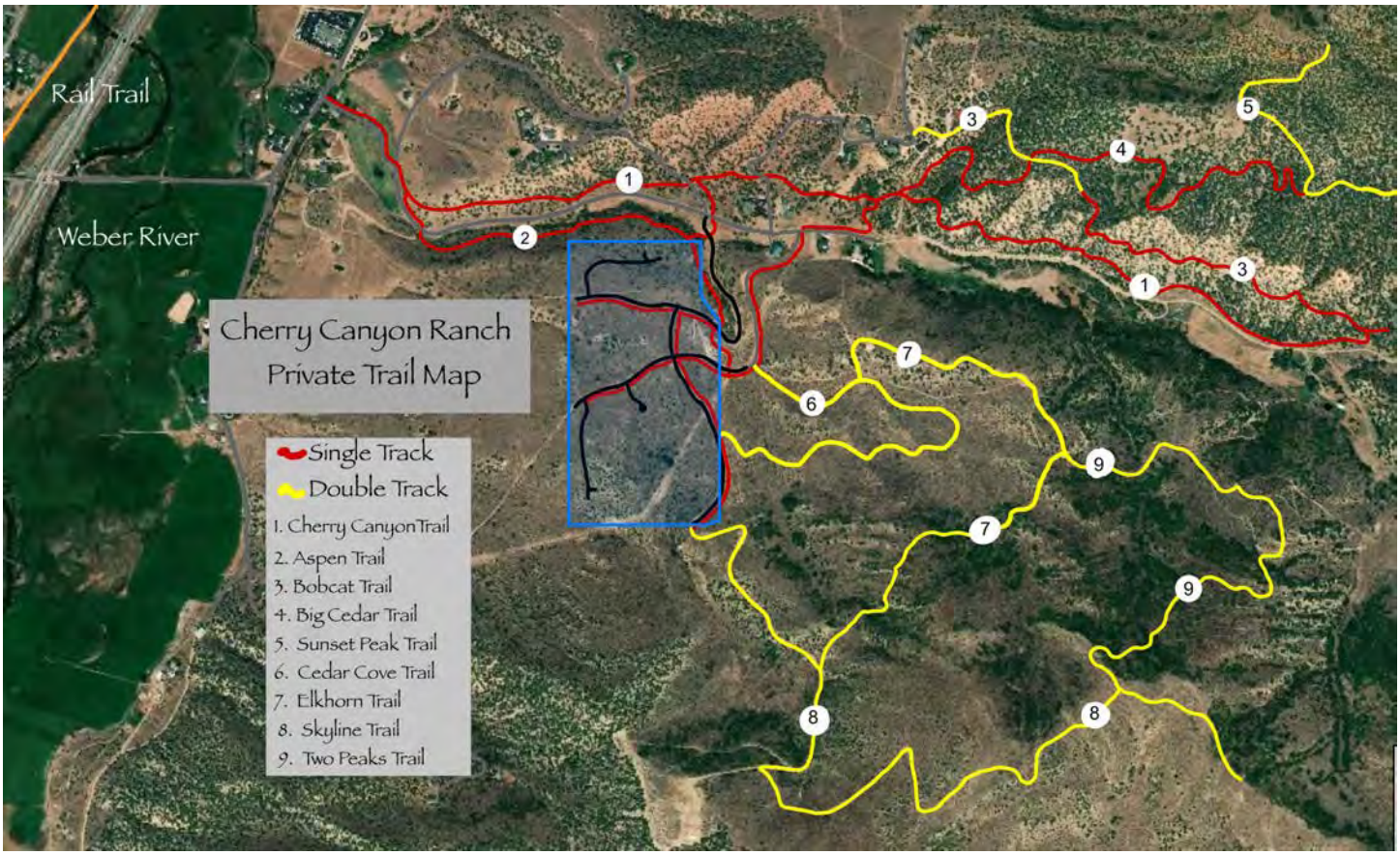
See Subdivision Plat and Site Improvements Plan submitted with application. Also see Access Map with #10 above and Slope Map with #8 above.

(3) Is there a need for pedestrian and bicycle routes (including trails and sidewalks) through the project area? If so, how are such needs addressed?

Because this is a small rural subdivision, bike lanes and sidewalks are not included in the road design. However, there will be a single track trail along the main subdivision roads. This trail system will be used for foot, horseback and bicycle access, and will connect to the existing Cherry Canyon Ranch trail system that also provides access to the Old Lincoln Highway. From there it is only a half-mile to the Weber River and the Rail Trail, which runs from Park City to Coalville (see Trail Map below). The HOA has a use agreement with Cherry Canyon Ranch for trails on ranch



property. This is a private trail system that includes both single track and double track trails that have been significantly expanded and improved over the past 20 years, and provides excellent opportunities to enjoy the beautiful surroundings in Cherry Canyon. The homeowners in the TRS will have the same access to this trail system through the HOA.



b. Availability of Neighborhood Facilities and Services*: Is the location of the proposed development within reasonable proximity (including walking and biking) to community facilities such as schools, retail centers, parks, etc.?*

As is typical in a rural area like Eastern Summit County, most residents expect to drive some distance to get to retail centers, schools and other public facilities. Indeed, most residents prefer to be away from the traffic and crowds associated with successful retail centers. This is why the small town feel of the Wanship area is a major draw for many of its residents. The proposed subdivision is ideally located near the Wanship entrance to I-80, providing quick access to public schools and shopping in Coalville, as well as an exceptional variety of retail and recreational opportunities just 12 minutes away in the Silver Creek and Kimball's Junction areas. In addition, the North Summit School District provides school bus service to the entrance of Cherry Canyon. For those who prefer to walk or bike, the Cherry Canyon trail system provides easy access to the Rail Trail, which leads to Park City and Coalville.

***c. Meeting Housing Needs**: How does the proposed development advance the community need for a mix of housing types and affordability?*

The TRS consists of 30 single-family residential lots, ranging in size from just over one acre to more than five acres. This mix of lot size and location will offer a good range of lot pricing, and because the TRS is not designed as a resort community with all of the associated facilities, the HOA assessments and other use fees will make the housing more affordable. The home prices will also be more affordable because the high capital costs of amenities like golf courses and club houses will not be included in this project. The subdivision is zoned for single family housing in the 10 and 20 acre zones, which limits the ability to offer lower cost housing found in a high density setting. We are essentially proposing the most affordable housing that we can within the zoning, infrastructure and design constraints established by the development code.

***d. Character:** What are the architectural design character objectives of the proposed development? How do these design objectives address the local context, climate, and/or community needs?*

The TRS will include CC&R's that require exterior colors and building materials that will blend in with the natural surroundings. White exteriors and fencing will not be permitted. This will help the project blend in and complement its surroundings (see Lot Visibility and Street Layout exhibits on #16 above). In addition, exterior lighting must be shielded so as to minimize glare and illumination of adjacent property.

The CC&R's will also require home designs to include passive solar features that take advantage of the building's site, climate, and materials to minimize energy use. Every lot in the TRS is located so as to include opportunities for passive solar features.

As part of our previous development in Cherry Canyon, we have refurbished and improved the agriculture buildings and pasture located at the entrance to Cherry Canyon Drive, all of which are now actively used as part of the ranch. We plan to install new fencing and landscaping at the entrance to the TRS on Trail Ridge Drive, which will further enhance the visual appeal of the development.



EXHIBIT A.15

***e. Site Design**: How is the proposed development designed to take advantage of the existing topography, landscape features, trees, wildlife corridors, existing structures, minimize site grading, etc.?*

The road system and lots in the proposed subdivision are laid out so as to follow natural grades and contours as much as possible. Most of the subdivision roads will follow existing dirt roads, which will minimize the required amount of new cut and fill. The development avoids all sensitive areas, including ridgelines, wetlands, watercourses, floodplains and steep slopes. All subdivision interior fencing will be wildlife friendly. There are no existing structures in the development. The proposed lots are set back on the East Wanship bench, thus providing a buffer between the pastures and river bottom of the Weber River valley below. Also see Access Map #10 above, the Slope Map on #8 and the Site Improvements Plan included with this application

***f. Complete Street Design**: How is the proposed development street/circulation system designed to accommodate a variety of transportation modes (where appropriate), easy route finding, and safe speeds?*

See #3 above for street design and layout. All subdivision roads will have street name signs safety related signs and speed limit signs. The maximum speed limit for subdivision roads will be 25 MPH.

***g. Parking Areas**: How does the proposed development balance the need for parking with the need to design parking areas in a manner that minimize visibility, site grading, and exterior lighting?*

There will be no need for other parking areas because there will only be residential uses in the proposed subdivision, and each home will be required to have a minimum of a two car garage and exterior space to park three cars.

***h. Public and Private Outdoor Spaces**: What are the proposed development's need(s) for outdoor space, open space, habitat/wildlife areas, parks, or outdoor amenity areas? How does the proposed development address these needs?*

The TRS is adjacent to the Cherry Canyon Ranch, which is an active agricultural operation. The Ranch allows TRS homeowners access to trails on the property for hiking, biking and horseback riding. The subdivision also has excellent access to the Rail Trail, Rockport and Echo Reservoirs, and numerous other recreational activities in the surrounding area.



The TRS sets aside 74% of its total acreage as permanent agriculture land which will not be used for future development. The large lots, averaging two acres in size, will also provide an open feel to the community.

Together, the trail system, open space and large lots give homeowners abundant outdoor space to enjoy, while also preserving plenty of room for wildlife.

As we reviewed our plans with the current HOA members, we also surveyed their interest in adding new amenities to the area. These included a tennis / pickle ball court, basketball / sport court, playground / park, pool / spa, and a horse riding arena (both covered and uncovered). There was no interest in any of these amenities, except for a couple of owners who thought the riding arena may be nice. The general feeling that we received from the owners was that they did not want to be part of a recreational development like Promontory Ranch where the HOA and recreation fees are very high. More importantly they do not want to be part of a second home community, which is what those developments tend to be. They loved the fact that nearly all of their neighbors are full time residents with whom they can associate on a regular basis. They feel like they already live in a park with ample wildlife and room to roam right out of their back door. We have also received similar input from people who have inquired about lot availability in Cherry Canyon, which is why we have designed the TRS to have an attractive rural community feel. This is also compatible with the theme of the General Plan.

i. External Storage*: How does the proposed project address needs for garbage collection, equipment storage, etc.?*

Garbage and recycle dumpsters for resident use are located at the bottom of Cherry Canyon Drive. Mailboxes are also located in this area. An easement for these uses will be included in the access ROW. The CC&R's and Plat Note will only allow each lot to have one recreation vehicle, including a boat, to be parked outside of a garage. This vehicle must also be in working order and with good exterior condition. All other equipment must be stored inside a garage or off site. Carports and other similar open structures are not permitted.

Additional reports submitted with this application:

Subdivision Plat

Site Improvements Plan

Storm Water Management Report

Fire Marshall Letter and Rating Form

Fire Protection Plan

LUWS Feasibility Report

PWS Documents

EXHIBIT A.17

Exhibit A

Trail Ridge Subdivision

Density and Open Space Calculation

Introduction: We propose setting aside all of Parcel "C" on the subdivision plat, totaling 248.26 acres, as deed restricted Agriculture Space. This will result in 74% of the total subdivision area being permanent agriculture open space. See below for all calculations.

Parcel "C" is located in the AG-10 and AG-20 zones. The Open Space calculation for 30 lots requires 153 acres of open space, of which a minimum of 50% or 77 acres must be developable land.

We have completed the slope map for the parcel, and reviewed for other undevelopable areas, and have calculated a total of 88 acres of developable land in Parcel C.

Subdivision Zoning and Density

Zone	Acres	Lots	
AG 10	182.79	18.279	
AG 20	154.38	7.719	
Total Acres	**337.17**	**25.998**	Total Lots at Base Density

Combined Zone Density: **12.97** (337.17 / 25.998)

MPD Open Space Formula: OS=ZxL- .7 x A

Open Space Calculations:

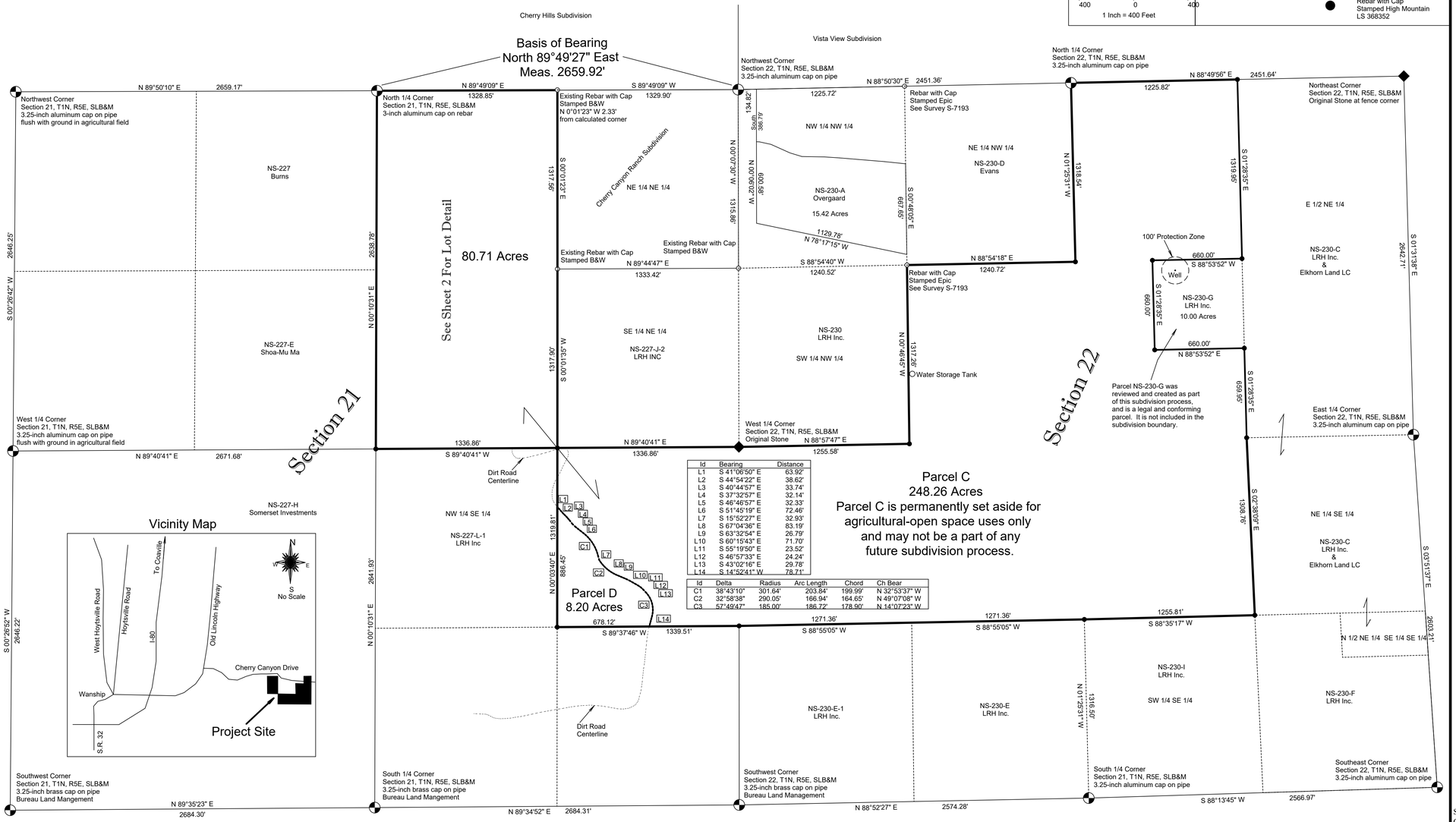
Total Proposed Lots:	30	from "12.97 Zone"
Total Required Open Space	153	(12.97 x 30 - (.7 x 337.17))
Total Proposed Open Space	**248**	**162% of Required Open Space**

Minimun acres of developable land:	77	(153 x 0.50)
Actual acres of developable land:	88	115% of requirement

Open space as a percentage of total Subdivision acreage: **74%** (248.26 / 337.17)

Trail Ridge Subdivision

Located in Sections 21 & 22, Township 1 North, Range 5 East, Salt Lake Base & Meridian
Wanship, Summit County, Utah



SURVEYORS CERTIFICATE

I, Wade Wilde, do certify that I am a Professional Land Surveyor, and that I hold certificate No. 368352, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets hereafter to be known as "TRAIL RIDGE SUBDIVISION" and that the same has been correctly surveyed and staked on the ground as shown on this plat.

March 31, 2021
Date

Wade Wilde

WADE WILDE
NO. 368352

BOUNDARY DESCRIPTION

A portion of land located in Sections 22 & 21, Township 1 North, Range 5 East, Salt Lake Base and Meridian and having a Basis of Bearing taken as North 89°49'27" East between the North 1/4 Corner and the Northeast Corner of said Section 21, described as follows:

Beginning at the North 1/4 Corner of Section 21, Township 1 North, Range 5 East, Salt Lake Base and Meridian, and running thence North 89°49'09" East 1328.85 feet along the section line to the northwest corner of the Cherry Canyon Ranch Subdivision; thence South 00°01'23" East 1317.56 feet along the westerly line of Cherry Canyon Ranch Subdividision to a rebar with cap stamped B&W; thence South 00°01'35" West 1317.90 feet to the east-west 1/4 section line; thence North 89°40'41" East 1336.86 feet to the West 1/4 Corner of Section 22; thence North 88°57'47" East 1255.58 feet along the east-west 1/4 section line of Section 22; thence North 00°46'45" West 1317.26 feet along the 1/16 line to a rebar with cap stamped Epic Engineering; thence North 88°54'18" East 1240.72 feet along the 1/16 line; thence North 01°25'31" West 1318.54 feet along the north-south 1/4 section line to the North 1/4 Corner of Section 22; thence North 88°49'56" East 1225.82 feet along the section line; thence South 01°28'35" East 1319.95 feet along the 1/16 line; thence South 88°53'52" West 660.00 feet along the 1/16 line; thence South 01°28'35" East 660.00 feet; thence North 88°53'52" East 660.00 feet; thence South 01°28'35" East 659.95 feet along the 1/16 line; thence South 02°38'00" East 1308.76 feet along the 1/16 line; thence South 88°35'17" West 1255.81 feet along the 1/16 line; thence South 88°55'05" West 1271.36 feet along the 1/16 line to the westerly line of Section 22; thence South 89°37'46" West 1339.51 feet along the 1/16 line; thence North 00°03'40" East 1319.81 feet along the 1/16 line to the east-west 1/4 section line of Section 21; thence South 89°40'41" West 1336.86 feet along said line; thence North 0°10'31" East 2638.78 feet along the north-south 1/4 section line to the point of beginning.

Containing 337.17 Acres

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE "TRAIL RIDGE SUBSIVISION" DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF _____ HAVE HEREUNTO SET _____ THIS _____ DAY OF _____ A.D. 20 _____.

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT

PERSONALLY APPEARED BEFORE ME THIS _____ DAY OF _____, 20_____ THE FOLLOWING:

WHO ACKNOWLEDGED TO ME THAT ___HE___ EXECUTED THE ABOVE OWNERS DEDICATION.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

RESIDING IN _____

CONSENT TO RECORD

STATE OF UTAH
COUNTY OF SUMMIT

THE UNDERSIGNED LIEN HOLDER HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT.

BY: _____
AUTHORIZED OFFICIAL

THE FOREGOING CONSENT TO RECORD WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20 _____. BY:_____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

RESIDING IN _____

COUNTY ASSESSOR

Approved and accepted by the Summit County Assessor this _____, day of _____, 20_____.

_____
COUNTY ASSESSOR

ROCKY MOUNTAIN POWER

Approved and accepted this _____, day of _____, 20 _____.
ROCKY MOUNTAIN POWER

_____

DOMINION ENERGY

Approved and accepted this _____, day of _____, 20 _____.
DOMINION ENERGY
By: _____
Title: _____

GOVERNING BODY APPROVAL AND ACCEPTANCE

Approved this _____ day of _____, 20_____.
On behalf of Summit County Council per Eastern Summit County Development Code, Section_____

_____
Summit County Manager
The Land Use Authority

NORTH SUMMIT FIRE DISTRICT

Approved and Accepted
this _____ day of _____, 20_____.
_____ FIRE DISTRICT
BY:
_____

PREPARED BY:

HIGH MOUNTAIN
SURVEYING, LLC
P.O. Box 445
1325 South Hoytsville Road
Coalville, Utah 84017
435-336-4210

COUNTY ENGINEER

Approved and accepted by the Summit County Engineering Department this _____, day of _____, 20_____.

_____
COUNTY ENGINEER

SUMMIT COUNTY HEALTH

Approved and Accepted
this _____ day of _____, 20_____.
DEPARTMENT OF HEALTH
BY:
_____

PUBLIC SAFETY ANSWERING POINT APPROVAL

Approved this
_____ day, of _____, 20 _____.

_____
Jeff Ward GIS Coordinator/Addressing Authority

APPROVAL AS TO FORM

Approved as to form this _____ day of _____, 20_____.

COUNTY ATTORNEY

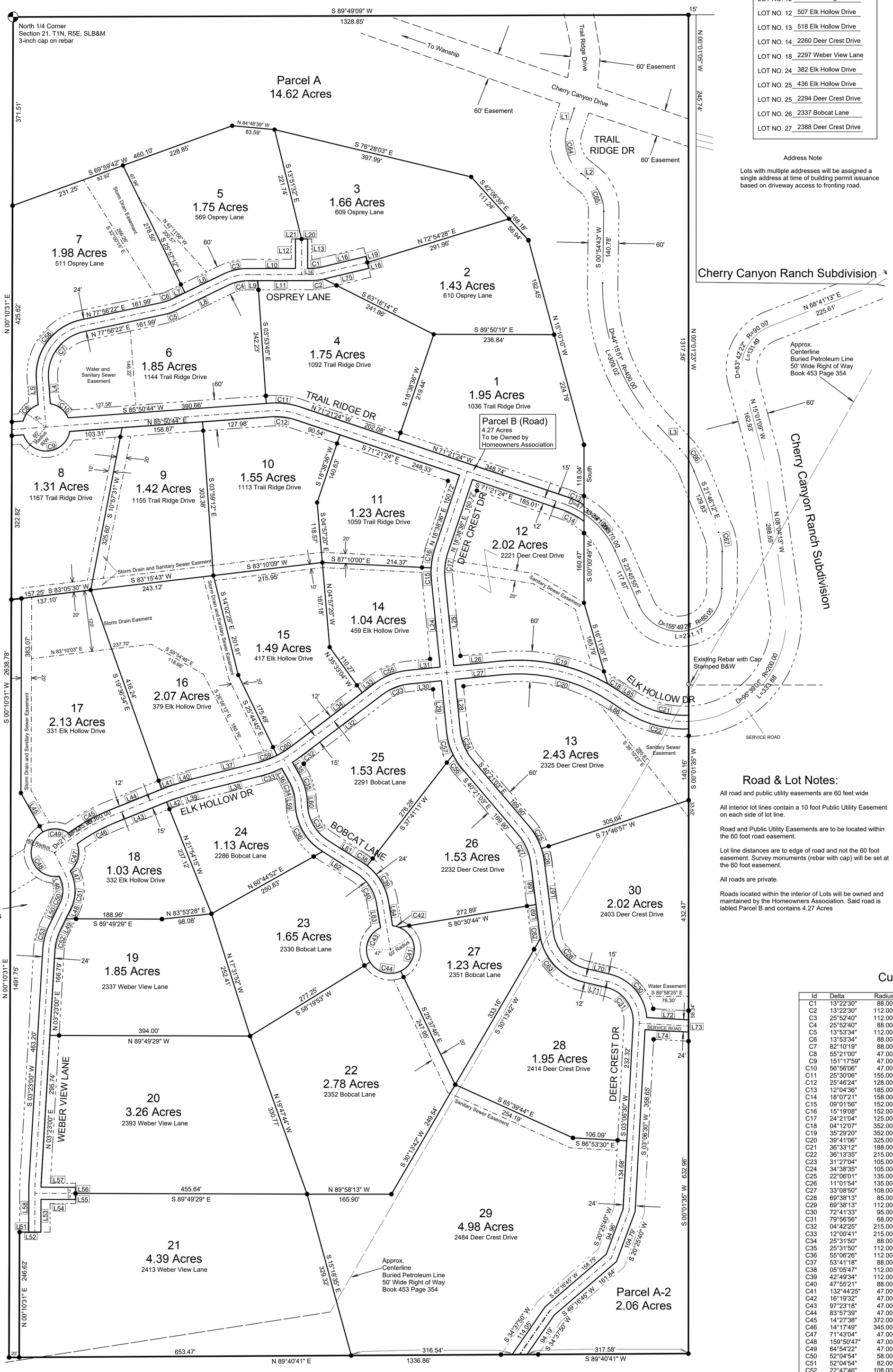
BY:_____

COUNTY RECORDER

STATE of UTAH COUNTY SUMMIT
Recorded and filed at the request of
_____
Date: _____ Time: _____
Entry #_____ Fee:_____
_____
COUNTY RECORDER

TRAIL RIDGE SUBDIVISION

Located in the Sections 21 & 22, Township 1 North, Range 5 East, Salt Lake Base & Meridian Wanship, Summit County, Utah



Alternate Address Table

LOT NO. 4	598 Osprey Lane
LOT NO. 6	520 Osprey Lane
LOT NO. 11	2220 Deer Crest Drive
LOT NO. 12	995 Trail Ridge Drive
LOT NO. 12	507 Elk Hollow Drive
LOT NO. 13	518 Elk Hollow Drive
LOT NO. 14	2260 Deer Crest Drive
LOT NO. 18	2297 Weber View Lane
LOT NO. 24	382 Elk Hollow Drive
LOT NO. 25	436 Elk Hollow Drive
LOT NO. 25	2294 Deer Crest Drive
LOT NO. 26	2337 Bobcat Lane
LOT NO. 27	2388 Deer Crest Drive

Address Note

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LOT NO. 7	511 Osprey Lane
LOT NO. 8	1167 Trail Ridge Drive
LOT NO. 9	1155 Trail Ridge Drive
LOT NO. 10	1113 Trail Ridge Drive
LOT NO. 11	1059 Trail Ridge Drive
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LOT NO. 28	2414 Deer Crest Drive
LOT NO. 29	2484 Deer Crest Drive
LOT NO. 30	2403 Deer Crest Drive

Line Table

Id	Bearing	Distance
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L5	S 04°13'58" E	49.69'
L6	S 64°02'48" W	83.11'
L7	S 64°02'48" W	28.43'
L8	N 64°02'48" E	111.54'
L9	N 89°55'27" E	19.89'
L10	N 89°55'27" E	93.99'
L11	N 89°55'27" E	124.09'
L12	N 00°04'33" W	58.00'
L13	S 00°04'33" E	58.00'
L14	N 89°55'27" E	6.10'
L16	N 76°32'57" E	90.52'
L18	N 13°27'03" W	12.00'
L19	S 13°27'03" E	12.00'
L20	S 89°55'27" W	12.00'
L21	S 89°55'27" W	12.00'
L24	N 05°42'28" W	172.28'
L25	S 05°42'28" E	172.28'
L26	N 84°17'32" E	93.12'
L27	N 84°17'32" E	93.12'
L28	N 05°42'28" W	101.41'
L29	S 05°42'28" E	101.41'
L30	N 84°17'32" E	63.31'
L31	S 84°17'32" W	63.31'
L32	S 52°50'28" W	204.21'
L33	S 52°50'28" W	29.59'
L34	S 52°50'28" W	204.21'
L35	N 29°15'08" W	30.64'
L36	S 29°15'08" E	30.64'
L37	S 75°57'31" W	130.55'
L38	S 75°57'31" W	129.73'
L39	S 72°28'08" W	48.97'
L40	S 72°28'08" W	50.82'
L41	N 68°05'45" E	13.47'
L42	N 68°05'45" E	12.92'
L43	N 68°05'45" E	108.83'
L44	N 68°05'45" E	109.31'
L45	N 29°26'31" W	88.21'
L46	S 25°54'08" E	3.19'
L47	N 25°54'08" W	2.84'
L48	N 26°10'46" E	21.85'
L49	N 26°10'46" E	24.34'
L50	S 26°10'46" W	46.19'
L51	S 89°49'29" E	18.00'
L52	S 89°49'29" E	42.00'
L53	N 00°10'31" E	64.42'
L54	S 89°49'29" E	67.80'
L55	N 00°31'59" E	12.00'
L56	N 00°31'59" E	12.00'
L57	N 89°49'29" W	67.95'
L58	N 00°10'31" E	92.69'
L59	N 03°43'19" W	11.32'
L60	N 03°43'19" W	11.32'
L61	N 57°24'36" W	81.55'
L62	N 57°24'36" W	78.80'
L63	S 09°29'16" E	48.77'
L64	N 09°29'16" W	48.77'
L65	S 56°01'22" E	29.40'
L66	S 56°01'22" E	29.40'
L67	S 07°12'14" E	139.98'
L68	S 07°12'14" E	82.04'
L69	S 07°12'14" E	57.94'
L70	S 76°50'26" E	47.17'
L71	S 76°50'26" E	47.17'
L72	N 86°53'20" W	82.25'
L73	N 00°01'35" E	24.03'
L74	S 86°53'20" E	85.78'
L75	N 76°32'57" E	90.52'

Road & Lot Notes:

All road and public utility easements are 60 feet wide

All interior lot lines contain a 10 foot Public Utility Easement on each side of lot line.

Road and Public Utility Easements are to be located within the 60 foot road easement.

Lot line distances are to edge of road and not the 60 foot easement. Survey monuments (rebar with cap) will be set at the 60 foot easement.

All roads are private.

Roads located within the interior of Lots will be owned and maintained by the Homeowners Association. Said road is labled Parcel B and contains 4.27 Acres

Curve Table

Id	Delta	Radius	Arc Length	Chord	Ch Bear
C1	13°22'30"	88.00'	20.54'	20.50'	N 83°14'12" E
C2	13°22'30"	112.00'	26.15'	26.09'	N 83°14'12" E
C3	25°52'40"	112.00'	50.59'	50.16'	N 76°59'07" E
C4	25°52'40"	88.00'	39.75'	39.41'	N 76°59'07" E
C5	13°53'34"	112.00'	27.16'	27.09'	N 70°59'34" E
C6	13°53'34"	88.00'	21.34'	21.29'	N 70°59'35" E
C7	82°10'19"	88.00'	126.21'	115.67'	N 36°51'12" E
C8	55°21'00"	47.00'	45.40'	43.66'	S 42°35'04" W
C9	151°17'59"	47.00'	124.11'	91.07'	N 85°50'44" E
C10	56°56'06"	47.00'	46.70'	44.81'	N 51°41'08" W
C11	25°30'06"	155.00'	68.99'	68.42'	S 83°56'08" E
C12	25°46'24"	128.00'	57.58'	57.09'	S 84°03'14" E
C13	12°04'36"	185.00'	38.99'	38.92'	N 65°19'07" W
C14	18°07'21"	158.00'	49.98'	49.77'	S 62°13'42" E
C15	09°01'56"	152.00'	23.96'	23.94'	S 01°11'31" E
C16	15°19'08"	152.00'	40.64'	40.52'	S 10°59'01" W
C17	24°21'04"	125.00'	53.13'	52.73'	N 06°28'04" E
C18	04°12'07"	352.00'	25.82'	25.81'	S 57°54'18" E
C19	35°29'20"	352.00'	218.03'	214.56'	S 77°59'28" E
C20	39°41'06"	325.00'	225.11'	220.63'	S 75°51'55" E
C21	36°33'12"	188.00'	119.94'	117.92'	S 74°17'58" E
C22	36°13'35"	215.00'	135.94'	133.68'	S 74°08'10" E
C23	31°27'04"	105.00'	57.64'	56.92'	S 68°34'00" W
C24	34°38'35"	105.00'	63.49'	62.52'	S 23°01'46" E
C25	22°06'01"	135.00'	52.07'	51.75'	S 29°09'39" E
C26	11°01'54"	135.00'	25.99'	25.95'	S 12°59'42" E
C27	33°08'50"	108.00'	62.48'	61.61'	S 23°46'39" E
C28	69°38'13"	85.00'	103.31'	97.07'	S 42°01'20" E
C29	69°38'13"	112.00'	136.12'	127.90'	S 42°01'20" E
C30	72°41'33"	95.00'	120.53'	112.61'	S 40°29'40" E
C31	79°56'56"	68.00'	94.89'	87.37'	S 36°51'58" E
C32	04°42'25"	215.00'	17.66'	17.66'	N 55°11'41" E
C33	12°00'41"	215.00'	45.07'	44.99'	N 69°57'10" E
C34	25°31'50"	88.00'	39.21'	38.89'	N 16°29'14" W
C35	25°31'50"	112.00'	49.91'	49.49'	N 16°29'14" W
C36	55°06'26"	112.00'	107.72'	103.62'	N 31°15'16" W
C37	53°41'18"	88.00'	82.46'	79.48'	N 30°33'58" W
C38	05°05'47"	112.00'	9.96'	9.96'	N 54°51'43" W
C39	42°49'34"	112.00'	83.72'	81.78'	N 30°54'02" W
C40	47°55'21"	88.00'	73.60'	71.48'	N 33°26'56" W
C41	132°44'25"	47.00'	108.89'	86.12'	N 01°59'58" W
C42	16°19'32"	47.00'	13.39'	13.35'	N 76°31'57" W
C43	97°23'18"	47.00'	79.89'	70.61'	S 17°01'32" W
C44	83°57'39"	47.00'	68.87'	62.87'	S 73°38'56" E
C45	14°27'38"	372.00'	93.89'	93.64'	S 60°51'56" W
C46	14°17'49"	345.00'	86.09'	85.86'	N 60°56'50" E
C47	71°43'04"	47.00'	58.83'	55.06'	S 14°06'32" W
C48	159°50'47"	47.00'	131.12'	92.55'	S 20°15'03" E
C49	64°54'22"	47.00'	53.24'	50.44'	N 87°36'46" W
C50	52°04'54"	58.00'	52.72'	50.93'	S 00°08'19" W
C51	52°04'54"	82.00'	74.54'	72.00'	S 00°08'19" W
C52	22°47'46"	108.00'	42.97'	42.69'	S 14°46'53" W
C53	22°47'46"	132.00'	52.52'	52.17'	S 14°46'53" W
C61	23°07'03"	188.00'	75.85'	75.34'	S 64°23'59" W
C55	31°27'04"	132.00'	72.46'	71.55'	S 68°34'00" W
C56	14°26'24"	132.00'	33.27'	33.18'	S 33°07'52" E
C57	34°38'35"	132.00'	79.81'	78.60'	N 23°01'46" W
C58	82°10'19"	112.00'	160.63'	147.21'	N 36°51'12" E
C59	12°49'43"	188.00'	42.09'	42.01'	S 69°32'39" W
C60	10°17'20"	188.00'	33.76'	33.71'	S 57°59'08" W
C62	04°48'17"	112.00'	9.39'	9.39'	S 09°36'22" E
C63	64°49'57"	112.00'	126.73'	120.08'	S 44°25'29" E
C64	70°39'08"	80.00'	98.65'	92.52'	S 16°57'16" E
C65	53°11'33"	80.00'	74.27'	71.63'	N 25°41'03" W
C66	21°34'56"	140.00'	52.74'	52.42'	N 32°33'40" W
C67	22°10'48"	100.00'	38.71'	38.47'	N 10°40'48" W
C68	32°27'40"	170.00'	96.31'	95.03'	S 39°59'45" E

LEGEND

- 60' Road & Public Utility Easement
- Road Centerline
- 50' Right of Way, Buried Pipeline (Petroleum)
- Set 5/8-inch rebar with cap, Stamped High Mountain LS 368352

N

W E

S

GRAPHIC SCALE

100 0 100 200

1 Inch = 100 Feet

NOTES:

1. All lots within the proposed subdivision are buildable, any further subdivision of such lots, whether by deed, bequest divorce decree, or other recorded instrument shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.

2. The owners of property within the Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision / the owner of the residence constructed upon this lot) has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and respect(s) that, so long as such lands and operations exists, there may be dust, noise, odor, prolonged work hours, use of roadways for the purpose of herding / moving animals, and other attributes associated with normal agricultural operations and rural business.

3. Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the Public Utility Easements identified on this plat map as may be necessary or desirable in providing utility service within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense or the utility may remove such structures at the lot owner's expense. Fencing is not permitted inside any PUE that includes a subdivision road.

4. All lots within this subdivision must meet all building permit requirements at the time of building permit issuance.

5. Lots 19, 20 & 21: All exterior materials (including fencing) must be in darker earth tone colors that blend in with natural surroundings. Highly reflective colors as found in the white, yellow, light red, light greay and light tan tones are not permitted. The maximum building height is 26 feet above finished grade.

6. No buildings permitted on slopes greater than 30%.

7. Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's Right-of-Way department at 1-800-366-8532.

8. All buildings shall meet the requirements of the current International Fire Code and the 2005 or newer Wildland-Urban Interface Code at the time of building permit issuance.

9. Each primary residence located in the subdivision shall have a minimum two car garage and outdoor parking space for a minimum of three vehicles. Unscreened outdoor storage is prohibited. All livestock fences shall be installed so as to be wildlife friendly. Wood burning fireplaces and stoves are not permitted inside any residence in the subdivision. In order to help minimize energy use, each primary residence located in the subdivision shall be designed to include passive solar features that take advantage of the building's site, climate, and materials. For fire prevention purposes, Lot owners must maintain a minimum of 50 feet of defensible space around all structures on their Lot.

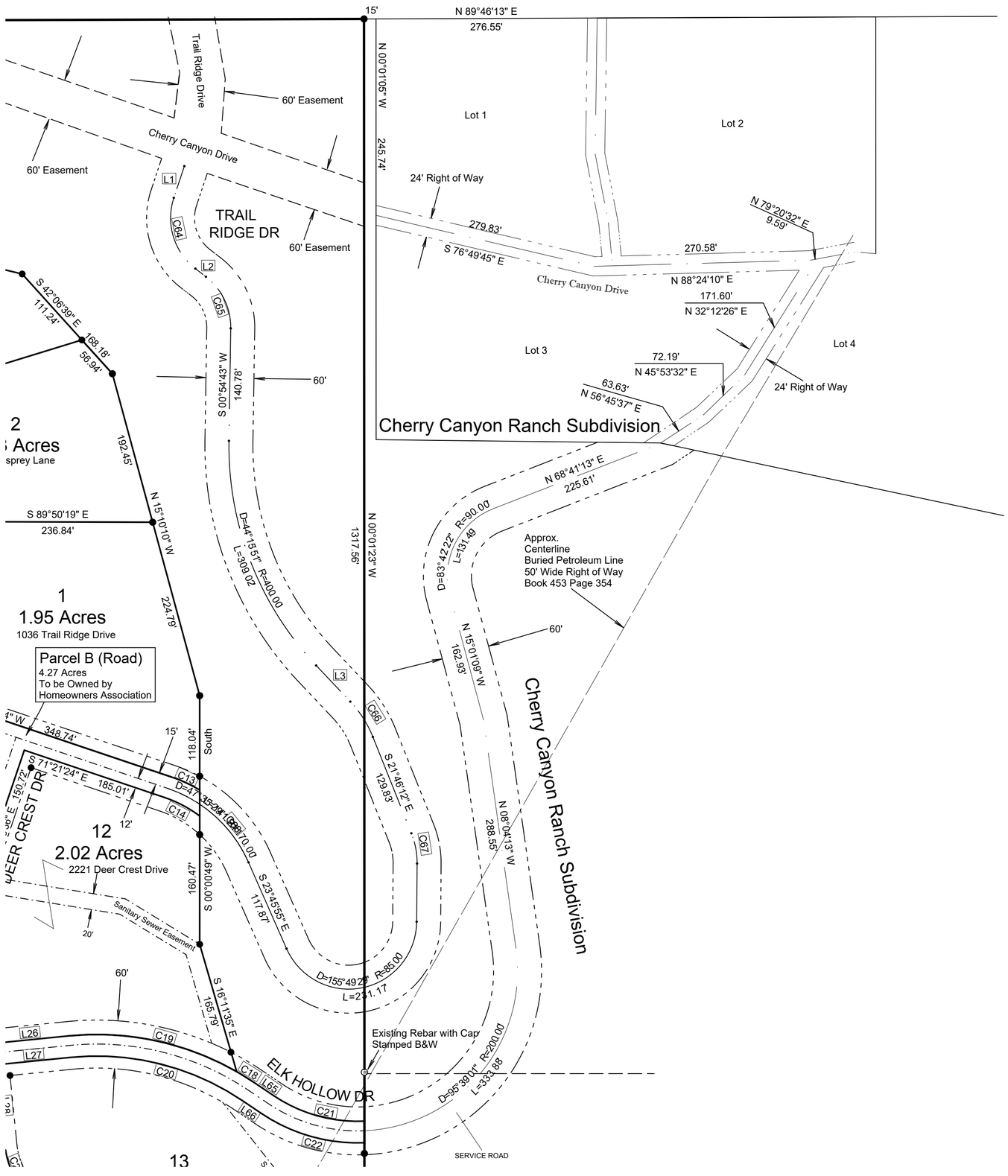
10. Joint Use and Cost Allocation Agreement with Cherry Canyon Ranch Owners Association for Cherry Canyon Drive and Elk Hollow Drive.
Recorded: _____

11. Access Easement for the Public Water System well and storage reservoir. Recorded: _____

12. Trail Access Agreement. Recorded: _____

TRAIL RIDGE SUBDIVISION

Located in the Sections 21 & 22, Township 1 North, Range 5 East, Salt Lake Base & Meridian Wanship, Summit County, Utah



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L18	N 13°27'03" W	12.00'
L19	S 13°27'03" E	12.00'
L20	S 89°55'27" W	12.00'
L21	S 89°55'27" W	12.00'
L24	N 05°42'28" W	172.28'
L25	S 05°42'28" E	172.28'
L26	N 84°17'32" E	93.12'
L27	N 84°17'32" E	93.12'
L28	N 05°42'28" W	101.41'
L29	S 05°42'28" E	101.41'
L30	N 84°17'32" E	63.31'
L31	S 84°17'32" W	63.31'
L32	S 52°50'28" W	204.21'
L33	S 52°50'28" W	29.59'
L34	S 52°50'28" W	204.21'
L35	N 29°15'08" W	30.64'
L36	S 29°15'08" E	30.64'
L37	S 75°57'31" W	130.55'
L38	S 75°57'31" W	129.73'
L39	S 72°28'08" W	48.97'
L40	S 72°28'08" W	50.82'
L41	N 68°05'45" E	13.47'
L42	N 68°05'45" E	12.92'
L43	N 68°05'45" E	108.83'
L44	S 68°05'45" W	109.31'
L45	N 29°26'31" W	88.21'
L46	S 25°54'08" E	3.19'
L47	N 25°54'08" W	2.84'
L48	N 26°10'46" E	21.85'
L49	N 26°10'46" E	24.34'
L50	S 26°10'46" W	46.19'
L51	S 89°49'29" E	18.00'
L52	S 89°49'29" E	42.00'
L53	N 00°10'31" E	64.42'
L54	S 89°49'29" E	67.80'
L55	N 00°31'59" E	12.00'
L56	N 00°31'59" E	12.00'
L57	N 89°49'29" W	67.95'
L58	N 00°10'31" E	92.69'
L59	N 03°43'19" W	11.32'
L60	N 03°43'19" W	11.32'
L61	N 57°24'36" W	81.55'
L62	N 57°24'36" W	78.80'
L63	S 09°29'16" E	48.77'
L64	N 09°29'16" W	48.77'
L65	S 56°01'22" E	29.40'
L66	S 56°01'22" E	29.40'
L67	S 07°12'14" E	139.98'
L68	S 07°12'14" E	82.04'
L69	S 07°12'14" E	57.94'
L70	S 76°50'26" E	47.17'
L71	S 76°50'26" E	47.17'
L72	N 86°53'20" W	82.25'
L73	N 00°01'35" E	24.03'
L74	S 86°53'20" E	85.78'
L75	N 76°32'57" E	90.52'

Road & Lot Notes:

All road and public utility easements are 60 feet wide

All interior lot lines contain a 10 foot Public Utility Easement on each side of lot line.

Road and Public Utility Easements are to be located within the 60 foot road easement.

Lot line distances are to edge of road and not the 60 foot easement. Survey monuments (rebar with cap) will be set at the 60 foot easement.

All roads are private.

Roads located within the interior of Lots will be owned and maintained by the Homeowners Association. Said road is labled Parcel B and contains 4.27 Acres

Curve Table

Id	Delta	Radius	Arc Length	Chord	Ch Bear
C1	13°22'30"	88.00'	20.54'	20.50'	N 83°14'12" E
C2	13°22'30"	112.00'	26.15'	26.09'	N 83°14'12" E
C3	25°52'40"	112.00'	50.59'	50.16'	N 76°59'07" E
C4	25°52'40"	88.00'	39.75'	39.41'	N 76°59'07" E
C5	13°53'34"	112.00'	27.16'	27.09'	N 70°59'34" E
C6	13°53'34"	88.00'	21.34'	21.29'	N 70°59'35" E
C7	82°10'19"	88.00'	126.21'	115.67'	N 36°51'12" E
C8	55°21'00"	47.00'	45.40'	43.66'	S 42°35'04" W
C9	151°17'59"	47.00'	124.11'	91.07'	N 85°50'44" E
C10	56°56'06"	47.00'	46.70'	44.81'	N 51°41'08" W
C11	25°30'06"	155.00'	68.99'	68.42'	S 83°56'08" E
C12	25°46'24"	128.00'	57.58'	57.09'	S 84°03'14" E
C13	12°04'36"	185.00'	38.99'	38.92'	N 65°19'07" W
C14	18°07'21"	158.00'	49.98'	49.77'	S 62°13'42" E
C15	09°01'56"	152.00'	23.96'	23.94'	S 01°11'31" E
C16	15°19'08"	152.00'	40.64'	40.52'	S 10°59'01" W
C17	24°21'04"	125.00'	53.13'	52.73'	N 06°28'04" E
C18	04°12'07"	352.00'	25.82'	25.81'	S 57°54'18" E
C19	35°29'20"	352.00'	218.03'	214.56'	S 77°59'28" E
C20	39°41'06"	325.00'	225.11'	220.63'	S 75°51'55" E
C21	36°33'12"	188.00'	119.94'	117.92'	S 74°17'58" E
C22	36°13'35"	215.00'	135.94'	133.68'	S 74°08'10" E
C23	31°27'04"	105.00'	57.64'	56.92'	S 68°34'00" W
C24	34°38'35"	105.00'	63.49'	62.52'	S 23°01'46" E
C25	22°06'01"	135.00'	52.07'	51.75'	S 29°09'39" E
C26	11°01'54"	135.00'	25.99'	25.95'	S 12°59'42" E
C27	33°08'50"	108.00'	62.48'	61.61'	S 23°46'39" E
C28	69°38'13"	85.00'	103.31'	97.07'	S 42°01'20" E
C29	69°38'13"	112.00'	136.12'	127.90'	S 42°01'20" E
C30	72°41'33"	95.00'	120.53'	112.61'	S 40°29'40" E
C31	79°56'56"	68.00'	94.89'	87.37'	S 36°51'58" E
C32	04°42'25"	215.00'	17.66'	17.66'	N 55°11'41" E
C33	12°00'41"	215.00'	45.07'	44.99'	N 69°57'10" E
C34	25°31'50"	88.00'	39.21'	38.89'	N 16°29'14" W
C35	25°31'50"	112.00'	49.91'	49.49'	N 16°29'14" W
C36	55°06'26"	112.00'	107.72'	103.62'	N 31°15'16" W
C37	53°41'18"	88.00'	82.46'	79.48'	N 30°33'58" W
C38	05°05'47"	112.00'	9.96'	9.96'	N 54°51'43" W
C39	42°49'34"	112.00'	83.72'	81.78'	N 30°54'02" W
C40	47°55'21"	88.00'	73.60'	71.48'	N 33°26'56" W
C41	132°44'25"	47.00'	108.89'	86.12'	N 01°59'58" W
C42	16°19'32"	47.00'	13.39'	13.35'	N 76°31'57" W
C43	97°23'18"	47.00'	79.89'	70.61'	S 17°01'32" W
C44	83°57'39"	47.00'	68.87'	62.87'	S 73°38'56" E
C45	14°27'38"	372.00'	93.89'	93.64'	S 60°51'56" W
C46	14°17'49"	345.00'	86.09'	85.86'	N 60°56'50" E
C47	71°43'04"	47.00'	58.83'	55.06'	S 14°06'32" W
C48	159°50'47"	47.00'	131.12'	92.55'	S 20°15'03" E
C49	64°54'22"	47.00'	53.24'	50.44'	N 87°36'46" W
C50	52°04'54"	58.00'	52.72'	50.93'	S 00°08'19" W
C51	52°04'54"	82.00'	74.54'	72.00'	S 00°08'19" W
C52	22°47'46"	108.00'	42.97'	42.69'	S 14°46'53" W
C53	22°47'46"	132.00'	52.52'	52.17'	S 14°46'53" W
C61	23°07'03"	188.00'	75.85'	75.34'	S 64°23'59" W
C55	31°27'04"	132.00'	72.46'	71.55'	S 68°34'00" W
C56	14°26'24"	132.00'	33.27'	33.18'	S 33°07'52" E
C57	34°38'35"	132.00'	79.81'	78.60'	N 23°01'46" W
C58	82°10'19"	112.00'	160.63'	147.21'	N 36°51'12" E
C59	12°49'43"	188.00'	42.09'	42.01'	S 69°32'39" W
C60	10°17'20"	188.00'	33.76'	33.71'	S 57°59'08" W
C62	04°48'17"	112.00'	9.39'	9.39'	S 09°36'22" E
C63	64°49'57"	112.00'	126.73'	120.08'	S 44°25'29" E
C64	70°39'08"	80.00'	98.65'	92.52'	S 16°57'16" E
C65	53°11'33"	80.00'	74.27'	71.63'	N 25°41'03" W
C66	21°34'56"	140.00'	52.74'	52.42'	N 32°33'40" W
C67	22°10'48"	100.00'	38.71'	38.47'	N 10°40'48" W
C68	32°27'40"	170.00'	96.31'	95.03'	S 39°59'45" E

LEGEND

60' Road & Public Utility Easement

Road Centerline

50' Right of Way
Buried Pipeline (Petroleum)

Set 5/8-inch rebar with cap
Stamped High Mountain
LS 368352

N
W E
S

GRAPHIC SCALE

100 0 100 200

1 Inch = 100 Feet

NOTES:

1. All lots within the proposed subdivision are buildable, any further subdivision of such lots, whether by deed, bequest divorce decree, or other recorded instrument shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.

2. The owners of property within the Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision / the owner of the residence constructed upon this lot) has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and respect(s) that, so long as such lands and operations exists, there may be dust, noise, odor, prolonged work hours, use of roadways for the purpose of herding / moving animals, and other attributes associated with normal agricultural operations and rural business.

3. Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the Public Utility Easements identified on this plat map as may be necessary or desirable in providing utility service within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense or the utility may remove such structures at the lot owner's expense. Fencing is not permitted inside any PUE that includes a subdivision road.

4. All lots within this subdivision must meet all building permit requirements at the time of building permit issuance.

5. Lots 19, 20 & 21: All exterior materials (including fencing) must be in darker earth tone colors that blend in with natural surroundings. Highly reflective colors as found in the white, yellow, light red, light greay and light tan tones are not permitted. The maximum building height is 26 feet above finished grade.

6. No buildings permitted on slopes greater than 30%.

7. Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Dominion Energy's Right-of-Way department at 1-800-366-8532.

8. All buildings shall meet the requirements of the current International Fire Code and the 2005 or newer Wildland-Urban Interface Code at the time of building permit issuance.

9. Each primary residence located in the subdivision shall have a minimum two car garage and outdoor parking space for a minimum of three vehicles. Unscreened outdoor storage is prohibited. All livestock fences shall be installed so as to be wildlife friendly. Wood burning fireplaces and stoves are not permitted inside any residence in the subdivision. In order to help minimize energy use, each primary residence located in the subdivision shall be designed to include passive solar features that take advantage of the building's site, climate, and materials. For fire prevention purposes, Lot owners must maintain a minimum of 50 feet of defensible space around all structures on their Lot.

10. Joint Use and Cost Allocation Agreement with Cherry Canyon Ranch Owners Association for Cherry Canyon Drive and Elk Hollow Drive.
Recorded: _____

11. Access Easement for the Public Water System well and storage reservoir. Recorded: _____

12. Trail Access Agreement. Recorded: _____

Project No. 1046-18

EXHIBIT C.1

Large Underground Wastewater System Feasibility Report

Trail Ridge Subdivision

Summit County, Utah



Date: September, 2019
to 5.20.20

Project No. 18008

Prepared By: **Canyon Engineering**
Park City, Utah

EXHIBIT C.2

Table of Contents

Large Underground Wastewater System
Trail Ridge Subdivision
Summit County, Utah

EXECUTIVE SUMMARY

PROJECT DESCRIPTON

OVERVIEW MAP

CONCEPT PLAN

SOIL EVALUATION AND PERC DATA

FEMA FLOODPLAIN MAP

BODY POLITIC

UTAH DEQ RULE R317-5

Under Separate Cover:

Hydrologic Study dated October 30, 2019, prepared by Cascade Water Resources

Executive Summary

Large Underground Wastewater System
Trail Ridge Subdivision
Summit County, Utah

Based on site reconnaissance, research, site engineering, and soil evaluations / perc tests we performed, and with reference to the checklist below, the information contained herein, and the Cascade Water Resources Hydrologic Study, we conclude that a Large Underground Wastewater System to serve the proposed Trail Ridge residential subdivision is eminently feasible on the site under study.

FEASIBILITY CHECKLIST

Design Criteria	**Design Code Requirements**			
	Exceeds	Meets	Does Not Meet	Remarks
Setbacks				
perennial stream	X			>1,600 FT vs. 100 FT min
wetlands	X			>600 FT vs. 0 FT min
dry wash	X			110 FT vs. 50 FT min
property line	X			20 FT vs. 5 FT min
Well Protection Zones	X			site is not within any well-specific protection zone
Offset to Groundwater	X			>30 FT vs. 2 FT min
Ground Slope	X			< or = 18% vs. 35% max
Absorption Area	X			1,170 LF vs. 1,091 LF min and sized based on 14 minute perc rate vs. 13 minute maximum observed

Project Description

Large Underground Wastewater System
Trail Ridge Subdivision
Summit County, Utah

Trail Ridge Subdivision is a proposed residential development located about 1.5 miles north of Wanship Dam, just south of Cherry Canyon. Based on discussions with Summit County subsequent to filing of the Master Planned Development application, the proposed development plan now depicts 30 lots, with the potential for future development east of the site.

The proposed large underground wastewater system (LUWS) is located immediately west of proposed home sites on the south end of parcel ID no. NS-227. This parcel comprises the NE 1/4 of the NW 1/4 of S 21 T1N R5E. The site is not encumbered by the regulatory floodplain. See FEMA Floodplain Map included herein.

The existing sanitary sewer main closest to the project is an 8-inch diameter main located on Hoytsville Road in Coalville, some 500 feet south of 630 South. This point is 5.9 miles (straight line distance) north of the intersection of East Wanship Road and Cherry Canyon Drive. This sewer is owned and maintained by Coalville City. The subject property is not located within the Coalville City service boundary.

There are no existing or proposed public water supplies or PWS protection zones within 1,500 feet of the proposed absorption area. See drawing entitled "Overview Plan" herein.

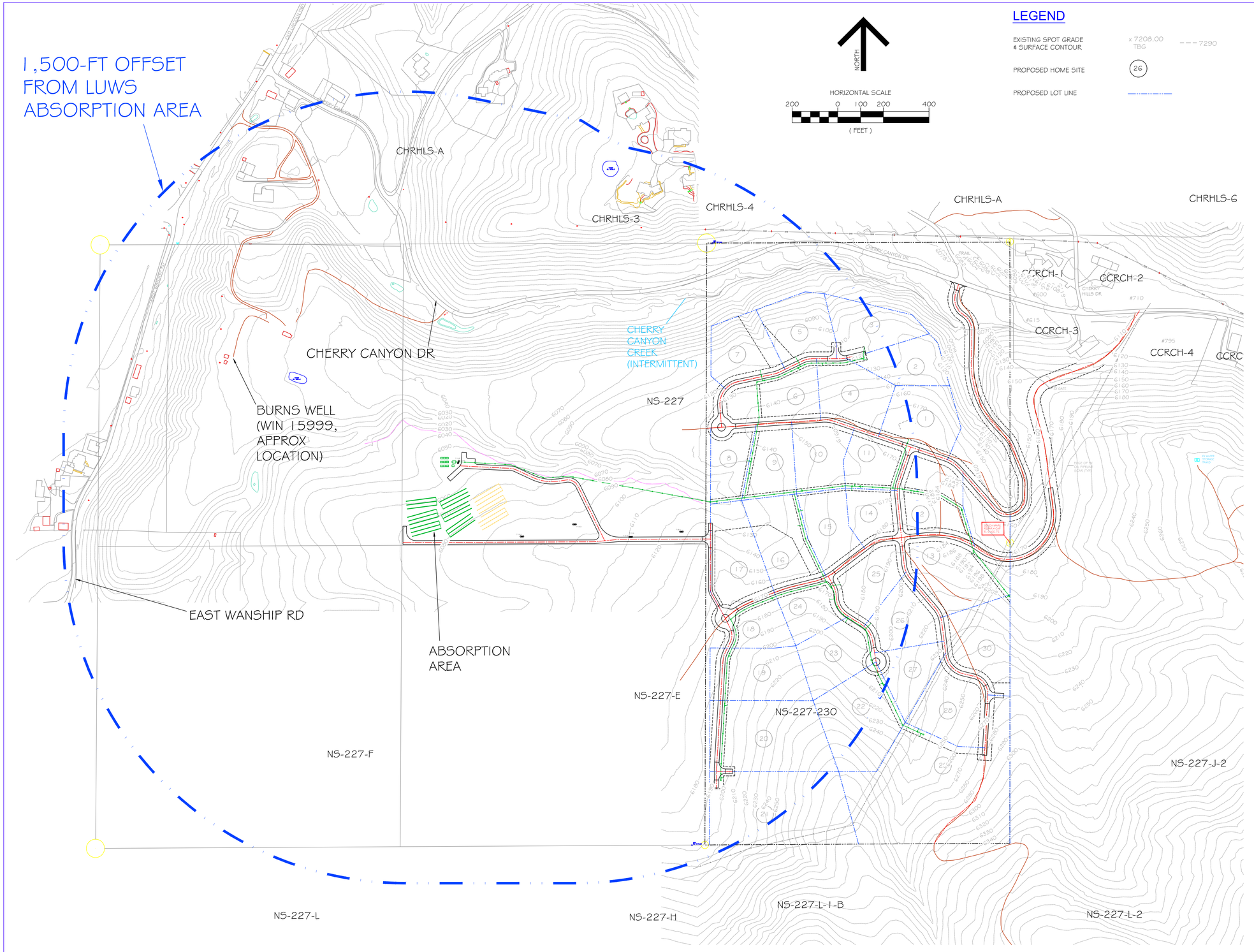
The water supply for the subdivision would be provided via the existing well (WIN 30481) located well east and upgradient of the 1,500-foot perimeter. For more information, see the accompanying Hydrologic Study completed by Cascade Water Resources dated October 30, 2019.

Based on soil evaluations and perc tests we performed, and the hydrologic study referenced above, soils are well suited for disposal of domestic wastewater.

With reference to R317-5-1.3.A., there are no constraints that dictate inclusion of secondary wastewater treatment prior to dispersal. Total design flow is under 15,000 gallons per day (12,000 GPD) and actual flow, which will be metered, will be less than 12,000 GPD. Further, all requirements contained in R317-4 for absorption area sizing, setbacks, offset to groundwater, ground slope and perc rate can be met. That said, the developer has opted to include secondary treatment to further enhance groundwater protection.

Disposal will be via pressure distribution to deep wall trenches, extending to 5-foot effective depth, leaving four or more feet of mineral soil below bottom trench elevations. Based on observations at bottom of soil evaluation pits, we expect that such mineral soils extend significantly deeper still.

See drawings entitled "Overview Map" and "Concept Plan" included herein.



LEGEND

EXISTING SPOT GRADE & SURFACE CONTOUR — x 7208.00 TBG — 7290

PROPOSED HOME SITE — 26

PROPOSED LOT LINE

ABBREVIATIONS

ACP	ASPHALT CONCRETE PAVEMENT
BLDG	BUILDING
CB	CATCH BASIN
CFS	CUBIC FEET PER SECOND
CIP	CAST-IN-PLACE
CL	CENTERLINE
CMH	COMMUNICATIONS MANHOLE
CMP	CORRUGATED METAL PIPE
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
COMM	COMMUNICATIONS
DIA	DIAMETER
DMH	DRAIN MANHOLE
EG	EXISTING GRADE
EL	ELEVATION
EMH	ELECTRIC MANHOLE
ESHGW	ESTIMATED SEASONAL HIGH GROUNDWATER
EX	EXISTING
FDN	FOUNDATION
FE	FLARED END
FG	FINISH GRADE
FRP	FIBERGLASS REINFORCED PLASTIC
GPM	GALLONS PER MINUTE
GW	GROUNDWATER
HDCI	HEAVY DUTY CAST IRON
HDPE	HIGH DENSITY POLYETHYLENE
HP	HIGH POINT
ID	INSIDE DIAMETER
INT	INTERSECTION
INV	INVERT
LD	LONGEST DIMENSION
LF	LINEAR FEET
LOD	LIMIT OF DISTURBANCE
LP	LOW POINT
MDD	MAXIMUM DRY DENSITY
MEG	MATCH EXISTING GRADE
MUTCD	MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
OD	OUTSIDE DIAMETER
PC	POINT OF CURVATURE
PCC	PORTLAND CEMENT CONCRETE
PE	PLAIN END
PJDI	PUSH-ON JOINT DUCTILE IRON
PRC	PRECAST REINFORCED CONCRETE
PVC	POLYVINYL CHLORIDE; POINT OF VERTICAL CURVATURE
PVI	POINT OF VERTICAL INTERSECTION
PVT	POINT OF VERTICAL TANGENCY
RCP	REINFORCED CONCRETE PIPE
S	SLOPE
SBED	STREAM BED
SD	STORM DRAIN
SMH	SEWER MANHOLE
SS	SANITARY SEWER, STAINLESS STEEL
TBC	TOP BACK OF CURB
TC	TOP OF CONCRETE
TO	TOP OF
TP	TOP OF PAVEMENT
TW	TOP OF WALL
TYP	TYPICAL
UD	UNDERDRAIN
UP	UTILITY POLE
WMH	WATER MANHOLE
WS	WATER SURFACE

ABBREVIATIONS - AGENCY

COE	US ARMY CORPS OF ENGINEERS
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
PCMC	PARK CITY MUNICIPAL CORPORATION
RMP	ROCKY MOUNTAIN POWER
SBWRD	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
SCEH	SUMMIT COUNTY ENVIRONMENTAL HEALTH
UDOT	UTAH DEPARTMENT OF TRANSPORTATION
WCEH	WASATCH COUNTY ENVIRONMENTAL HEALTH

REFERENCES

1. AERIAL TOPOGRAPHY PROVIDED BY OLYMPUS AERIAL SURVEYS, INC., SALT LAKE CITY, UTAH.
2. BOUNDARY AND SUPPLEMENTAL TOPOGRAPHIC SURVEYS PROVIDED BY HIGH MOUNTAIN SURVEYING, INC., HOYTSVILLE, UTAH.

DRAWING ISSUED FOR

- ☐ PLANNING
- ☐ CONSTRUCTION
- ■ PERMIT
- ☐ CONSTRUCTION RECORD

SEE DESIGN NOTES FOR INTENT. THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL PROPOSED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL CONSTRUCTION WORK ITEMS AND AREAS OF CONTRACTOR JURISDICTION.

REGISTERED PROFESSIONAL ENGINEER — A.F. SHARRY, III — 186193 — 5.20.20 — STATE OF UTAH

NO.	DATE	BY	CHK	REVISION DESCRIPTION
2	05.20.20	AFS	AFS	REDUCE LOT COUNT FROM 31 TO 30
1	02.19.20	AFS	AFS	ADD SECONDARY TREATMENT

CANYON ENGINEERING
SOLUTIONS FOR LAND
CIVIL ENGINEERING
LAND PLANNING
PERMITTING
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PO BOX 982131
PARK CITY, UTAH 84098
VOICE: 435.640.7373 EMAIL: GUS@CANYONENG.COM
WWW.CANYONENG.COM

LARGE UNDERGROUND WASTEWATER SYSTEM

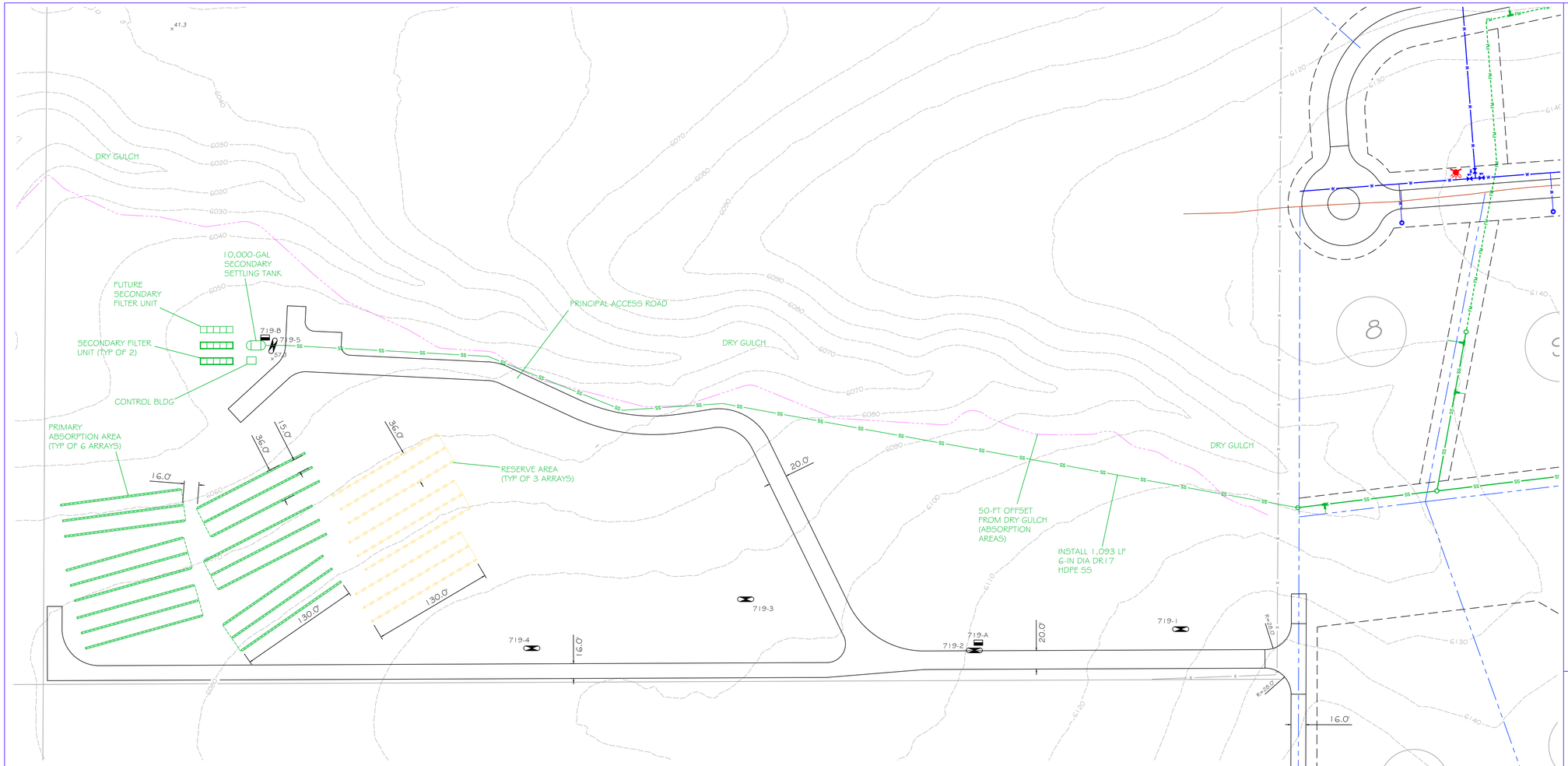
OVERVIEW MAP

TRAIL RIDGE SUBDIVISIOIN
TAX ID NOS. NS-227-230
SUMMIT COUNTY, UTAH

PREPARED FOR:
LRH, INC.
SALT LAKE CITY, UTAH

PLSS GRID LOCATION:
S21 T1N R5E
SLB&M

DES. BY: AFS CHK. BY: AFS	DATE: AUGUST 2019	JOB 18008	1 OF 1



LEGEND

- EXISTING SURFACE RUNOFF DIRECTION
- PROPOSED SURFACE RUNOFF DIRECTION
- EXISTING SPOT GRADE & SURFACE CONTOUR (x 7208.00 TBG / 7292)
- PROPOSED SPOT GRADE & SURFACE CONTOUR (←6400.0 FG / 7270)
- SOIL EVALUATION TEST PIT (1012-2)
- PERC TEST (1012-A)
- PROPERTY LINE
- SETBACK LINE
- EASEMENT LIMIT
- EX UNDERGROUND GAS LINE (G)
- EX UNDERGROUND POWER LINE (E)
- EX OVERHEAD WIRE (OHW)
- EX UNDERGROUND COMMUNICATIONS LINE (CO)
- EX UNDERGROUND WATER LINE (W)
- EX SANITARY SEWER LINE (SS)

ELEVATION DATUM

NAVD 88

ABSORPTION AREA SIZE

1. DESIGN BASED ON STATE OF UTAH DEQ REQUIREMENTS FOR LARGE UNDERGROUND WASTEWATER SYSTEMS, EXCEPT AS FOLLOWS:

SECONDARY TREATMENT NOT REQUIRED BY CODE; OWNER CHOOSES TO ADD SECONDARY TREATMENT TO FURTHER ENHANCE GROUNDWATER PROTECTION.

2. DISPERSAL AREA SIZE:

- RESIDENCES PROPOSED = 30
- TOTAL AVERAGE DAILY FLOW = 30 X 400 = 12,000 GPD
- TRENCH TYPE PROPOSED: DEEP WALL, 5 FT EFFECTIVE DEPTH
- LEACHING AREA / LF = 5 FT X 2 WALLS = 10 SF/LF
- DESIGN PERC RATE = 14 MINUTES PER INCH
- HYDRAULIC LOADING RATE = 0.77 GPD/SF (PER R317-4, TABLE 5, $q = (2.35/SQ\ ROOT\ 14)+0.15$)
- LINEAR LOADING RATE = 0.77 X 10 SF/LF = 7.7 GPD/LF
- REDUCTION FOR SECONDARY TREATMENT = 0.30
- TRENCH LENGTH REQUIRED = (1-0.30) X 12,000 / 7.7 = 1,091 LF

3. TRENCH ARRAYS PROPOSED = THREE (3) ARRAYS, EACH CONTAINING THREE (3) 130-FT TRENCHES = 1,170 LF (> 1,091 LF, THEREFORE OK)

4. THREE (3) DISPERSAL AREAS (2 PRIMARY, 1 RESERVE) SHOWN HEREON, TOTALING NINE (9) ARRAYS

5. MINIMUM OUT-OUT TRENCH SEPARATION = 15 FT

NORTH

HORIZONTAL SCALE

60 0 30 60 120

(FEET)

ABBREVIATIONS

ACP	ASPHALT CONCRETE PAVEMENT
BLDG	BUILDING
CB	CATCH BASIN
CFS	CUBIC FEET PER SECOND
CIP	CAST-IN-PLACE
CL	CENTERLINE
CMH	COMMUNICATIONS MANHOLE
CMP	CORRUGATED METAL PIPE
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
COMM	COMMUNICATIONS
DIA	DIAMETER
DMH	DRAIN MANHOLE
EG	EXISTING GRADE
EL	ELEVATION
EMH	ELECTRIC MANHOLE
ESHGW	ESTIMATED SEASONAL HIGH GROUNDWATER
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GW	GROUNDWATER
HDCI	HEAVY DUTY CAST IRON
HDPE	HIGH DENSITY POLYETHYLENE
HP	HIGH POINT
ID	INSIDE DIAMETER
INT	INTERSECTION
INV	INVERT
LD	LONGEST DIMENSION
LF	LINEAR FEET
LOD	LIMIT OF DISTURBANCE
LP	LOW POINT
MDD	MAXIMUM DRY DENSITY
MEG	MATCH EXISTING GRADE
MUTCD	MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
OD	OUTSIDE DIAMETER
PC	POINT OF CURVATURE
PCC	PORTLAND CEMENT CONCRETE
PE	PLAIN END
PJDI	PUSH-ON JOINT DUCTILE IRON
PRC	PRECAST REINFORCED CONCRETE
PVC	POLYVINYL CHLORIDE; POINT OF VERTICAL CURVATURE
PVI	POINT OF VERTICAL INTERSECTION
PVT	POINT OF VERTICAL TANGENCY
RCP	REINFORCED CONCRETE PIPE
S	SLOPE
SBED	STREAM BED
SD	STORM DRAIN
SMH	SEWER MANHOLE
SS	SANITARY SEWER, STAINLESS STEEL
TBC	TOP BACK OF CURB
TC	TOP OF CONCRETE
TO	TOP OF
TP	TOP OF PAVEMENT
TW	TOP OF WALL
TYP	TYPICAL
UD	UNDERDRAIN
UP	UTILITY POLE
WMH	WATER MANHOLE
WS	WATER SURFACE

ABBREVIATIONS - AGENCY

COE	US ARMY CORPS OF ENGINEERS
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
PCMC	PARK CITY MUNICIPAL CORPORATION
RMP	ROCKY MOUNTAIN POWER
SBWRD	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
SCEH	SUMMIT COUNTY ENVIRONMENTAL HEALTH
UDOT	UTAH DEPARTMENT OF TRANSPORTATION
WCEH	WASATCH COUNTY ENVIRONMENTAL HEALTH

REFERENCES

1. AERIAL TOPOGRAPHY PROVIDED BY OLYMPUS AERIAL SURVEYS, INC., SALT LAKE CITY, UTAH.
2. BOUNDARY AND SUPPLEMENTAL TOPOGRAPHIC SURVEYS PROVIDED BY HIGH MOUNTAIN SURVEYING, INC., HOYTSVILLE, UTAH.

DRAWING ISSUED FOR

- ☐ PLANNING
- ☐ CONSTRUCTION
- ■ PERMIT
- ☐ CONSTRUCTION RECORD

SEE DESIGN NOTES FOR INTENT. THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL PROPOSED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL CONSTRUCTION WORK ITEMS AND AREAS OF CONTRACTOR JURISDICTION.

REGISTERED PROFESSIONAL ENGINEER — A.F. SHARRY, III — 186193 — 5.20.20 — STATE OF UTAH

NO.	DATE	BY	CHK	REVISION DESCRIPTION
3	05.20.20	AFS	AFS	REDUCE LOT COUNT FROM 31 TO 30
2	02.19.20	AFS	AFS	ADD SECONDARY TREATMENT
1	09.30.19	AFS	AFS	ABSORPTION AREA LAYOUT AND DESIGN COMPUTATIONS

CANYON ENGINEERING
SOLUTIONS FOR LAND
CIVIL ENGINEERING
LAND PLANNING
PERMITTING
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PO BOX 982131
PARK CITY, UTAH 84098
VOICE: 435.640.7373 EMAIL: GUS@CANYONENG.COM
WWW.CANYONENG.COM

LARGE UNDERGROUND WASTEWATER SYSTEM

CONCEPT PLAN

TRAIL RIDGE SUBDIVISIOIN
TAX ID NOS. NS-227-230
SUMMIT COUNTY, UTAH

PREPARED FOR:
LRH, INC.
SALT LAKE CITY, UTAH

PLSS GRID LOCATION:
S21 T1N R5E
SLB&M

DES. BY: AFS CHK. BY: AFS	DATE: AUGUST 2019	JOB 18008	1 OF 1	

EXHIBIT C.7

SOIL EVALUATION AND PERC DATA

EXHIBIT C.8

SOIL EVALUTION LOG

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
VOICE 435.640.7373
EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM
SOLUTIONS FOR LAND

Client: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227
Property Address: none assigned
Conducted By: Gus Sharry, PE
UT On-site Prof. No. 00422-OSP-3
Witness: Rocky Pace, Robert Beers
Contractor / Equip: Brett Hollberg
mini-ex

Job No. 18008
Date: 7/25-7/26/19
Weather: clear

No. & Location	Depth (IN)	Horizon	Texture	Color	Struc	Description
719-1	0-26	A	L	10YR 4/3	BL	sage; DL; roots to 14";
	26-50	C1	SiL	10YR 6/4		DFR; <1% subangular P/C 4" LD
N 40.80929	50-96	C2	SiL	10YR 5/4		DFR-DFI; <1% subangular P/C 4" LD
W 111.38686						
mottling	no					
OGW	no					
ESHGW	no					
refusal	no					
719-2	0-14	A	L	10YR 4/3	BL	sage; DL; roots to 10";
	14-54	C1	SiL	10YR 6/4		DFR; <1% subangular P/C 4" LD
N 40.80923	54-79	C2	SiL-FSL	5YR 5/6		DFR; 25% subangular/rounded P/C 4" LD
W 111.38766	79-92	C3	SiL	5YR 4/6		DFI; <1% subangular P/C 4" LD
mottling	no					
OGW	no					
ESHGW	no					
refusal	no					
719-3	0-12	A	L	10YR 4/3	BL	sage; DL; roots to 4";
	12-45	C1	SiL	10YR 5/4		DFR-DFI; <1% subangular P/C 4" LD
N 40.80938	45-104	C2	F-MSL	5YR 5/6		DFR; 30% rounded P/C 4" LD
W 111.38855						
mottling	no					
OGW	no					
ESHGW	no					
refusal	no					

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; DEH-Dept of Environmental Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; POC-pockets;

TEXTURE
S-sand; CS-coarse sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; FSC-fine sandy clay; CL-clay loam; C-clay; SC-sandy clay;

STRUCTURE
M-massive; PL-platy; BL-blocky; PR-prismatic; SG-single grain; RL-restrictive layer;

CONSISTENCE
LS-loose; GR-granular; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-moist, friable; CM-cemented; W-wet;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT C.9

SOIL EVALUTION LOG

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
VOICE 435.640.7373
EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM

SOLUTIONS FOR LAND

Client: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227
Property Address: none assigned
Conducted By: Gus Sharry, PE
UT On-site Prof. No. 00422-OSP-3
Witness: Rocky Pace, Robert Beers
Contractor / Equip: Brett Hollberg
mini-ex

Job No. 18008
Date: 7/25-7/26/19
Weather: clear

No. & Location	Depth (IN)	Horizon	Texture	Color	Struc	Description
719-4	0-14	A	L	10YR 4/3	BL	sage; DL; roots to 4";
	14-30	C1	SiL	10YR 5/4		DFR-DFI; <1% subangular P/C 4" LD
N 40.80923	30-135	C2	F-MSL	5YR 5/6		DFR; 35% rounded P/C/B 12" LD
W 111.38938						
mottling	no					
OGW	no					
ESHGW	no					
refusal	no					
719-5	0-16	A	L	10YR 4/3	BL	sage; DL; roots to 6";
	16-36	C1	VFSL-SiL	10YR 6/4		DFR; 25% rounded P/C 4" LD
N 40.81013	36-124	C2	F-MSL	5YR 5/6		DFR; 35% rounded P/C 8" LD
W 111.39039						
mottling	no					
OGW	no					
ESHGW	no					
refusal	no					

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; DEH-Dept of Environmental Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; POC-pockets;

TEXTURE
S-sand; CS-coarse sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; FSC-fine sandy clay; CL-clay loam; C-clay; SC-sandy clay;

STRUCTURE
M-massive; PL-platy; BL-blocky; PR-prismatic; SG-single grain; RL-restrictive layer;

CONSISTENCE
LS-loose; GR-granular; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-moist, friable; CM-cemented; W-wet;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT C.10

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
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EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM

SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227
Property Address: none assigned
Conducted By: Gus Sharry, PE
UT On-site Prof. No. 00422-OSP-3
Witnessed By: Rocky Pace, Robert Beers
Job No. 18008
Weather: clear

No. & Location

719-A

N 40.80923
W 111.38766

Bottom of perc to grade (IN) 57

Date 7/25/19

Time	Depth	Time	Depth	Elasped Time	Drop	Rate
0:00:10	11	0:05:20	9	0:05:10	2	0:02:35

first 12-inch drop > 10 minutes; hold water over gravel at least 4 hours; 16 to 30-hour swell required

Date 7/26/19

Time	Depth	Time	Depth	Elasped Time	Drop	Rate
0:01:00	6	0:31:00	3 4/16	0:30:00	2 12/16	0:10:55
0:31:40	6	1:01:40	3 12/16	0:30:00	2 4/16	0:13:20
1:03:10	6	1:33:10	3 12/16	0:30:00	2 4/16	0:13:20



perc rate: 0:13

(rate in hours : minutes per inch)

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths and drops are in inches. Times indicated in tables are in hours:minutes:seconds.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT C.11

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
VOICE 435.640.7373
EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM

SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227
Property Address: none assigned
Conducted By: Gus Sharry, PE
UT On-site Prof. No. 00422-OSP-3
Witnessed By: Rocky Pace, Robert Beers
Job No. 18008
Weather: clear

No. & Location

719-B

N 40.81013
W 111.39039

Bottom of perc to grade (IN) 40

Date 7/25/19

Time	Depth	Time	Depth	Elasped Time	Drop	Rate
1:50:10	12	1:56:10	9	0:06:00	3	0:02:00
1:56:10	9	2:07:30	7	0:11:20	2	0:05:40

first 12-inch drop > 10 minutes; hold water over gravel at least 4 hours; 16 to 30-hour swell required

Date 7/26/19

Time	Depth	Time	Depth	Elasped Time	Drop	Rate
1:45:20	6	2:15:20	2 8/16	0:30:00	3 8/16	0:08:34
2:15:45	6	2:45:45	3 2/16	0:30:00	2 14/16	0:10:26
2:46:55	6	3:16:55	3 2/16	0:30:00	2 14/16	0:10:26



perc rate: 0:10

(rate in hours : minutes per inch)

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths and drops are in inches. Times indicated in tables are in hours:minutes:seconds.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT C.12

WELL LOGS (1,500-FOOT OFFSET)

EXHIBIT C.13

Utah Division of Water Rights

WELLPRT Well Log Information Listing

Version: 2003.09.18.00 Rundate: 10/08/2003 05:36 PM

Utah Division of Water Rights

Water Well Log

LOCATION:
S 1070 ft W 180 ft from NE CORNER of SECTION 20 T 1N R 5E BASE SL Elevation: feet

DRILLER ACTIVITIES:
ACTIVITY # 1 WELL REPLACEMENT
DRILLER: Five B Drilling Company LICENSE #: 614
START DATE: 03/06/1992 COMPLETION DATE: 03/22/1992
ACTIVITY # 2 WELL ABANDONMENT
DRILLER: Five B Drilling Company LICENSE #: 614
START DATE: / / COMPLETION DATE: 03/22/1992

BOREHOLE INFORMATION:

Depth(ft) From	To	Diameter(in)	Drilling Method	Drilling Fluid
0	62	6	CABLE	

LITHOLOGY:

Depth(ft) From	To	Lithologic Description	Color	Rock Type
0	5	OTHER TOPSOIL		
5	15	CLAY GRAY	GRAY	
15	25	SAND,GRAVEL,BOULDERS		
25	45	GRAVEL,BOULDERS		
45	62	GRAVEL,BOULDERS		

WATER LEVEL DATA:

Date	Time	Water Level (feet) (-)above ground	Status
03/22/1992		14.50	STATIC

CONSTRUCTION - CASING:

Depth(ft) From	To	Material	Gage(in)	Diameter(in)
0	62		.280	6

CONSTRUCTION - SCREENS/PERFORATIONS:

Depth(ft) From	To	Screen(S) or Perforation(P)	Slot/Perf. siz	Screen Diam/Length Perf(in)	Screen Type/# Perf.
60	61	PERFORATION	2.25	4	SHOTS

CONSTRUCTION - FILTER PACK/ANNULAR SEALS

Depth(ft) From	To	Material	Amount	Density(pcf)
0	18	BENTONITE		

WELL TESTS:

Date	Test Method	Yield (CFS)	Drawdown (ft)	Time Pumped (hrs)
03/22/1992	PUMP TEST	.045	2	8

WATER QUALITY DATA AVAILABLE

GENERAL COMMENTS:
*ABANDONED - Old well was abandoned with 15 cu/yds neat cement.
Casing diameter - 24 " depth - 35 ' Completely sealed.

EXHIBIT C.14

REPLACEMENT - letter is from 1974 with no expiration date. It does not include amended point of diversion. Letter and application indicate new well is 10 feet from old well but doesn't specify which direction.

EXHIBIT C.15

Utah Division of Water Rights

WELLPRT Well Log Information Listing

Version: 2003.09.18.00 Rundate: 10/09/2003 06:00 PM

Utah Division of Water Rights

Water Well Log

LOCATION:
S 1937 ft E 50 ft from NW CORNER of SECTION 21 T 1N R 5E BASE SL Elevation: feet

DRILLER ACTIVITIES:
ACTIVITY # 1 WELL REPLACEMENT
DRILLER: ZIMMERMAN, MIKE (WELL SERVICE) LICENSE #: 527
START DATE: 02/17/1994 COMPLETION DATE: / /

BOREHOLE INFORMATION:

Depth(ft) From	To	Diameter(in)	Drilling Method	Drilling Fluid
0	213	6.00	CABLE TOOL	BENTONITE
213	440	6.00	MUD ROTARY	BENTONITE
440	520	4.00	AIR ROTARY	

LITHOLOGY:

Depth(ft) From	To	Lithologic Description	Color	Rock Type
0	3	OTHER		FILL
		FILL		
3	10	COBBLES	RED	
		RED		
10	13	CLAY,GRAVEL	RED	
		SOME CLAY		
13	15	CLAY	RED	
15	33	WATER-BEARING,CLAY,SAND,GRAVEL,COBBLES	RED	
33	61	CLAY,OTHER	RED	SHALE
		CASING STOPPED AT 54 FEET		
61	65	WATER-BEARING,OTHER	BROWN	SANDSTONE
65	69	OTHER		SHALE
69	74	OTHER	BROWN	MUDSTONE
74	86	OTHER		SHALE/SS
		SOME SANDSTONE INTERBEDDED		
86	88	LOW-PERMEABILITY,CLAY	RED	
88	98	OTHER	BROWN	SANDSTONE
98	100	LOW-PERMEABILITY,CLAY	BLUE/WHITE	
100	105	OTHER	RED	SHALE
		SANDY		
105	135	OTHER	GREEN/RED	SHALE
135	210	OTHER	RED	SHALE
210	213	OTHER	BROWN	SANDSTONE
		HOLE CAVING, MOVE CABLE RIG OFF ON 3-12-94, MOVE ROTARY ON 3-31-94.		
213	440	OTHER	GREEN	SHALE
		SANDY SOME GREEN SHALES INTERBEDDED		
440	496	OTHER	RED/GREEN	SHALE
		RUN 4" THREADED CASING		
496	500	OTHER	RED	SHALE
500	520	OTHER	RED/GREEN	SHALE

CONSTRUCTION - CASING:

Depth(ft) From	To	Material	Gage(in)	Diameter(in)
0	56	A53B		

CONSTRUCTION - SCREENS/PERFORATIONS:

Depth(ft) From	To	Screen(S) or Perforation(P)	Slot/Perf. siz	Screen Diam/Length Perf(in)	Screen Type/# Perf.
54	60	PERFORATION			44 PERFS

EXHIBIT C.16

CONSTRUCTION - FILTER PACK/ANNULAR SEALS

Depth(ft) From	To	Material	Amount	Density(pcf)
0	18	BENSEAL		

WELL TESTS:

Date	Test Method	Yield (CFS)	Drawdown (ft)	Time Pumped (hrs)
04/18/1994	AIR LIFT	.009		

GENERAL COMMENTS:

CONSTRUCTION INFORMATION:
Well head configuration: welded cap
Casing joint type: Weld, threaded Perforator used: Torch
Pump: N/A
Comments: No data
Additional data not available

EXHIBIT C.17

Utah Division of Water Rights

WELLPRT Well Log Information Listing

Version: 2003.09.18.00 Rundate: 10/10/2003 03:18 PM

Utah Division of Water Rights

Water Well Log

LOCATION:
N 3632 ft W 262 ft from SE CORNER of SECTION 20 T 1N R 5E BASE SL Elevation: feet

DRILLER ACTIVITIES:
ACTIVITY # 1 WELL REPLACEMENT
DRILLER: MIDWAY DRILLING LICENSE #: 432
START DATE: 06/09/1987 COMPLETION DATE: 06/12/1987
ACTIVITY # 2 WELL REPLACEMENT
DRILLER: DOXEY DRILLING LICENSE #: 400
START DATE: 10/24/1995 COMPLETION DATE: 10/30/1995

BOREHOLE INFORMATION:

Depth(ft) From	Depth(ft) To	Diameter(in)	Drilling Method	Drilling Fluid
0	149	8.75	ROTARY TRI CONE	WATER/QUICK GEL

LITHOLOGY:

Depth(ft) From	Depth(ft) To	Lithologic Description	Color	Rock Type
0	30	CLAY,GRAVEL,BOULDERS	DARK BROWN	
30	34	CLAY,GRAVEL,COBBLES	TAN	
34	115	CLAY,GRAVEL,COBBLES,BOULDERS	REDDISH	CLAYS
115	149	WATER-BEARING,HIGH-PERMEABILITY,CLAY,SAND,GRAVEL WATER BEARING	TAN	CLAYS

WATER LEVEL DATA:

Date	Time	Water Level (feet) (-)above ground	Status
10/29/1995		48.99	

ADDITIONAL DATA AVAILABLE, USE OTHER PRINT OPTION

CONSTRUCTION - SCREENS/PERFORATIONS:

Depth(ft) From	Depth(ft) To	Screen(S) or Perforation(P)	Slot/Perf. siz	Screen Diam/Length Perf(in)	Screen Type/# Perf.
100	149	PERFORATION	.125	1.25	450 SLOTS

CONSTRUCTION - FILTER PACK/ANNULAR SEALS

Depth(ft) From	Depth(ft) To	Material	Amount	Density(pcf)
0	29	BAROID HOLE PLUG/CEMEN		
29	149	1-1/4 RND WSHD GRAVEL		

WELL TESTS:

Date	Test Method	Yield (CFS)	Drawdown (ft)	Time Pumped (hrs)
10/29/1995	AIR LIFTING	.031		4

GENERAL COMMENTS:
CONSTRUCTION INFORAMTION:
Well head configuration: Alu cap w/conduit
Casing joint Type: Solvent Weld
Perforator used: Slots
Access Port: No data
Pump: Sub
Intake Depth: 110 feet
Approx max pump rate: 14
Well disinfected: yes
Additional data not available

EXHIBIT C.18

*WELL LOG 7-6-1987 FOR REPLACEMENT
BOREHOLE
0 to 139' Diameter: 6 5/8" Method: rotary
WELL LOG
0 to 10' clay, gravel, red
10 to 20' clay, cobbles, cobble rock set in silty clay
20 to 35' clay,
35 to 50' cobbles
50 to 95' clay, boulders, siltstone
95 to 139' gravel, cobbles. Water in this level
WATER LEVELS
Static level: 45' below land surface 6-12-1987
CASING
0 to 139' Gage: .250" Diameter: 6 5/8"
Welded
PERF
Perforator: cutting torch
Size of perforations: 5" x 3/8"
50 perforations from 100' to 139'
CONSTRUCTION
Well gravel packed: yes
Size of gravel: 1/2
Gravel placed from 20' to 139'
Surface seal: yes, 20'
Material: cement grout
Did any strata contain unusable water: no
Surface casing used: no
WELL TESTS
Yield: 25 gpm (tested with air on rig)
Temperature: norm
Additional data not available.

EXHIBIT C.19

Utah Division of Water Rights

WELLPRT Well Log Information Listing

Version: 2003.09.18.00 Rundate: 10/11/2003 11:51 AM

Utah Division of Water Rights

Water Well Log

LOCATION:
S 500 ft E 1300 ft from NW CORNER of SECTION 21 T 1N R 5E BASE SL Elevation: feet

DRILLER ACTIVITIES:
ACTIVITY # 1 NEW WELL
DRILLER: ZIMMERMAN, MIKE (WELL SERVICE) LICENSE #: 527
START DATE: 06/20/1997 COMPLETION DATE: 06/24/1997

BOREHOLE INFORMATION:

Depth(ft) From	To	Diameter(in)	Drilling Method	Drilling Fluid
0	27	12.0	AIR ROTARY	
27	185	8.00	AIR ROTARY/CSG HMR	

LITHOLOGY:

Depth(ft) From	To	Lithologic Description	Color	Rock Type
0	3		BROWN	TOP SOIL
3	6	CLAY	RED/BROWN	
6	126	SAND,GRAVEL	BROWN	
126	185	OTHER	TAN	SANDSTONE
		126' 1ST WATER		
		160' 10 GPM		
		185' 20 GPM		

WATER LEVEL DATA:

Date	Time	Water Level (feet) (-)above ground	Status
06/24/1997		122.00	STATIC

CONSTRUCTION - CASING:

Depth(ft) From	To	Material	Gage(in)	Diameter(in)
-16	145	SDR 17 CERTA LOK		5.00
+1.5	137	A53B	.250	8.00

CONSTRUCTION - SCREENS/PERFORATIONS:

Depth(ft) From	To	Screen(S) or Perforation(P)	Slot/Perf. siz	Screen Diam/Length Perf(in)	Screen Type/# Perf.
145	185	PERFORATION	.030	40.0	FACTORY

CONSTRUCTION - FILTER PACK/ANNULAR SEALS

Depth(ft) From	To	Material	Amount	Density(pcf)
0	27	CS GRANULAR	6	24
135	185	3/8 CRS GRAVEL	30	

WELL TESTS:

Date	Test Method	Yield (CFS)	Drawdown (ft)	Time Pumped (hrs)
06/23/1997	AIR	.045		2

GENERAL COMMENTS:
CONSTRUCTION IFNORAMTION:
Well head configuration: No data
Casing Joint Type: Welded & Certalok
Perforator used: No
Additional data not available

EXHIBIT C.20

Utah Division of Water Rights

WELLPRT Well Log Information Listing

Version: 2003.09.18.00 Rundate: 10/11/2003 01:50 PM

Utah Division of Water Rights

Water Well Log

LOCATION:
N 4100 ft E 50 ft from SW CORNER of SECTION 21 T 1N R 5E BASE SL Elevation: feet

DRILLER ACTIVITIES:
ACTIVITY # 1 NEW WELL
DRILLER: EXTERRA LICENSE #: 676
START DATE: 10/06/1997 COMPLETION DATE: 10/07/1997

BOREHOLE INFORMATION:

Depth(ft) From	To	Diameter(in)	Drilling Method	Drilling Fluid
0	120	6.00	AIR ROTARY	

LITHOLOGY:

Depth(ft) From	To	Lithologic Description	Color	Rock Type
0	6	SAND,GRAVEL,COBBLES		
6	12	CLAY,SAND,GRAVEL		
12	25		BROWN	SANDSTONE
		FRACTURED		
25	60		BROWN	SANDSTONE
60	90	WATER-BEARING	BROWN	SANDSTONE
90	120	WATER-BEARING	BROWN	SANDSTONE

WATER LEVEL DATA:

Date	Time	Water Level (feet) (-)above ground	Status
10/07/1997		47.00	STATIC

CONSTRUCTION - CASING:

Depth(ft) From	To	Material	Gage(in)	Diameter(in)
0	25	STEEL	.250	6.00
17	120	STEEL	.250	4.50

CONSTRUCTION - SCREENS/PERFORATIONS:

Depth(ft) From	To	Screen(S) or Perforation(P)	Slot/Perf. siz	Screen Diam/Length Perf(in)	Screen Type/# Perf.
60	120	PERFORATION	.125	5.00	4 PER FT SLT

CONSTRUCTION - FILTER PACK/ANNULAR SEALS

Depth(ft) From	To	Material	Amount	Density(pcf)
0	20	BENTONITE		

WELL TESTS:

Date	Test Method	Yield (CFS)	Drawdown (ft)	Time Pumped (hrs)
10/07/1997	AIR LIFT	.056		

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WATER RIGHTS
SALT LAKE

EXHIBIT C.21

WELL DRILLER'S REPORT
State of Utah
Division of Water Rights

For additional space, use "Additional Well Data Form" and attach

Well Identification

Exchange Application: E3748 (35-10482) WIN: 16668

Owner *Note any changes*

Michael Richard Lahage
1977 East Wanship Road
Wanship UT 84017

JS

Contact Person/Engineer: _____

Well Location *Note any changes*

N 180 E 700 from the SW corner of section 16, Township 1N, Range 5E, SL B&M

Location Description: (address, proximity to buildings, landmarks, ground elevation,local well #)

Drillers Activity Start Date: 7-6-04 Completion Date: 7-8-04

Check all that apply: ☐ New ☒ Repair ☐ Deepen ☒ Clean ☐ Replace ☐ Public Nature of Use: _____

If a replacement well, provide location of new well. _____ feet north/south and _____ feet east/west of the existing well.

DEPTH (feet) FROM	TO	BOREHOLE DIAMETER (in)	DRILLING METHOD	DRILLING FLUID
			N/A	

Well Log

DEPTH (feet) FROM	TO	WATER	PERMEABLE (High / Low)	UNCONSOLIDATED: CLAY	SILT	SAND	GRAVEL	COBBLES	BOULDER	OTHER	CONSOLIDATED: ROCK TYPE	COLOR	DESCRIPTION AND REMARKS (e.g., relative %, grain size, sorting, angularity, bedding, grain composition density, plasticity, shape, cementation, consistancy, water bearing, ordor, fracturing, minerology, texture,degree of weathering, hardness, water quality, etc.)

Static Water Level

Date 7-8-04 Water Level 55.45 feet Flowing? ☐ Yes ☑ No

Method of Water Level Measurement Elec. sounder If Flowing, Capped Pressure _____ PSI

Point to Which Water Level Measurement was Referenced Top of Casing Elevation _____

Height of Water Level reference point above ground surface 1.5 feet Temperature _____ degrees ☐ C ☐ F

[redacted] *Well Log* [redacted]

EXHIBIT C.22

Construction Information

DEPTH (feet) FROM	DEPTH (feet) TO	CASING: CASING TYPE AND MATERIAL/GRADE	CASING: WALL THICK (in)	CASING: NOMINAL DIAM. (in)	DEPTH (feet) FROM	DEPTH (feet) TO	☐SCREEN ☑PERFORATIONS ☐OPEN BOTTOM: SCREEN SLOT SIZE OR PERF SIZE (in)	SCREEN DIAM. OR PERF LENGTH (in)	SCREEN TYPE OR NUMBER PERF (per round/interval)
+1.5'	140	A53B Steel Existing CASING	.250	8"	54'	66'	3/8"	2½"	33 perforations 3 PERFORATIONS 1 ROUND @ 5 ~~ABOUT~~ 1' INTERVALS

Well Head Configuration: Baker pitless well cap Access Port Provided? ☑Yes ☐No

Casing Joint Type: N/A Perforator Used:

Was a Surface Seal Installed? ☐Yes ☐No N/A Depth of Surface Seal: _____ feet Drive Shoe? ☐Yes ☐~~No~~

Surface Seal Material Placement Method:

DEPTH (feet) FROM	DEPTH (feet) TO	SURFACE SEAL / INTERVAL SEAL / FILTER PACK / PACKER INFORMATION: SEAL MATERIAL, FILTER PACK and PACKER TYPE and DESCRIPTION	Quantity of Material Used (if applicable)	GROUT DENSITY (lbs./gal., # bag mix, gal./sack etc.)

Well Development and Well Yield Test Information

DATE	METHOD	YIELD	Units Check One GPM	Units Check One CFS	DRAWDOWN (ft)	TIME PUMPED (hrs & min)
7-7-04	Bailing	25	✓		5'	1 HR
7-8-04	pump	15	✓		3'	3 HRS

Pump (Permanent)

Pump Description: STA Rite 10gpm Horsepower: ½ Pump Intake Depth: 120' feet

Approximate Maximum Pumping Rate: 15gpm Well Disinfected upon Completion? ☑Yes ☐No

Comments Description of construction activity, additional materials used, problems encountered, extraordinary Circumstances, abandonment procedures. *Use additional well data form for more space.*

Removed 5" PVC 240' & perforated 8" steel from 66'-54'. Surged and Bailed well

Well Driller Statement This well was drilled and constructed under my supervision, according to applicable rules and regulations, and this report is complete and correct to the best of my knowledge and belief.

Name ZIMMERMAN, MIKE WELL SERVICE (Person, Firm or Corporation - Print or Type) License No. 727

Signature John D. Z (Licensed Well Driller) Date 7-13-04

EXHIBIT C.23

Utah Division of Water Rights

WELLPRT Well Log Information Listing

Version: 2003.09.18.00 Rundate: 10/12/2003 01:25 PM

Utah Division of Water Rights

Water Well Log

LOCATION:
N 500 ft E 1100 ft from SW CORNER of SECTION 16 T 1N R 5E BASE SL Elevation: feet

DRILLER ACTIVITIES:
ACTIVITY # 1 NEW WELL
DRILLER: ZIMMERMAN, MIKE (WELL SERVICE) LICENSE #: 527
START DATE: 08/03/2000 COMPLETION DATE: 08/04/2000

BOREHOLE INFORMATION:

Depth(ft) From	To	Diameter(in)	Drilling Method	Drilling Fluid
0	22	12.5	AIR ROTARY	
22	209	8	AIR ROTARY, CASING	

LITHOLOGY:

Depth(ft) From	To	Lithologic Description	Color	Rock Type
0	20	SAND,COBBLES SANDSTONE COBBLES	RED	
20	47	SAND,COBBLES	RED	
47	209	SILTY - VERY FINE GRAINED, CASING STOPPED AT 60' H2O @ 50' 3-4 GPM @ 64', 7-8 GPM @ 84' 12-15 GPM @ 100 20 GPM @ 120 40 - 50 GPM @ 210	RED	SANDSTONE

WATER LEVEL DATA:

Date	Time	Water Level (feet) (-)above ground	Status
08/04/2000		37.00	STATIC

CONSTRUCTION - CASING:

Depth(ft) From	To	Material	Gage(in)	Diameter(in)
-9	169	CERTA-LOC PVC SD417		5
1.5	58	A53B STEEL	.250	6.62

CONSTRUCTION - SCREENS/PERFORATIONS:

Depth(ft) From	To	Screen(S) or Perforation(P)	Slot/Perf. siz	Screen Diam/Length Perf(in)	Screen Type/# Perf.
169	209	SCREEN	.32	5	FACTORY

CONSTRUCTION - FILTER PACK/ANNULAR SEALS

Depth(ft) From	To	Material	Amount	Density(pcf)
0	10	HOLEPLUG CHIPS	8 BAGS	400
10	22	C/S GRANNULAR	50 LBS 25 GALS	250

WELL TESTS:

Date	Test Method	Yield (CFS)	Drawdown (ft)	Time Pumped (hrs)
08/04/2000	AIR LIFT	.134	1	

GENERAL COMMENTS:
CONSTRUCTION INFORMATION:
Well Head Configuraiton: Welded Cap
Casing Joint Type: Steel-welded pvc certa loc
Surface Seal: yes

EXHIBIT C.24

Depth of Seal: 22 feet
Drive Shoe: yes
Method of Placement: installed from surface
ADDITIONAL DATA NOT AVAILABLE

EXHIBIT C.25

Utah Division of Water Rights

WELLPRT Well Log Information Listing

Version: 2003.09.18.00 Rundate: 10/13/2003 04:26 AM

Utah Division of Water Rights

Water Well Log

LOCATION:
N 10 ft E 630 ft from SW CORNER of SECTION 16 T 1N R 5E BASE SL Elevation: feet

DRILLER ACTIVITIES:
ACTIVITY # 1 NEW WELL
DRILLER: ZIMMERMAN, MIKE WELL SERVICE LICENSE #: 727
START DATE: 12/03/2002 COMPLETION DATE: 12/24/2002

BOREHOLE INFORMATION:

Depth(ft) From	Depth(ft) To	Diameter(in)	Drilling Method	Drilling Fluid
0	53	12	CABLE TOOL	WATER
53	155	8	CABLE TOOL	WATER

LITHOLOGY:

Depth(ft) From	Depth(ft) To	Lithologic Description	Color	Rock Type
0	35	SILT,SAND,GRAVEL,COBBLES	BROWN	
35	49	SAND,GRAVEL	BROWN	
49	56	CLAY,SILT	RED	
56	66	SILT,SAND,GRAVEL	BROWN	
66	72	CLAY,SILT,SAND,GRAVEL	BROWN	
72	84	WATER-BEARING,SAND,GRAVEL	BROWN	
84	86	CLAY	RED	
86	94	WATER-BEARING,CLAY,SAND,GRAVEL	RED	
94	96	WATER-BEARING,SAND,GRAVEL	RED	
96	97	LOW-PERMEABILITY,CLAY,SAND,GRAVEL	RED	
97	131	LOW-PERMEABILITY,CLAY,SAND	RED	
131	155	LOW-PERMEABILITY SANDY SILTSTONE	RED	SANDY SILTSTNE

WATER LEVEL DATA:

Date	Time	Water Level (feet) (-)above ground	Status
12/24/2002		70.15	STATIC

CONSTRUCTION - CASING:

Depth(ft) From	Depth(ft) To	Material	Gage(in)	Diameter(in)
+1.5	142	STEEL A53B	.250	8

CONSTRUCTION - SCREENS/PERFORATIONS:

Depth(ft) From	Depth(ft) To	Screen(S) or Perforation(P)	Slot/Perf. siz	Screen Diam/Length Perf(in)	Screen Type/# Perf.
73	95	PERFORATION	.375	3	135 PERF

CONSTRUCTION - FILTER PACK/ANNULAR SEALS

Depth(ft) From	Depth(ft) To	Material	Amount	Density(pcf)
0	53	3/8 BENTONITE CHIPS	85-50#BG	

WELL TESTS:

Date	Test Method	Yield (CFS)	Drawdown (ft)	Time Pumped (hrs)
12/24/2002	PUMP TEST	.111	7.45	3

GENERAL COMMENTS:
CONSTRUCTION INFORMATION:
Well head configuration: Welded Plate
Casing type: Welded
Perforator: No data 135 perfs 5 per no 8" int.
Surface seal: Yes, 53 ft.
Drive shoe: Yes
Surface seal placement method: Gravity
NO PUMP
Install 12" steel to 48' - Remove 12" while installing bentonite chips
Lot 5 Cherry Canyon Estates

EXHIBIT C-26

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FEB 22 2006
WATER RIGHTS
SALT LAKE

WELL DRILLER'S REPORT
State of Utah
Division of Water Rights

For additional space, use "Additional Well Data Form" and attach

Well Identification

Exchange Application: E4673 (35-11946)

WIN: ~~35104~~ 35191

Owner *Note any changes*

Curtis A. and Kami R. Cox
1482 7th Street
Ogden, Utah 84404

Contact Person/Engineer: #2

Well Location *Note any changes*

N 585 E 943 from the SW corner of section 16, Township 1N, Range 5E, SL B&M

Location Description: (address, proximity to buildings, landmarks, ground elevation, local well #)

Drillers Activity Start Date: 2-8-06 Completion Date: 2-14-06

Check all that apply: ☒ New ☐ Repair ☐ Deepen ☐ Clean ☐ Replace ☐ Public Nature of Use:

If a replacement well, provide location of new well. _____ feet north/south and _____ feet east/west of the existing well.

DEPTH (feet) FROM	TO	BOREHOLE DIAMETER (in)	DRILLING METHOD	DRILLING FLUID
0	30	12"	Air rotary	water
30	300	8"	" "	"

Well Log

DEPTH (feet) FROM	TO	WATER	PERMEABLE High	PERMEABLE Low	UNCONSOLIDATED CLAY	SILT	SAND	GRAVEL	COBBLES	BOULDER	OTHER	CONSOLIDATED ROCK TYPE	COLOR	DESCRIPTION AND REMARKS (e.g., relative %, grain size, sorting, angularity, bedding, grain composition density, plasticity, shape, cementation, consistancy, water bearing, ordor, fracturing, minerology, texture, degree of weathering, hardness, water quality, etc.)
0	6'				X									Topsoil
6'	33'				X				X	X				not much clay
33'	80'				X						X	Siltstone	Tan	
80'	130'										X	shale	red	
130'	149'							X						
149'	185'										X	Shale	red	
185'	246'				X			X			X	Sandstone	yellow	small amount clay & gravel
246'	265'				X						X	Siltstone	red	
265'	300'				X						X	Shale	Brown	

Static Water Level

Date 12-13-06 Water Level 50 feet Flowing? ☐ Yes ☒ No

Method of Water Level Measurement water level meter If Flowing, Capped Pressure — PSI

Point to Which Water Level Measurement was Referenced Top of 8" Elevation 5922'

Height of Water Level reference point above ground surface 2' feet Temperature ? degrees ☐ C ☐ F

EXHIBIT C.27

Construction Information

DEPTH (feet) FROM	TO	CASING: CASING TYPE AND MATERIAL/GRADE	WALL THICK (in)	NOMINAL DIAM. (in)	DEPTH (feet) FROM	TO	☐SCREEN ☐PERFORATIONS ☒OPEN BOTTOM: SCREEN SLOT SIZE OR PERF SIZE (in)	SCREEN DIAM. OR PERF LENGTH (in)	SCREEN TYPE OR NUMBER PERF (per round/interval)
+2	60'	Steel	.322	8"	—	—	—	—	—
−2	60'	after abandon							

Well Head Configuration: 8" steel casing Access Port Provided? ☒Yes ☐No

Casing Joint Type: welded Perforator Used: —

Was a Surface Seal Installed? ☒Yes ☐No Depth of Surface Seal: 30' feet Drive Shoe? ☒Yes ☐No

Surface Seal Material Placement Method: Top load bentonite chips 30'-0

Was a temporary surface casing used? ☒Yes ☐No If yes, depth of casing: 10' feet diameter: 12" inches

DEPTH (feet) FROM	TO	SURFACE SEAL / INTERVAL SEAL / FILTER PACK / PACKER INFORMATION: SEAL MATERIAL, FILTER PACK and PACKER TYPE and DESCRIPTION	**Quantity** of Material Used (if applicable)	GROUT DENSITY (lbs./gal., # bag mix, gal./sack etc.)
30'	0	bentonite chips	33-50lbsacks	
300'	10'	Bentonite chips	136-50lbsacks	
10	-2'	neat cement	3 cubic ft	18 lbs per gal

Well Development and Well Yield Test Information

DATE	METHOD	YIELD	Units Check One GPM	CFS	DRAWDOWN (ft)	TIME PUMPED (hrs & min)
—	—	—	—	—	—	—

Pump (Permanent)

Pump Description: _____ Horsepower: _____ Pump Intake Depth: _____ feet

Approximate Maximum Pumping Rate: _____ Well Disinfected upon Completion? ☐Yes ☐No

Comments

Description of construction activity, additional materials used, problems encountered, extraordinary Circumstances, abandonment procedures. *Use additional well data form for more space.*

Hole fills up with water over night, not enough to make a well Going to drill another hole, so we abandoned this hole fill w/ bentonite chips 300'-10', neat cement 10'-2', cut off 8".

Well Driller Statement

This well was drilled and constructed under my supervision, according to applicable rules and regulations, and this report is complete and correct to the best of my knowledge and belief.

Name ARMSTRONG DRILLING (Person, Firm, or Corporation - Print or Type) License No. 704

Signature _____ (Licensed Well Driller) Date 2-21-06

EXHIBIT C.28

WELL DRILLER'S REPORT
State of Utah
Division of Water Rights

For additional space, use "Additional Well Data Form" and attach

Well Identification

Exchange Application: E5094 (35-12455) WIN: 434651

Owner *Note any changes*

Sargent Leasing, LLC
30719 Old Lincoln Highway
Coalville UT 84017

Contact Person/Engineer: _____

Well Location *Note any changes*

N 390 E 400 from the SW corner of section 16, Township 1N, Range 5E, SL B&M

Location Description: (address, proximity to buildings, landmarks, ground elevation, local well #)

Drillers Activity Start Date: 4-1-11 Completion Date: 4-8-11

Check all that apply: ☒ New ☐ Repair ☐ Deepen ☐ Clean ☐ Replace ☐ Public Nature of Use: _____

If a replacement well, provide location of new well. _____ feet north/south and _____ feet east/west of the existing well.

DEPTH (feet) FROM	TO	BOREHOLE DIAMETER (in)	DRILLING METHOD	DRILLING FLUID
0	330'	12"	Air rotary	Water
30'	337	8"	" "	

Well Log

DEPTH (feet) FROM	TO	WATER	PERMEABLE High	PERMEABLE Low	UNCONSOLIDATED CLAY	SILT	SAND	GRAVEL	COBBLES	BOULDER	OTHER	CONSOLIDATED ROCK TYPE	COLOR	DESCRIPTION AND REMARKS (e.g., relative %, grain size, sorting, angularity, bedding, grain composition density, plasticity, shape, cementation, consistancy, water bearing, odor, fracturing, minerology, texture, degree of weathering, hardness, water quality, etc.)
0	27				X								Brown	
27'	31'				X			X	X					
31'	83'				X								Tan	white, Brown
83'	138'				X			X						small amount Gravel
138'	260'							X						small amount clay
260'	337'	X						X						

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APR 11 2011
WATER RIGHTS
SALT LAKE

Static Water Level

Date 4-8-11 Water Level 49' feet Flowing? ☐ Yes ☒ No

Method of Water Level Measurement water level meter If Flowing, Capped Pressure — PSI

Point to Which Water Level Measurement was Referenced Top of 8" Elevation _____

Height of Water Level reference point above ground surface 18" feet Temperature 50° degrees ☐ C ☒ F

[redacted] *Well Log* [redacted]

EXHIBIT C.29

Construction Information

DEPTH (feet) FROM	TO	CASING: CASING TYPE AND MATERIAL/GRADE	WALL THICK (in)	NOMINAL DIAM. (in)	DEPTH (feet) FROM	TO	☒SCREEN ☐PERFORATIONS ☐OPEN BOTTOM: SCREEN SLOT SIZE OR PERF SIZE (in)	SCREEN DIAM. OR PERF LENGTH (in)	SCREEN TYPE OR NUMBER PERF (per round/interval)
+18"	177'	Steel	.322	8"					
-10	330'	PVC	SDR 17	4.5"	230'	330'	.030	4.5'	2

Well Head Configuration: 8" Steel casing

Casing Joint Type: 8" welded, 4.5" Carlon-lok Perforator Used: Factory Screen

Access Port Provided? ☒Yes ☐No

Was a Surface Seal Installed? ☒Yes ☐No Depth of Surface Seal: 30' feet

Drive Shoe? ☒Yes ☐No

Surface Seal Material Placement Method: Topload Bentonite chips 30'-0

Was a temporary surface casing used? ☒Yes ☐No If yes, depth of casing: 10' feet diameter: 12" inches

DEPTH (feet) FROM	TO	SURFACE SEAL / INTERVAL SEAL / FILTER PACK / PACKER INFORMATION: SEAL MATERIAL, FILTER PACK and PACKER TYPE and DESCRIPTION	Quantity of Material Used (if applicable)	GROUT DENSITY (lbs./gal., # bag mix, gal./sack etc.)
30'	0	Bentonite chips	27-50lbsacks	
337'	175'	#8 silica sand	65-50lbsacks	
175'	10'	Bentonite chips	32-50lbsacks	

Well Development and Well Yield Test Information

DATE	METHOD	YIELD	Units Check One GPM	Units Check One CFS	DRAWDOWN (ft)	TIME PUMPED (hrs & min)
4-7-11	Air	25	X			3hrs

Pump (Permanent)

Pump Description: Horsepower: Pump Intake Depth: feet

Approximate Maximum Pumping Rate: Well Disinfected upon Completion? ☐Yes ☐No

Comments

Description of construction activity, additional materials used, problems encountered, extraordinary Circumstances, abandonment procedures. *Use additional well data form for more space.*

Well Driller Statement

This well was drilled and constructed under my supervision, according to applicable rules and regulations, and this report is complete and correct to the best of my knowledge and belief.

Name ARMSTRONG DRILLING (Person, Firm, or Corporation - Print or Type) License No. 704

Signature (Licensed Well Driller) Date 4-8-11

EXHIBIT C.30

WELL DRILLER'S REPORT
State of Utah
Division of Water Rights

For additional space, use "Additional Well Data Form" and attach

Well Identification

Exchange Application: E5094 (35-12455) WIN: 435579

Owner *Note any changes*

Sargent Leasing, LLC
30719 Old Lincoln Highway
Coalville UT 84017

Contact Person/Engineer: _____

Well Location *Note any changes*

N 490 E 400 from the SW corner of section 16, Township 1N, Range 5E, SL B&M

Location Description: (address, proximity to buildings, landmarks, ground elevation,local well #)

Drillers Activity Start Date: 1-3-12 Completion Date: 1-16-12

Check all that apply: ☐ New ☐ Repair ☐ Deepen ☐ Clean ☒ Replace ☐ Public Nature of Use: _____

If a replacement well, provide location of new well. 100' feet north/~~south~~ and → feet east/west of the existing well.

DEPTH (feet) FROM	TO	BOREHOLE DIAMETER (in)	DRILLING METHOD	DRILLING FLUID
0	30'	12"	Air rotary	water
30'	105'	8"	" "	"

Well Log

DEPTH (feet) FROM	TO	WATER	PERMEABLE High	PERMEABLE Low	UNCONSOLIDATED CLAY	SILT	SAND	GRAVEL	COBBLES	BOULDER	OTHER	CONSOLIDATED ROCK TYPE	COLOR	DESCRIPTION AND REMARKS (e.g., relative %, grain size, sorting, angularity, bedding, grain composition density, plasticity, shape, cementation, consistancy, water bearing, odor, fracturing, minerology, texture,degree of weathering, hardness, water quality, etc.)
0	5'				X								Brown	
5'	30'				X								Red	
30'	40'	X						X						
40'	65'				X								Brown	
65'	67'							X						
67'	70'				X								Brown	
70'	75'										X	Ledge Rock	Tan	Hard
75'	105'				X			X						

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FEB 06 2012 JH
WATER RIGHTS
SALT LAKE

Static Water Level

Date 1-16-12 Water Level 25' feet Flowing? ☐ Yes ☒ No
Method of Water Level Measurement Tape If Flowing, Capped Pressure — PSI
Point to Which Water Level Measurement was Referenced Top of 8" Elevation 5375'
Height of Water Level reference point above ground surface 2' feet Temperature 52° degrees ☐ C ☒ F

[redacted] *Well Log* [redacted]

EXHIBIT C.31

Construction Information

DEPTH (feet) FROM	TO	CASING: CASING TYPE AND MATERIAL/GRADE	WALL THICK (in)	NOMINAL DIAM. (in)	DEPTH (feet) FROM	TO	☐SCREEN ☑PERFORATIONS ☒OPEN BOTTOM: SCREEN SLOT SIZE OR PERF SIZE (in)	SCREEN DIAM. OR PERF LENGTH (in)	SCREEN TYPE OR NUMBER PERF (per round/interval)
+2'	75'	Steel	.322	8"	35'	40'	1/4"	1"	20 holes per ft

Well Head Configuration: 8" steel casing Access Port Provided? ☑Yes ☐No

Casing Joint Type: Welded Perforator Used: Holtec blade

Was a Surface Seal Installed? ☒Yes ☐No Depth of Surface Seal: 30' feet Drive Shoe? ☑Yes ☐No

Surface Seal Material Placement Method: Top load Bentonite chips

Was a temporary surface casing used? ☒Yes ☐No If yes, depth of casing: 10' feet diameter: 12" inches

DEPTH (feet) FROM	TO	SURFACE SEAL / INTERVAL SEAL / FILTER PACK / PACKER INFORMATION: SEAL MATERIAL, FILTER PACK and PACKER TYPE and DESCRIPTION	**Quantity** of Material Used (if applicable)	GROUT DENSITY (lbs./gal., # bag mix, gal./sack etc.)
30'	0	Bentonite chips	26-50 lb bags	

Well Development and Well Yield Test Information

DATE	METHOD	YIELD	Units Check One GPM	Units Check One CFS	DRAWDOWN (ft)	TIME PUMPED (hrs & min)
1-16-12	Airlift	20	X			4 hrs

Pump (Permanent)

Pump Description: Horsepower: Pump Intake Depth: feet

Approximate Maximum Pumping Rate: Well Disinfected upon Completion? ☐Yes ☐No

Comments Description of construction activity, additional materials used, problems encountered, extraordinary circumstances, abandonment procedures. *Use additional well data form for more space.*

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FEB 06 2012 JH
WATER RIGHTS
SALT LAKE

Well Driller Statement

This well was drilled and constructed under my supervision, according to applicable rules and regulations, and this report is complete and correct to the best of my knowledge and belief.

Name ARMSTRONG DRILLING (Person, Firm, or Corporation - Print or Type) **License No.** 704

Signature (Licensed Well Driller) **Date** 2-3-12

EXHIBIT C.32

UTAH WATER RIGHTS AND DEQ MAPS

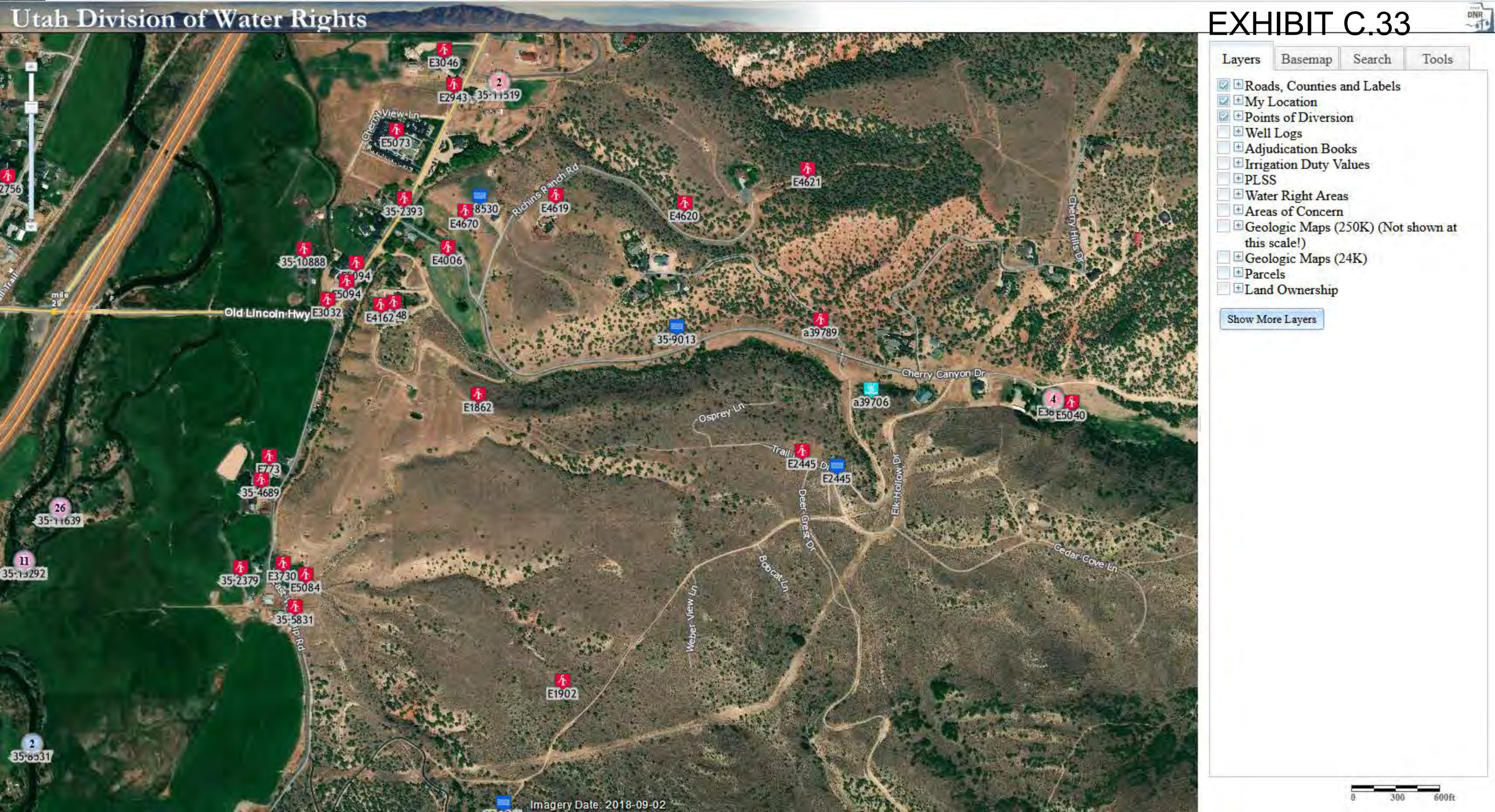

Utah Division of Water Rights
EXHIBIT C.33
Layers
Basemap
Search
Tools
Roads, Counties and Labels
My Location
Points of Diversion
Well Logs
Adjudication Books
Irrigation Duty Values
PLSS
Water Right Areas
Areas of Concern
Geologic Maps (250K) (Not shown at this scale!)
Geologic Maps (24K)
Parcels
Land Ownership
Show More Layers
Old Lincoln Hwy
Cherry View Ln
Richins Ranch Rd
Cherry Hills Dr
Cherry Canyon Dr
Osprey Ln
Trail
Deer Crest Dr
Elk Hollow Dr
Cedar Cove Ln
Bobcat Ln
Weber View Ln
E3046
E2943
35-11519
E5073
35-2393
8530
E4670
E4619
E4621
E4620
E4006
35-10888
E5094
E3032
E4162
35-9013
a39789
E1862
a39706
E5040
E2445
E773
35-4689
35-11639
35-2379
E3730
E5084
35-5831
E1902
35-6531
Imagery Date: 2018-09-02
0
300
600ft

EXHIBIT C.34

Printed from the Utah DEQ Interactive Map



8/27/2019

1:18,056

Ground Water Protection Zones

- 1
- 2
- 3
- 4

Public Water System Facilities

0 0.125 0.25 0.5 mi

0 0.225 0.45 0.9 km

EXHIBIT C.35

FEMA FLOODPLAIN MAP

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevation** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevation (BFEs) shown on this map apply only landward of 0.0° North American Vertical Datum (NAVD). Users of this FIRM should be aware that coastal flood elevations may also be provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this community. Elevations shown in the Summary of Stillwater Elevations table should be used for construction, and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures.** Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The **projection** used in the preparation of this map is Universal Tranverse Mercator (UTM) zone 12. The **horizontal datum** is NAD83, GRS1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum.** For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

Spatial Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242,** or visit their website at www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by Summit County Planning Division.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

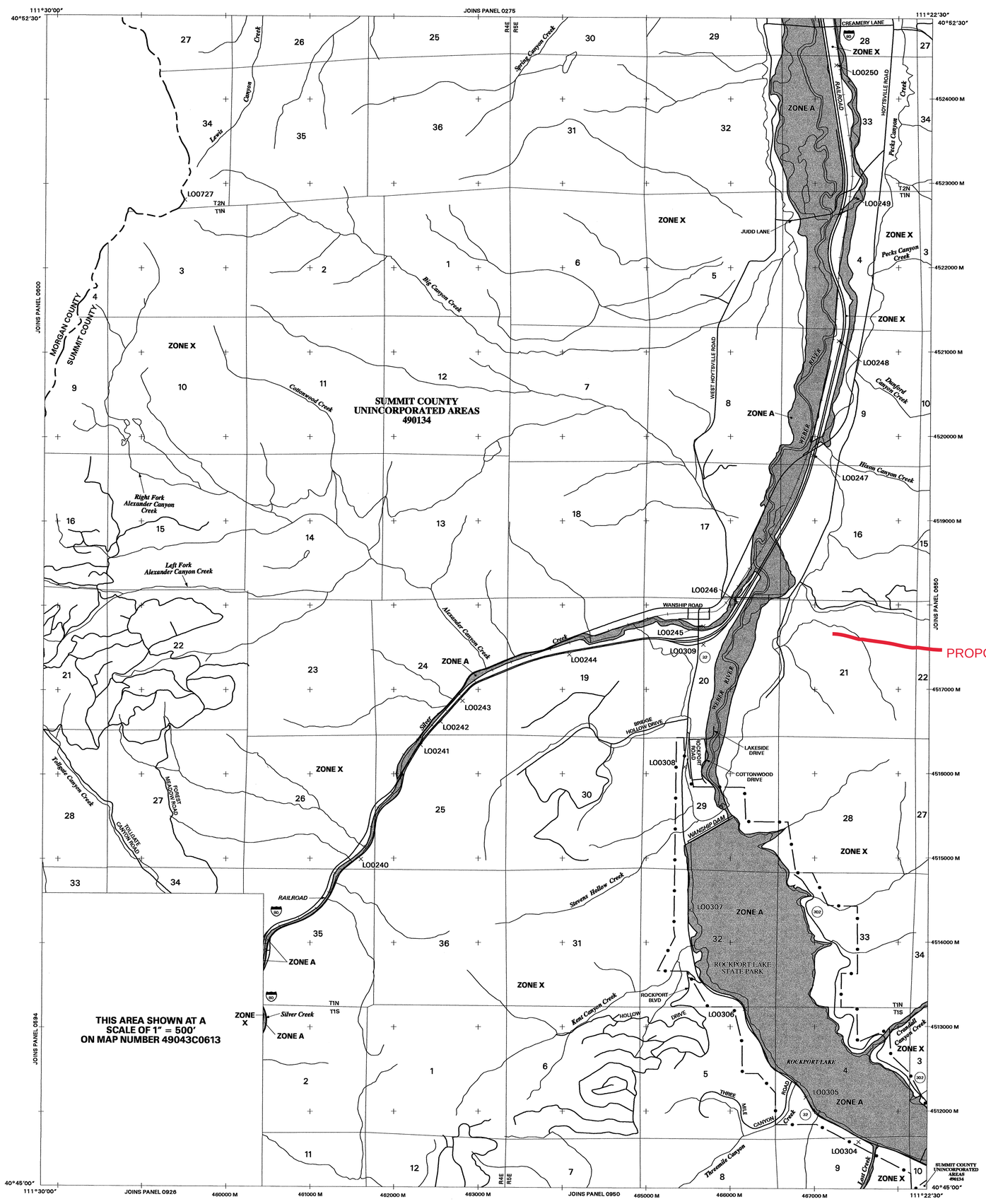
Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

An accompanying Flood Insurance Study report, Letters of Map Revision or Letters of Map Amendment revising portions of this panel, and digital versions of this PANEL may be available. Contact the **FEMA Map Service Center** at the following phone numbers and Internet address for infomation on all related products available from FEMA;

Phone: 800-358-9616
FAX: 800-358-9620
www.fema.gov/msc

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA-MAP** (1-877-336-2627) or visit the FEMA website at www.fema.gov.

This map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report may reflect stream channel distances that differ from what is shown on this map.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood.

ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AR Area of special flood hazard formerly protected from the 1% annual chance flood event by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood event.

ZONE A99 Area to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no base flood elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or velocities.
- 513 — Base Flood Elevation line and value; elevation in feet*
- (EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

- A–A — Cross Section Line
- 23–23 — Transect Line
- 97°07'30", 32°22'30" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83)
- 4276000M — 1000-meter Universal Transverse Mercator grid values, zone 12
- 600000 FT — 5000-foot grid ticks
- DX5510 × — Bench mark (see explanation in Notes to Users section of this FIRM panel).
- M1.5 — River Mile

MAP REPOSITORY
Refer to Repository Listing on Index Map

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
MARCH 16, 2006

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at (800) 638-6620.

MAP SCALE 1" = 2000'
1000 0 2000 4000 FEET
600 0 600 1200 METERS

NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0625C

FIRM
FLOOD INSURANCE RATE MAP

SUMMIT COUNTY, UTAH
AND INCORPORATED AREAS

PANEL 625 OF 1250
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUMMIT COUNTY, UNINCORPORATED AREAS	490134	0625	C

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER 49043C0625C

EFFECTIVE DATE: MARCH 16, 2006

Federal Emergency Management Agency

EXHIBIT C.36

EXHIBIT C.37

BODY POLITIC

Chapter 20
EASTERN SUMMIT COUNTY WATER CONSERVANCY SPECIAL SERVICE DISTRICT

2-20-1: PURPOSE:

To provide for the public health, safety, and general welfare of the residents living within the jurisdictional boundaries of the eastern Summit County water conservancy special service district, the district is authorized to provide a system for the collection, treatment, and disposition of sewage through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift or condemnation or any combination thereof. (Ord. 749-A, 12-15-2010)

2-20-2: DEFINITIONS:

COUNTY: Summit County, Utah.

COUNTY COUNCIL: The Summit County council who exercises legislative authority in the county.

COUNTY MANAGER: The chief executive officer of the county.

DISTRICT: The eastern Summit County water conservancy special service district.

ESAC: The eastern Summit County sewer advisory committee or "the committee" comprised of Summit County staff from the community development department, engineering department, the health department, and two (2) members from the public at large.

GOVERNING BOARD: The county council of Summit County.

OWNERS: The owners of property within the boundaries of the eastern Summit County water conservancy special service district. (Ord. 749-A, 12-15-2010)

2-20-3: GOVERNING BOARD:

As provided pursuant to Utah Code Annotated sections 17D-1-102(5) and 17D-1-301, the district is hereby governed by the county council and is considered the governing board of the district. (Ord. 749-A, 12-15-2010)

2-20-4: POWERS AND DUTIES:

The governing board of the district hereby has all rights, powers, authority and duties to exercise all or any of the powers provided for in Utah Code Annotated sections 17D-1-103, 17D-1-105, 17D-1-106, 17D-1-301, and 17D-1-501 et seq. The governing board has control and supervisory authority of the district and may delegate such further powers and authority as provided by statute. In addition, the governing board shall have the following authority and duties:

A. The board shall conduct its business according to bylaws, which it shall adopt, with the board meeting as needed to act on the business of the district. The bylaws may be amended from time to time by a majority vote of the board.

B. The board shall appoint the county manager as the general manager for the district, who shall have the duties described in section 2-20-5 of this chapter.

C. The board shall appoint members of ESAC, on recommendation by the general manager.

D. The board, with the guidance of the general manager and ESAC, shall adopt policies, procedures, and regulations for the district. (Ord. 749-A, 12-15-2010)

2-20-5: GENERAL MANAGER:

The governing board hereby delegates the following powers, authorities and duties to a general manager, who shall oversee the district:

A. To govern the day to day operations of the district;

B. To prepare, in cooperation with the governing board, an annual budget for the district, which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district" and recommend the budget so prepared to the county council. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget;

C. To provide a recommendation to the board as to the operation of the district, including policies, procedures, and regulations for the district;

D. To provide a recommendation to the governing board as to the establishment and collection of the fees and charges for the various wastewater management services provided to the owners with the fee schedules reviewed and approved by the county council.

E. To be the "final approval" for wastewater systems that serve ten (10) or fewer lots, as that term is defined in title 11, appendix A of this code. The county council, as the governing board of the district, shall be the final approval for any and all wastewater systems that serve more than ten (10) lots. This duty shall be made a part of the policies, procedures, and regulations, once adopted, for the district as described in section 2-20-4 of this chapter. (Ord. 749-A, 12-15-2010)

2-20-6: SEWER ADVISORY COMMITTEE:

A. Creation, Purpose, And Authority: The governing board hereby creates the "eastern Summit County sewer advisory committee", which shall act in an advisory capacity to the governing board and the general manager. ESAC shall generally advise the governing board and the general manager on wastewater issues and systems within eastern Summit County. There shall be no actual or apparent authority vested in this committee except for the authority granted herein.

B. Guiding Principles For ESAC: The following guiding principles shall exist for ESAC:

1. In conjunction with the Summit County health department and the municipalities of eastern Summit County, analyze the existing wastewater systems and conduct an inventory of existing wastewater systems.

2. Create an efficient process for the approval by either the general manager or the governing board of wastewater systems in eastern Summit County.

3. Jointly review all proposed wastewater systems with staff of the Summit County community development department, engineering department, and health department, who shall address regional impacts and opportunities of wastewater systems.

C. Powers And Duties: The governing board hereby delegates the following powers and duties to ESAC:

1. To assist the general manager in governing the day to day operations of the district.

2. To assist the general manager with providing a recommendation to the governing board as to the operation of the district, including policies, procedures, and regulations for the district.

3. To assist the general manager with providing a recommendation to the governing board as to the establishment and collection of the fees and charges for the various wastewater management services provided to the owners with the fee schedules reviewed and approved by the county council.

4. To provide a recommendation to either the general manager or the governing board on wastewater systems, as described in subsection 2-20-5E of this chapter.

5. To act in an advisory role to the general manager and the governing board or to other officials and departments in any matters pertaining to wastewater issues within eastern Summit County.

6. ESAC, through its chair, or his/her designee, shall make both an oral and written report annually to the governing board concerning its activities during the past year and its proposals for the coming year.

7. ESAC shall not have the power to obligate the county for funds and/or expenditures or incur any debt on behalf of the county.

8. All powers and duties prescribed and delegated herein are delegated to ESAC as a unit, and all action hereunder shall be of ESAC acting as a whole. No action of any individual committee member is authorized, except through the approval of the governing board.

9. ESAC shall have any other power and/or duty as prescribed and authorized by the governing board.

D. Membership:

1. ESAC shall consist of five (5) members who shall be appointed by the governing board, on the recommendation of the general manager.

2. Membership of ESAC shall be as follows:

   a. One member from the community development department.

   b. One member from the engineering department.

   c. One member from the health department.

   d. Two (2) members from the public at large.

3. One representative of the county attorney's office shall serve as ex officio member of ESAC, but shall have no right to vote on any matter before the committee.

4. ESAC may, in its discretion, add up to three (3) ex officio members, to assist with the communications and functions of the committee. Said ex officio members shall not have any voting rights.

5. Members of ESAC serve at the pleasure of the general manager and may be removed and replaced at any time. There are no terms limits.

E. Officers:

1. The voting members of ESAC shall appoint a chair and vice chair. The chair shall prepare meeting agendas and shall preside over and conduct all meetings. The chair, or his/her designee, shall act as the representative to the general manager and the

governing board for all committee transactions and shall have the responsibility of presenting all proposals from ESAC to the general manager and/or the governing board. The chair and vice chair shall serve a term of one year.

F. Meetings And Procedures:

1. ESAC shall meet as needed. A notice of the time and place of each meeting shall be given to ESAC members not less than three (3) days in advance of the meeting.

2. All meetings of ESAC shall comply with the Utah open meetings laws as found in section 52-4-101 et seq., Utah Code Annotated (1953), as amended.

3. Executive closed sessions may be scheduled whenever the chair deems such action permissible under the Utah open meetings act, and with the concurrence of the county attorney.

4. Written minutes of each open meeting shall be prepared, preserved and made available for public inspection.

5. A majority of the voting committee members shall constitute a quorum and the action of the majority of the members present shall be the action of the committee.

6. Committee members shall attend all meetings unless their absence is excused by the chairperson.

7. All recommendations shall be made at a public meeting by motion, made and seconded and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the committee and a statement of any conditions to be attached to the action. (Ord. 749-A, 12-15-2010)

2-20-7: OPERATION:

The district may utilize the services of the county treasurer and auditor to assist in financial matters. All collections, investments, disbursements, procurement, and other financial transactions will be managed by the county treasurer, who is delegated the role of district treasurer. The governing board delegates the recording and safeguarding of all minutes of meetings of the board to the county clerk of Summit County, who shall act as secretary of the district. (Ord. 749-A, 12-15-2010)

2-20-8: INDEMNIFICATION:

The district shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the general manager, a director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in

settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.

Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this section may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of the general manager, director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is not entitled to be indemnified by the district as authorized in this section.

The district shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that the general manager, a director, officer, employee, or agent met any appropriate standard of conduct.

The indemnification provided for in this section shall continue as to any person who has ceased to be the general manager, a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person. (Ord. 749-A, 12-15-2010)

2-20-9: INSURANCE:

The district shall have power to purchase and maintain insurance on behalf of any person who is the general manager, a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability under the provisions of this section, or under law. (Ord. 749-A, 12-15-2010)

2-20-10: ANNUAL REPORT:

The district shall make an annual presentation to the county council of its goals, budget and activities. (Ord. 749-A, 12-15-2010)

EXHIBIT C.44

UTAH ADMINISTRATIVE CODE, R317-5

R317. Environmental Quality, Water Quality.
R317-5. Large Underground Wastewater Disposal (LUWD) Systems.
R317-5-1. Authority, Purpose, Scope, Jurisdiction, Waiver Approval and Administrative Requirements.

1.1. Authority.

Construction and operating permits and approvals are issued pursuant to the provisions of Utah Water Quality Act Sections 19-5-104, 19-5-106, 19-5-107 and 19-5-108. Violation of these permits or approvals including compliance with the conditions thereof, or beginning construction, or modification without the director's approval, is subject to the penalties provided in Section 19-5-115.

1.2. Purpose.

A. The purpose of this rule is to protect the public health and the environment from potential adverse effects from large underground wastewater disposal systems within the boundaries of Utah.

B. This rule incorporates specific provisions contained in Rule R317-4 that are referenced herein, and pertinent to large underground wastewater disposal (LUWD) systems for the purpose of providing minimum design standards. Where the engineered design includes information supporting a deviation from the minimum requirements within this rule or referenced to in Rule R317-4, then the engineer may request a waiver. This rule also establishes the administrative requirements for obtaining from the division a LUWD system:

1. approval-in-concept;
2. construction permit;
3. authorization to use; and
4. operating permit

1.3 Scope.

This rule applies to large underground wastewater disposal systems designed to handle more than 5,000 gallons per day of domestic wastewater, or wastewater that originates in multiple units under separate ownership (except condominiums), or any other underground wastewater disposal system not covered under the definition of an onsite wastewater system per Rule R317-4.

A. The engineer shall use recognized practice standards for wastewater treatment to increase long term performance and lessen potential impacts to public health and the environment. Depending on site-specific characteristics, the division may require a LUWD system to pretreat effluent prior to disposal in the absorption system. In general, systems with high waste strength or flows over 15,000 gpd should consider pretreatment. Factors that should be evaluated include, but are not limited to, the following:

1. design flow (gpd)
2. highly variable flows, including seasonal fluctuations;
3. wastewater strength characteristics;
4. site characteristics.
5. proximity to ground water table, considering various soil types and separation distance;
6. ground water classification;
7. proximity to nearby drinking water sources, or location within a drinking water source protection zone; and
8. anticipated system life expectancy.

1.4. Jurisdiction. Large underground wastewater disposal systems are under the jurisdiction of the Division of Water Quality.

Local Health Departments may petition the division to require local review for compliance with local requirements prior to the division initiating its review.

1.5 Waiver.

The director may grant a waiver from the minimum requirements stated in this rule, subject to site-specific consideration and justification, but not overriding the safeguarding of public health, protection of water quality or engineering practice. The intent of the waiver is to allow the engineer to utilize site specific information, recognized practice standards, or other acceptable justification while designing an appropriate LUWD system for the property. The engineer is encouraged to discuss waivers with the division staff prior to formal application for feasibility determination review.

R317-5-2. Definitions.

2.1. Definitions found in Rules R317-1 and R317-4 apply to large underground wastewater disposal systems except where specifically replaced by the following definitions:

"Alternative system" means a LUWD system that is not a conventional system.

"Building sewer" means the pipe that carries wastewater from the building to a public sewer, a LUWD system, or other point of dispersal. It sometimes is synonymous with "house sewer".

"Conventional system" means a LUWD system typically consisting of a building sewer, septic tank, and an absorption system utilizing absorption trenches, absorption beds, or deep wall trenches.

"Curtain drain" means any ground water interceptor or drainage system that is backfilled with gravel or other suitable material and is intended to interrupt or divert the course of shallow ground water or surface water away from the LUWD system.

"Malfunctioning or failing system" means a LUWD system that is not functioning in compliance with the requirements of this rule and may include:

1. absorption systems that seep or flow to the surface of the ground or into waters of the state;

2. systems that overflow from any of their components;

3. systems that cause backflow into any portion of a building drainage system;

4. systems discharging effluent that does not comply with applicable effluent discharge standards of its operating permit;

5. leaking septic tanks; or

6. noncompliance with standards stipulated in or by the construction permit, operating permit, or both.

"Maximum ground water table" means the highest elevation that the top of the "ground water table" or "ground water table, perched" is expected to reach for any reason over the full operating life of a LUWD system at that site.

"Mound system" means an alternative LUWD system where the bottom of the absorption system is placed above the elevation of the original site, and the absorption system is contained in a mounded fill body above that grade.

"Packed bed media system" means an alternative LUWD system that uses natural or synthetic media to treat wastewater. Biological

treatment is facilitated via microbial growth on the surface of the media. The system may include a pump tank, a recirculation tank, or both.

"Public health hazard" means, for the purpose of this rule, a condition whereby there are sufficient types and amounts of biological, chemical, or physical agents relating to water or sewage that are likely to cause human illness, disorders or disability. These may include pathogenic viruses and bacteria, parasites, toxic chemicals and radioactive isotopes. A malfunctioning LUWD system constitutes a public health hazard.

"Sand lined trench system" means an alternative LUWD system consisting of a series of narrow excavated trenches utilizing sand media and pressure distribution.

"Unapproved LUWD system" means any LUWD system that is deemed by the division to be any of the following:

1. installation without the required division oversight, permits, or inspections;

2. repairs to an existing system without the required division oversight, permits, or inspections; or

3. alteration to an existing system without the required division oversight, permits, or inspections.

"Waiver" means an acceptable deviation from the requirements established within this rule or referenced rules. The waiver must be acceptable to division staff based on the engineer providing adequate design justification to demonstrate that the deviation proposed will not override the safeguarding of public health, the protection of water quality, or the protection of the receiving environment. Waiver requests should be based on acceptable engineering practice and standards.

R317-5-3. General Standards, Prohibitions, Requirements, and Enforcement.

3.1. Failure to Comply With Rules.

Any person failing to comply with this rule shall be subject to enforcement action as specified in Sections 19-5-115 and 26A-1-123.

3.2. Feasibility.

LUWD systems are not feasible in some areas and situations. If property characteristics indicate conditions that may fail in any way to meet the requirements specified herein, the use of a LUWD system shall be prohibited.

3.3. Prohibited Flows.

No ground water drainage, drainage from roofs, roads, yards, or other similar sources shall discharge into any portion of a LUWD system, but shall be disposed of so they will in no way affect the system. Non-domestic wastes such as chemicals, paints, or other substances that are detrimental to the proper functioning of a LUWD system may not be disposed of in such systems.

3.4. Increased Flows Prohibited.

Wastewater flow may not exceed the design flow of a LUWD system.

3.5. Property Lines Crossed.

Privately owned LUWD systems, including replacement areas, shall be located on the same lot as the building served unless, when approved by the division, a perpetual utility easement and right-of-way is established and recorded on an adjacent or nearby lot for the

construction, operation, and continued maintenance, repair, alteration, inspection, relocation, and replacement of a LUWD system, including all rights to ingress and egress necessary or convenient for the full or complete use, occupation, and enjoyment of the granted easement. The easement shall be large enough to accommodate the proposed LUWD system and replacement area. The easement shall meet the setbacks specified in Section R317-4-13 Table 2.

3.6. Initial Absorption Area and Replacement Area.

A. All properties that utilize LUWD systems shall be required to have a replacement area.

B. The absorption area, including installed system and replacement area, may not be subject to activity that is likely to adversely affect the soil or the functioning of the system. This may include vehicular traffic, covering the area with asphalt, concrete, or structures, filling, cutting or other soil modifications.

3.7. Operation and Maintenance.

Owners of a LUWD systems shall operate, maintain, and service their systems according to the standards of this rule.

3.8. No Discharge to Surface Waters or Ground Surface.

Effluent from any LUWD system may not be discharged to surface waters or upon the surface of the ground. Wastewater may not be discharged into any abandoned or unused well, or into any crevice, sinkhole, or similar opening, either natural or artificial.

3.9. Repair of a Malfunctioning or Unapproved System.

Upon determination by the regulatory authority that a malfunctioning or unapproved LUWD wastewater system creates or contributes to any dangerous or unsanitary condition that may involve a public health hazard, or noncompliance with this rule, the regulatory authority shall order the owner to take the necessary action to cause the condition to be corrected, eliminated or otherwise come into compliance.

A. For malfunctioning systems, the regulatory authority shall require and order:

1. all necessary steps, such as maintenance, servicing, repairs, and replacement of system components to correct the malfunctioning system, to meet all rule requirements to the extent possible and may not create any new risk to the environment or public health;

2. effluent quality testing as required by Subsection R317-5-9.2.D;

3. evaluation of the system design including non-approved changes to the system, the wastewater flow, and biological and chemical loading to the system;

4. additional tests or samples to troubleshoot the system malfunction.

3.10. Procedure for Wastewater System Abandonment. Whenever the use of a LUWD system has been abandoned or discontinued, the owner of the real property on which such wastewater system is located shall render it safe by having the septic tank, any other tanks, hollow seepage pit, or cesspool wastes pumped out or otherwise disposed of in an approved manner. Within 30 days the tanks shall be:

A. crushed in place and the void filled;

B. completely filled with earth, sand, or gravel; or

C. removed and backfilled.

3.11. Septage Management.

A person shall only dispose of septage, or sewage contaminated materials in a location or manner in accordance with the requirements of the division and any local agencies having jurisdiction.

3.12. Multiple Units Under Separate Ownership (except condominiums).

The common components of the LUWD system, including the reserve absorption area, shall be under the sponsorship of a body politic.

A. The subsurface absorption system shall be designed and constructed to provide duplicate capacity, meaning two independent systems. Each system shall be designed to accommodate the total anticipated maximum daily flow. The duplicate system shall be designed with appropriate valving, etc., to allow for periodic alternation of the use of each system.

B. Sufficient land area with suitable characteristics shall be planned and available to provide for a third absorption system capable of handling the total maximum daily wastewater flow. This area shall be kept free of permanent structures, traffic or soil modification.

3.13. Underground Injection Control.

Large underground wastewater disposal (LUWD) systems with design flow rates of 5,000 gallons per day or more are co-regulated by the Utah 1422 Underground Injection Control (UIC) Program in Rule R317-7. LUWD systems are authorized-by-rule under the UIC program provided they remain in compliance with the construction and operating permits issued according to Rule R317-5. However, if any noncompliance with these permits results in the potential for or demonstration of actual exceedance of any Utah Maximum Contaminant Levels (MCLs) in a receiving ground water, the noncompliance may also be a violation of the Utah UIC administrative rules and therefore be subject to enforcement action. Owners and operators of a large underground wastewater disposal system are required to submit UIC inventory information according to Subsection R317-7-6.4(C) using the approved form for a LUWD system.

R317-5-4. Feasibility Determination and Approval-in-Concept.

4.1. General Criteria for Determining LUWD System Feasibility.

The division shall determine the feasibility of using a LUWD system. Upon favorable determination for feasibility an approval-in-concept will be granted by the division.

A. General Information. The required information shall include:

1. situs address if available;

2. name and address of the property owner and person requesting feasibility;

3. the location, type, and depth of all existing and proposed private and public drinking water wells, and other water supply sources within 1500 feet of the proposed LUWD system;

4. the location of all drinking water source protection zones delineated on the project site;

5. the location of all existing creeks, drainages, irrigation ditches, canals, and other surface and subsurface water conveyances within 1500 feet of the proposed LUWD system;

6. the location and distance to nearest sewer, owner of sewer, whether property is located within service boundary, and size of sewer; and

7. statement of proposed use if other than a single-family dwelling.

B. If the proposed LUWD system is located in aquifer recharge areas or areas of other particular geologic concern, the division may require such additional information relative to ground water movement, or possible subsurface wastewater flow.

C. Soil and Site Evaluation.

1. Soil Exploration Pit and Percolation Test.

a. A minimum of five soil exploration pits shall be excavated to allow the evaluation of the soils. The soil exploration pits shall be constructed and soil logs recorded as detailed in Section R317-4-14 Appendix C.

b. The division may require percolation tests in addition to the soil exploration pits.

c. The division may require additional pits, tests, or both where:

i. soil structure varies;

ii. limiting geologic conditions are encountered; or

iii. the division deems it necessary.

d. The percolation test shall be conducted as detailed in Section R317-4-14 Appendix D.

e. Soil exploration pits and percolation tests shall be conducted as closely as possible to the proposed absorption system site. The division shall have the option of inspecting the open soil exploration pits and monitoring the percolation test procedure. All soil logs and percolation test results shall be submitted to the division.

f. When there is a substantial discrepancy between the percolation rate and the soil classification, it shall be resolved through additional soil exploration pits, percolation tests, or both.

g. Absorption system feasibility and sizing shall be based on Section R317-4-13 Table 5 or 6.

2. Wind-Blown Sand.

The extremely fine grained wind-blown sand found in some parts of Utah shall be deemed not feasible for LUWD systems unless pretreatment is provided, as percolation test results in wind-blown sand will generally be rapid, but experience has shown that this soil has a tendency to become sealed with minute organic particles within a short period of time.

3. Suitable Soil Depth.

For conventional systems, effective suitable soil depth shall extend at least 48 inches or more below the bottom of the dispersal system to bedrock formations, impervious strata, or excessively permeable soil. Some alternative LUWD systems may have other requirements.

4. Ground Water Requirements.

The elevation of the anticipated maximum ground water table shall meet the separation requirements of the anticipated absorption systems.

a. Maximum Ground Water.

Maximum ground water table shall be determined where the anticipated maximum ground water table, including irrigation induced water table, might be expected to rise closer than 48 inches to the elevation of the bottom of a LUWD system. Maximum ground water table

shall be determined where alternative LUWD wastewater systems may be considered based on groundwater elevations. The maximum ground water table shall be determined by the following.

i. Regular monitoring of the ground water table, or ground water table, perched, in an observation well for a period of one year, or for the period of the maximum groundwater table.

(1) Previous ground water records and climatological or other information may be consulted for each site proposed for a LUWDS system and may be used to adjust the observed maximum ground water table elevation.

ii. Direct visual observation of the maximum ground water table in a soil exploration pit for:

(1) evidence of crystals of salt left by the maximum ground water table; or

(2) chemically reduced iron in the soil, reflected by redoximorphoric features i.e., a mottled coloring.

(3) Previous ground water records and climatological or other information may be consulted for each site proposed for a LUWD system and may be used to adjust the observed maximum ground water table elevation in determining the anticipated maximum ground water table elevation.

iii. In cases where the anticipated maximum ground water table is expected to rise to closer than 34 inches from the original ground surface and an alternative LUWD system would be considered, previous ground water records and climatological or other information shall be used to adjust the observed maximum ground water table in determining the anticipated maximum ground water table.

b. Curtain Drains.

A curtain drain or other effective ground water interceptor may be allowed as an attempt to lower the groundwater table to meet the requirements of this rule. The division shall require that the effectiveness of such devices in lowering the ground water table be demonstrated during the season of maximum ground water table.

5. Ground Slope.

Absorption systems may not be placed on slopes where the addition of fluids is judged to create an unstable slope.

a. Absorption systems may be placed on slopes between 0% and 25%, inclusive.

b. Absorption systems may be placed on slopes greater than 25% but not exceeding 35% if:

i. all other requirements of this rule can be met;

ii. effluent from the proposed system will not contaminate ground water or surface water, and will not surface or move off site before it is adequately treated to protect public health and the environment;

iii. no slope will fail, and there will be no other landslide or structural failure if the system is constructed and operated adequately, even if all properties in the vicinity are developed with a LUWD system; and

iv. a report is submitted by a professional engineer or professional geologist that is licensed to practice in Utah. The report shall be imprinted with the engineer's or geologist's registration seal and signature and shall include the following.

(1) Predictions and supporting information of ground water

transport from the proposed system and of expected areas of ground water mounding.

(2) A slope stability analysis that shall include information about the geology of the site and surrounding area, soil exploration and testing, and the effects of adding effluent.

(3) The cumulative effect on slope stability of added effluent if all properties in the vicinity were developed with LUWD systems.

c. Absorption systems may not be placed on slopes greater than 35%.

6. Other Factors Affecting a LUWD System Feasibility.

a. The locations of all rivers, streams, creeks, dry or ephemeral washes, lakes, canals, marshes, subsurface drains, natural storm water drains, lagoons, artificial impoundments, either existing or proposed, that will affect building sites, shall be provided.

b. Areas proposed for LUWD wastewater systems shall comply with the setbacks in Section R317-4-13 Table 2.

c. If any part of a property lies within or abuts a flood plain area, the flood plain shall be shown within a contour line and shall be clearly labeled on the plan with the words "flood plain area".

7. Unsuitable.

Where soil and other site conditions are clearly unsuitable for the placement of a LUWD system, there is no need for conducting soil exploration pits or percolation tests.

R317-5-5. Engineering Reports, Plans and Construction Permits.

All engineering reports, plans and specifications shall be prepared by a registered professional engineer licensed to practice in the State of Utah and certified Level 3 in accordance with Rule R317-11.

5.1 Engineering Report.

An engineering report shall be submitted which shall contain design criteria along with all other information necessary to clearly describe the proposed project and demonstrate project feasibility as described in feasibility determination and approval-in-concept of Section R317-5-4.

5.2. Plan Review.

Submission of plans for review. Plans for new, alterations, repairs and replacements of large underground wastewater disposal systems shall be submitted to the division for review as required by Rule R317-1 and include the following:

A. Local Health Departments Requirements.

It is the applicant's responsibility to ensure that a LUWD System application to the division is in compliance with local health department requirements regarding the location, design, construction and maintenance of a LUWD system prior to the applicant submitting a request for a construction permit to the division. Where the petition has been approved by the director, the applicant is required to submit documentation that the local health department has approved the proposed LUWD system before a construction permit may be issued.

B. Information Required.

Plans submitted for review shall be drawn to scale, 1" = 10', 20' or 30', or other scale as approved by the division. Plans shall be prepared in such a manner that the contractor can read and follow them in order to install the system properly. Depending on the

individual site and circumstances, or as determined by the division, some or all of the following information may be required.

1. Applicant Information.

a. The name, current address, and telephone number of the applicant.

b. Complete address, legal description of the property, or both to be served by this LUWD system.

2. LUWD System Site Plan.

a. Submittal date of plan.

b. North arrow.

c. Lot size and dimensions.

d. Legal description of property.

e. Ground surface contours, preferably at 2 foot intervals, of both the original and proposed final grades of the property, or relative elevations using an established bench mark.

f. Location and explanation of type of dwelling(s) or structure(s) to be served by a LUWD system.

g. Location and dimensions of paved and unpaved driveways, roadways and parking areas.

h. Location and dimensions of the essential components of the wastewater system including the replacement area for the absorption system.

i. Location of all soil exploration pits and all percolation test holes.

j. Location of building sewer and water service line to serve the building.

k. Location of sewer mains, manholes, clean-outs, and other appurtenances.

l. Location of easements or drainage right-of-ways affecting the property.

m. Location of all intermittent or year-round streams, ditches, watercourses, ponds, subsurface drains, etc. within 100 feet of proposed LUWD system.

n. The location, type, and depth of all existing and proposed water supply sources

o. Delineation of all drinking water source protection zones located on the project site.

p. Distance to nearest public water main and size of main.

q. Distance to nearest public sewer, size of sewer, and whether accessible by gravity.

3. Statement with Site Plan.

Statement indicating the source of culinary water supply, whether a well, spring, non-public or public system, its location and distances from all LUWD systems.

4. Soil Evaluation.

a. Soil Logs, Percolation Test Certificates, or both.

b. Statement with supporting evidence indicating the maximum anticipated ground water table and the flooding potential for LUWD system sites.

5. Relative Elevations.

Show relative elevations of the following, using an established bench mark.

a. Building drain outlet.

b. The inlet and outlet inverts of any septic tanks.

c. Septic tank access cover, including height and diameter of riser, if used.

d. Pump tank inlet, if used, including height and diameter of riser.

e. The outlet invert of the distribution box, if provided, and the ends or corners of each distribution pipe lateral in the absorption system.

f. The final ground surface over the absorption system.

6. System Design.

Details for said site, plans, and specifications are listed in Design in Section R317-4-6.

a. Schedule or grade, material, diameter, and minimum slope of building sewer and effluent sewer.

b. Septic tank and pump tank capacity, design, cross sections, etc., materials, and dimensions. If tank is commercially manufactured, state the name and address of manufacturer.

c. Absorption system details, including the following:

i. details of drop boxes or distribution boxes, if provided;

ii. schedule or grade, material, and diameter of distribution pipes;

iii. length, slope, and spacing of each absorption system component;

iv. maximum slope across ground surface of absorption system area;

v. distance of absorption system from trees, cut banks, fills, or subsurface drains; and cross section of absorption system showing the:

(1) depth and width of absorption system excavation;

(2) depth of distribution pipe;

(3) depth of filter material;

(4) barrier material, i.e., synthetic filter fabric, straw, etc., used to separate filter material from cover; and

(5) depth of cover.

d. Pump, if provided, details as referenced in Section R317-4-14 Appendix B.

e. If an alternative LUWD system is designed, include all pertinent information to allow plan review and permitting for compliance with this rule.

C. Plans Submitted.

1. All applicants requesting plan approval for a LUWD shall submit two copies of the above required information to enable the division to retain one copy as a permanent record.

2. Applications may be rejected if proper information is not submitted.

5.3. Construction Permit Required.

No person shall make or construct any device for treatment or discharge of wastewater without first receiving a permit to do so from the director.

R317-5-6. Design Requirements.

6.1. Shall meet the requirements of Section R317-4-6, with these exceptions:

A. When a LUWD serves multiple single family dwellings the wastewater flow shall be estimated at 400 gpd per dwelling.

B. Minimum separation distance from the bottom of the absorption trenches to the anticipated maximum ground water table is 48 inches. If a mound, sand lined trench, or packed bed pretreatment unit is designed and installed on the LUWD system, the horizontal separation distance may be reduced to 24 inches.

6.2. Components Required in a LUWD System:

A. A septic tank;

B. An effluent filter;

C. A pressurized subsurface disposal system.

1. This may be an absorption field, deep wall trenches, absorption beds, or, for packed bed media applications, drip irrigation dispersal, depending on location, topography, soil conditions and maximum ground water level.

2. Pressurized systems require cleanouts at the end of pressurized laterals and typically require a dosing chamber or dosing tank.

3. The Utah Guidance for Performance, Application, Design, Operation and Maintenance: Pressure Distribution Systems document shall be used for design requirements, along with the following:

a. Dosing pumps, controls and alarms shall comply with Section R317-4-14 Appendix B.

b. Pressure distribution piping.

i. All pressure transport, manifold, lateral piping, and fittings shall meet PVC Schedule 40 standards or equivalent.

ii. The ends of lateral piping shall be constructed with sweep elbows or an equivalent method to bring the end of the pipe to the final grade. The ends of the pipe shall be provided with threaded plugs, caps, or other devices acceptable to the division to allow for access and flushing of the lateral.

D. Accessibility components to insure proper maintenance and servicing. These include that all tanks shall have access risers to the surface of the ground; and absorption field inspection ports.

E. Additional components may also be required depending on the waste stream characteristics and the need to provide adequate protection to groundwater. These components may include pretreatment devices such as grease traps, or may involve secondary treatment using packed bed media systems.

R317-5-7. Construction and Installation.

Shall meet the requirements of Section R317-4-7.

R317-5-8. Final Inspection and Authorization to Use.

8.1. Final inspection.

Upon completion of construction, but before backfilling, the system designer must notify the division of completion and schedule a final inspection with the division. Where the local health department has the authority to issue operating permits they shall be included in the final inspection. The final inspection shall meet the requirements of Section R317-4-8. No wastewater may be introduced into a LUWD system until an authorization to use has been issued by the division.

8.2. Authorization to Use

The following documents, sealed by the engineer, must be provided to the division in order to receive authorization to use:

A. Written certification that the system was installed in accordance with the construction permit and any approved change orders.

B. Two record drawings of the completed system.

C. Two Operation and Maintenance Manuals. Manuals must include details of:

1. individuals of contact for the installed system;

2. list of all key components of the system;

3. maintenance and service instructions of each component;

4. schedule of maintenance inspections and servicing.

D. Written recommendation to the owner to place the facilities into service, pending issuance of the authorization to use by the division.

R317-5-9. Operation and Maintenance.

9.1. Operation and maintenance shall be provided by the owner to ensure the disposal system is functioning properly at all times.

9.2. The owner is responsible for maintaining a LUWD system and for performing periodic inspections, servicing and monitoring of its system as detailed in the issued operating permit, including the following:

A. Any new system installed after April 2009 must have a written operation and maintenance manual document describing the treatment and disposal system and outlining routine maintenance procedures, including checklists and maintenance logs needed for proper operation of the system.

B. Each LUWD Conventional System shall be assessed after the first year of operation and annually thereafter.

C. Each LUWD Pressure Distribution System shall be inspected as outlined in Section R317-4-23 Tables 7.1 and 7.2.

D. LUWD Alternative Systems.

1. Each alternative system shall be inspected as outlined in Section R317-4-13 Tables 7.1 and 7.2.

2. Each packed bed media system shall be sampled a minimum of every six months as outlined in Section R317-4-13 Table 7.3.

a. The grab sample shall be taken before discharge to an absorption system.

b. Effluent not meeting the standards of Section R317-4-13 Table 7.3, shall be followed with two successive weekly tests of the same type within a 30 day period from the first exceedance.

3. If two successive samples exceed the minimum standards, the system shall be deemed to be malfunctioning, and shall require further evaluation and a corrective action plan, see Subsection R317-5-3.9.

R317-5-10. Operating Permits and Annual Inspection Reports.

10.1. Operating Permit required.

An operating permit is required for all LUWD systems to monitor that proper operation and maintenance is occurring for the protection of the environment and public health. The operating permit shall be issued by the director or, by delegated authority, the local health department having jurisdiction, and shall be effective for a period not to exceed 5 years from the date of issuance.

10.2. Local Health Department Authority to Issue Operating Permits.

Local health departments may request delegated authority to

administer the operating permit program. The request must include an agreement to implement and enforce inspection, servicing, monitoring, and reporting requirements of this rule. The local health department must submit an annual report on or before September 1 of each calendar year, to the division containing:

A. A list of LUWD systems under delegation.

B. A summary listing the compliance status of each system, showing those systems that are currently failing, and those systems that have been repaired.

C. A summary of any enforcement actions taken, identifying those actions that are still pending, and those that been resolved.

10.3. Annual Inspection Report.

The owner of a LUWD system shall summit an annual inspection report covering the period of July 1 to June 30, the "reporting year", to the permitting agency no later than August 1 of each year. In this report, the owner shall report on all requirements listed in the operating permit. As a minimum, the report shall include the following items:

A. Facility name and address; owner name, address, and phone number;

B. List of facility components, e.g., septic tank, pump tank, gravel drainfield trench, gravelless chambers, pressure drainfield, etc.;

C. Design flow in gallons per day and number and type of connections;

D. Type of waste treated and disposed, i.e., residential, restaurant, other commercial establishment, etc.;

E. Checklist of inspections performed including the date of the inspection and a list of findings. The report must include, where pertinent:

1. measured sludge and scum levels;

2. date tanks were last pumped;

3. verify pumps, floats; and control panel are operating as designed;

4. date pump filter last cleaned;

5. date pressure laterals last cleaned and flushed and squirt height recorded;

6. any surfacing in absorption field; and

7. any observed or suspected system malfunction;

F. Packed Bed media system sampling results, where pertinent;

G. Name of the certified individual per Rule R317-11 conducting the inspection;

H. Signature of owner or certified operator, and date.

KEY: water pollution, large underground wastewater, sewerage, engineering
Date of Enactment or Last Substantive Amendment: March 26, 2014
Notice of Continuation: April 25, 2017
Authorizing, and Implemented or Interpreted Law: 19-5

EXHIBIT D.1

SOIL TEST PIT LOG

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com
Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE **Job No.** 09009
Witness: Brett Hollberg **Date:** 11/10/09
Contractor / Equip: Hollberg / mini-ex **Weather:** PC

No.		Depth (in.)	Horizon	Texture	Color	Description
1109-1		0-8	A	L	10YR3/2	DFR-DFI; some roots; no stone
		8-62	C1	SiL	10YR3/2	DFI-DVFI; few roots; no stone
		62-92	C2	SiL	2.5Y5/6	DFI-DVFI; few roots; no stone
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				
1109-2		0-5	A	L	10YR3/2	DFR; some roots; no stone
		5-24	B	L	10YR3/2	DFR-DFI; few roots; no stone; B
		24-54	C1	SiL	2.5Y6/4	DFI-DVFI; 5% FR to 3"
		54-100	C2	CL	2.5Y5/3	DVFI-CM; 10% FR to 6"; CM below 70"; RL
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				
1109-3		0-10	A	L	2.5Y4/2	DFR; some roots; no stone
		10-104	C1	SiL	2.5Y6/6	DFR-DFI; no roots; no stone
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; RL-restrictive layer

TEXTURE
S-sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; CL-clay loam; C-clay

CONSISTENCE
LS-loose; SG-single grain; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-mo friable; CM-cemented;

STRUCTURE
M-massive; P-platy; B-blocky; PR-prismatic; RL-restrictive layer;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT D.2

SOIL TEST PIT LOG

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com
Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE **Job No.** 09009
Witness: Brett Hollberg **Date:** 11/10/09
Contractor / Equip: Hollberg / mini-ex **Weather:** PC

No.		Depth (in.)	Horizon	Texture	Color	Description
1109-4		0-12	A	L	2.5Y4/2	DLS; many roots; no stone
		12-34	C1	L	2.5Y4/2	DFR; few roots; no stone
		34-100	C2	SiL	2.5Y6/6	DFR-DVFI; no roots; no stone
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				
1109-5		0-8	A	L	7YR4/4	DLS; many roots; no stone
		8-58	C1	SiL	2.5Y6/3	DFR_DFI; B; no roots; no stone
		58-96	C2	SiL-CL	2.5Y6/6	DFI-CM; no stone; RL
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				
1109-6		0-2	A			desert litter
		2-60	C1	SiL		DFR-DVFI; no roots; 15% FR to 8"
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	60				

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; RL-restrictive layer

TEXTURE
S-sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; CL-clay loam; C-clay

CONSISTENCE
LS-loose; SG-single grain; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-mo friable; CM-cemented;

STRUCTURE
M-massive; P-platy; B-blocky; PR-prismatic; RL-restrictive layer;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT D.3

SOIL TEST PIT LOG

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com
Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE **Job No.** 09009
Witness: Brett Hollberg **Date:** 11/10/09
Contractor / Equip: Hollberg / mini-ex **Weather:** PC

No.		Depth (in.)	Horizon	Texture	Color	Description
1109-7		0-8	A	L	7YR4/4	DLS; many roots; no stone
		8-33	C1	L-SiL	7YR4/4	DFR; few roots; no stone
		33-88	C2	SiL	2.5Y6/3	DFI-DVFI; M; no roots; no stone
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				
1109-8		0-2	A			desert litter
		2-65	C1	SiL		DFR-DVFI; no roots; 15% FR to 8"
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	65				
1109-9		0-6	A		7YR4/3	DLS; many roots; no stone
		6-30	C1	SiL	10YR5/6	DFR-DFI; few roots; no stone
		30-100	C2	SiL	10YR4/6	DVFI; no roots; no stone
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; RL-restrictive layer

TEXTURE
S-sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; CL-clay loam; C-clay

CONSISTENCE
LS-loose; SG-single grain; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-mo friable; CM-cemented;

STRUCTURE
M-massive; P-platy; B-blocky; PR-prismatic; RL-restrictive layer;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT D.4

SOIL TEST PIT LOG

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com
Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE **Job No.** 09009
Witness: Brett Hollberg **Date:** 11/10/09
Contractor / Equip: Hollberg / mini-ex **Weather:** PC

No.		Depth (in.)	Horizon	Texture	Color	Description
1109-10		0-8	A	L	7YR3/2	DLS; many roots; no stone
		8-58	C1	SiL	7YR4/2	DFR-DFI; few roots; no stone
		58-88	C2	SiL	10YR4/6	DFI-DVFI; M; no roots; no stone
	mottling	none				
	ESHGW	none				
	OGW	none				
	refusal	none				

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; RL-restrictive layer

TEXTURE
S-sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; CL-clay loam; C-clay

CONSISTENCE
LS-loose; SG-single grain; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-mo friable; CM-cemented;

STRUCTURE
M-massive; P-platy; B-blocky; PR-prismatic; RL-restrictive layer;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT D.5

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com

Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE

Job No. 09009
Date: 11/12/09
Weather: PC

Purpose: subdivision

No.

A — Bottom of perc to grade (IN) 31

Date	11/10/09							
Time	abandoned							
Depth								

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date								
Time								
Depth								
Time								
Depth								

stable drop IN
time period MIN

stable perc rate MPI

B — Bottom of perc to grade (IN) 40

Date	11/10/09							
Time	12:11				4:11			
Depth	12	held water over gravel through						

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date	11/11/09							
Time	10:23:00	10:53:00	11:23:00	11:53:00				
Depth	6	5 1/8	4 5/8	4 1/8				
Time								
Depth								

stable drop IN 4/8
time period MIN 30

stable perc rate MPI 60

Certified in conformance with R317-4.11

NOTES
[1] A successful perc test does not guarantee buildability of land. Septic system designs must meet local and state code requirements for system size, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, and setbacks to property lines and physical constraints.
[2] All depths in inches.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.6

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com

Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE

Job No. 09009
Date: 11/12/09
Weather: PC

Purpose: subdivision

No.

C Bottom of perc to grade (IN) 28

Date	11/10/09							
Time	12:50				4:50			
Depth	12	held water over gravel through						

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date	11/11/09							
Time	10:00:00	10:15:00	10:46:00	11:16:00	11:46:00	12:16:00		
Depth	9	7 4/8	5 4/8	4 1/8	3 1/8	2 1/8		
Time								
Depth								

stable drop IN 1
time period MIN 30

stable perc rate MPI 30

D Bottom of perc to grade (IN) 31

Date	11/10/09							
Time	1:30				4:30			
Depth	12	held water over gravel through						

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date	11/11/09							
Time	9:54:00	10:14:00	10:44:00	11:14:00	11:44:00			
Depth	6	4 6/8	2 6/8	2	1 2/8			
Time								
Depth								

stable drop IN 6/8
time period MIN 30

stable perc rate MPI 40

Certified in conformance with R317-4.11

NOTES
[1] A successful perc test does not guarantee buildability of land. Septic system designs must meet local and state code requirements for system size, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, and setbacks to property lines and physical constraints.
[2] All depths in inches.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.7

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com

Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE

Job No. 09009
Date: 11/12/09
Weather: PC

Purpose: subdivision

No.

E Bottom of perc to grade (IN) 30

Date	11/10/09							
Time	3:02				7:02			
Depth	12	held water over gravel through						

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date	11/11/09							
Time	9:43:00	10:12:00	10:41:00	11:09:00				
Depth	6	3	1 2/8	2/8				
Time	11:37:00	12:07:00	12:37:00	1:07:00	1:37:00			
Depth	6	4 3/8	3 1/8	2 2/8	1 3/8			

stable drop IN 7/8
time period MIN 30

stable perc rate MPI 34

F Bottom of perc to grade (IN) 30

Date	11/10/09							
Time	3:58				7:58			
Depth	12	held water over gravel through						

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date	11/11/09							
Time	9:33:00	10:06:00	10:36:00	11:06:00	11:36:00			
Depth	6	3 6/8	2 5/8	2 1/8	1 5/8			
Time								
Depth								

stable drop IN 4/8
time period MIN 30

stable perc rate MPI 60

Certified in conformance with R317-4.11

NOTES
[1] A successful perc test does not guarantee buildability of land. Septic system designs must meet local and state code requirements for system size, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, and setbacks to property lines and physical constraints.
[2] All depths in inches.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.8

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131
Park City, Utah 84098
voice 435.640.7373
email gsharry@canyoneng.com

Solutions For Land

Owner: LRH, Inc.
Grid Location: S22, T1N, R5E
Tax ID No. NS-230
Property Address: off Cherry Canyon, Summit County, Utah
Conducted By: Gus Sharry, PE

Job No. 09009
Date: 11/12/09
Weather: PC

Purpose: subdivision

No.

G Bottom of perc to grade (IN) 29

Date	11/11/09							
Time	2:30				6:30			
Depth	12	held water over gravel through						

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date	11/12/09							
Time	8:40:00	9:10:00	9:40:00					
Depth	6	4	2 5/8					
Time	9:41:00	10:11:00	10:41:00					
Depth	6	4 4/8	3					

stable drop IN 1 4/8
time period MIN 30

stable perc rate MPI 20

xx Bottom of perc to grade (IN)

Date					
Time					
Depth					

< two 12-inch drainouts in 10 minutes…
4-hour soak and overnight swell required

Date								
Time								
Depth								
Time								
Depth								

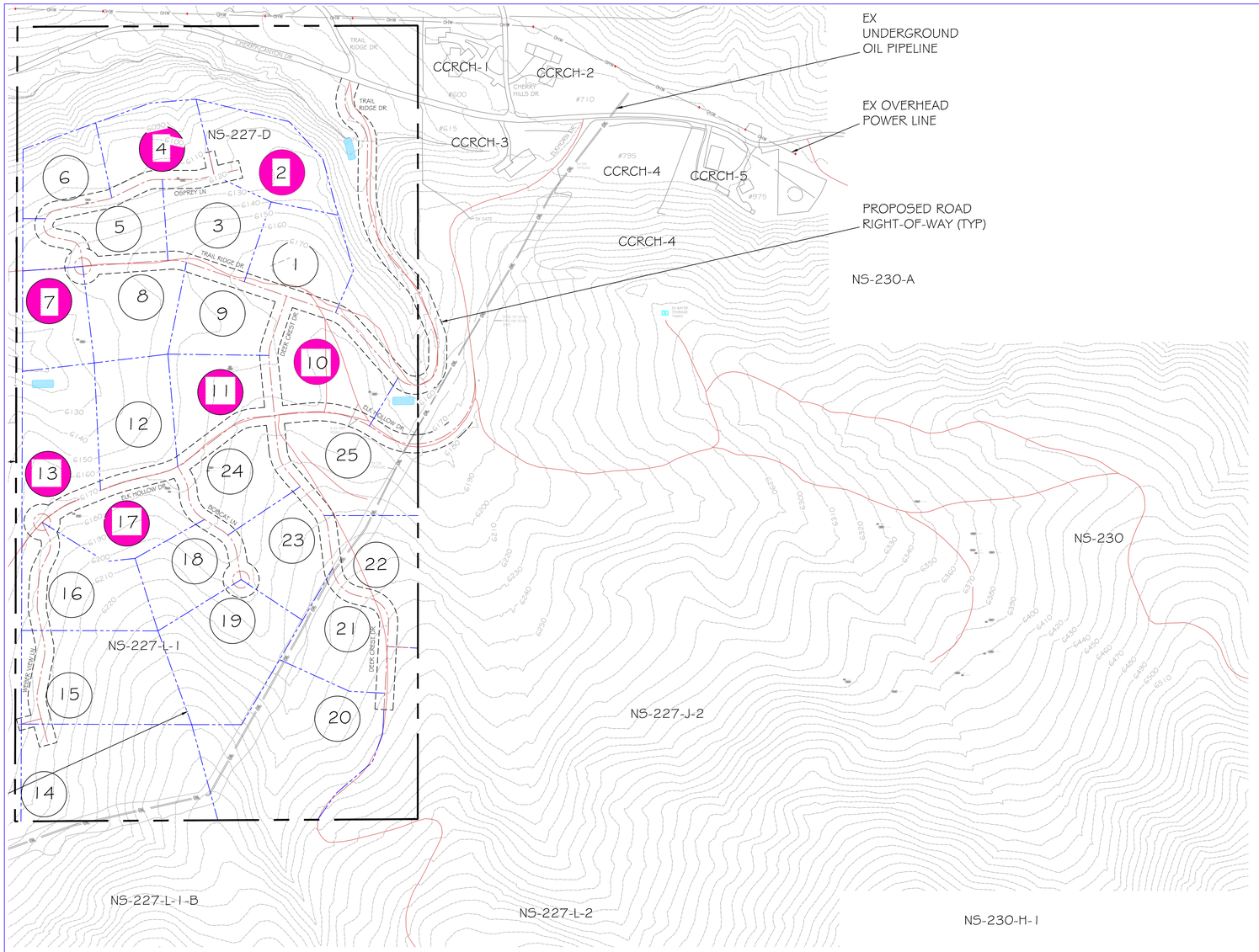
stable drop IN
time period MIN

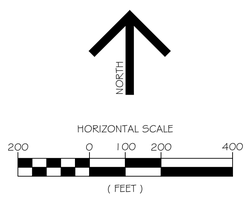
stable perc rate MPI

Certified in conformance with R317-4.11

NOTES
[1] A successful perc test does not guarantee buildability of land. Septic system designs must meet local and state code requirements for system size, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, and setbacks to property lines and physical constraints.
[2] All depths in inches.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; GR-gravel; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;





HORIZONTAL SCALE

200 0 100 200 400

(FEET)

LEGEND

EXISTING SURFACE RUNOFF DIRECTION	·····▷
PROPOSED SURFACE RUNOFF DIRECTION	·····▶
EXISTING SPOT GRADE & SURFACE CONTOUR	x 7208.00 TBG — — 7290— —
PROPOSED SPOT GRADE & SURFACE CONTOUR	←6400.0 FG —— 7278 ——
PROPOSED HOME SITE	25
PROPOSED LOT LINE	
PROPOSED STORMWATER MGT AREA	
SOIL EVALUATION COMPLETE	10
SOIL EVALUATION	1012-2
PERC TEST	1012-A

DESIGN

CONTOUR INTERVAL: 10 FEET

PROPOSED ROADWAY WIDTH:	20 FEET PLUS 2-FT SHOULDERS
PROPOSED ROADWAY ROW WIDTH:	60 FEET
MINIMUM DRIVEWAY WIDTH:	12 FEET
MINIMUM LOT WIDTH:	100 FT AT FRONT SETBACK LINE

SETBACKS
FRONT: 55 FT FROM ROAD CL
SIDE: 12 FT
REAR: 12 FT

ABBREVIATIONS

ACP	ASPHALT CONCRETE PAVEMENT
BLDG	BUILDING
CB	CATCH BASIN
CFS	CUBIC FEET PER SECOND
CIP	CAST-IN-PLACE
CL	CENTERLINE
CMH	COMMUNICATIONS MANHOLE
CMP	CORRUGATED METAL PIPE
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
COMM	COMMUNICATIONS
DIA	DIAMETER
DMH	DRAIN MANHOLE
EG	EXISTING GRADE
EL	ELEVATION
EMH	ELECTRIC MANHOLE
ESHGW	ESTIMATED SEASONAL HIGH GROUNDWATER
EX	EXISTING
FDN	FOUNDATION
FE	FLARED END
FG	FINISH GRADE
FRP	FIBERGLASS REINFORCED PLASTIC
GPM	GALLONS PER MINUTE
GW	GROUNDWATER
HDCI	HEAVY DUTY CAST IRON
HDPE	HIGH DENSITY POLYETHYLENE
HP	HIGH POINT
ID	INSIDE DIAMETER
INT	INTERSECTION
INV	INVERT
LD	LONGEST DIMENSION
LF	LINEAR FEET
LOD	LIMIT OF DISTURBANCE
LP	LOW POINT
MDD	MAXIMUM DRY DENSITY
MEG	MATCH EXISTING GRADE
MUTCD	MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
OD	OUTSIDE DIAMETER
PC	POINT OF CURVATURE
PCC	PORTLAND CEMENT CONCRETE
PE	PLAIN END
PJDI	PUSH-ON JOINT DUCTILE IRON
PRC	PRECAST REINFORCED CONCRETE
PVC	POLYVINYL CHLORIDE; POINT OF VERTICAL CURVATURE
PVI	POINT OF VERTICAL INTERSECTION
PVT	POINT OF VERTICAL TANGENCY
RCP	REINFORCED CONCRETE PIPE
S	SLOPE
SBED	STREAM BED
SD	STORM DRAIN
SMH	SEWER MANHOLE
SS	SANITARY SEWER; STAINLESS STEEL
TBC	TOP BACK OF CURB
TC	TOP OF CONCRETE
TO	TOP OF
TP	TOP OF PAVEMENT
TW	TOP OF WALL
TYP	TYPICAL
UD	UNDERDRAIN
UP	UTILITY POLE
WMH	WATER MANHOLE
WS	WATER SURFACE

ABBREVIATIONS - AGENCY

COE	US ARMY CORPS OF ENGINEERS
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
PCMC	PARK CITY MUNICIPAL CORPORATION
RMP	ROCKY MOUNTAIN POWER
SBWRD	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
SCEH	SUMMIT COUNTY ENVIRONMENTAL HEALTH
UDOT	UTAH DEPARTMENT OF TRANSPORTATION
WCEH	WASATCH COUNTY ENVIRONMENTAL HEALTH

REFERENCES

1. AERIAL TOPOGRAPHY PROVIDED BY OLYMPUS AERIAL SURVEYS, INC., SALT LAKE CITY, UTAH.
2. BOUNDARY AND SUPPLEMENTAL TOPOGRAPHIC SURVEYS PROVIDED BY HIGH MOUNTAIN SURVEYING, INC., HOYTSVILLE, UTAH.

DRAWING ISSUED FOR

- ☐ PLANNING
- ☐ CONSTRUCTION
- ■ PERMIT
- ☐ CONSTRUCTION RECORD

SEE DESIGN NOTES FOR INTENT. THIS DRAWING MAY NOT SHOW CONSTRUCTION DETAILS AND SPECIFICATIONS FOR ALL PROPOSED IMPROVEMENTS, AND MAY NOT IDENTIFY ALL CONSTRUCTION WORK ITEMS AND AREAS OF CONTRACTOR JURISDICTION.

REGISTERED PROFESSIONAL ENGINEER — A.F. SHARRY, III — 186193 — 11.6.18 — STATE OF UTAH

NO.	DATE	BY	CHK	REVISION DESCRIPTION

CANYON ENGINEERING
SOLUTIONS FOR LAND
CIVIL ENGINEERING
LAND PLANNING
PERMITTING
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PO BOX 982131
PARK CITY, UTAH 84098
VOICE: 435.640.7373 EMAIL: GUS@CANYONENG.COM
WWW.CANYONENG.COM

TRAIL RIDGE SUBDIVISION

SOIL EVALUATION STATUS

TAX ID NOS. NS-227-D, NS-227-L-1, NS-227-J-2, NS-230
SUMMIT COUNTY, UTAH

PREPARED FOR:
LRH, INC.
SALT LAKE CITY, UTAH

PLSS GRID LOCATION:
S21 T1N R5E
SLB&M

DES. BY: APS	DATE: AUGUST 2018	JOB 18008	1 OF 1
CHK. BY: APS			

EXHIBIT D.10

Soil Profile and Perc Test Data

Trail Ridge Subdivision

Summit County, Utah

Date: October, 2014

Project No. 14025

Prepared By: Canyon Engineering
Park City, Utah

EXHIBIT D.11

SOIL TEST PIT LOG

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
VOICE 435.640.7373
EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM
SOLUTIONS FOR LAND

Client: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witness: Brent Ovard; Rebecka Hullinger
Contractor / Equip: Hollberg
RTH

Job No. 14025
Date: 10/9 - 10/10/14
Weather: clear

No. & Location		Depth (IN)	Horizon	Texture	Color	Struc	Description
1014-1 (lot 1)		0-10	A	SL	10YR 4/3		grass/sage cover; some roots; DL-MFR;
		10-34	C1	SL	10YR 5/6	POC GR	MFR-DFR; roots to 24"; isolated P;
N 40.80943		34-80	C2	SiL	2.5Y 7/3	M	DFI-DVFI; < 5% angular P/C 6" LD;
W 111.38223							
	mottling	no			OGW	no	
	refusal	no			ESHGW	no	
1014-2 (lot 6)		0-8	A	SL	10YR 3/3		grass/sage cover; some roots; DFR-MFR;
		8-24	C1	CL	10YR 3/4		MFR; roots to 12"; isolated P;
N 40.80965		24-66	C2	CL	10YR 5/4	M	DVFI-MVFI; isolated P;
W 111.38390							
	mottling	no			OGW	no	
	refusal	no			ESHGW	no	
1014-3 (lot 7)		0-4	A	SL	10YR 3/3		grass/sage cover; some roots; DFR;
		4-16	B	L	10YR 3/3		DFR; roots to 16";
N 40.80874		16-36	C1	SiL	2.5Y 4/3	POC BL, GR	DFR-DFI; < 5% angular P/C 6" LD;
W 111.38414		36-56	C2	SiL	2.5Y 6/4	M	DVFI; < 5% angular P/C 6" LD;
		56-72	C3	SiL	10YR 6/4	M	DVFI; < 5% angular P/C 6" LD; POC cemented
	mottling	no			OGW	no	
	refusal	no			ESHGW	no	
1014-4 (lot 8)		0-10	A	SL	10YR 3/3		grass/sage cover; some roots; DFR;
		10-30	C1	SiL	2.5Y 4/3	POC BL, GR	DFR; roots to 16";
N 40.80853		30-60	C2	SiL; POC SL	2.5Y 6/4	M	DFR-DFI; < 5% angular P/C 6" LD;
W 111.38464		60-84	C3	SiL	10YR 6/4	M	DFR-DFI; < 5% angular P/C 6" LD;
	mottling	no	iron ox lense 56-60		OGW	no	
	refusal	no			ESHGW	no	

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; DEH-Dept of Environmental Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; POC-pockets;

TEXTURE
S-sand; CS-coarse sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; FSC-fine sandy clay; CL-clay loam; C-clay;

STRUCTURE
M-massive; PL-platy; BL-blocky; PR-prismatic; GR-granular; RL-restrictive layer;

CONSISTENCE
LS-loose; SG-single grain; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-moist, friable; CM-cemented; W-wet;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT D.12

SOIL TEST PIT LOG

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
VOICE 435.640.7373
EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM
SOLUTIONS FOR LAND

Client: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witness: Brent Ovard; Rebecka Hullinger
Contractor / Equip: Hollberg
RTH

Job No. 14025
Date: 10/9 - 10/10/14
Weather: clear

No. & Location		Depth (IN)	Horizon	Texture	Color	Struc	Description
1014-5 (lot 9)		0-12	A	SL	10YR 3/3		grass/sage cover; DL;
		12-26	C1	L		POC GR	MFR; sparse roots to 18"; isolated P;
N 40.80830		26-50	C2	SCL	7.5YR 4/6	M	DVFI; isolated P;
W 111.38573		50-70	C3	SL; SiL	2.5Y 6/4	M	DFI-DFR; isolated P;
		70-82	C4	LS	10YR 7/6		DFR; isolated P;
	mottling	74-82	C,C,D		OGW	no	
	refusal	no			ESHGW	no	
1014-6 (lot 10)		0-8	A	SL			grass/sage cover; DL;
		8-22	C1	L		POC GR	DFR-MFR; sparse roots to 18"; isolated P;
N 40.80902		22-74	C2	SCL	7.5YR 4/6	M	DVFI; isolated P;
W 111.38576		74-80	C3	VFSL	10YR 7/6		DFI; isolated P;
	mottling	76-80	C,C,D		OGW	no	
	refusal	no			ESHGW	no	
1014-7 (lot 5)		0-14	A	SL	7.5YR 3/3		grass/sage cover; DL;
		14-24	C1	SiL, VFSL		M	DFR-DFI; roots to 18";
N 40.80989		24-68	C2	SL	7.5YR 7/4		DFR; 35% rounded P/C 8" LD;
W 111.38575		68-80	C3	VFSL	10YR 6/6		MFR; isolated P;
							lenses of red medium sand;
	mottling	no			OGW	no	
	refusal	no			ESHGW	no	
1014-8 (lot 4)		0-12	A	SL	7.5YR 2.5/2		grass/sage cover; DL-MFR;
		12-27	C1	CL	10YR 4/6	POC GR	DFR-DFI; roots to 14";
N 40.81117		27-78	C2	SCL	10YR 5/6	M	DVFI; isolated P;
W 111.38565							
	mottling	no			OGW	no	
	refusal	no			ESHGW	no	

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; DEH-Dept of Environmental Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; POC-pockets;

TEXTURE
S-sand; CS-coarse sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; FSC-fine sandy clay; CL-clay loam; C-clay;

STRUCTURE
M-massive; PL-platy; BL-blocky; PR-prismatic; GR-granular; RL-restrictive layer;

CONSISTENCE
LS-loose; SG-single grain; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-moist, friable; CM-cemented; W-wet;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT D.13

SOIL TEST PIT LOG

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
VOICE 435.640.7373
EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM
SOLUTIONS FOR LAND

Client: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witness: Brent Ovard; Rebecka Hullinger
Contractor / Equip: Hollberg
RTH

Job No. 14025
Date: 10/9 - 10/10/14
Weather: clear

No. & Location	Depth (IN)	Horizon	Texture	Color	Struc	Description
1014-9 (lot 3)	0-12	A	SL	7.5YR 2.5/2		grass/sage cover; DL-MFR;
	12-30	C1	CL	10YR 4/6	POC GR	DFR-DFI; roots to 14"; isolated P;
N 40.81135	30-78	C2	VFLS	7.5YR 6/8		DFR; 40% rounded P/C/B 16" LD
W 111.38451						
mottling	no			OGW	no	
refusal	no			ESHGW	no	
1014-10 (lot 2)	0-12	A	SL			grass/sage cover; DFR-MFR;
	12-42	C1	CL		POC GR	DFR-DFI; < 5% rounded P/C 4" LD;
N 40.81128	42-75	C2	SCL	10YR 5/6	M	DVFI; isolated P; less firm bottom 8"
W 111.38344						
mottling	no			OGW	no	
refusal	no			ESHGW	no	

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; DEH-Dept of Environmental Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; P-pebbles; C-cobbles; B-boulders; FR-fractured rock; LD-largest dimension; POC-pockets;

TEXTURE
S-sand; CS-coarse sand; LS-loamy sand; SL-sandy loam; MSL-medium sandy loam; FSL-fine sandy loam; L-loam; SiL-silt loam; FSC-fine sandy clay; CL-clay loam; C-clay;

STRUCTURE
M-massive; PL-platy; BL-blocky; PR-prismatic; GR-granular; RL-restrictive layer;

CONSISTENCE
LS-loose; SG-single grain; DH-dry, hard; DVFI-dry, very firm; DFI-dry, firm; DFR-dry, friable; MVFI-moist, very firm; MFI-moist, firm; MFR-moist, friable; CM-cemented; W-wet;

MOTTLES
abundance: F-few (<2% soil surface); C-common (2-20% soil surface); M-many (>20% soil surface)
size: F-fine (<5mm); M-medium (5-15mm); C-coarse (>15mm)
contrast: F-faint; D-distinct; P-prominent

EXHIBIT D.14

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
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SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witnessed By: Brent Ovard; Rebecka Hullinger
Job No. 14025
Weather: clear

No. & Location

1014-A (lot 1)

Bottom of perc to grade (IN) 26

N 40.80943
W 111.38223

Date	10/9/14					
Time	0:00:00	1:51:30	3:32:00	3:33:00	3:53:00	first 12-inch drainout > 10 minutes;
Depth	12	6	1 2/8	6	4 4/8	held water over gravel at least 4 hours; 16 to 30-hour swell required

Date	10/10/14						
Time	0:08:00	0:38:00	1:08:00				
Depth	6	4 7/8	3 6/8				
Time							
Depth							

drop	IN	1 1/8
time period	MIN	30

perc rate: 27 MPI



ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.15

PERC TEST CERTIFICATE

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SOLUTIONS FOR LAND

Owner:	Brett Hollberg
PLS Grid Location:	S21 T1N R5E
Tax ID No.	NS-227-D; NS-227-L-1
Property Address:	to be determined
Conducted By:	Gus Sharry, PE
Witnessed By:	Brent Ovard; Rebecka Hullinger
Job No.	14025
Weather:	clear

No. & Location

1014-E (lot 2)

N 40.81128
W 111.38344

Bottom of perc to grade (IN) 25

Date	10/12/14						
Time	0:01:10	0:07:15	1:14:00	1:14:45			
Depth	12	9 7/8	2 2/8	12			

first 12-inch drainout > 10 minutes;
held water over gravel at least 4 hours;
16 to 30-hour swell required

Date	10/13/14						
Time	0:01:00	0:31:00	0:37:00	1:07:00	1:09:00	1:39:00	
Depth	6	2 5/8	6	4	6	4	
Time							
Depth							

drop IN 2
time period MIN 30

perc rate: 15 MPI



ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES

[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS

RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.16

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
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EMAIL GUS@CANYONENG.COM
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SOLUTIONS FOR LAND

Owner:	Brett Hollberg
PLS Grid Location:	S21 T1N R5E
Tax ID No.	NS-227-D; NS-227-L-1
Property Address:	to be determined
Conducted By:	Gus Sharry, PE
Witnessed By:	Brent Ovard; Rebecka Hullinger
Job No.	14025
Weather:	clear

No. & Location

1014-F (lot 3)

N 40.81135
W 111.38451

Bottom of perc to grade (IN) 24

Date	10/12/14					
Time	0:19:10	1:16:40	1:17:30	2:19:00		first 12-inch drainout > 10 minutes;
Depth	12	4 2/8	11	8 1/8		held water over gravel at least 4 hours; 16 to 30-hour swell required

Date	10/13/14						
Time	0:07:50	0:37:50	1:13:00	1:14:40	1:44:40	2:04:40	
Depth	6	4 4/8	3 4/8	6	5	4	
Time							
Depth							

drop IN 1
time period MIN 30

perc rate: 30 MPI

REGISTERED PROFESSIONAL ENGINEER
A.F. SHARRY, III
186193
STATE OF UTAH

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.17

PERC TEST CERTIFICATE

CANYON ENGINEERING
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WWW.CANYONENG.COM

SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witnessed By: Brent Ovard; Rebecka Hullinger
Job No. 14025
Weather: clear

No. & Location

1014-G (lot 4)

N 40.81117
W 111.38565

Bottom of perc to grade (IN) 24

Date	10/12/14					
Time	0:40:20	1:19:40	1:21:00	2:22:10		
Depth	12	8 6/8	12	10 1/8		

first 12-inch drainout > 10 minutes;
held water over gravel at least 4 hours;
16 to 30-hour swell required

Date	10/13/14						
Time	2:09:30	2:39:30	3:09:30	3:39:30			
Depth	6	5 3/8	5	4 5/8			
Time							
Depth							

drop IN 3/8
time period MIN 30

perc rate: 80 MPI

REGISTERED PROFESSIONAL ENGINEER
A.F. SHARRY, III
186193
STATE OF UTAH

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES

[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS

RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.18

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
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SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witnessed By: Brent Ovard; Rebecka Hullinger
Job No. 14025
Weather: clear

No. & Location

1014-H (lot 5)

N 40.80989
W 111.38575

Bottom of perc to grade (IN) 22

Date	10/12/14						
Time	1:04:15	1:22:50	2:32:30				
Depth	12	6 1/8	12				

first 12-inch drainout > 10 minutes;
held water over gravel at least 4 hours;
16 to 30-hour swell required

Date	10/13/14						
Time	3:02:00	3:32:00	4:02:00	4:03:00	4:33:00	5:03:00	
Depth	6	3 5/8	2 6/8	6	4 2/8	2 4/8	
Time							
Depth							

drop	IN	1 6/8
time period	MIN	30

perc rate: 17 MPI

REGISTERED PROFESSIONAL ENGINEER
A.F. SHARRY, III
186193
STATE OF UTAH

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.19

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
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EMAIL GUS@CANYONENG.COM
WWW.CANYONENG.COM

SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witnessed By: Brent Ovard; Rebecka Hullinger
Job No. 14025
Weather: clear

No. & Location

1014-B (lot 6)

N 40.80965
W 111.38390

Bottom of perc to grade (IN) 25

Date	10/9/14					
Time	0:57:10	1:55:00	3:27:20			first 12-inch drainout > 10 minutes;
Depth	12	8 6/8	7			held water over gravel at least 4 hours; 16 to 30-hour swell required

Date	10/10/14						
Time	0:00:40	0:30:40	1:00:40				
Depth	6	5 4/8	5				
Time							
Depth							

drop IN 4/8
time period MIN 30

perc rate: 60 MPI

REGISTERED PROFESSIONAL ENGINEER
A.F. SHARRY, III
186193
STATE OF UTAH

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.20

PERC TEST CERTIFICATE

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SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witnessed By: Brent Ovard; Rebecka Hullinger
Job No. 14025
Weather: clear

No. & Location

1014-C (lot 7)

N 40.80874
W 111.38414

Bottom of perc to grade (IN) 27

Date	10/9/14					
Time	1:41:20	3:22:00				first 12-inch drainout > 10 minutes;
Depth	12	9				held water over gravel at least 4 hours; 16 to 30-hour swell required

Date	10/10/14						
Time	1:15:00	1:45:00	2:15:00	2:45:00			
Depth	6	5 5/8	5 2/8	4 7/8			
Time							
Depth							

drop IN 3/8
time period MIN 30

perc rate: 80 MPI



ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.21

PERC TEST CERTIFICATE

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SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witnessed By: Brent Ovard; Rebecka Hullinger
Job No. 14025
Weather: clear

No. & Location

1014-D (lot 8)

N 40.80853
W 111.38464

Bottom of perc to grade (IN) 26

Date	10/9/14						
Time	2:25:35	2:30:45	3:19:15	3:20:00			
Depth	12	9 6/8	2 3/8	11			
Date	10/10/14						
Time	1:21:00	1:51:00	2:21:00	2:22:20	2:52:20	3:22:20	
Depth	6	4 3/8	3 2/8	6	4 6/8	3 4/8	
Time							
Depth							

first 12-inch drainout > 10 minutes;
held water over gravel at least 4 hours;
16 to 30-hour swell required

drop IN 1 2/8
time period MIN 30

perc rate: 24 MPI

REGISTERED PROFESSIONAL ENGINEER
A.F. SHARRY, III
186193
STATE OF UTAH

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.22

PERC TEST CERTIFICATE

CANYON ENGINEERING
PO Box 982131, Park City, UT 84098
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SOLUTIONS FOR LAND

Owner:	Brett Hollberg
PLS Grid Location:	S21 T1N R5E
Tax ID No.	NS-227-D; NS-227-L-1
Property Address:	to be determined
Conducted By:	Gus Sharry, PE
Witnessed By:	Brent Ovard; Rebecka Hullinger
Job No.	14025
Weather:	clear

No. & Location

1014-I (lot 9)

N 40.80830
W 111.38573

Bottom of perc to grade (IN) 23

Date	10/14/14						
Time	0:00:00	0:45:00	1:35:40				
Depth	12	10 5/8	9 7/8				
Date	10/15/14						
Time	0:00:00	0:30:00	1:00:00				
Depth	6	5 6/8	5 4/8				
Time							
Depth							

first 12-inch drainout > 10 minutes;
held water over gravel at least 4 hours;
16 to 30-hour swell required

drop	IN	2/8
time period	MIN	30

perc rate: 120 MPI

REGISTERED PROFESSIONAL ENGINEER
A.F. SHARRY, III
186193
STATE OF UTAH

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.23

PERC TEST CERTIFICATE

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PO Box 982131, Park City, UT 84098
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SOLUTIONS FOR LAND

Owner: Brett Hollberg
PLS Grid Location: S21 T1N R5E
Tax ID No. NS-227-D; NS-227-L-1
Property Address: to be determined
Conducted By: Gus Sharry, PE
Witnessed By: Brent Ovard; Rebecka Hullinger
Job No. 14025
Weather: clear

No. & Location

1014-J (lot 10)

N 40.80902
W 111.38576

Bottom of perc to grade (IN) 20

Date	10/14/14					
Time	0:24:50	0:50:00	1:08:00	1:28:00	1:30:00	first 12-inch drainout > 10 minutes;
Depth	12	8 5/8	7 4/8	6 6/8	9	held water over gravel at least 4 hours; 16 to 30-hour swell required

Date	10/15/14						
Time	0:06:00	0:36:00	1:06:00	1:36:00	2:06:00		
Depth	6	5 2/8	4 6/8	4	3 2/8		
Time							
Depth							

drop IN 6/8
time period MIN 30

perc rate: 40 MPI

REGISTERED PROFESSIONAL ENGINEER
A.F. SHARRY, III
186193
STATE OF UTAH

ACCEPTABLE PERC RATE RANGES

conventional systems	1 to 60 MPI
alternative systems	1 to 120 MPI

Certified in conformance with
Utah Administrative Code section R317-4, Appendix D, and local Health Dept rules

NOTES
[1] An acceptable perc rate does not guarantee buildability of land. On-site wastewater system designs must meet state and local code requirements for absorption area location, size and type, slope distance, depth to seasonal high groundwater and bedrock, depth of parent soil, setbacks to property lines and physical constraints, and other requirements. A site exhibiting a perc rate between 1 and 60 MPI may require an alternative system if other conventional system design requirements cannot be met.

[2] All depths in inches. All times are to the second.

ABBREVIATIONS
RTH-rubber tire backhoe; EXC-track excavator; BOH-Board of Health; ESHGW-estimated seasonal high groundwater; OGW-observed groundwater; GW-groundwater; BG-below grade; MPI-minutes per inch; IN-inches; MIN-minutes; RL-restrictive layer;

EXHIBIT D.24

BEFORE THE BOARD OF HEALTH
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of: TRAIL RIDGE MASTER PLANNED DEVELOPMENT SUBDIVISION	**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND AMINISTRATIVE ENFORCEMENT ORDER** January 7, 2018

Pursuant to the Summit County Code of Health (the "Code") §1-1-9 (February 2018), Canyon Engineering on behalf of the Trail Ridge Master Planned Development Subdivision and its owner, Brett Hollberg (the "Appellant") appealed that certain letter decision of the Summit County Health Officer (the "County Health Officer"), dated December 17, 2018 (the "Decision Letter")[1], wherein the Summit County Health Department (the "Health Department") denied the Appellant's application for individual on-site wastewater systems in the Trail Ridge Master Planned Development Subdivision (the "Appeal"). The Appellant was represented by Gus Sharry, President of Canyon Engineering, and the Health Department was represented by Phil Bondurant, the Director of Environmental Health. The Board of Health (the "Board") was represented by David L. Thomas, Chief Civil Deputy County Attorney.

Evidence and materials were presented by way of testimony, statements, documents and memorandum for consideration by the Board. Having considered the evidence presented by all

1. Decision Letter, dated December 17, 2018 from Richard C. Bullough, County Health Officer, to Gus Sharry, Canyon Engineering.

interested parties and the entire record relating to this Appeal, the Board rendered its decision as part of its regularly scheduled agenda on January 7, 2019, **DENYING** the Appeal, with that decision to become final following the adoption of these findings and conclusions. The vote was 6-0 with one abstention. In support of that decision, the Board adopts the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The proposed Trail Ridge Master Planned Development Subdivision is comprised of twenty-five (25) lots located in Sections 21 and 22, Township 1 North, Range 5 East, in Wanship, Summit County, Utah (the "Trail Ridge Subdivision"). The Trails Ridge Subdivision has been filed under the Master Planned Development provisions of the Eastern Summit County Development Code, but has not yet received approval from either the Eastern Summit County Planning Commission or the Summit County Council.

2. On or about October 10, 2014, Appellant conducted percolation tests on ten (10) lots within the Trail Ridge Subdivision to determine suitability for individual on-site wastewater systems ("Septic Systems"). Four of the lots (Lots 4, 6, 7 & 9) tested at or above sixty (60) Minutes Per Inch ("MPI") and were therefore deemed not suitable for Septic Systems. Such is documented in "Soil Profile and Perc Test Data, Trail Ridge Subdivision, Summit County, Utah, October 2014, Project No. 14025, Canyon Engineering" (the "2014 Perc Tests").[2]

3. The Utah Department of Environmental Quality ("DEQ") conducted a study entitled "Total Maximum Daily Load (TMDL) for Rockport Reservoir (2014)," in which it

2. Canyon Engineering, "Soil Profile and Perc Test Data, Trail Ridge Subdivision, Summit County, Utah" (October 2014).

estimated that "19% of the nitrogen load, and a smaller portion of phosphorus, [within] the Rockport Reservoir comes from septic systems within the watershed" (the "2014 DEQ Study"). The Trail Ridge Subdivision lies within the Rockport Reservoir watershed. The 2014 DEQ Study is an example of how these Septic Systems cumulatively impact the watershed of an area in a negative manner. According to Richard Bullough, the County Health Officer, the dangers to water quality and public health from high nutrient loads that are derived from Septic Systems was recently demonstrated in the summer of 2018 from an Algal Bloom which occurred within the Rockport Reservoir itself.[3]

4. In 2016, the Health Department commissioned a study of Septic Systems within Summit County. That study was prepared by SWCA Environmental Consultants and is entitled "Septic Development in Summit County: An Evaluation of the Past in the Face of Future Development (November 30, 2016)" (the "2016 Study").[4] The 2016 Study concluded that "[b]ased on criteria adopted from the State of Utah Administrative Code, a portion of the county does not appear to be well suited for conventional septic development . . . ."[5] As part of the 2016 Study, a spatial analysis was conducted in eastern Summit County wherein certain areas were found to be "unsuitable" for septic development due to "proximity to protected waters, floodplains or slopes steeper than 35%."[6] Further, a "Septic Suitability Model" was constructed "based on criteria in the Utah Administrative Code Rule R317-4 for Onsite Wastewater Systems

3. Decision Letter, dated December 17, 2018 from Richard C. Bullough, County Health Officer, to Gus Sharry, Canyon Engineering.

4. SWCA Environmental Consultants, "Septic Development in Summit County: An Evaluation of the Past in the Face of Future Development" (November 30, 2016).

5. SWCA Environmental Consultants, pp. i.

6. SWCA Environmental Consultants, pp. 24-35.

and the U.S. Department of Agriculture Web Soil Survey."[7] According to the Septic Suitability Model, the Trail Ridge Subdivision compromises lands for which ~10% are designated as "*most suitable*" for the installation of Septic Systems, while ~60% are designated as "*less suitable*" and ~30% are designated as "*least suitable.*"[8]

5. On or about November 15, 2018, in accordance with Chapter 3 of the Code, Appellant sought approval from the Health Department for the installation of twenty-five (25) Septic Systems within the Trail Ridge Subdivision (the "Application").[9]

6. On November 19, 2018, Phil Bondurant, Director of Environmental Health, denied the Application, citing the failed 2014 Perc Tests and the 2016 Study. Instead, Mr. Bondurant advised the Appellant that a "community wastewater system" would be required.[10]

7. On November 29, 2018, Appellant appealed Mr. Bondurant's decision[11] to the County Health Officer who affirmed Mr. Bondurant's decision in his Decision Letter. In said Decision Letter, the County Health Officer also cited to the 2014 DEQ Study on the cumulative impacts of Septic Systems on the Rockport Reservoir watershed.[12]

8. Thereafter, Appellant appealed the Decision Letter to the Board.

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7. SWCA Environmental Consultants, pp. 29, *Figure* 11.

8. *Id.* (emphasis added).

9. Letter, dated November 15, 2018, from Gus Sharry, Canyon Engineering, to Phil Bondurant.

10. Letter, dated November 19, 2018, from Phil Bondurant, Director of Environmental Health, to Gus Sharry, Canyon Engineering.

11. Letter, dated November 29, 2018, from Gus Sharry, Canyon Engineering, to Ricard Bullough.

12. Decision Letter, dated December 17, 2018 from Richard C. Bullough, County Health Officer, to Gus Sharry, Canyon Engineering.

9. A hearing was held on January 7, 2018 before the Board.

10. During the hearing, Appellant argued that:

- A community wastewater system or "package sewer plant" is economically unviable for the Trail Ridge Subdivision.
- Individual conventional Septic Systems are reliable and have a sound scientific basis.
- R317-4 and §1-3-9 of the Code allow Septic Systems on lots in excess of one (1) acre.
- The 2016 Study is too generalized to be applied in this circumstance.

11. In rebuttal, Mr. Bondurant argued that:

- The 2016 Study provided a Septic Suitability Model (Map) with a basis in scientific data which indicates that ~90% of the Trail Ridge Subdivision is unsuitable for Septic Systems.
- 40% of the perc tests done in 2014 for the Trail Ridge Subdivision failed.
- None of the 2014 Perc Tests are currently valid.

Conclusions of Law

1. Procedural due process for this Appeal is governed by §1-1-9 of the Code.

2. Substantive due process for this Appeal is governed by R317-4 (On-site Wastewater Systems) and Chapter 3 of the Code. The Board incorporated by reference Utah Administrative Rule, Environmental Equality, Water Quality, R317 into the Code.[13]

13. §1-3-1 of the Code.

3. "The standard of proof to be used by the Board . . . in deciding the issues at an administrative hearing is whether a *preponderance of the evidence* shows that a violation exists or existed."[14]

4. All percolation test results are "valid for a period of two years from the date the test was performed."[15] Consequently, the 2014 Perc Tests are no longer valid for purposes of approving Septic Systems.

5. All individual on-site wastewater systems require a Wastewater Permit issued by the Health Department.[16]

6. "[O]nsite wastewater systems are not feasible in some areas and situations. If property characteristics indicate conditions that may fail in any way to meet the requirements specified herein [R317-4], the use of onsite wastewater systems shall be prohibited."[17]

7. The Utah Department of Health has conferred legal jurisdiction upon the Board to determine the "feasibility of using an onsite wastewater system." In doing so, the Board evaluates the soil and site of the proposed Septic System.[18]

8. Onsite wastewater system feasibility may be impacted by "rivers, streams, creeks, dry or ephemeral washes, lakes, canals, marshes, subsurface drains, natural storm water drains, lagoons, [and] artificial impoundments," as well as "flood plains."[19]

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14. §1-1-9(F)(4) of the Code (emphasis added).

15. §1-3-2(A) of the Code.

16. §1-3-4(A) & (B) of the Code.

17. R317-4-3.2.

18. R317-4-4.1.

19. R317-4-4.1(B)(5).

9. "Where soil and other site conditions are clearly unsuitable for the placement of an onsite wastewater system," the Health Department can deny a permit for a Septic System.[20]

10. Utah law prohibits absorption systems on slopes exceeding 35%.[21]

11. The 2016 Study produced a Septic Suitability Model based upon the criteria found in R317-4-4.1, including accounting for water bodies, floodplains and slopes exceeding 35%.[22]

12. The Septic Suitability Model shows that ~90% of the land area within the Trail Ridge Subdivision is either "*less suitable*" or "*least suitable*" for the installation of Septic Systems.[23]

13. Given (a) the results of the Septic Suitability Model[24], (b) the 2014 DEQ Study on the cumulative impacts of Septic Systems on the Rockport Reservoir watershed[25], and (c) the 2014 Perc Test failure of 40% of the lots tested within the Trail Ridge Subdivision[26], the Board concludes that there is a *preponderance of evidence* which substantiates the Decision Letter of the County Health Officer.[27]

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20. R317-4-4.1(B)(6).

21. R317-4-4.1(B)(4).

22. SWCA Environmental Consultants, pp. 24-35.

23. SWCA Environmental Consultants, pp. 29, *Figure* 11.

24. *Id.*

25. Decision Letter, dated December 17, 2018 from Richard C. Bullough, County Health Officer, to Gus Sharry, Canyon Engineering.

26. Canyon Engineering, "Soil Profile and Perc Test Data, Trail Ridge Subdivision, Summit County, Utah" (October 2014).

27. Decision Letter, dated December 17, 2018 from Richard C. Bullough, County Health Officer, to Gus Sharry, Canyon Engineering.

14. The Board concludes that the Appellant's arguments to the contrary are not compelling.

- Economic viability is not a criteria that the Board can consider when assessing the public health as it relates to Septic Systems.
- Appellant's generalized assertions with respect to the 2016 Study are not substantiated by actual evidence presented to the Board.
- While it is true that individual conventional Septic Systems and minimum lot sizes for such systems are based upon sound scientific principles, part of that scientific analysis includes *feasibility*, which recognizes that there are cases and circumstances where such a Septic System is not appropriate.[28]
- The 2016 Study is a valid scientific analysis with a Septic Suitability Model which is based upon sound scientific principles. We conclude that there is no compelling reason not to follow the results of that analysis.

Administrative Enforcement Order

The Appeal is DENIED.

The Findings of Fact, Conclusions of Law, and Administrative Enforcement Order may be appealed by filing a petition for review within thirty (30) calendar days to the Third Judicial District Court in and for Summit County, State of Utah, in accordance with Code §1-1-9(H)(3).

28. R317-4-4.

EXHIBIT D.32

Dated this 18th day of January 2019.

BOARD OF HEALTH

Gary Resnick
Chair

Approved as to form:

David L. Thomas
Chief Civil Deputy

EXHIBIT E.1

AFTER RECORDING RETURN TO:

LRH, Inc.
PO Box 171003
Salt Lake City, Utah 84117

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made effective _____, 2021 by **LRH, INC.**, a Utah corporation, **EAGLE PROPERTIES, L.C.**, a Utah limited liability company, **ELKHORN LAND LC**, a Utah limited liability company, and **EVANS, MICHAEL M, TRUSTEE**, whose address is c/o LRH Inc. PO Box 171003, Salt Lake City, Utah 84117 (collectively, "**LRH**"**),** in favor of **THE CHERRY COVE OWNERS ASSOCIATION, INC.**, a Utah corporation whose address is 1682 Cherry Canyon Drive, Wanship , UT 84017 ("**Association**").

RECITALS

A. LRH owns parcels of real property (the "**Property**") in Summit County, Utah currently containing approximately 1,100 acres. The Property is located adjacent or near to the Trail Ridge Subdivision, as the same is on file and of record in the office of the Recorder of Summit County, Utah. The legal description of the Property is shown on the exhibit that is attached hereto.

B. Association is an association of the owners of legal or equitable title to lots ("**Lots**") in the Trail Ridge Subdivision along with owners of title to lots in other subdivisions (which, with the Trail Ridge Subdivision, collectively are referred to herein as the "**Subdivisions**") that are now or hereafter under development by LRH or its related individuals or entities, which may in the future be admitted as additional members of Association.

C. Association desires to obtain a non-exclusive license authorizing Association members to enter upon and use the trail system ("**Trails**") located on the Property for limited recreational purposes.

D. LRH is willing to grant such a license to Association only on the terms and conditions set forth in this Agreement.

E. Association desires to enter into this Agreement to induce LRH to grant the requested license to use the Property.

F. The parties intend to set forth herein their entire agreement regarding use of the Trails by Association and its members, and to consolidate herein and supersede hereby all prior agreements and negotiations, oral and/or written, regarding such use of the Trails. Without limiting the generality of the foregoing, in the event of any conflict or inconsistency between this Agreement and the "Declaration of Covenants, Conditions and Restrictions for Trail Ridge Subdivision" dated _____ 2021, the terms and provisions of this Agreement shall control.

AGREEMENT

NOW THEREFORE, in consideration of the premises, the promises and covenants set forth below, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows

EXHIBIT E.2

Section 1. **Nature of the Property and Trails**. Association, for itself, its current and future Members (defined below) and all other Permitted Users (defined below) of the Trails, irrevocably acknowledges that:

(a) *Unimproved Ground*. The Property is (except for certain trails, roadways and structures) generally unimproved rural ground which contains naturally-occurring trees, plants, livestock, and wildlife typical to the area where the Property is located;

(b) *Potential Dangerous Conditions*. The Property and Trails may contain natural and/or artificial conditions which may render the Property and Trails potentially dangerous to Association and its Members' use of the Trails; and

(c) *No Inspection by LRH*. LRH shall have no duty to undertake any inspection(s) of the Property or Trails, to ascertain the condition of the Property or Trails, or the existence of any potentially dangerous attributes of or conditions on the Property or Trails.

Section 2. **Grant of License**. LRH hereby grants to Association a license (the "**License**") to use the Trails on the following conditions:

(a) *Permitted Uses*. Association may access, enter upon and use the Trails only for hiking, cross-country skiing, horseback riding, and non-motorized bicycle riding (i.e. "mountain biking") (collectively, the "**Permitted Uses**"), and for no other purpose(s). Association may not under any circumstances (i) erect any structure on the Property, or (ii) cut any timber or alter any landscaping on the Property. The access points to the Trails will be determined from time to time by LRH, and may be locked at LRH's discretion, provided the Permitted Users are given a key or combination to open the locks.

(b) *Permitted Users*. Association may allow only the following permitted sublicensees ("**Permitted Users**") to access, enter upon and use the Trails pursuant to the License: (i) any member in good standing of the Association that is the owner of fee title to one or more Lots in the Subdivisions (a "**Member**"); (ii) the Family of a Member (as used herein, the term "**Family**" shall mean a group of natural persons related to each other by blood, or legally related to each other by marriage or adoption, who maintain a common household on a Lot in one of the Subdivisions); (iii) the guests ("**Guests**") of a Member; provided, however, that the number of Guests of a host Member upon the Property at any time shall not exceed four and provided further that no Guests of a host Member may access or remain on the Property unless the host Member accompanies and is in the presence of such Guests at all times. In no event shall the number of Permitted Users using the Trails at any time exceed ten (10) per group per Lot.

(c) *Responsibilities of Association*. In connection with any use of the Trails by a Permitted User pursuant to the License, Association shall insure that (i) no damage to the Property occurs in connection with such use; (ii) if any damage to the Property occurs in connection with such use, it promptly shall be repaired at Association's sole cost to as good or better condition as prior to such damage; (iii) any permitted pursuits by Association on the Property are conducted in a safe, reasonable manner, and that special care is taken to safeguard any individuals that are not highly experienced in equestrian pursuits, skiing, mountain biking or any of the other Permitted Uses; (iv) all litter on the Trails is promptly and regularly cleaned up and removed at Association's cost; (v) all Permitted Users maintain at least a 150 foot distance from livestock, water storage facilities, buildings and other improvements; and (vi) no one is allowed to use the Trails in connection with Association's use of the Trails except the Permitted Users specified in this Agreement.

(d) *Prohibited Activities*. The following activities by Permitted Users shall be

prohibited on the Property: (1) fires; (2) spotlights; (3) overnight camping; (4) hunting; (5) fishing; (6) the carrying of any firearm, bow and arrow, cross-bow, or any other such device; (7) music or other loud noises; (8) littering; (9) smoking; (10) fireworks; (11) setting up game/trail cameras or using a drone or other similar devices; or (12) any other activity hereafter reasonably prohibited by LRH upon prior written notice to the Association. No rocks, soil, vegetation, artifacts (including antlers) or wildlife may be moved on, or removed from, the Property. All dogs or other pets must be on leash at all times when on the Property. Trail use is prohibited daily beginning 30 minutes after sunset until 30 minutes before sunrise the following day. All minors must be accompanied by an adult Permitted User at all times when using the Trails.

(e) *Temporary Closures*. LRH reserves the absolute right to temporarily close some or all of the Trails for hunting, maintenance, agriculture, or any other purpose LRH determines, in its sole discretion.

(f) *Fines.* LRH may assess against Association a fine of $100 per occurrence upon any breach by Association, its Members or other Permitted Users of any of the use restrictions specified in this Section 2. Association shall pay any such fine(s) within ten (10) business days after written invoice by LRH. Failure timely to pay any such fine(s) shall constitute a default under this Agreement. Repeated breaches of the use restrictions in this Section 2 (i.e.--over five separate occurrences in any 12-month rolling period) shall entitle LRH, in its sole discretion, to terminate the License and this Agreement upon written notice to Association. LRH may increase the amount of fines annually, by written notice to the Association.

Section 3. **Assumption of Risk**. Association, for itself and on behalf of all Permitted Users, hereby assumes the risk of using the Property and Trails, and of any potentially dangerous conditions now or hereafter existing on the Property or Trails.

Section 4. **Waiver of Claims and Causes of Action**. In consideration for LRH's grant to Association of the License to use the Trails as provided herein, Association, for itself and its Permitted Users, successors, assigns, legal representatives and the like, hereby knowingly and voluntarily waives, releases and forever discharges LRH of and from any and all liabilities, claims, demands, damages, actions and causes of action, or suits at law or in equity, of whatsoever kind or nature which Association and/or its Permitted Users may have had or assert to have had, or now has or asserts to have, or at any time hereafter may have or assert to have, arising from, based upon or in any way relating to any use of the Property by Association, the Permitted Users or any other person entering upon or using the Property or Trails in connection with use of the Property by Association or its Permitted User(s). This waiver shall survive any termination of the License.

Section 5. **Indemnity**. From and after the date of this Agreement, Association and each of its Members jointly and severally shall defend, indemnify and hold LRH harmless from and against any and all liabilities, claims, damages, actions, causes of action and proceedings at law or in equity (including, without limitation, LRH's attorney's fees) relating to any use of the Property by Association, by any Permitted User or by any other person(s) (including, without limitation, any individuals below 18 years of age such as any minor children of any Permitted User) entering upon or using the Property in connection with this Agreement. This indemnity obligation shall survive any termination of the License.

Section 6. **Annual Payments**. As additional consideration for the grant of the License hereunder, continuously throughout the term of this Agreement, Association shall pay LRH certain payments (the "**Annual Payments**") on each anniversary of the effective date of this Agreement. The first Annual Payment shall be in the amount of Twenty Dollars ($20.00) per Lot (owned by a party

other than the Association's Declarant, LRH, or any of their affiliates) shall be due and payable promptly upon execution and delivery of this Agreement by all necessary parties. On each anniversary of the effective date of this Agreement (each of which is an "**Adjustment Date**"), the amount of the Annual Payments to be paid by Association shall be increased by multiplying by 1.08 the amount of the Annual Payment during the immediately preceding year, so that the amount of the Annual Payments increases by eight percent (8%) annually. The Association shall be responsible for reporting to LRH any transfers in title of Lots that become subject to the terms of this Agreement and subsequent payment obligations.

Section 7. **Liability Insurance**. Continuously throughout the term of this Agreement, Association shall (at its sole cost and expense) maintain in full force and effect, for the mutual benefit of LRH and Association, a broad form comprehensive liability insurance policy or policies (hereinafter collectively referred to as the "**Liability Policy**") against claims for damage or injury to persons or property arising out of exercise/enjoyment/use of the License or entry on the Property by Association, by any Permitted Users, or by any related person(s). The Liability Policy shall be maintained on the minimum basis of One Million Dollars ($1,000,000) combined single limit for property damage or for bodily injury to or death of one or more persons. If in the future LRH reasonably determines that the insurance limits specified in this Section 7 are insufficient, either as a result of inflation or as a result in an increase in recoveries by plaintiffs in the types of litigation against which the Liability Policy provides protection, LRH shall increase the limits of the required Liability Policy to such reasonable higher levels as shall be determined by mutual agreement between the parties.

The deductible under the Liability Policy shall not exceed $1,000.00 irrespective of the number of persons, parties or entities involved. A duplicate original, certificate or binder of the Liability Policy shall be furnished to LRH promptly on its demand. The Liability Policy shall contain an affirmative statement by the insurer that such policy shall not be canceled without at least twenty (20) days' prior written notice to LRH. If Association fails to cause the Liability Policy to be written and/or to pay the premiums for the same and deliver all such certificates of insurance or duplicate originals thereof to LRH within the time provided for in this Agreement, LRH shall have the right, without being obligated to do so, to effect such insurance coverage and pay the premiums therefore. All such premiums paid by LRH, together with interest thereon at the rate of eighteen percent (18%) per annum, shall be repaid by Association to LRH promptly on its written demand.

Section 8. **Duration**. Subject to Section 9 below, the License shall be for an initial term of thirty (30) years (the "**Initial Term**"). Association may terminate the License at any time upon at least 30 days' prior written notice to LRH; provided, however, that no such termination shall relieve Association or its Members of any obligations arising hereunder through the effective date of such termination. If the License is not so terminated, then following the Initial Term the License automatically shall remain in effect for successive periods of thirty (30) years each until such time, if any, as a party terminates the License as herein provided.

Section 9. **Reduction or Reconfiguration of Property**. Notwithstanding anything in this Agreement to the contrary, LRH reserves and shall have the right at any time, or from time to time, upon written notice to Association, to (a) withdraw a part of the Property and/or the Trails from the scope of this Agreement and the encumbrance arising from the License in connection with (i) any sale of such portion of the Property to a third party, or (ii) any proposed development of such portion of the Property into a subdivision or any other legitimate development; and/or (b) reconfigure the size, shape and location of the Trails on the Property and/or any roads or other improvements now or

hereafter located on the Property; and/or (c) add additional real property to the Property. In connection with any such reduction or reconfiguration of the Property, Association shall, promptly upon LRH's written request, execute and deliver to LRH such quitclaim deed(s) or other release document(s) as may reasonably be requested by LRH to further evidence the irrevocable termination of this Agreement and of the License with respect to such portion(s) of the Property. The Association acknowledges that LRH has absolutely no responsibility to stake, fence or to otherwise mark the boundaries of the Property for the benefit of the Association, the Permitted Users, or anyone else. LRH shall provide Association with a map showing the current location of the Trails on the Property. The Association shall have sole responsibility for promptly notifying the Permitted Users of the current location of the Trails, as the same may change from time to time as provided herein.

Section 10. **Default**. If Association fails to comply in any material respect with any of its obligations hereunder within ten (10) days after the date that such compliance is required, then LRH may send a written notice to Association in the manner specified in section 14(d) below notifying Association of such default. If Association does not cure (in the case of monetary defaults), or materially commence to cure (in the case of all other defaults), such default within ten (10) days after the date of such written notice, then at any time thereafter LRH may terminate the License upon an additional written notice to Association.

Section 11. **Not a Public Dedication**. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the Property or the License to or for the general public or for any public purposes whatsoever, it being the intention of LRH and Association that this Agreement, and the License granted herein, be strictly limited to and for the purposes expressed herein.

Section 12. **Rights to License**. The License is granted solely and exclusively to Association, and no other person or entity (including, without limitation, any of the Permitted Users) shall have any right to bring any derivative or third-party claim or action whatsoever against LRH where such claim or action is based, directly or indirectly, on the License or this Agreement.

Section 13. **Cooperation**. As additional consideration for LRH's grant of the License to Association, throughout the term of this Agreement, Association shall not in any way, directly or indirectly, oppose or impede any efforts by LRH (or one or more of the individuals and entities comprising LRH, or any of their respective successors or assigns) to lawfully subdivide, rezone, use or otherwise develop or improve any of the Property or any real property located adjacent to or near one or more of the Subdivisions.

Section 14. **General Provisions**. The following provisions are also an integral part of this Agreement:

(a) *Interpretation.* The captions that precede the sections of this Agreement are for convenience of reference only and shall in no way affect the manner in which any provision herein is construed. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof and any gender shall include the other genders. This Agreement is made in the state of Utah; shall be governed by, and construed and enforced in accordance with, the local laws of said state (excluding the choice of laws rules) regardless of the domicile and/or residence of either LRH or Association; and shall be deemed for such purposes to have been made and executed and to be performed in Summit County, Utah.

(b) *Time of Essence.* Time is the essence of this Agreement.

(c) *Inurement.* This Agreement shall be binding on, and shall inure to the benefit of, the parties to it and their respective successors, assigns, heirs, legal representatives and the like.

(d) *Notices.* All notices, writings, information, documents or other communications required or permitted to be given hereunder shall be in writing and shall be deemed to be given and received (a) when personally delivered; (b) the next business day following deposit of the same is deposited with a guaranteed overnight delivery service; or (c) three (3) days after the same is deposited in the United States mail, postage prepaid, addressed to the address(es) indicated above or to such other address(es) as may be designated by a party in a written notice to the other party.

(e) *Survival.* All agreements, representations, covenants and warranties on the part of either party hereto that are contained in this Agreement; any amendment or supplement hereto; or any related document, shall survive any termination of the License.

(f) *Modification.* No supplement, modification or amendment of this Agreement shall be binding upon the parties hereto unless executed in writing by an authorized representative of each party.

(g) *Waiver.* No waiver of any breach or default by any party to this Agreement shall be considered to be a waiver of any other breach or default.

(h) *Integration Clause.* This Agreement contains the entire agreement between the parties regarding the matters that are set forth herein and supersedes all prior agreements, correspondence, memoranda, representations and understandings of the parties relating thereto. No representations have been made to induce the parties to enter into this Agreement except as are set forth herein.

(i) *Severability.* Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be valid under applicable law; however, if any provision of this Agreement is invalid or prohibited under applicable law, then such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the balance of that provision or the remaining provisions of this Agreement.

(j) *Counterparts.* This Agreement may be executed in counterparts, each of which shall be deemed to be an original.

(k) *Negation of Partnership and Third Party Rights.* This Agreement shall not be deemed to create a partnership between LRH and Association in their respective businesses or otherwise, nor cause them to be considered joint venturers or members of any joint enterprise. This Agreement is not intended, nor shall it be construed, to create any third party beneficiary rights in any person or entity unless expressly otherwise provided.

(l) *Assignment.* Association may not assign its rights or delegate its duties hereunder to anyone else without LRH's prior written consent. LRH may freely assign and delegate its rights and obligations hereunder to any third party.

(m) *Attorneys Fees.* In the event of any litigation or other dispute concerning this Agreement, the prevailing party in such dispute shall be entitled to an award of its fees, costs and expenses (including, without limitation, reasonably attorneys fees) incurred therein, whether such sums are incurred with or without suit, at trial, on appeal, or in any bankruptcy or insolvency proceeding.

DATED effective as of the date first written above.

EXHIBIT E.7

Signatures

EXHIBIT
to
License Agreement

The following-described realty located in Summit County, Utah:

The following parcel is located in Section 15, T1NR5E SLB&M:

AGRICULTURE PARCEL A VISTA VIEW SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE CONT 135.43 AC, Parcel VVIEW-A

The following parcel is located in Section 16, T1NR5E SLB&M:

PARCEL "A" CHERRY HILLS SUBDIVISION; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE, CONT 41.8 AC, Parcel # CHRHLS-A

The following parcels are located in Section 21, T1NR5E SLB&M:

NW1/4 SE1/4, CONT 40 AC M/L, Parcel # NS-227-L-1

THE SE1/4 OF THE SE1/4, CONT 40 AC M/L, Parcel # NS-227-I

THE SE 1/4 OF NE ¼, CONT 40 ACR M/L, Parcel # NS-227-J-2

The NE1/4 NW1/4, CONT 40 Ac M/L, Parcel #NS-227

AGRICULTURE/OPEN SPACE CHERRY CANYONRANCH SUBDIVISION ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMITCOUNTY RECORDERS OFFICE, CONT 28.49 ACRES, Parcel # CCRCH-AGR

The following parcels are located in Section 22, T1NR5E SLB&M:

THE SW1/4 NW1/4, CONT 37.72 AC M/L, Parcel # NS-230

THE SW1/4 OF THE SW1/4, CONT 40 AC M/L, Parcel # NS-230-E-1

THE NE1/4 OF THE NW1/4, CONT 40 AC M/L, Parcel #NS-230-D

EXHIBIT E.9

THE SE1/4 SW1/4, CONT 40 AC M/L, Parcel # NS-230-E

THE SW1/4 OF THE SE1/4, CONT 40 AC M/L, Parcel #NS-230-I

THE SE1/4 SE1/4 (LESS THE N1/2 NE1/4 SE1/4), CONT 35 AC M/L, Parcel # NS-230-F

THE E1/2 NE1/4; NE1/4 SE1/4; N1/2 NE1/4 SE1/4 SE1/4, CONT 125 AC M/L, Parcel # NS-230-C

THE NW/14 NW1/4 SEC 22 T1NR5E SLBM CONT 40.00 AC (LESS AND EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT A POINT WHICH IS NORTH 88*52'04" EAST 134.82 FEET ALONG THE SECTION LINE AND SOUTH 386.79 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 22, TOWNSHIP 1 NORTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN (SAID POINT BEING LOCATED ON THE SOUTHERLY LINE OF AN EXISTING DIRT ROAD) AND RUNNING THENCE THE FOLLOWING (8) COURSES ALONG SAID SOUTHERLY ROAD LINE, SOUTH 88*16'32" EAST 21.34 FEET; THENCE SOUTH 77*41'04" EAST 87.45 FEET; THENCE SOUTH 65*48'30" EAST 153.78 FEET; THENCE SOUTH 73*08'12" EAST 91.25 FEET; THENCE SOUTH 88*57'10" EAST 167.95 FEET; THENCE SOUTH 86*14'38" EAST 110.66 FEET; THENCE SOUTH 85*16'28" EAST 331.12 FEET; THENCE SOUTH 84*07'45" EAST 156.09 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22; THENCE SOUTH 00*43'56" EAST 667.47 FEET ALONG SAID EAST LINE; THENCE NORTH 78*17'15" WEST 1128.95 FEET; THENCE NORTH 00*06'02" WEST 600.58 FEET TO THE POINT OF BEGINNING. CONT 15.41 AC), BAL 24.59 AC M/L, Parcel NS-230-A-1

PARCELS A, B, C & D OF THE TRAIL RIDGE SUBDIVISON (to be recorded)

EXHIBIT E.10



SUMMIT COUNTY

Summit County Parcel Viewer

Summit County Parcel Viewer Application
Printed on: 3/2/2021
Imagery courtesy of Google

1 in = 1,505 feet

N
W E
S

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

EXHIBIT F.1

Trail Ridge Subdivision
Site Visit follow-up

Summit County Council Members,

Thank you for spending a generous amount of your time last month for the site visit of the proposed Trail Ridge Subdivision (TRS). In preparation for the June 9th work session, we have addressed the following concerns that have been brought up by the council:

1. Solid waste removal: Tim Loveday has reviewed the site plan and has concluded that the street design will accommodate curbside service for all of the proposed lots.

2. Public water system, adequacy of the existing well to supply water for indoor and fire suppression uses: We asked the engineering firm that designed and received DDW approval for the PWS, Jones & Associates, to provide information regarding the well (see exhibit A & A1).

   It is most significant to consider that the well will not provide water for landscape watering, which will minimize demand on the well. Combined with the very conservative flow and storage requirements used by the DDW, the engineers are confident that the well will meet the needs of the proposed development. They emphasized that, in addition to requiring a 33 percent buffer in the safe yield of the well, the DDW has adopted a daily use requirement of 800 GPD, which is 50% more than the typical amount used in homes today. If one were to use the actual well yield and a more common daily usage of 400 GPD per home, the well could supply 90 homes, three time the number proposed.

   In addition, we will be able to monitor the water system performance real-time using cellular telemetry which provides flow information, the water level in the well and the level in the storage reservoir. We will also use electronic meters that will provide detailed information on the usage patterns for each home. Actual water usage information will be reported to the DDW on an annual basis.

3. Emergency access for the development: The site plan for the TRS shows Cherry Canyon Drive (CC Drive) as the primary access road for the subdivision. The TRS has two access points on CC Drive, and all interior roads and driveways meet county length standards for development in a moderate fire hazard area (see Exhibit B, Fire Access Overview Plan). The TRS fire hazard rating is scored at 33, which is below moderate (scores

between 50-75 are moderate). The maximum cul-de-sac length in the moderate zone is 1,300 feet. There are no length restrictions for driveways.

The TRS has emergency access North of CC Drive via Trail Ridge Drive and Richins Ranch Road. The TRS also has emergency access on an existing gravel road extending from Elk Hollow Drive to E Wanship Road. These roads are also currently used for emergency access by the other subdivisions in Cherry Canyon.

Under a prior sales contract, the TRS developer reserved a ROW for ingress and egress (the location of which shall be determined by the developer) over the parcels where the Elk Hollow road is located. On Exhibit B, parcels subject to the ROW are shown in yellow and parcels owned by the developer are shown in red.

Exhibits B and C show the location of the existing fire hydrants, water tanks and wells in Cherry Canyon. Exhibit C also shows an elevation schematic of the water systems.

4. Wastewater management plan: We have submitted a proposal to the health department (see Exhibit D), which was under review at the time this document was submitted to staff.

In conclusion, we believe that the proposed Trail Ridge Subdivision meets all county design criteria, including standards adopted by the engineering and fire departments, and meets all state requirements for public water systems and wastewater treatment facilities.

EXHIBIT F.3

JONES & ASSOCIATES CONSULTING ENGINEERS

May 13, 2021

Summit County Planning Department

Attn: Amir Caus

RE: Trail Ridge Subdivision Water System

Dear Mr. Caus,

It has come to our attention that the Summit County Planning Department has questions and concerns about the water supply for the proposed Trail Ridge Subdivision. The developer, Brett Hollberg, has contracted with Jones and Associates Consulting Engineers to design the water system for this subdivision and then process that design for construction approval with the State Division of Drinking Water. The water system design has been completed and has received the required approval from the State Division of Drinking Water for construction.

While the new well that will service this development is relatively small, it fully meets all water supply requirements of the State Division of Drinking Water, providing the minimum of 800 gallons per day per residential connection. The proposed development will be served by a separate secondary water irrigation system which will limit the well supply to indoor residential uses and fire suppression.

It is our opinion that the minimum state water supply requirements of 800 gallons per day are very conservative. As an example, we recently completed a water master plan for the Ukon Water Company, which is a private water system located in Box Elder County. This master plan study showed the maximum indoor water use over a three year period averaged 326 gallons per connection per day. We also point out that the developer will be providing a state-of-the –art electronic water metering system which will allow for very precise and current recording of all water use. This will allow the operator to monitor any unusually high uses and make corrections as necessary.

In addition, the state requirements for the well safe yield calculation, which requires a 33% reduction in the tested flow capacity of the well, provides a very conservative basis for the number of residences allowed to be served.

We are confident that the proposed water system and well will be more than adequate to meet the indoor and fire suppression needs for the Trail Ridge Subdivision.

Jones and Associates Consulting Engineers located in South Ogden, Utah has been in business for 37 years specializing in municipal engineering services. We currently are the appointed City Engineers for 15 communities in northern Utah. In addition we provide engineering services to Davis, Weber and Box

EXHIBIT F.4

JONES & ASSOCIATES CONSULTING ENGINEERS

Elder Counties. We are currently the appointed County Engineer for Box Elder County. A very large part of our engineering services are for culinary and irrigation water systems. For myself personally, I have over 50 years of engineering experience. I have also served as the President of the Utah City Engineer's Association.

We hope this letter will assist your office with the necessary background information regarding the design of the Trail Ridge Subdivision Water System. If you have additional questions, please let us know and we would be glad to respond.

Sincerely,

JONES AND ASSOCIATES
Consulting Engineers, Inc.

Kent L. Jones

By: Kent L. Jones, P.E.

cc: Brett Hollberg

EXHIBIT F.5

Public Water System (PWS) Overview

For the Trail Ridge Subdivision

The Utah Division of Drinking Water (DDW) has approved the plan and design for the PWS that will provide water for indoor and fire protection for 30 lots in the Trail Ridge Subdivision (TRS). The approval letter is attached. Secondary water for outside uses will be provided by a separate system. The CC&R's will not permit the use of the PWS water for outside watering. The remainder parcel, which has an existing home, is served by its own well and has a 100,000 gallon storage pond for fire protection water.

The State approval for 30 lots is based upon flow testing of the well, which was completed in September, 2018 by Cascade Water Resources. The Safe Yield for the well is calculated as 2/3 of the pump tested flow rate where the water level in the well stabilizes. In this test, the water level in the well stabilized at a rate of 26 GPM resulting in a Safe Yield of 17.3 GPM (26 x .66). The Drawdown Chart for the well test is attached.

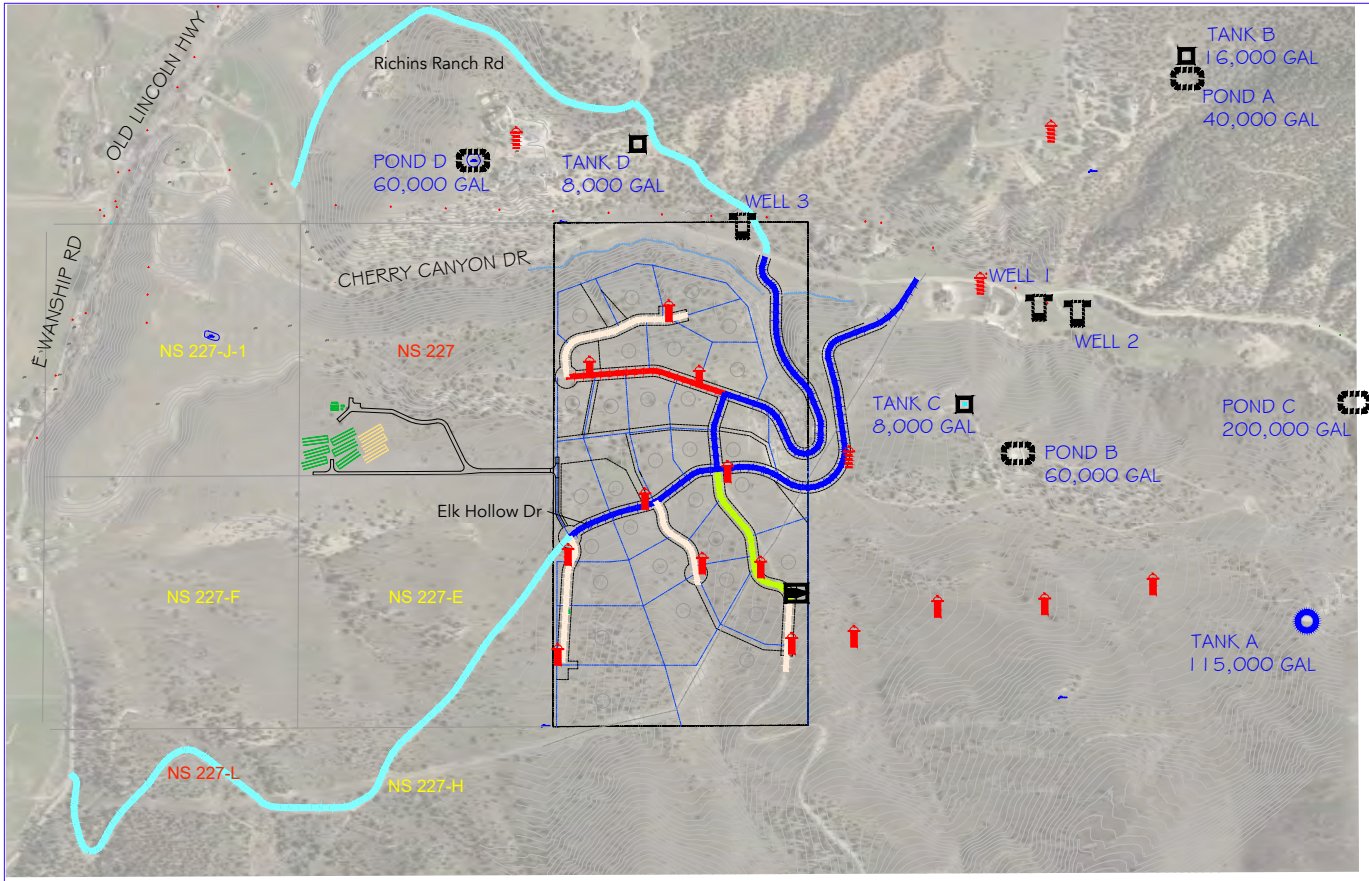
The State requires that the PWS is able to provide 800 gallons per day for inside use in each home in the system. Using a Safe Yield of 17.3 GPM, the well can provide 24,480 gallons per day (17 x 60 x 24). This is enough for 30 lots (24,480 / 800 = 30). The 800 GPD usage rate is now considered high with the modern low flow fixtures required in new homes. New homes currently average between 550 and 340 GPD. The Trail Ridge PWS will track actual home usage over a three year period and will provide this information to the DDW. As you can see, the DDW is very conservative in their Safe Yield and daily usage rate requirements for PWS water supplies.

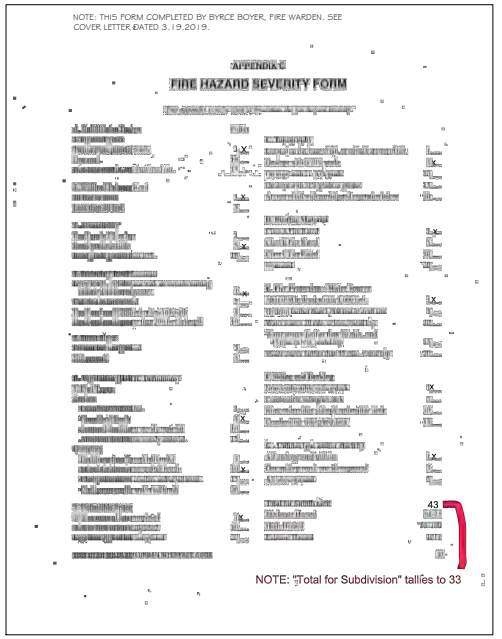
The North Summit Fire District requires fire suppression water storage to accommodate 1,000 GPM for sixty minutes, together with fire hydrants within 250 feet of each homesite. The TRS PWS has been designed to meet these requirements. The State Fire Warden has also approved these standards.

The 115,000 gallon concrete storage tank will hold 60,000 gallons for fire suppression (60 X 1,000 GPM), with the remainder storage set aside to meet the storage requirements for daily demand for indoor water use. Summit County requires 800 gallons of storage per single family dwelling, while the State only requires 400 per dwelling. Using the County requirement for the 30 proposed lots, a total of 24,000 gallons (30 x 800) is required. Together with the fire suppression water, a total of 84,000 gallons (60,000 + 24,000) is required for storage, leaving an excess of 31,000 gallons (115,000 - 84,000) of storage capacity in the TRS storage tank.

The HOA for the TRS will oversee operation of the PWS and will bill lot owners for the associated costs of operating the system. The HOA will hire a certified operator to handle scheduled water testing and inspections as required by the DDW.

EXHIBIT F.6




NOTE: THIS FORM COMPLETED BY BYRCE BOYER, FIRE WARDEN. SEE COVER LETTER DATED 3.19.2019.

APPENDIX C

FIRE HAZARD SEVERITY FORM

NOTE: "Total for Subdivision" tallies to 33

PROPOSED PRIVATE ROAD LENGTHS (ONE OUTLET)

TRAIL RIDGE DRIVE (DEER CREST DRIVE TO WEST END)	850 FEET;
DEER CREST DRIVE (ELK HOLLOW DRIVE TO SERVICE ROAD)	849 FEET;

PROPOSED DRIVEWAYS

NAME	LENGTH	LOTS SERVED
OSPREY LANE	817 FEET;	5
WEBER VIEW LANE	710 FEET;	3
BOBCAT LANE	500 FEET;	4
DEER CREST SOUTH	210 FEET;	1

DESIGN PARAMETERS

PROPOSED ROADWAY WIDTH:	20 FEET PLUS 2-FT SHOULDERS
PROPOSED ROADWAY ROW WIDTH:	60 FEET
PROPOSED DRIVEWAY WIDTH:	16 FEET
MINIMUM LOT WIDTH:	100 FT AT FRONT SETBACK LINE

SETBACKS
FRONT: 55 FT FROM ROAD CL
SIDE: 12 FT
REAR: 12 FT

ALL ROADS AND DRIVEWAYS ARE PRIVATE.

WATER SYSTEM DESIGN

SEE DRAWINGS BY JONES & ASSOCIATES FOR CULINARY WATER SYSTEM PIPE MATERIALS, SIZES, SYSTEM DETAILS, AND DESIGN OF RESERVOIR AND PRESSURE REDUCING STATION.

NORTH

HORIZONTAL SCALE
300 0 150 300 600
(FEET)

LEGEND

- EXISTING WELL CULINARY & SECONDARY WATER
- EXISTING WELL CULINARY WATER
- EXISTING SECONDARY WATER STORAGE POND
- PROPOSED SECONDARY WATER STORAGE POND
- EXISTING CULINARY WATER STORAGE TANK
- PROPOSED CULINARY WATER STORAGE TANK
- PROPOSED PRV STATION
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING FIRE ACCESS ROAD
- PROPOSED PRIVATE ROAD
- PROPOSED PRIVATE DRIVEWAY

DRAWING ISSUED FOR

- ■ PLANNING
- □ CONSTRUCTION
- □ PERMIT
- □ CONSTRUCTION RECORD

EXISTING CONDITIONS AND PROPOSED CONCEPTS SHOWN ON THIS DRAWING MAY NOT BE RENDERED IN DETAIL SUFFICIENT FOR PERMITTING PURPOSES. THIS DRAWING IS NOT INTENDED FOR CONSTRUCTION.

NO.	DATE	BY	CHK.	REVISION DESCRIPTION

CANYON ENGINEERING
SOLUTIONS FOR LAND
CIVIL ENGINEERING
LAND PLANNING
PERMITTING
PO BOX 982131
PARK CITY, UTAH 84098
VOICE: 435.640.7373 EMAIL: GUS@CANYONENG.COM
WWW.CANYONENG.COM

TRAIL RIDGE SUBDIVISION

FIRE ACCESS OVERVIEW PLAN

CHERRY CANYON
SUMMIT COUNTY, UTAH

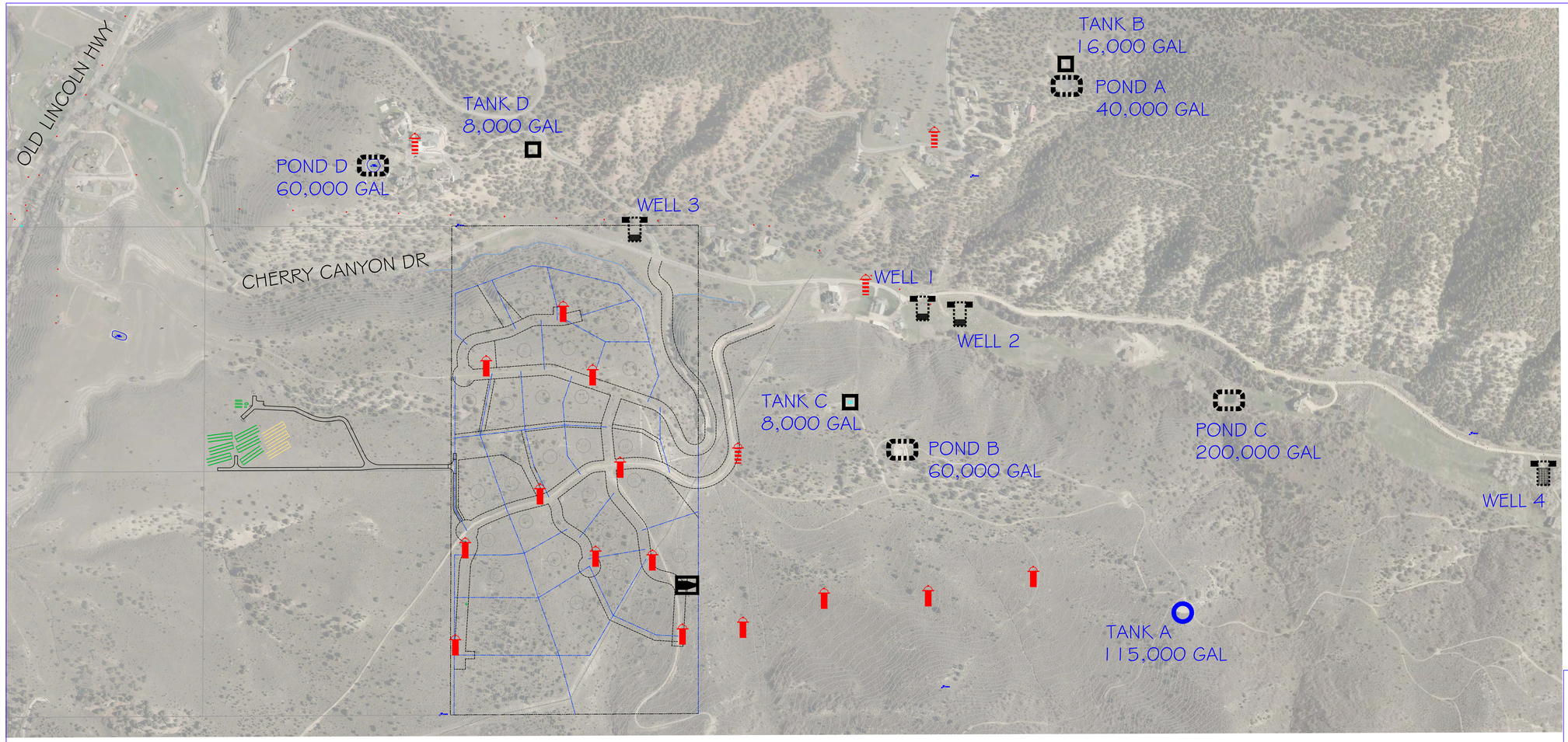
PREPARED FOR:
URH, INC.
SALT LAKE CITY, UTAH

PLSS GRID LOCATION:
S21 T1N R5E
SLB&M

DES. BY: AFS	DATE: APRIL 2021	JOB 18008	1 OF 1
CHK. BY: AFS			

ALL RIGHTS RESERVED
CANYON ENGINEERING

EXHIBIT F.7



OVERVIEW PLAN

POND VOLUME ESTIMATES PROVIDED BY OWNER

NORTH

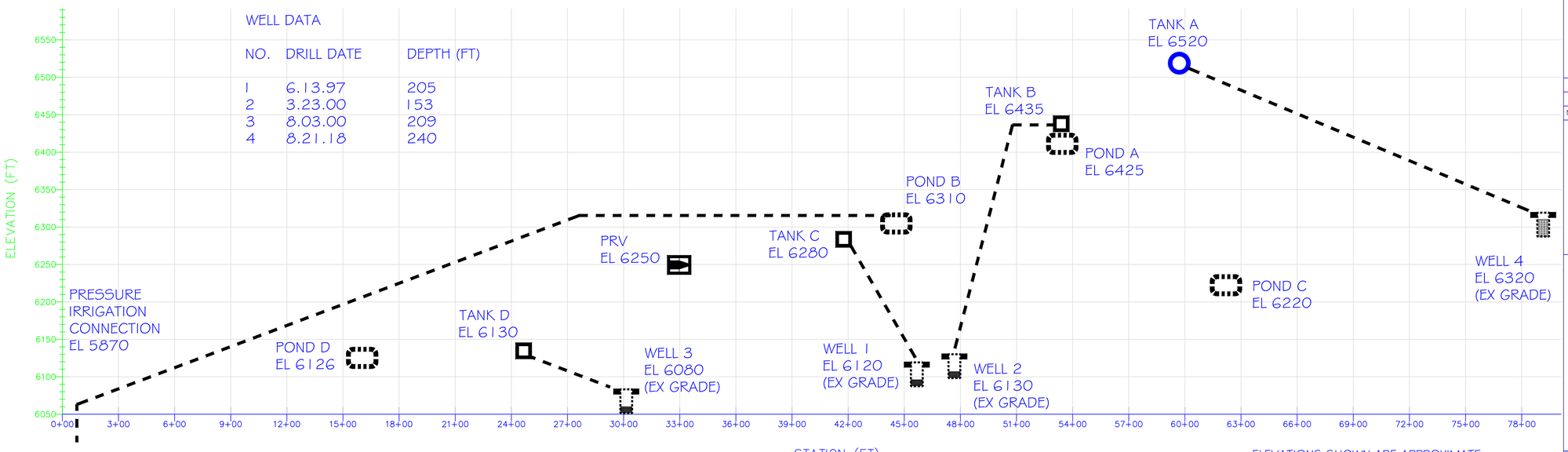
HORIZONTAL SCALE

300 0 150 300 600

(FEET)

LEGEND

- EXISTING WELL CULINARY & SECONDARY WATER
- EXISTING WELL CULINARY WATER
- EXISTING SECONDARY WATER STORAGE POND
- PROPOSED SECONDARY WATER STORAGE POND
- EXISTING WATER STORAGE TANK
- PROPOSED CULINARY WATER STORAGE TANK
- WATER FEED (PRESSURE) LINE
- PROPOSED PRV STATION
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT



SCHEMATIC ELEVATION VIEW

ELEVATIONS SHOWN ARE APPROXIMATE

DRAWING ISSUED FOR

- ■ PLANNING
- □ CONSTRUCTION
- □ PERMIT
- □ CONSTRUCTION RECORD

EXISTING CONDITIONS AND PROPOSED CONCEPTS SHOWN ON THIS DRAWING MAY NOT BE RENDERED IN DETAIL SUFFICIENT FOR PERMITTING PURPOSES. THIS DRAWING IS NOT INTENDED FOR CONSTRUCTION.

NO.	DATE	BY	CHK	REVISION DESCRIPTION

CANYON ENGINEERING
SOLUTIONS FOR LAND
CIVIL ENGINEERING
LAND PLANNING
PERMITTING
PO BOX 982131
PARK CITY, UTAH 84098
VOICE: 435.640.7373 EMAIL: GUS@CANYONENG.COM
WWW.CANYONENG.COM

TRAIL RIDGE SUBDIVISION

LOCAL WATER SYSTEM OVERVIEW PLAN & SCHEMATIC ELEVATION

CHERRY CANYON
SUMMIT COUNTY, UTAH

PREPARED FOR:
LRH, INC.
SALT LAKE CITY, UTAH

PLSS GRID LOCATION:
S21 T1N R5E
SLB&M

DES. BY: AFS
CHK. BY: AFS

© ALL RIGHTS RESERVED

DATE: APRIL 2021
CANYON ENGINEERING

JOB 18008

1 OF 1

EXHIBIT F.8

Wastewater Treatment Management Plan

For the Trail Ridge Subdivision

The Utah Division of Water Quality (DWQ) has approved the plan and design for the Large Underground Wastewater System (LUWS) that will provide wastewater treatment for 30 lots in the Trail Ridge Subdivision (TRS). The DWQ requires that a body politic be responsible for the ownership and management of the LUWS. We propose that the following plan be implemented for the proposed subdivision:

Ownership

Infrastructure tributary to LUWS treatment facility:
All sewer mains and appurtenances including, but not limited to, manholes and laterals within the subdivision will be owned by Summit County and will be located within the public utilities easement (PUE) identified on the subdivision plat. An isolation valve, located within the PUE, will be placed on the lateral serving each lot. Each lot owner is responsible for the installation of the building sewer, building sewer cleanout(s), septic holding tank, lateral, and lateral connection upstream of the valve in the PUE.

The CC&Rs will include a provision requiring each lot owner to record an easement for maintenance and inspection from the existing PUE up to and including the septic holding tank and cleanout between the tank and the building foundation. The CC&Rs will require Health Dept approval of the location, size and type of septic holding tank to be installed on each lot.

LUWS treatment Facility:
The treatment facility is located outside of the TRS boundaries. Summit County will own the treatment facilities and associated discharge pumps, drain fields, sewer mains and appurtenances including, but not limited to, manholes. The property owner will record an easement for the treatment facilities, associated appurtenances and access road that are located outside of the recorded subdivision plat. The easement will include the area set aside for the location of drain field reserve areas.

Management

The Trail Ridge Subdivision HOA will be responsible for overseeing the day-to-day operations of the LUWS. The HOA will hire a Certified Operator (CO) to handle the scheduled maintenance of the system, which will include the following:

- Quarterly inspections of the treatment facilities and equipment. The CO will report the results of each inspection, together with any associated lab results, to the DWQ, County Health

Department and the HOA. The facilities will be equipped with cellular telemetry that will provide real time information on the system and will notify the CO and Health Dept if there are any warning indicators. The treatment facilities inspection will include the following:

- Visually Inspect Tank Liquid Levels
- Check Biotube Effluent Filters; Clean as Required
- Record Elapsed Time Meters and Event Counters for All Pumps
- Inspect Spin Nozzles, Clean as Required
- Confirm Proper Operation of Automatic Distributing Valve
- Sample Influent and Effluent Quality Parameters
- Confirm and Record Pump Voltages and Amperage
- Inspect Distribution of Effluent in AX-Max Units; Clean as Required

- Annual inspection of the septic holding tank and effluent filter located on each lot, including filter cleaning.

- The frequency of these inspections may be adjusted over time as the CO may determine.

- The HOA and CO will handle coordination of emergency repairs and maintenance.

The HOA will pay all overhead costs, CO costs, maintenance costs, and septic tank pumping charges related to the treatment system. The HOA will assess each lot owner for the costs associated with their lot, such as effluent filter replacement and tank pumping. All other costs will be equitably assessed to all lots within the subdivision, together with their regular HOA assessments.

With Health Department oversite, the HOA will complete a reserve analysis for the long-term upkeep of the LUWS and will establish a reserve fund for these estimated future costs. The reserve fund will be funded through the regular HOA assessments, and will be reviewed and updated as required by the Health Department.

If participating via Zoom only:

Public Comment and Public Hearing Instructions

6/9/2021

If you would like to make public comments on any public hearing item, or an item not on the agenda, please email publiccomments@summitcounty.org by 12:00 p.m. on Wednesday, June 9th. Your comments will be read to the Council and made part of the meeting record.

If you are wishing to interact with Council during Public Input and/or the Public Hearing at 6:00 p.m., please:

1. Go to **https://zoom.us/j/772302472**
2. Enter meeting ID: 772-302-2472
3. Type in your full name, so you are identified correctly.
4. Set up your audio preferences.
5. You will be muted upon entering the meeting.
6. If you would like to comment, press the "Raise Hand" button at the bottom of the chat window.
7. When it is your turn to comment, the moderator will unmute your microphone. You will then be muted again after you are done speaking.

STAFF REPORT

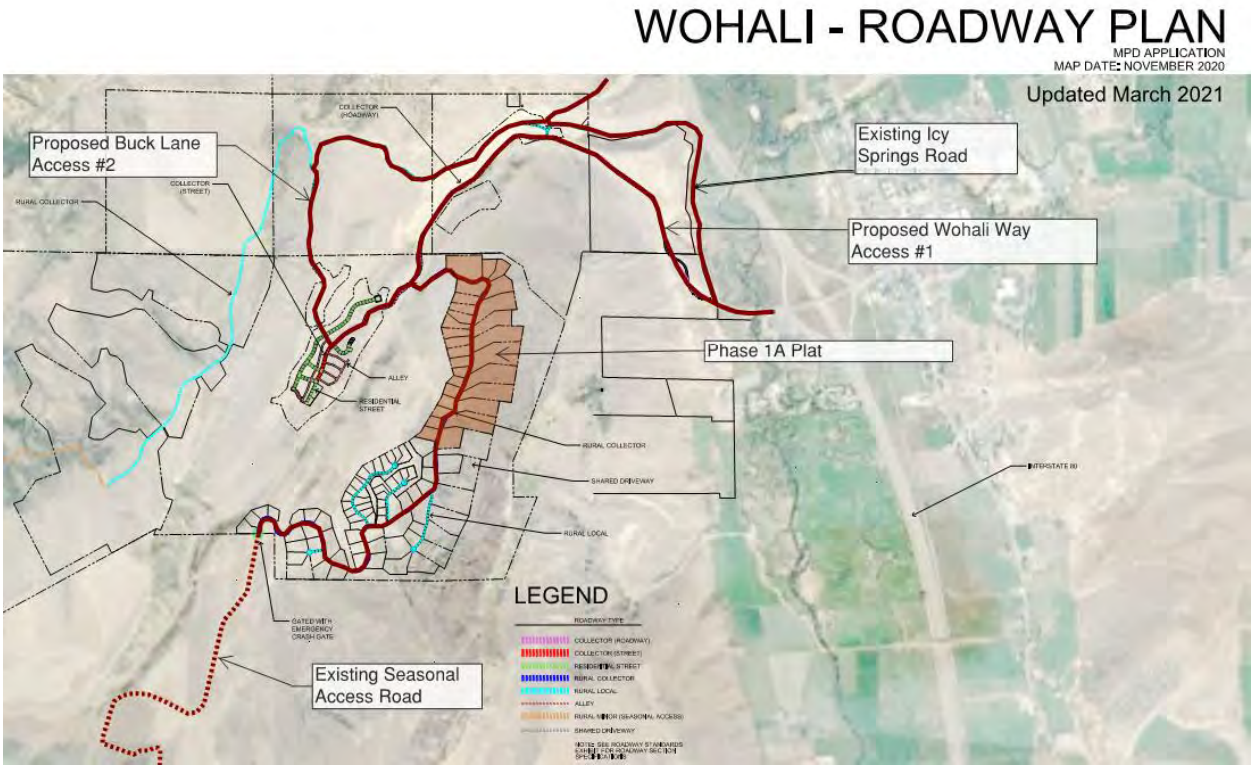
To: County Council
From: Brandon Brady, Senior Engineer
Date: June 9, 2021
Subject: Road Vacation Petition

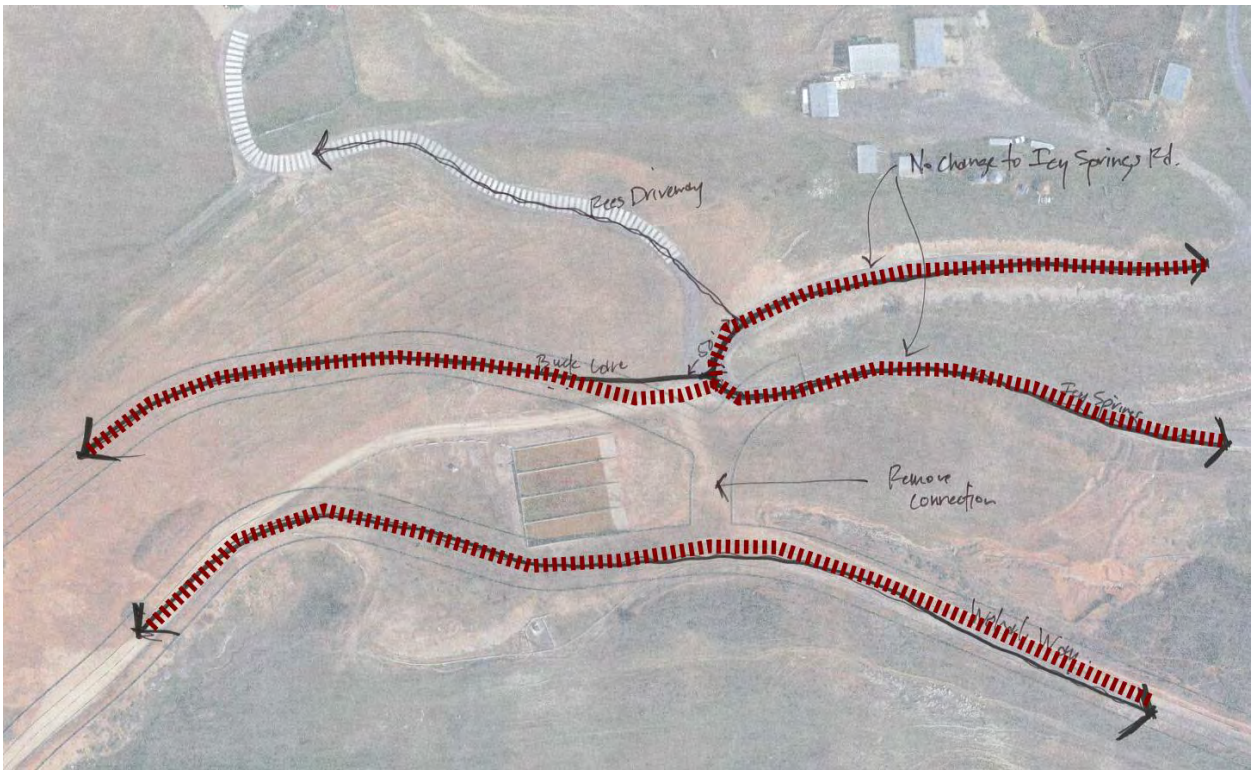
Background:
Icy Springs Road is classified as a Class D road, which is a public road in Summit County right-of-way that is not regularly maintained nor for which State funds are received. This roadway is designated as a county road in the 1950 General Highway Map of Summit County. The portion of Icy Springs Road that is proposed to be vacated is indicated below in yellow from the official County Road Map.



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

Proposal:
The applicant, Wohali Partners, LLC, is petitioning to vacate the unimproved portion of Icy Springs Road starting to the north of the section line between Sections 7 and 18 T2N, R5E and ending where the pavement starts. The applicant will replace the vacated portion of the road with a dedicated, fully improved, paved road named Wohali Way. Wohali Way would be a public road. Wohali roadway plan is shown below with a zoomed in area of where Icy Springs Road will end and where Wohali Way will be located.





Findings:

1. Icy Springs Road was established as a public road since at least the 1950s having been placed on the official Class B road map system of Summit County and for which state funding was received to maintain the county roads.
2. At no time since determining the public road status or since the placement of the road on the County Class B road map system has Icy Springs Road been formally vacated by an action of Summit County.
3. Icy Springs Road was part of the Class B road system since at least the 1950s and is currently designated on the County road map as Class D public road.
4. There is a current application to vacate the portion of Icy Springs Road just south of the current proposal.
5. The road is used by and is critical to Summit County and the City of Coalville to access public infrastructure, property, and equipment.

Recommendation:

In 2009, the Summit County Council adopted policy factors to consider when vacating public road or right of way. Those criteria have generally been used since that time when evaluating petitions to vacate and are:

1. Recent public uses of the road or highway;
2. Potential future uses of the road or highway;

3. Use of the road or highway by the County government
4. Designation of road on 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; and
6. Whether a pre-condition to a road or highway vacation requiring landowners benefiting from the vacation to provide private easements to other entities that may be disadvantaged by the loss of the public right-of-way would be acceptable to all parties.

Staff recommends that the County Council open the public hearing and make either a positive or negative recommendation based on the information given and received by the public. If a positive recommendation is given, staff recommends that the newly built road, Wohali Way, be either designated a Class D road or there is some type of maintenance agreement with Wohali Partners that they will maintain snow, stormdrain, and asphalt along Wohali Way. Also if approved, staff recommends that the Wohali Way be built and dedicated before this portion of Icy Springs Road is vacated.

Attachments:

Exhibit A: Road Vacation Application

Exhibit B: Wohali Roadway Plan

EXHIBIT A

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

ROAD VACATION APPLICATION FORM

Petitioner:

Name: WOHALI PARTNERS, LLC Phone: 801-455-6836

Mailing Address: PO Box 438

City: Coalville City State: UT Zip: 84017

E-Mail Address: dboyden@wohalipartners.com Fax: none

Authorized Representative to Whom All Correspondence is to be sent:

Name: Jim Boyden Phone: 801-200-4586

Mailing Address: PO Box 438

City: Coalville City State: UT Zip: 84017

E-Mail Address: jboyden@wohalipartners.com Fax: none

Road Information:

Road Name: Ivy Springs Rd. (unimproved) (If Road is within a subdivision; use Plat Amendment Application from Community Development)

Road Locations: Section: 17 Township: 1N Range: 2W

Adjacent Parcel Numbers: NS-349-A, NS-349-B, NS-349-X, CT-446, CT-448

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

The unimproved segment of Ivy Springs Rd. will be replaced with a dedicated, fully improved, paved road called Wohali Way.

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: _____ Date: 4-12-21

WOHALI

April 12, 2021

Summit County Engineering
60 N Main Street
Coalville City, UT 84017

To Whom It May Concern,

I am writing to officially request the abandonment of the unimproved segment of Icy Springs Road in Summit County, located in Section 17, Township 1N, Range 2W. As part of the off-site roadway improvements of the Wohali subdivision, this unimproved segment of Icy Springs Road will be replaced with a dedicated, fully improved new road called Wohali Way.

Please see the Wohali Way roadway exhibit included with this application.

Sincerely,
Jim Boyden

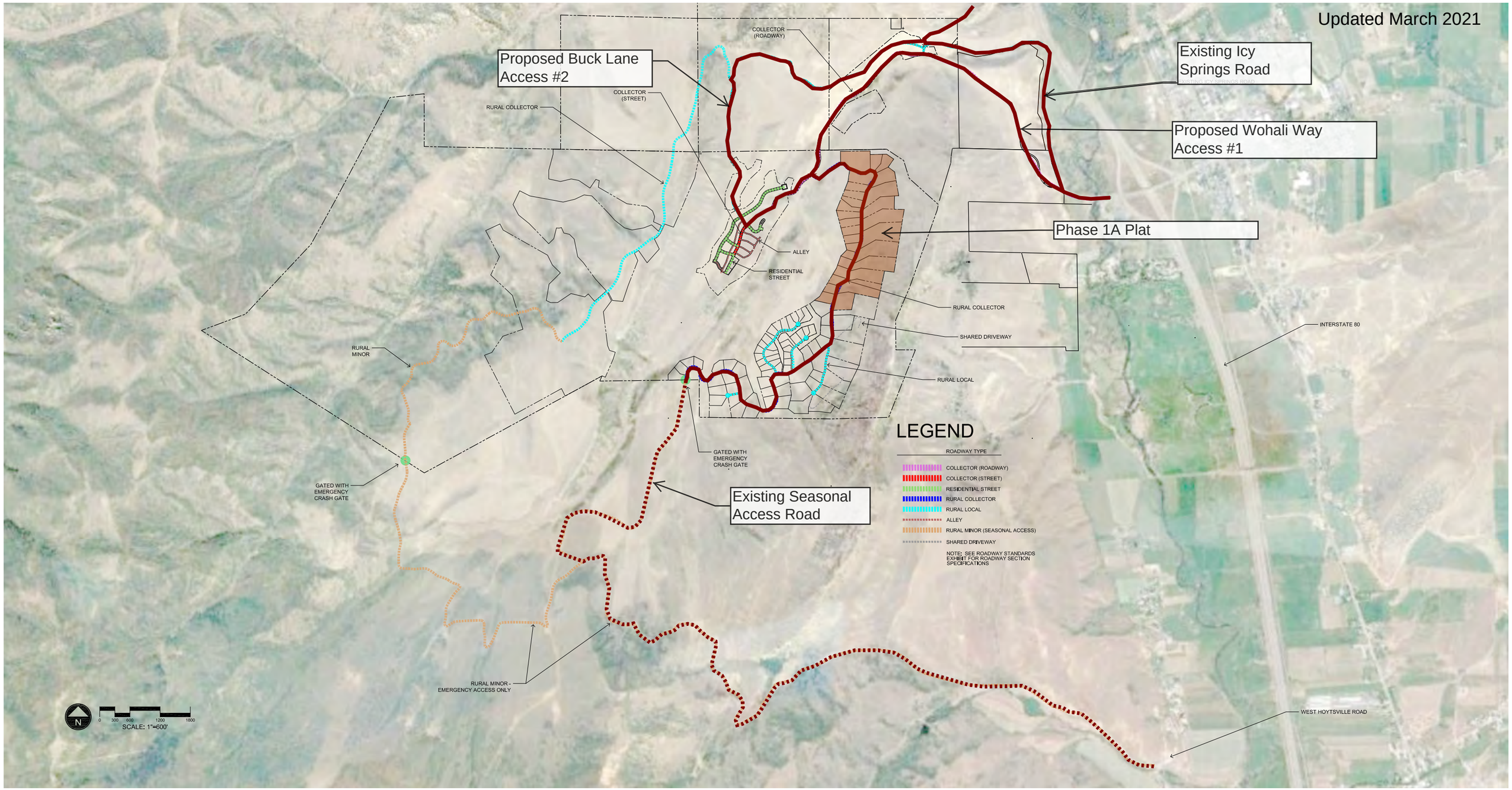
EXHIBIT B

WOHALI

WOHALI - ROADWAY PLAN

MPD APPLICATION
MAP DATE: NOVEMBER 2020

Updated March 2021



SUMMIT COUNTY ENGINEERING

STAFF REPORT

To: County Council
From: Mike Kendell, County Engineer
Date: June 9, 2021
Subject: Road Vacation Petition

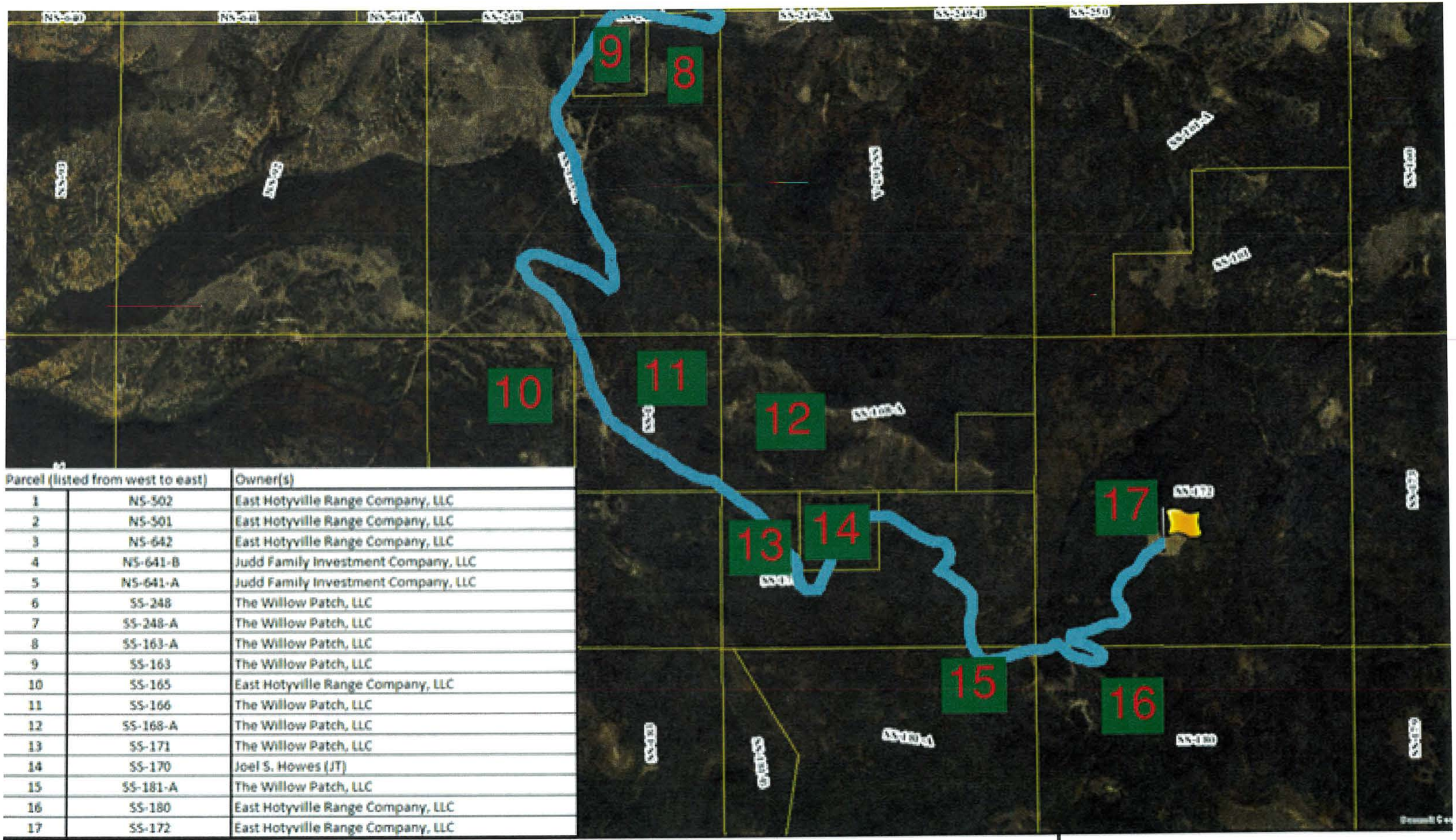
Background:
Summit County received a road vacation application (Appendix A – Road Vacation Application) from Kent Pace as well as 5 additional property owners (Appendix B – Adjacent Property Owners) to vacate a portion of Spring Canyon Road. Figures 2 and 3 show the section of Spring Canyon Road being requested to be vacated, and the adjacent property parcel boundaries and ownership of each parcel adjacent to this section of road. This segment of Spring Canyon Road is approximately 9 miles of road and is classified as a Class D County Road on the Summit County Road Map. It goes through sections 5, 6, 7, 8, 9, 16, 17, 25, 26, 31, and 36 Townships 1N, 2N Range 5E and 6E.



Figure 1: Class D County Road section of Spring Canyon Road requested to be vacated.

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


NS-495
NS-496
NS-497
NS-498
SS-229
SS-229-A
SS-230
SS-230-A
SS-231
SS-232
SS-233
SS-234
SS-235
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SS-269
SS-270



Parcel (listed from west to east)		Owner(s)
1	NS-502	East Hotyville Range Company, LLC
2	NS-501	East Hotyville Range Company, LLC
3	NS-642	East Hotyville Range Company, LLC
4	NS-641-B	Judd Family Investment Company, LLC
5	NS-641-A	Judd Family Investment Company, LLC
6	SS-248	The Willow Patch, LLC
7	SS-248-A	The Willow Patch, LLC
8	SS-163-A	The Willow Patch, LLC
9	SS-163	The Willow Patch, LLC
10	SS-165	East Hotyville Range Company, LLC
11	SS-166	The Willow Patch, LLC
12	SS-168-A	The Willow Patch, LLC
13	SS-171	The Willow Patch, LLC
14	SS-170	Joel S. Howes (JT)
15	SS-181-A	The Willow Patch, LLC
16	SS-180	East Hotyville Range Company, LLC
17	SS-172	East Hotyville Range Company, LLC

SUMMIT COUNTY

Summit County Parcel Viewer

Parcel Viewer Application

1 in = 2,009 feet

Printed on: 4/20/2021

Imagery courtesy of Google

This drawing is neither a legally recorded map nor a survey and is not intenc to be used as such. The information displayed is a compilation of recor information and data obtained from various sources, including Summit Cou which is not responsible for its accuracy or timeliness.

There was a lawsuit (Appendix C - Lawsuit) in 2013 that established boundaries of Spring Canyon Road and which section were Class B and Class D roads.

During the public noticing period, Staff received comments from a Board member and Past-President of the Elkhorn Ditch Company. They expressed that they had been there since the 1880's and they have a prescriptive right. They mentioned that they were not opposed to the vacation of this section of roadway, if they could maintain unfettered access. They provided an acknowledgment form (Appendix D) – ACKNOWLEDGEMENT) that they would prefer to be used in place of the access easement (Appendix E – Grant of Right of Way) that was drafted by the applicant.

After meeting with the representatives from the Elkhorn Ditch Company, Staff contacted Kent Pace and he stated that he was not opposed to granting unfettered access along this section of Spring Canyon Road.

Justification for Vacating the Public Right-of-Way:

In 2009, the Summit County Council adopted policy factors to consider when vacating public road or right of way. Those criteria have generally been used since that time when evaluating petitions to vacate and are:

1. Recent public uses of the road or highway.
2. Potential future uses of the road or highway.
3. Use of the road or highway by the County government
4. Designation of road on 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; and
6. Whether a pre-condition to a road or highway vacation requiring landowners benefiting from the vacation to provide private easements to other entities that may be disadvantaged by the loss of the public right-of-way would be acceptable to all parties.

The applicant provided the following input regarding each of the 6 criteria.

1. The Road provides access to private property. The owners are listed in Addendum No. 1. The Road also provides access for two other entities: the Elkhorn Ditch Company, and the Hoytsville Pipe Water Company. Addendum No. 1 includes copies of the easements the property owners are granting these two entities to provide them the access they need to perform the necessary maintenance and repair for their water storage. These easements will be recorded once the Spring Canyon Class D Road is vacated.

2. To our knowledge as property owners, Summit County has provided no maintenance of the Class D portion of Spring Canyon Road for the past 50 years. Attached is a letter from Tim Richins, Summit County Road Supervisor, stating the fact that there has been no maintenance performed by Summit County on the Road in the past 38 years. Spring Canyon Road has been maintained by the adjacent property owners. See the attached agreement for continued maintenance of the Road.
(Appendix F – Email from Tim Richins)

3. The Road does not serve as access for the general public to State or Federal Lands.

4. The Road does not serve as access to any residential or commercial development.

5. The Road serves as access to Private Property, agricultural in nature.

6. The property owners have heretofore maintained a gate, or gates, across the Spring Canyon Road for the purpose of livestock control and would like to retain control of the Road for use in agricultural business.

Findings:

1 The 9-mile section of Spring Canyon Road that is being requested to be vacated is shown on the County Road map as Class D.
2 Staff is not aware of any recent public uses of the road.
3 Staff is not aware of any planned future use of the road; however, it was mentioned that this used to loop into South Fork.
4 Easements have been drafted to grant access to property owners, Elkhorn Ditch Company and Hoytsville Pipe Water Company (Appendix G).
5 The legal description for the roadway is vague. A centerline alignment survey is in the process of being completed. It was delayed due to snow at the east end of the road.
6 Summit County Road Department has not performed any type of road maintenance on this section of Spring Canyon Road for the past 37.5 years.

Conclusions:

1 This section of road is Class D County Road
2 This section of road has not been used for public access.
3 There are no future plans for this to be used for public use.

Recommendation:

Staff recommends that this request be table until the survey of the centerline and the legal description for the requested section or roadway has been completed. In addition, Elkhorn Ditch Company and the applicant(s) met and decide if they can come to an agreement regarding the access easement or acknowledgement form and input from the public is heard.

Attachments:

Appendix A: Road Vacation Application
Appendix B: Adjacent Property Owners
Appendix C: Lawsuit
Appendix D: Acknowledgment
Appendix E: Grant of Right of Way
Appendix F: Email from Tim Richins
Appendix G: Hoytsville Pipe Water Company Access Easement

Appendix A: Road Vacation Application

ROAD VACATION APPLICATION FORM

Petitioner:

Name: Kent A. Pace also see Addendum No. 1 Phone: 435-640-0583

Mailing Address: 455 East Spring Canyon

City: Coalville State: UT Zip: 84017

E-Mail Address: kpranch@gmail.com Fax: _____

Authorized Representative to Whom All Correspondence is to be sent:

Name: Kent A. Pace Phone: 435-640-0583

Mailing Address: 455 East Spring Canyon Road

City: Coalville State: UT Zip: 84017

E-Mail Address: kpranch@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: _____ Township: _____ Range: _____

Adjacent Parcel Numbers: Road Information -- See Addendum No. 2

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

See Addendum No. 3

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: _____

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: Kurt A. Pace Date: 3-27-2021

Addendum No. 1

SPRING CANYON CLASS D ROAD VACATION APPLICATION

Parties:

East Hoytsville Range Company, LLC, a Utah Limited Liability Company
Kent A. Pace, President
455 East Spring Canyon Road
Coalville, UT. 84017
435-640-0583

Kent A. Pace 3-27-2021
Kent A. Pace Date

Judd Family Investment Company, LC, a Utah Limited Liability Company
Katherine J. Chappell, Manager
1612 South Hoytsville Road
Coalville, UT. 84017
435-640-5147

Katherine J. Chappell 3-27-2021
Katherine J. Chappell Date

The Willow Patch, LLC, a Utah Limited Liability Company
Thomas William Judd, Manager
1615 South Hoytsville Road
Coalville, UT. 84017
435-770-7631

Thomas William Judd 3/27/2021
Thomas William Judd Date

SPRING CANYON CLASS D ROAD VACATION APPLICATION

Parties continued:

Helen C. Judd Range Company, LLC, a Utah Limited Liability Company
Helen JaNae J. Blonquist, Manager
570 Border Station Road
Coalville, UT. 84017
435-640-4614

Helen JaNae J. Blonquist 3/27/2021
Helen JaNae J. Blonquist Date

Joel S. Howes (JT)
6479 S. Castlefield Lane
Salt Lake City, UT. 84107
801-264-8731

3/27/2021
Joel S. Howes Date

Eldred G. Wright Family Living Trust
Nadine Wright O'Brien, Trustee
391 East Chalk Creek Road
Coalville, UT. 84017
801-821-1027

Nadine Wright O'Brien 3-26-2021
Nadine Wright O'Brien Date

Appendix B: Adjacent Property Owners

Addendum No. 2

SPRING CANYON CLASS D ROAD VACATION APPLICATION

Road Information:

Road Name: Spring Canyon Road

Road Location:
Sections 5, 6, 7, 8, 9, 16, 17, 25, 26, 31, 36

Townships 1N, 2N

Range 5E, 6E

Parcels:

NS-502	East Hoytsville Range Company, LLC
NS-501	East Hoytsville Range Company, LLC
NS-642	East Hoytsville Range Company, LLC
NS-641-B	Judd Family Investment Company, LLC
NS-641-A	Judd Family Investment Company, LLC
SS-248	The Willow Patch, LLC
SS-248-A	The Willow Patch, LLC
SS-163-A	The Willow Patch, LLC
SS-163	The Willow Patch, LLC
SS-162-A	Judd Family Investment Company, LLC
SS-165	East Hoytsville Range Company, LLC
SS-166	The Willow Patch, LLC
SS-168-A	The Willow Patch, LLC
SS-171	The Willow Patch, LLC
SS-170	Joel S. Howes (JT)
SS-181-A	The Willow Patch, LLC
SS-180	East Hoytsville Range Company, LLC
SS-172	East Hoytsville Range Company, LLC

Appendix C: Lawsuit

The Order of Court is ... ted below:
Dated: December 05, 2013 02:49:10 PM /s/ Todd M. Shaughnessy
District Court Judge

BARNEY MCKENNA & OLMSTEAD, PC
M. ERIC OLMSTEAD (7591)
KRISTIN K. WOODS (13408)
43 South 100 East, Suite 300
St. George, Utah 84770
Telephone: (435) 628-1711
Facsimile: (435) 628-3318
E-mail: eolmstead@barney-mckenna.com
E-mail: kwoods@barney-mckenna.com
Attorneys for Plaintiffs

IN THE THIRD JUDICIAL DISTRICT COURT

IN AND FOR SUMMIT COUNTY, STATE OF UTAH

LLOYD J. SCHREIBER, Co-Trustee of the Schreiber Family Trust dated October 25, 2007; KRISTINE S. SCHREIBER, Co-Trustee of the Schreiber Family Trust dated October 25 2007; STUART L. WILLOUGHBY, Co-Trustee of the Willoughby Family Trust dated September 13, 2007; and KIMBERLY A. WILLOUGHBY, Co-Trustee of the Willoughby Family Trust dated September 13, 2007,

Plaintiffs,

vs.

EAST HOYTSVILLE RANGE COMPANY, a Utah Non-profit Corporation; THE HAROLD P. HOBSON REVOCABLE TRUST, a Utah trust; JUSTIN F. HOBSON, an individual; ESTATE OF CAROL C. HOBSON, deceased; BRYCE ALLAN BELL, an individual; LISA BELL, an individual; GLEN E. BROWN, an individual; FRANKIE JEAN BROWN, an individual; JUDD FAMILY INVESTMENT COMPANY, L.C., a Utah Limited Liability Company; GLORIA B. JUDD, an individual; THE WILLIAM M. JUDD FAMILY TRUST AMENDED AND RESTATED JANUARY 18, 2000, a trust; THE GLORIA B. JUDD FAMILY

ORDER AND JUDGMENT GRANTING PLAINTIFFS' AND INTERVENOR FLORENCE J. GILLMOR FOUNDATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE: SPRING CANYON ROAD

Case No. 120500621

Judge: Todd M. Shaughnessy

TRUST AMENDED AND RESTATED JANUARY 18, 2000, a trust; THE WILLOW PATCH, LLC, a Utah Limited Liability Company; HOYTSVILLE PIPE WATER CO., a Utah Non-profit Corporation; SUMMIT COUNTY, UTAH, and DOE DEFENDANTS 1-50, Defendants.	

The court having reviewed and considered plaintiffs and intervenor Florence J. Gillmor Foundation's motion for partial summary judgment that Spring Canyon Road is a public county road under Utah Code Ann. §§ 72-3-103 (2000) and 72-3-105 (2000), and all pleadings and papers related thereto submitted by the moving parties (the "Motion"), and no objection to the Motion having been made, and good cause appearing therefore, hereby orders as follows:

1. There are no genuine issues of material fact which prevent the Court from determining as a matter of law that Spring Canyon Road, Summit County, Utah, is a public county road. Specifically:

a. Spring Canyon Road begins at its intersection with Hoytsville Road located in the Northeast quarter of Section 28, T2N, R5E, Salt Lake Base & Meridian;

b. Spring Canyon Road extends easterly and southerly, a distance of approximately 11 miles, to and within Section 10, T1N, R6E, Salt Lake Base & Meridian;

c. The portion of Spring Canyon Road, Summit County, Utah, which commences at the intersection with Hoytsville Road located in the Northeast quarter of Section 28, T2N, R5E, Salt Lake Base & Meridian and continuing to a point in the Northwest quarter of Section 26, T2N, R5E Salt Lake Base & Meridian, is a Class B public road as set forth in Utah Code Ann.

§72-3-103 (2000); and

d. The portion of Spring Canyon Road identified in paragraph 1b. not classified as Class B road, is a Class D public road as set forth in Utah Code Ann. §72-3-105 (2000).

Based thereon, the Motion is granted and declaratory judgment is entered in accordance with this Order.

IT IS SO ORDERED.

Respectfully submitted,

December 3, 2013

BARNEY MCKENNA OLMSTEAD & PACK, P.C.

/s/ M. Eric Olmstead
M. ERIC OLMSTEAD
KRISTIN K. WOODS
Attorneys for Plaintiffs

PARSONS BEHLE & LATIMER

/s/ Paul D. Veasy
DAVID R. BIRD
PAUL D. VEASY
Attorneys for Intervenor The Florence J. Gillmor Foundation

Appendix D: Acknowledgment

ACKNOWLEDGMENT

Whereas, **ELKHORN RESERVOIR and DITCH COMPANY**,a Utah Corporation, hereinafter "**ELKHORN**", owns water rights with storage capacity in multiple reservoirs and ditches to and from said reservoirs; and

Whereas, all the aforesaid irrigation facilities have historically been accessed by **ELKHORN** through Spring Canyon in Summit County, Utah; and

Whereas, **EAST HOYTSVILLE RANGE COMPANY, LLC, JUDD INVESTMENT COMPANY, LC, THE WILLOW PATCH, LLC and JOEL S. HOWES**, collectively referred to as "Landowners", individually own various parcels of real property which provide access by **ELKHORN** to the aforesaid irrigation facilities;

Now, Therefore, the aforesaid Landowners do hereby acknowledge the existence of the aforesaid irrigation facilities and the rights of ingress and egress to and from said irrigation facilities over currently established easements, whether established by grant or prescription, by **ELKHORN**.

ELKHORN and **LANDOWNERS**, hereby agree that **ELKHORN** shall be entitled to two keys to any and all locked gates across the aforesaid easements.

This Acknowledgment is executed by the respective parties this _____ day of May, 2021.

ELKHORN RESERVOIR AND DITCH COMPANY,
a Utah Corporation

By_____
Dean Evans, President

EAST HOYTSVILLE RANGE COMPANY, LLC

By_____
Kent A. Pace, Managing Member

JUDD INVESTMENT COMPANY, LLC

By_____
Kathrine J. Chappell, Manager

THE WILLOW PATCH, LLC

By_____
Joel S. Howes

ACKNOWLEDGEMENT

STATE OF UTAH }
} ss.
COUNTY OF SUMMIT }

On _____, 2021, appeared before me Dean Evans, Kent A. Pace, Katherine J. Chappell, Thomas William Judd and Joel S. Howes, who are personally known to me or proved by satisfactory identification to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

_____
Notary Public
State of Utah

Appendix E: Grant of Right of Way

RECORD AND MAIL TO:

c/o Kent A. Pace
East Hoytsville Range Company
P.O. Box 511
Coalville, UT 84017

GRANT OF RIGHT-OF-WAY FROM EAST HOYTSVILLE RANGE COMPANY, LLC, JUDD FAMILY INVESTMENT COMPANY, LC, THE WILLOW PATCH, LLC AND JOEL S. HOWES TO THE ELKHORN DITCH COMPANY

For value received, the **EAST HOYTSVILLE RANGE COMPANY, LLC, JUDD FAMILY INVESTMENT COMPANY, LC, THE WILLOW PATCH, LLC AND JOEL S. HOWES**, ("Grantors"), whose address is P.O. Box 511, Coalville, Utah, do hereby convey and warrant unto **THE ELKHORN DITCH COMPANY** ("Grantee"), its successors and assigns, a non-exclusive Right-of-Way upon an existing road commonly known as and referred to herein as the "Spring Canyon Road" located in unincorporated eastern Summit County, Utah, as applicable to each Grantors' property, and described as follows:

> A non-exclusive right-of-way for ingress and egress limited to twenty-five (25) feet in width beginning on the existing Spring Canyon Road in Summit County, Utah from a gate situated on the section line common to Sections 26 and 27, T. 2 N., R. 5 E., SLM, across portions of Sections 25, 26 and 36, T. 2 N., R. 5 E., SLM; then across Section 31, T. 2 N., R. 6 E., SLM, and Sections 6 and 7, T. 1 N., R. 6 E. SLM; then across Sections 7, 8, 17 and 16, T. 1 N., R. 6 E., SLM.
>
> Attached hereto is a map of the right-of-way as Exhibit A.

IN WITNESS WHEREOF, Grantors have executed this Right-of-Way on the 27th day of March 2021.

GRANTORS:

Kent A. Pace, President
EAST HOYTSVILLE RANGE COMPANY, LLC

Katherine J. Chappell, Manager
JUDD INVESTMENT COMPANY, LC,

Thomas William Judd, Manager
THE WILLOW PATCH, LLC

JOEL S. HOWES

ACKNOWLEDGMENT

STATE OF UTAH)
) **ss.**
COUNTY OF SUMMIT)

On March 27, 2021, appeared before me Kent A. Pace, Katherine J. Chappell, Thomas William Judd and Joel S. Howes, who are personally known to me or proved by satisfactory identification to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
State of Utah

(SEAL)

Tyler James Larsen
Notary Public, State of Utah
Commission # 0715007
My Commission Expires
November 9, 2024

Appendix F: Email from Tim Richins

Gmail

Kent Pace <kpranch@gmail.com>

Spring canyon class D Road

1 message

Tim Richins <trichins@summitcounty.org> Tue, Mar 30, 2021 at 4:42 PM
To: "kpranch@gmail.com" <kpranch@gmail.com>

I have worked for the Summit county road department for 37 1/2 years. To the best of my knowledge summit county road department has never performed any type of road maintenance on the class D portion of the Spring Canyon Road.

Tim Richins
Summit county road superintendent

Get Outlook for iOS

Michael L. Kendell

From: Kent Pace <kpranch@gmail.com>
Sent: Monday, April 19, 2021 11:57 AM
To: Michael L. Kendell
Subject: Fwd: Spring canyon class D Road

Follow Up Flag: Follow up
Flag Status: Flagged

---------- Forwarded message ---------
From: **Tim Richins** <trichins@summitcounty.org>
Date: Tue, Mar 30, 2021, 4:42 PM
Subject: Spring canyon class D Road
To: kpranch@gmail.com <kpranch@gmail.com>

I have worked for the Summit county road department for 37 1/2 years. To the best of my knowledge summit county road department has never performed any type of road maintenance on the class D portion of the Spring Canyon Road.

Tim Richins
Summit county road superintendent

Get Outlook for iOS

Appendix G: Hoytsville Pipe Water Company Access Easement

WATER AGREEMENT FOR EASEMENT BETWEEN

EAST HOYTSVILLE RANGE COMPANY

AND

HOYTSVILLE PIPE WATER COMPANY

Hoytsville Pipe Water Company (HPWC) will trade two (2) water shares for a 60 foot easement to access HPWC's water line and a 200 foot by 200 foot easement around each of the HPWC's springs. HPWC will be allowed to use all existing roads to access HPWC's utilities. These two water shares are solely for the purpose of agricultural use only. These shares shall be non-transferable.

East Hoytsville Range Company (EHRC) will pay for the water meters to be installed. This agreement will allow EHRC to use 360,000 gallons of water per year free of charge. If EHRC goes over 360,000 gallons of water in a calendar year, there will be an AG rate charge per gallon for the overage.

HPWC will be responsible to draw up and record the easement along with any fees to do so.

The purpose of this letter is to formalize a historical verbal agreement between HPWC and EHRC.

Alan Lynn Richins DATE 10-28-19

President Hoytsville Pipe Water Company

Kent H. Parr DATE 10-28-19

President East Hoytsville Range Company

DIANE ZAKRZEWSKI
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 06/13/2021
Commission # 695638

PRIVATE ROAD MAINTENANCE AGREEMENT BETWEEN EAST HOYTSVILLE RANGE COMPANY, LLC; JUDD FAMILY INVESTMENT COMPANY, LC; WILLOW PATCH, LLC; ELDRED G. WRIGHT FAMILY LIVING TRUST; HELEN C. JUDD RANGE COMPANY, LLC AND JOEL S. HOWES

An Agreement made this date of April 2, 2021, applicable to the undersigned parcel owners and users,

RECITALS

WHEREAS, Spring Canyon Road is a private road situated in Summit County, State of Utah, and

WHEREAS, the undersigned parcel owners are the owners or users of the Spring Canyon Road situated in Summit County, State of Utah, and described as follows:

A non-exclusive right-of-way for ingress and egress limited to twenty-five (25) feet in width beginning on the existing Spring Canyon Road in Summit County, Utah from a gate situated on the section line common to Sections 26 and 27, T. 2 N., R. 5 E., SLM, across portions of Sections 25, 26 and 36, T. 2 N., R. 5 E., SLM; then across Section 31, T. 2 N., R. 6 E., SLM, and Sections 6 and 7, T. 1 N., R. 6 E. SLM; then across Sections 7, 8, 17 and 16, T. 1 N., R. 6 E., SLM.

Attached hereto is a map of the right-of-way as Exhibit A.

WHEREAS, the parties desire to enter into an Agreement regarding the costs of maintenance and improvements to the Spring Canyon Road; and

WHEREAS, it is agreed that future parcel owners or users will add their signatures to this document;

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. **Vehicle and Pedestrian Access Easement.** The undersigned landowners have executed easements that grant non-exclusive access to the Spring Canyon Road.

2. **Road Commission Agent.** A Road Commission Agent shall be elected by a majority of the property owners, will serve a term as agreed to by the property owners, and can be replaced or renewed at any time by a simple majority vote of the parcel owners. The Road Commission Agent shall be responsible for monitoring the condition of the road surface and initiating maintenance activities as needed to maintain the minimum road surface standards.

3. **Road Maintenance.** Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles. A majority vote of parcel owners is required for any road improvements and to accept the bid for any road improvement contract. Before authorizing expenditures for future road improvements, parcel owners will be notified by the Road Commission Agent, cost estimates will be provided, and a majority agreement will be required. If any parcel owner performs improvements, maintenance, repairs or replacements without the approval of the other lot owners prior to performing such work, the lot owner performing such work shall become liable for the entire cost thereof, unless such work is deemed an emergency. However, where emergency repairs are necessary as more particularly noted in Paragraph No. 11 below, neither majority vote nor prior approval is necessary before making such improvements or undertaking such maintenance.

4. **Parking.** For the safety of the residents, no machinery, trailers, vehicles or other property may be stored or parked upon the Spring Canyon Road except parking of vehicles for limited periods of time (not to exceed twelve hours).

5. **Cost Sharing.** Road maintenance, snowplowing and road improvement costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above-mentioned road. Each parcel owner's share of costs incurred shall be determined as follows: Pro-rated cost share will be based upon the percentage of roadway extending from the start of the Spring Canyon Road to the intersection of each driveway where a landowner's parcel exists, or to the midpoint of a property frontage that is adjacent to the roadway.

6. **Prepayment.** Prepayment of maintenance, snowplowing and improvement costs will be made to the road maintenance account by each property owner. Annually, on or before a date as specified by the Road Commission Agent, each parcel owner will contribute their pro-rated share of the estimated annual cost for road maintenance, road improvements, and annual snow removal. The Road Commission Agent shall send each parcel owner a two week notice of the annual payments due.

7. **Definition of a Parcel.** A parcel is defined as a land entity having a certified survey map (CSM), a platted subdivision lot number, or a parcel identification number in the case of unplatted lands. Each parcel is assessed and granted (1) vote regardless of the number of owners. If a parcel is owned by more than one person, all of the owners of the parcel will collectively be referred to as the "parcel owner" for purposes of this Agreement, and will be entitled to one collective vote (i.e. each parcel represents one vote in the matters covered by this Agreement).

8. **Future Parcels.** Any additional parcels gaining access to the Spring Canyon Road by way of splitting existing parcels will be bound by all terms and conditions of this agreement, and will be required to pay that portion of the maintenance, snowplowing and improvement costs incurred after the split as determined using the formula contained in Paragraph No. 5 above. If any additional parcels are created after the original Private

Road Maintenance Agreement is signed, the new parcel owners must also sign the agreement. When a parcel is being sold on a land contract, the land contract vendee shall be deemed the owner of record.

9. **Checking Account.** The Road Commission Agent shall establish and maintain a bank checking account with a local bank, and will prepare and distribute to the herein affected parcel owners an annual income and expense report and a yearend balance sheet, accounting for all funds received and disbursed.

10. **Annual Road Reviews by County.** The adjacent property owners will be notified of any observed improvements needed on the Spring Canyon Road to allow emergency access, and improvements must be made by the landowners. If the improvements are not made within two months from notification (or within a time frame otherwise agreed to by the County), the County will make the improvements and bill the work to the property owners. The cost will include both the Town's expenses for staff time and the contractor's expenses for the actual road improvements. The costs must be fully paid within two months from the date of the invoice (or within a time frame otherwise agreed to by the County Commission). If the costs are not paid by this time, the County will certify the costs (including both the construction and administrative costs) to the County tax roll, for all landowners using the Spring Canyon Road.

11. **Emergency Repairs.** If the County is made aware of emergency safety conditions on Spring Canyon Road, the County will attempt to reach the Road Commission Agent and request that the necessary repairs be completed immediately. However, if the County is not able to reach the Road Commission Agent, the County has the authority to make emergency repairs as needed without further notification to the adjacent landowners to Spring Canyon Road. In such cases, the property owners will be notified after the repair of the cost and amount due from the landowners, as well as the reasons for making the emergency repairs. The schedule and process for reimbursement to the Town will be as described in Paragraph No. 10 above.

12. **Effective Term.** This Agreement shall be perpetual, and shall encumber and run with the land as long as the road remains private.

13. **Binding Agreement.** This Agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators and assigns.

14. **Amendment.** This Agreement may be amended only by a two-thirds majority consent of all parcel owners.

15. **Enforcement.** This Agreement may be enforced by a majority of parcel owners. If a court action or lawsuit is necessary to enforce this Agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs, if the party prevails.

16. **Disputes.** If a dispute arises over any aspect of the improvements, maintenance, repair or replacement, a third-party arbitrator shall be appointed to resolve the dispute. The decision of the arbitrator shall be final and binding on all of the landowners. Contact information for local arbitrators can be obtained through the American Arbitration Association. In selecting a third-party arbitrator, each lot shall be entitled to one vote, and the nominee receiving a majority of the votes shall be the arbitrator. All parties shall share in the cost of any arbitration.

17. **Notices.** Parcel owners under the Agreement shall be notified by mail or in person. If an address of a parcel owner is not known, a certified notice will be mailed to the address to which the parcel owner's property tax bills are sent.

18. **Invalidity.** Should any provision in this Agreement be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected and each term and condition shall be valid and enforceable to the extent permitted by law.

19. **Other Agreements.** This Private Road Maintenance Agreement replaces all previous Private Road Maintenance Agreements regarding the described Private Road.

20. **Disclaimer by County.** It is understood and agreed that the County, the County Commission and the agents of the County shall not be liable or responsible in any manner to the developer or the property owners along the road, or to their contractors, subcontractors, agents, or any other person, firm or corporation, for any debt, claim, demand, damages, action or causes of action of any kind or character arising out of or by reason of the activities or improvements being required herein.

21. **Recording This Document.** Original and amended copies of this document, including added signatures, shall be recorded and provided to the County Commission by the Road Commission Agent.

Kent A. Pace 4-2-2021
Kent A. Pace, President
EAST HOYTSVILLE RANGE COMPANY, LLC

Katherine J. Chappell
Katherine J. Chappell, Manager
JUDD INVESTMENT COMPANY, LC,

Thomas William Judd 4/2/2021
Thomas William Judd, Manager

THE WILLOW PATCH, LLC

Nadine Wright O'Brien
ELDRED G. WRIGHT FAMILY LIVING TRUST

Helen DeVae Blongewist
HELEN C. JUDD RANGE COMPANY, LLC

JOEL S. HOWES