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Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

MEMORANDUM

To: County Council

From: David L. Thomas, Chief Civil Deputy

Date: November 12, 2013

Re: Montage Tax Settlement

1. Talisker leases tax parcel 0474974 HRECRC-HOTEL to DV Luxury Resort, LLC upon which it owns and operates a luxury, ski-in/ski-out resort hotel with 174 hotel rooms, two restaurants, café/snack shop, lobby lounge, spa & salon, retail space, underground parking, swimming pools, fitness facilities, hot tubs, gambling arcade, meeting space and typical office and support areas (the "Montage Hotel"). The term of the leasehold is 999 years.

2. Above the Montage Hotel on the upper floors of the property is an 81 unit condominium project, which consists of multiple tax parcels separate and apart from the Montage Hotel (the "Condominium Project").

3. Construction of the Montage Hotel began in 2007, at the height of the economic cycle. For property tax purposes, the County valued the Montage Hotel at \$217,533,080 as of January 1, 2011 using the "cost approach" to valuation. The "cost approach" values the property using the actual 2007 expenditures in the construction of the hotel. The County Assessor did not use the "income approach" to valuation because to do so would have required a Certified Commercial Appraiser. The County Assessor does not have a Certified Commercial Appraiser on staff.

4. Talisker appealed the value to the Summit County Board of Equalization's hearing officer, arguing that the 2007 costs were "obsolete" in determining value due to the 2008 real estate market crash. Instead, Talisker asserted a value of \$116,700,000 using the "income approach" to valuation. While the hearing officer indicated that due to external obsolescence the "cost approach" was an inferior methodology, he nevertheless rejected Talisker's appeal. Such set the stage for a perfect storm.

5. Talisker appealed to the Utah State Tax Commission (the "Tax Commission"), who issued its Initial Hearing Order on August 7, 2013 (the "Order"), finding "external obsolescence" and reducing the value to \$128,700,000. On September 5, 2013, the County appealed the Order.

6. Talisker has also appealed the taxable values on the Montage Hotel for tax years 2012 and 2013. Both tax appeals are currently pending before the Summit County Board of Equalization.

7. Talisker paid under protest the property taxes due for both 2011 and 2012.

8. In reaching its conclusion as to the 2011 value, the Tax Commission utilized an appraisal from the Pinnacle Advisory Group (“Pinnacle”). Pinnacle issues annual appraisals for DV Luxury Resort, LLC and its investors. Its 2011 – 2013 appraisals for the Montage Hotel were as follows:

2011 Appraisal	-	\$128,700,000
2012 Appraisal	-	\$140,000,000
2013 Appraisal	-	\$137,000,000

9. There was some agreement among the various appraisers at the Tax Commission hearing that foreseeable appreciation rates to these values would be around 3%.

10. The proposed settlement uses the Pinnacle appraisals with an appreciation rate of 3% for tax years 2014 and 2015.

11. Taxing entities would need to choose between three options in refunding taxes to the Montage Hotel for tax years 2011 and 2012:

- Option #1: Enact a Judgment Levy with a lump sum payment on December 31, 2014
- Option #2: Lump sum payment on January 10, 2014
- Option #3: Installment payments on July 10, 2014 and July 10, 2015

12. Taxing entities would need to select the refunding option by January 10, 2014.

13. The taxing entities and the combined 2011 and 2012 tax refunds (as of August 31, 2013) are as follows:

Park City Municipal Corporation	-	\$360,461
Summit County	-	\$208,960
Weber Basin	-	\$22,727
Park City Fire Special Service District	-	\$180,302
Mosquito Abatement District	-	\$6,749
Snyderville Basin Special Recreation District	-	\$142,884
Park City School District	-	\$774,691

**SETTLEMENT AGREEMENT
FOR TALISKER EMPIRE PASS HOTEL, LLC
(Real Property Tax – 0474974 HRECRC-HOTEL)**

THIS SETTLEMENT AGREEMENT (the “Agreement”) is entered into as of this 13th day of November, 2013, by and among TALISKER EMPIRE PASS HOTEL, LLC, (“Talisker”) and SUMMIT COUNTY, a political subdivision of the State of Utah, by and through its BOARD OF EQUALIZATION (the “County”). Each is individually referred to as a “Party” and collectively as the “Parties.”

RECITALS:

- A. Talisker leases tax parcel 0474974 HRECRC-HOTEL to DV Luxury Resort, LLC upon which it owns and operates a luxury, ski-in/ski-out resort hotel with 174 hotel rooms, two restaurants, café/snack shop, lobby lounge, spa & salon, retail space, underground parking, swimming pools, fitness facilities, hot tubs, gambling arcade, meeting space and typical office and support areas (the “Montage Hotel”). The term of the leasehold is 999 years.
- B. Above the Montage Hotel on the upper floors of the property is an 81 unit condominium project, which consists of multiple tax parcels separate and apart from the Montage Hotel (the “Condominium Project”).
- C. For property tax purposes, the County valued the Montage Hotel at \$217,533,080 as of January 1, 2011. Talisker appealed the value to the Utah State Tax Commission (the “Tax Commission”), asserting a value of \$116,700,000 (Appeal No. 12-1015). The Tax Commission issued its Initial Hearing Order on August 7, 2013 (the “Order”), reducing the value to \$128,700,000. On September 5, 2013, the County appealed the Order.
- D. Talisker has also appealed the taxable values on the Montage Hotel for tax years 2012 and 2013 (the “2012 Property Tax Appeal” and “2013 Property Tax Appeal” respectively). Both tax appeals are currently pending before the Summit County Board of Equalization.
- E. Talisker paid under protest the property taxes due for both 2011 and 2012.
- D. The Parties desire to settle all claims, actions, and litigation between them as relating to the payment of real property taxes on the Montage Hotel for tax years 2011 – 2013, and as to the market values pertaining to the Montage Hotel for tax years 2014 - 2015 (together the “Tax Dispute”).
- E. This Agreement implements the agreed upon conditions for settlement of the Tax Dispute.

COUNTY AND TALISKER AGREE AS FOLLOWS:

**ARTICLE I
Appeal No. 12-1015**

1.1 2011 Property Tax Appeal.

1.1.1 Market Value. The Parties agree that the Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$128,700,000 for tax year 2011.

1.1.2 Refund. Upon a Tax Commission order approving this 2011 property tax settlement, the County will revise its assessment rolls and then refund any taxes, plus statutory interest that may have been collected on taxes paid based on taxable values in excess of the apportionment associated with the stipulated value, as generally shown on the attached Exhibit A (statutory interest calculated on such Exhibit as of August 31, 2013, actual interest shall accrue and be paid through the date of payment), subject to the election by each taxing entity of one of the following payment options, such election to be made in writing and delivered to Talisker no later than January 10, 2014:

1.1.2.1 Lump Sum Payment Option (Judgment Levy). If a taxing entity elects to enact a judgment levy in accordance with UCA §59-2-918.5, the full refund shall be due and payable no later than December 31, 2014.

1.1.2.2 Lump Sum Payment Option (No Judgment Levy). A taxing entity may elect to pay the refund in a lump sum, without enacting a judgment levy, which shall be due and payable on January 10, 2014. Any taxing entity that fails to notify Talisker of its payment election by January 10, 2014 shall be deemed to have elected this lump sum payment option.

1.1.2.3 Installment Payments Option. A taxing entity may elect to pay the refund in two (2) equal principal installments plus accrued interest then due, which shall be due and payable July 10, 2014 and July 10, 2015 respectively.

1.2 Tax Commission Approval.

1.2.1 This Agreement is subject to approval of the Tax Commission. Should the Tax Commission fail to approve this Agreement or any component thereof, then this Agreement shall be null and void and shall not be admissible as evidence against any of the Parties in any proceeding, and this appeal shall be reinstated before the Tax Commission and proceed to a formal hearing.

1.2.2 The Parties understand that upon approval by the Tax Commission, this Agreement shall be binding upon all Parties and shall constitute a full resolution of Appeal

No. 12-1015.

ARTICLE II
2012 Property Tax Appeal

2.1 2012 Property Tax Appeal.

2.1.1 Market Value. The Parties agree that the Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$140,000,000 for tax year 2012.

1.1.2 Refund. Upon a Board of Equalization order approving this 2012 property tax settlement, the County will revise its assessment rolls and then refund any taxes, plus statutory interest that may have been collected on taxes paid based on taxable values in excess of the apportionment associated with the stipulated value, as generally shown on the attached Exhibit A (statutory interest calculated on such Exhibit as of August 31, 2013, actual interest shall accrue and be paid through the date of payment), subject to the election by each taxing entity of one of the following payment options, such election to be made in writing and delivered to Talisker no later than January 10, 2014:

2.1.2.1 Lump Sum Payment Option (Judgment Levy). If a taxing entity elects to enact a judgment levy in accordance with UCA §59-2-918.5, the refund shall be due and payable no later than December 31, 2014.

2.1.2.2 Lump Sum Payment Option (No Judgment Levy). A taxing entity may elect to pay the refund in a lump sum, without enacting a judgment levy, which shall be due and payable on January 10, 2014. Any taxing entity that fails to notify Talisker of its payment election by January 10, 2014 shall be deemed to have elected this lump sum payment option.

2.1.2.3 Installment Payments Option. A taxing entity may elect to pay the refund in two (2) equal principal installments plus accrued interest then due, which shall be due and payable July 10, 2014 and July 10, 2015 respectively.

2.2 Board of Equalization Approval. The Parties understand that upon approval by the Board of Equalization, this Agreement shall be binding upon all Parties and shall constitute a full resolution of the 2012 Property Tax Appeal.

ARTICLE III
2013 Property Tax Appeal

3.1 2013 Property Tax Appeal.

3.1.1 Market Value. The Parties agree that the Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$137,000,000 for tax year 2013.

3.1.2 Board of Equalization Approval. The Parties understand that upon approval by the Board of Equalization, this Agreement shall be binding upon all Parties and shall constitute a full resolution of the 2013 Property Tax Appeal.

ARTICLE IV 2014 and 2015 Stipulated Market Values

4.1 2014 and 2015 Stipulated Values.

4.1.1 Market Value (2014). The Parties agree that the stipulated Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$141,110,000 for tax year 2014.

4.1.2 Market Value (2015). The Parties agree that the stipulated Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$145,343,300 for tax year 2015.

4.1.3 Board of Equalization Approval. The Parties understand that upon approval by the Board of Equalization, this Agreement shall be binding upon all Parties and shall constitute the stipulated market values for tax years 2014 and 2015.

ARTICLE V General Terms and Conditions.

5.1 Agreements to Run with the Land. This Agreement shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of tax parcel 0474974 HRECRC-HOTEL.

5.2 State and Federal Law. The Parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The Parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed null and void.

5.3 Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both Parties to this Agreement.

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

To the County:

Summit County Board of Equalization
Summit County Courthouse
60 N. Main
P.O. Box 128
Coalville, UT 84017

With copies to:

David L. Thomas
Chief Civil Deputy Summit County Attorney
60 N. Main
P.O. Box 128
Coalville, UT 84017

To Talisker:

Talisker Empire Pass Hotel, LLC
c/o DV Luxury Resort, LLC
1991 Broadway Suite 140
Redwood City, CA 94063
Attn: Sarah Mancuso

With copies to:

Thomas G. Bennett
Ballard Spahr LLC
201 S. Main Street, Suite 800
Salt Lake City, UT 84111-2221

5.5 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

5.6 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

5.7 Execution of Agreement. Each individual executing this Agreement hereby represents and warrants that he or she has been duly authorized to sign and deliver this Agreement in the capacity and for the entity that is set forth where he or she signs. This Agreement may be executed in multiple parts as originals or by copies of executed originals

exchanged by electronic mail; provided, however, if executed and evidence of execution is made by electronic mail, then an original shall be provided to the other party within seven (7) days of receipt of said electronic copy.

IN WITNESS WHEREOF, this Agreement has been executed by Summit County, acting by and through its Board of Equalization, and by a duly authorized representative of Talisker as of the above-stated date.

COUNTY:

SUMMIT COUNTY BOARD OF EQUALIZATION,
STATE OF UTAH

By: _____
Claudia McMullin, Chair

CLERK:

Blake Frazier
County Auditor / Clerk to the BOE

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy

TALISKER:

TALISKER EMPIRE PASS HOTEL, LLC

By: [Signature]
Its: _____

~~STATE OF UTAH~~)
Province of Ontario : ss.
~~COUNTY OF SUMMIT~~)

The foregoing instrument was acknowledged before me this 12th day of November 2013, by Jeff Heurme, the an officer of Talisker Empire Pass Hotel, LLC.

[Signature]
NOTARY PUBLIC
Residing at: Richmond Hill Ontario

My Commission Expires:

N/A

MONTAGE VALUES (Parcel HRECRC-HOTEL)

2011 TAX RATES:

Authority Name	Tax Rate	ORIGINAL VALUE	REFUND AMT	INTEREST EARNED IN 2012	INTEREST EARNED IN 2013	TOTAL REFUND AS OF 03/1/2013
PARK CITY	0.002130000	\$217,533,080.00	\$128,700,000.00	\$189,214.46	\$1,426.99	\$1,018.91
SUMMIT COUNTY	0.000824000	\$463,345.46	\$274,131.00	\$62,061.77	\$619.03	\$191,690.36
MULTI COUNTY A & C	0.000172000	\$201,000.57	\$118,918.80	\$16,279.29	\$115.23	\$442.01
WEBER BASIN	0.000217000	\$37,415.69	\$22,136.40	\$19,927.90	\$145.38	\$103.80
LOCAL ASSESS/COLLECT	0.000069000	\$15,008.78	\$8,890.30	\$6,129.48	\$46.23	\$33.01
PC FIRE	0.001161000	\$282,585.91	\$149,420.70	\$103,185.21	\$777.81	\$659.38
MOSQUITO ABATEMENT	0.000400000	\$9,701.32	\$5,148.00	\$3,553.32	\$26.80	\$19.13
SNYDERVILLE REC	0.001038000	\$236,023.30	\$139,698.50	\$96,383.89	\$726.90	\$519.02
PC SCH DIST	0.004405000	\$986,233.22	\$569,923.50	\$391,309.72	\$2,951.13	\$2,107.18
TOTAL	0.010203000	\$2,219,480.02	\$1,313,126.10	\$906,363.82	\$6,835.50	\$4,880.71

2012 TAX RATES

Authority Name	Tax Rate	ORIGINAL VALUE	REFUND AMT	INTEREST EARNED IN 2013	TOTAL REFUND AS OF 8/31/2013
PARK CITY	0.002197000	\$216,409,957.00	\$140,000,000.00	\$307,580.00	\$187,870.48
SUMMIT COUNTY	0.000943000	\$475,450.48	\$307,580.00	\$12,058.65	\$390.44
MULTI COUNTY A & C	0.000168000	\$204,073.85	\$132,020.00	\$12,836.70	\$71.16
LOCAL ASSESS/COLLECT	0.000071000	\$38,356.70	\$23,520.00	\$9,940.00	\$5,426.04
WEBER BASIN	0.000215000	\$15,385.04	\$9,940.00	\$7,541.64	\$30.07
PC FIRE	0.000987000	\$16,527.93	\$10,100.00	\$16,427.93	\$91.07
MOSQUITO ABATEMENT	0.000041000	\$213,595.64	\$138,100.00	\$75,415.64	\$418.08
SNYDERVILLE REC BOND	0.000589000	\$8,872.77	\$5,740.00	\$3,192.77	\$17.37
PC SCH DIST	0.004924000	\$1,065,987.70	\$689,380.00	\$45,004.88	\$249.49
TOTAL	0.010135000	\$2,193,304.78	\$1,418,000.00	\$376,237.70	\$2,085.72

2011 & 2012 COMBINED

Authority Name	WITH INTEREST	BOTH YEARS COMBINED, WITH INTEREST
PARK CITY	\$360,461.45	\$1,191,690.36
SUMMIT COUNTY	\$155,595.89	\$19,525.96
MULTI COUNTY A & C	\$28,384.67	\$15,476.80
LOCAL ASSESS/COLLECT	\$24,981.07	\$6,208.72
WEBER BASIN	\$22,727.71	\$3,599.26
PC FIRE	\$190,302.11	\$104,489.39
MOSQUITO ABATEMENT	\$5,749.38	\$3,599.26
SNYDERVILLE REC BOND	\$142,884.77	\$97,629.81
PC SCH DIST	\$774,691.44	\$396,388.02
TOTAL	\$1,696,777.91	\$918,080.12

David L. Thomas (Bar No. 7601)
Jami R. Brackin (Bar No. 8753)
SUMMIT COUNTY ATTORNEY'S OFFICE
60 N. Main Street, P.O. Box 128
Coalville, Utah 84017
Telephone: 435-336-3206
Fax: 435-336-3287
dthomas@summitcounty.org
jbrackin@summitcounty.org

BEFORE THE UTAH STATE TAX COMMISSION

TALISKER EMPIRE PASS HOTEL, LLC,	:	STIPULATION OF SETTLEMENT
	:	AND MOTION TO APPROVE
Petitioner,	:	SETTLEMENT
	:	
	:	
v.	:	Appeal No.: 12-1015
	:	
BOARD OF EQUALIZATION OF	:	Parcel No.: 0474974 HRECRH-HOTEL
SUMMIT COUNTY, a political subdivision	:	Tax Type: Property Tax/Locally Assessed
of the State of Utah,	:	Tax Year: 2011
	:	
Respondent.	:	Judge Jane Phan
	:	
	:	
	:	

STIPULATION

Talisker Empire Pass Hotel, LLC (“Talisker”) and Summit County (“County”) by and through their respective counsel of record hereby **AGREE** and **STIPULATE** as follows:

Recitals

- A. Talisker leases tax parcel 0474974 HRECRC-HOTEL to DV Luxury Resort, LLC upon which it owns and operates a luxury, ski-in/ski-out resort hotel with 174 hotel rooms, two restaurants, café/snack shop, lobby lounge, spa & salon, retail space, underground parking, swimming pools, fitness facilities, hot tubs, gambling arcade, meeting space and typical office and support areas (the "Montage Hotel"). The leasehold is 999 years.

- B. Above the Montage Hotel on the upper floors of the property is an 81 unit condominium project, which consists of multiple tax parcels separate and apart from the Montage Hotel (the "Condominium Project").

- C. For property tax purposes, the County valued the Montage Hotel at \$217,533,080 as of January 1, 2011. Talisker appealed the value to the Utah State Tax Commission (the "Tax Commission") asserting a value of \$116,700,000 (Appeal No. 12-1015). The Tax Commission issued its Initial Hearing Order on August 7, 2013 (the "Order"), reducing the value to \$128,700,000. On September 5, 2013, the County appealed the Order.

- D. Since the appeal by the County, the Parties have met in an effort to resolve the tax dispute for not only tax year 2011, but also for tax years 2012-2015. As a result

of this effort, the Parties agree that Appeal No. 12-1015 can be fully resolved as set forth herein.

Agreement

1. The Parties agree that the Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$128,700,000 for tax year 2011.

2. Upon a Tax Commission order approving this 2011 property tax settlement, the County will revise its assessment rolls and then refund any taxes, plus statutory interest that may have been collected on taxes paid based on taxable values in excess of the apportionment associated with the stipulated value, as generally shown on the attached Exhibit A (statutory interest calculated as of August 31, 2013, actual interest shall accrue and be paid through the date of payment), subject to the election by each taxing entity of one of the following payment options, such election to be made in writing and delivered to Talisker no later than January 10, 2014:

A. Lump Sum Payment Option (Judgment Levy). If a taxing entity elects to enact a judgment levy in accordance with UCA §59-2-918.5, the full refund shall be due and payable no later than December 31, 2014.

B. Lump Sum Payment Option (No Judgment Levy). A taxing entity may elect to pay the refund in a lump sum, without enacting a judgment levy, which shall be due and payable on January 10, 2014. Any taxing entity that fails to notify Talisker of its payment election by January 10, 2014 shall be deemed to have elected this lump sum payment option.

C. Installment Payments Option. A taxing entity may elect to pay the refund in two (2) equal principal installments plus accrued interest then due, which shall be due and payable on July 10, 2014 and July 10, 2015 respectively.

3. Each individual executing this Agreement hereby represents and warrants that he or she has been duly authorized to sign and deliver this Agreement in the capacity and for the entity that is set forth where he or she signs.

4. This Agreement is subject to approval of the Tax Commission. Should the Tax Commission fail to approve this Agreement or any component thereof, then this Agreement shall be null and void and shall not be admissible as evidence against any of the Parties in any proceeding, and this appeal shall be reinstated before the Tax Commission and proceed to a formal hearing.

5. The Parties understand that upon approval by the Tax Commission, this Agreement shall be binding upon all Parties and shall constitute a full resolution of Appeal No. 12-1015.

MOTION FOR APPROVAL

The Parties believe that the above Stipulation fairly resolves the issues present in Appeal No. 12-1015. Accordingly, the Parties respectfully request that the Tax Commission issue an Order resolving Appeal No. 12-1015 as set forth in the above Stipulation. For the convenience of the Tax Commission, a proposed form of order is attached hereto as Exhibit B.

DATED this _____ day of November 2013.

SUMMIT COUNTY

By: _____

David L. Thomas

Jami Brackin

Attorneys for Respondent

TALISKER EMPIRE PASS HOTEL, LLC

By: _____

Tom Bennett

Ballard Spahr

Attorney for Petitioner

EXHIBIT A

MONTAGE VALUES (Parcel HRECRC-HOTEL)

2011 TAX RATES		ORIGINAL VALUE				INTEREST		TOTAL REFUND	
Authority Name	Tax Rate				EARNED IN 2012	EARNED IN 2013	AS OF 8/31/2013	AS OF 8/31/2013	
PARK CITY	0.002130000	\$217,633,080.00	\$128,700,000.00	\$274,131.00	\$1,428.99	\$1,018.91	\$194,690.36		
SUMMIT COUNTY	0.000924000	\$463,345.46	\$118,918.80	\$92,081.77	\$619.03	\$442.01	\$63,142.80		
MULTI COUNTY A & C	0.000172000	\$201,000.57	\$27,136.40	\$15,279.29	\$15.23	\$82.28	\$16,476.80		
WEBER BASIN	0.000217000	\$37,415.89	\$27,927.90	\$19,276.78	\$145.38	\$103.80	\$19,525.98		
LOCAL ASSESS/COLLECT	0.000099000	\$47,204.69	\$8,880.30	\$6,129.48	\$46.23	\$33.01	\$5,208.72		
PC FIRE	0.001161000	\$252,555.91	\$149,420.70	\$103,135.21	\$777.81	\$555.39	\$104,488.39		
MOSQUITO ABATEMENT	0.000040000	\$8,701.32	\$5,148.60	\$3,553.32	\$28.80	\$19.13	\$3,598.26		
SNYDERVILLE REC	0.001085000	\$236,423.39	\$139,839.60	\$96,388.89	\$728.80	\$519.02	\$97,629.61		
PC SCH DIST	0.004405000	\$538,233.22	\$560,923.00	\$391,309.72	\$2,951.13	\$2,107.18	\$395,388.02		
TOTAL	0.010203000	\$2,219,490.02	\$1,313,126.00	\$906,363.92	\$6,836.50	\$4,880.71	\$918,080.12		

2012 TAX RATES		ORIGINAL VALUE				INTEREST		TOTAL REFUND	
Authority Name	Tax Rate				EARNED IN 2013	AS OF 8/31/2013	AS OF 8/31/2013	AS OF 8/31/2013	
PARK CITY	0.002197000	\$216,408,857.00	\$140,000,000.00	\$307,890.00	\$187,870.45	\$390.61	\$168,801.09		
SUMMIT COUNTY	0.000943000	\$473,450.48	\$132,020.00	\$72,053.65	\$392.44	\$12,507.87	\$72,453.08		
MULTI COUNTY A & C	0.000169000	\$204,073.65	\$23,520.00	\$12,836.70	\$71.16	\$5,455.11	\$12,507.87		
LOCAL ASSESS/COLLECT	0.000071000	\$36,358.70	\$9,940.00	\$6,425.04	\$30.07	\$5,519.00	\$5,455.11		
WEBER BASIN	0.000215000	\$49,527.93	\$30,100.00	\$16,427.93	\$81.07	\$16,519.00	\$16,519.00		
PC FIRE	0.000897000	\$213,595.64	\$138,180.00	\$75,415.64	\$418.08	\$76,883.72	\$76,883.72		
MOSQUITO ABATEMENT	0.000041000	\$8,822.77	\$5,740.00	\$3,132.77	\$17.37	\$3,180.13	\$3,180.13		
SNYDERVILLE REC BOND	0.00389000	\$127,484.88	\$82,460.00	\$49,004.89	\$245.49	\$46,254.37	\$46,254.37		
PC SCH DIST	0.004924000	\$1,053,997.70	\$688,360.00	\$378,237.70	\$2,085.72	\$378,323.42	\$378,323.42		
TOTAL	0.010135000	\$2,193,304.78	\$1,418,960.00	\$774,404.78	\$4,293.00	\$778,697.78	\$778,697.78		

2011 & 2012 COMBINED

Authority Name	BOTH YEARS COMBINED WITH INTEREST
PARK CITY	\$380,461.45
SUMMIT COUNTY	\$165,595.89
MULTI COUNTY A & C	\$29,384.67
LOCAL ASSESS/COLLECT	\$24,981.87
WEBER BASIN	\$82,727.71
PC FIRE	\$180,302.11
MOSQUITO ABATEMENT	\$6,748.38
SNYDERVILLE REC BOND	\$142,884.17
PC SCH DIST	\$774,691.44
TOTAL	\$1,699,677.31

EXHIBIT B

R. Bruce Johnson
Commission Chair

D'Arcy Dixon Pignanelli
Commissioner

Michael J. Cragun
Commissioner

Robert P. Pero
Commissioner

NOTICE: an Order approving a stipulated agreement constitutes final agency action. If necessary, an action to enforce the agreement may be brought pursuant to Utah Code Ann. §63G-4-501.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the **STIPULATION OF SETTLEMENT AND MOTION TO APPROVE SETTLEMENT** to be mailed, postage prepaid, to the following:

Utah State Tax Commission
Appeals Division
210 North 1950 West
Salt Lake City, Utah 84134

Talisker Empire Pass Hotel, LLC
P.O. Box 4680
Park City, Utah 84060

Tom Bennett
Ballard Spahr, LLP
One Utah Center
201 S. Main Street
Suite 800
Salt Lake City, Utah 84111-2221

David L. Thomas (Bar No. 7601)
Jami R. Brackin (Bar No. 8753)
SUMMIT COUNTY ATTORNEY'S OFFICE
60 N. Main Street, P.O. Box 128
Coalville, Utah 84017
Telephone: 435-336-3206
Fax: 435-336-3287
dthomas@summitcounty.org
jbrackin@summitcounty.org

BEFORE THE BOARD OF EQUALIZATION
SUMMIT COUNTY, UTAH

In the matter of TALISKER EMPIRE PASS
HOTEL, LLC

**STIPULATION OF SETTLEMENT
AND MOTION TO APPROVE
SETTLEMENT**

2012 Tax Appeal

Parcel No.: 0474974 HRECRC-HOTEL
Tax Type: Property Tax/Locally Assessed
Tax Year: 2012

STIPULATION

Talisker Empire Pass Hotel, LLC ("Talisker") and Summit County ("County") by and through their respective counsel of record hereby **AGREE** and **STIPULATE** as follows:

Recitals

- A. Talisker leases tax parcel 0474974 HRECRC-HOTEL to DV Luxury Resort, LLC upon which it owns and operates a luxury, ski-in/ski-out resort hotel with 174 hotel rooms, two restaurants, café'/snack shop, lobby lounge, spa & salon, retail space, underground parking, swimming pools, fitness facilities, hot tubs, gambling arcade, meeting space and typical office and support areas (the "Montage Hotel"). The leasehold is 999 years.

- B. Above the Montage Hotel on the upper floors of the property is an 81 unit condominium project, which consists of multiple tax parcels separate and apart from the Montage Hotel (the "Condominium Project").

- C. For property tax purposes, the County valued the Montage Hotel at \$217,533,080 as of January 1, 2011. Talisker appealed the value to the Utah State Tax Commission (the "Tax Commission") asserting a value of \$116,700,000 (Appeal No. 12-1015). The Tax Commission issued its Initial Hearing Order on August 7, 2013 (the "Order"), reducing the value to \$128,700,000. On September 5, 2013, the County appealed the Order.

- D. Since the appeal by the County, the Parties have met in an effort to resolve the tax dispute for not only tax year 2011, but also for tax years 2012-2015. As a result

of this effort, the Parties agree that this 2012 Tax Appeal can be fully resolved as set forth herein.

Agreement

1. The Parties agree that the Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$140,000,000 for tax year 2012.

2. Upon a Board of Equalization order approving this 2012 property tax settlement, the County will revise its assessment rolls and then refund any taxes, plus statutory interest that may have been collected on taxes paid based on taxable values in excess of the apportionment associated with the stipulated value, as generally shown on the attached Exhibit A (statutory interest calculated as of August 31, 2013, actual interest shall accrue and be paid through the date of payment), subject to the election by each taxing entity of one of the following payment options, such election to be made in writing and delivered to Talisker no later than January 10, 2014:

A. Lump Sum Payment Option (Judgment Levy). If a taxing entity elects to enact a judgment levy in accordance with UCA §59-2-918.5, the full refund shall be due and payable no later than December 31, 2014.

B. Lump Sum Payment Option (No Judgment Levy). A taxing entity may elect to pay the refund in a lump sum, without enacting a judgment levy, which shall be due and payable on January 10, 2014. Any taxing entity that fails to notify Talisker of its payment election by January 10, 2014 shall be deemed to have elected this lump sum payment option.

C. Installment Payments Option. A taxing entity may elect to pay the refund in two (2) equal principal installments plus accrued interest then due, which shall be due and payable on July 10, 2014 and July 10, 2015 respectively.

3. Each individual executing this Agreement hereby represents and warrants that he or she has been duly authorized to sign and deliver this Agreement in the capacity and for the entity that is set forth where he or she signs.

4. This Agreement is subject to approval of the Board of Equalization. Should the Board fail to approve this Agreement or any component thereof, then this Agreement shall be null and void and shall not be admissible as evidence against any of the Parties in any proceeding, and this appeal shall be reinstated before the Board of Equalization and proceed to a hearing.

5. The Parties understand that upon approval by the Board of Equalization, this Agreement shall be binding upon all Parties and shall constitute a full resolution of this 2012 Tax Appeal.

MOTION FOR APPROVAL

The Parties believe that the above Stipulation fairly resolves the issues present in this 2012 Tax Appeal. Accordingly, the Parties respectfully request that the Board of Equalization issue an Order resolving this 2012 Tax Appeal as set forth in the above Stipulation. For the convenience of the Board of Equalization, a proposed form of order is attached hereto as Exhibit B.

DATED this _____ day of November 2013.

SUMMIT COUNTY

By: _____
David L. Thomas
Jami Brackin
Attorneys for Respondent

TALISKER EMPIRE PASS HOTEL, LLC

By: _____
Tom Bennett
Ballard Spahr
Attorney for Petitioner

EXHIBIT A

MONTAGE VALUES (Parcel HRECRC-HOTEL)

2011 TAX RATES		ORIGINAL VALUE				
Authority Name	Tax Rate	\$128,700,000.00	REFUND AMT	INTEREST EARNED IN 2012	INTEREST EARNED IN 2013	TOTAL REFUND AS OF 8/31/2013
PARK CITY	0.002130000	\$271,533,080.00	\$274,131.00	\$1,428.99	\$1,019.91	\$191,660.36
SUNMOUNT COUNTY	0.000928000	\$468,345.46	\$118,918.80	\$619.03	\$442.01	\$83,142.80
MULTI COUNTY A & C	0.000172000	\$201,000.52	\$22,198.40	\$115.23	\$82.28	\$15,476.80
WEBER BASIN	0.000217000	\$37,415.69	\$27,270.29	\$145.38	\$103.80	\$19,525.98
LOCAL ASSESS/COLLECT	0.000090000	\$47,204.69	\$19,276.78	\$145.38	\$103.80	\$5,208.72
PC FIRE	0.001181000	\$15,009.78	\$8,880.30	\$46.23	\$33.01	\$104,486.59
MOSQUITO ABATEMENT	0.000040000	\$252,555.91	\$149,420.70	\$777.81	\$555.38	\$3,599.26
SNYDERVILLE REC	0.001038500	\$8,701.32	\$5,148.00	\$26.80	\$19.13	\$518.02
PC SCH DIST	0.004405000	\$298,023.89	\$560,923.60	\$2,951.13	\$2,107.18	\$386,388.02
TOTAL	0.010203000	\$2,219,480.02	\$1,313,126.10	\$8,858.50	\$4,880.71	\$918,080.12

2012 TAX RATES		ORIGINAL VALUE			
Authority Name	Tax Rate	\$140,000,000.00	REFUND AMT	INTEREST EARNED IN 2013	TOTAL REFUND AS OF 8/31/2013
PARK CITY	0.002197000	\$216,408,957.00	\$307,380.00	\$390.61	\$168,801.09
SUNMOUNT COUNTY	0.000943000	\$473,450.48	\$167,870.48	\$390.61	\$168,801.09
MULTI COUNTY A & C	0.000168000	\$204,073.65	\$132,020.00	\$399.24	\$12,453.08
LOCAL ASSESS/COLLECT	0.000071000	\$36,356.70	\$23,620.00	\$71.16	\$12,597.87
WEBER BASIN	0.000215000	\$15,385.04	\$9,940.00	\$30.07	\$5,455.11
PC FIRE	0.000987000	\$49,527.93	\$30,100.00	\$91.07	\$16,519.00
MOSQUITO ABATEMENT	0.000041000	\$213,585.64	\$138,180.00	\$418.08	\$78,833.72
SNYDERVILLE REC BOND	0.000989000	\$8,822.77	\$5,740.00	\$17.37	\$3,150.19
PC SCH DIST	0.004924000	\$1,063,597.70	\$82,460.00	\$248.49	\$48,294.37
TOTAL	0.010135000	\$2,193,304.78	\$1,418,900.00	\$4,293.00	\$778,697.78

2011 & 2012 COMBINED

Authority Name	BOTH YEARS COMBINED WITH INTEREST
PARK CITY	\$380,461.45
SUNMOUNT COUNTY	\$165,695.89
MULTI COUNTY A & C	\$28,384.67
LOCAL ASSESS/COLLECT	\$24,981.07
WEBER BASIN	\$22,727.71
PC FIRE	\$180,302.11
MOSQUITO ABATEMENT	\$6,728.38
SNYDERVILLE REC BOND	\$142,884.17
PC SCH DIST	\$774,891.44
TOTAL	\$1,696,777.31

EXHIBIT B

BEFORE THE BOARD OF EQUALIZATION
SUMMIT COUNTY, UTAH

In the matter of TALISKER EMPIRE PASS
HOTEL, LLC

ORDER OF APPROVAL

2012 Tax Appeal

Parcel No.: 0474974 HRECRC-HOTEL
Tax Type: Property Tax/Locally Assessed
Tax Year: 2012

ORDER

Based upon the Board of Equalization's approval of the Stipulation of Settlement between the Parties, the fair market value of Talisker Empire Pass Hotel, LLC's taxable real property, tax parcel 0474974 HRECRC-HOTEL, for the 2012 tax year after adjustments is \$140,000,000.

Summit County is directed to adjust its tax rolls in accordance with this revised assessment and to calculate refunds as appropriate.

Pursuant to the Stipulation of the Parties, individual taxing entities must elect a payment option in writing no later than January 10, 2014.

DATED this __ day of November, 2013.

BOARD OF EQUALIZATION
SUMMIT COUNTY, UTAH

Claudia McMullin
Chair

Attest:

Blake Frazier
County Auditor

NOTICE: an Order approving a stipulated agreement constitutes final Board action.

CERTIFICATE OF SERVICE

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Park City, Utah 84060

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Ballard Spahr, LLP
One Utah Center
201 S. Main Street
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Salt Lake City, Utah 84111-2221

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of this effort, the Parties agree that this 2012 Tax Appeal can be fully resolved as set forth herein.

Agreement

1. The Parties agree that the Utah assessed fair market value for Talisker's real property, to wit: Montage Hotel, tax parcel 0474974 HRECRC-HOTEL (excluding the Condominium Project), shall be set at \$137,000,000 for tax year 2013.

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DATED this _____ day of November 2013.

SUMMIT COUNTY

By: _____
David L. Thomas
Jami Brackin
Attorneys for Respondent

TALISKER EMPIRE PASS HOTEL, LLC

By: _____
Tom Bennett
Ballard Spahr
Attorney for Petitioner

EXHIBIT A

BEFORE THE BOARD OF EQUALIZATION
SUMMIT COUNTY, UTAH

In the matter of TALISKER EMPIRE PASS
HOTEL, LLC

ORDER OF APPROVAL

2013 Tax Appeal

Parcel No.: 0474974 HRECRC-HOTEL
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Summit County is directed to adjust its tax rolls in accordance with this revised assessment and to calculate refunds as appropriate.

DATED this __ day of November, 2013.

BOARD OF EQUALIZATION
SUMMIT COUNTY, UTAH

Claudia McMullin
Chair

Attest:

Blake Frazier
County Auditor

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Tom Bennett
Ballard Spahr, LLP
One Utah Center
201 S. Main Street
Suite 800
Salt Lake City, Utah 84111-2221

COUNTY COUNCIL



Claudia McMullin - Chair
Chris Robinson - Vice Chair
Roger Armstrong
Kim Carson
Dave Ure

November 20, 2013

Governor Gary Herbert
Utah State Capitol Complex
350 North State Street, Suite 200
P.O. Box 142220
Salt Lake City, Utah 84114-2220

Re: Weber Basin Water Conservancy District Board

Dear Governor:

The Summit County Council appreciates the opportunity to nominate the following gentlemen for consideration to serve as Trustees on the Weber Basin Water Conservancy District Board:

David Ure	First Choice
William Loughlin	Second Choice
Matthew Linden	Third Choice

Please do not hesitate to contact Claudia McMullin, Summit County Council Chair, at 435-901-2123, if you need additional information.

Sincerely,

Summit County Council Members

Claudia McMullin, Chair

Christopher Robinson, Vice Chair

Roger Armstrong

Kim Carson

Dave Ure

60 North Main P.O. Box 128 Coalville, UT 84017
Phone (435) 336-3025 Fax (435) 336-3032

MANAGER'S REPORT
November 20, 2013

To: Council Members
 From: Robert Jasper

<u>Department</u>	<u>Description of Updates</u>
Administration	<p><u>Submitted by Robert Jasper, County Manager:</u> Documents and transactions are listed on the Manager Approval lists dated 11/7/13 and 11/14/13, posted on the website at: http://www.summitcounty.org/manager/index.php</p>
Auditor	
Assessor	
Attorney	<p><u>Submitted by Matthew Bates:</u> <u>Criminal Division Activity</u> The Criminal Division and the Victim Advocate provided domestic violence training this week to officers and detectives at the Park City Police Department. DISTRICT COURT CRIMINAL CASES FILED: 20 CRIMINAL FILINGS OF INTEREST Adam Johnson, 25, of Draper, Utah, and Collin Reid Tuttle, 25, of Salt Lake City, Utah, were charged with various offenses relating to an assault that occurred at Collie's bar in Park City on October 26, 2013. Witnesses allege that Tuttle and Johnson assaulted the bar staff as the bar was closing. When Park City Police arrived, the two fled.</p> <p>Carlos Omar Monreal-Ramirez, 22, and Ivan Alejandro Monreal-Ramirez, 21, both of Kearns, Utah, were charged with giving false personal information to a police officer. Ivan was also charged with drug possession. On October 29, 2013, Carlos and Ivan were in a car that was stopped on SR-224 for a traffic violation. When the deputy asked them for identification, both men gave the deputy a false name. After discovering their true identity, the deputy arrested them on outstanding warrants. While searching Ivan incident to arrest, the deputy found cocaine in Ivan's wallet.</p> <p>Francis James Hanaway, 36, of Park City, Utah, was charged with criminal mischief, intoxication, and disorderly conduct. On October 28, 2013, Hanaway was drinking at O'Shucks and became belligerent during an argument over whether Army or Marines was a better branch of the military. Bar staff escorted Hanaway from the bar. Hanaway then turned and struck the glass front door with his fist, shattering it.</p> <p>Graham Carr Wilson, 19, of Park City, Utah, was charged with domestic violence assault. On October 28, 2013, Park City Police officers were dispatched to Wilson's home on a report of a domestic dispute. On arriving, Wilson's mother reported that Wilson had grabbed her and shoved her into the wall. The assault charge against Wilson was enhanced from the class B misdemeanor to a class A misdemeanor because Wilson was convicted earlier this year of a domestic violence offense.</p> <p>Jasin Leon Leavitt, 36, of Oakley, Utah, was charged with two counts of sexual battery. On October 28, 2013, the owner a restaurant in Kamas, Utah, reported to sheriff's deputies that Leavitt had pinned her against counter in the restaurant and grabbed her buttocks and genitals.</p> <p>Micahel Frank Provost, 44, of San Jose, California, was charged with felony driving under the influence. On May 17, 2012, a Summit County Sheriff's deputy stopped Provost for a lane travel violation. During the stop, the deputy smelled an odor of alcohol coming from Provost's breath. Provost admitted to drinking several beers. The deputy obtained a sample of Provost's blood and sent it to the State Crime Lab for analysis. The Lab determined that Provost's blood-</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>alcohol level was .42, more than five times the legal limit. The county attorney's office delayed filing charges against Provost until a pending misdemeanor DUI in another jurisdiction resolved with a conviction. That conviction was Provost's second DUI in ten years, making the instant charge a felony.</p> <p>Peter James Bunker, 31, of Casper Wyoming, was charged with criminal mischief, aggravated assault, driving under the influence, fleeing, and driving on a suspended license. On October 27, 2013, Bunker was spotted driving eastbound in the westbound lanes of I-80 in Parley's Canyon. A witness saw Bunker intentionally swerving at oncoming traffic. A Utah Highway Patrol trooper attempted to stop Bunker, but Bunker ignored the trooper's lights and siren and continued fleeing east. Bunker eventually slammed his truck into the rear of a parked, unoccupied UHP cruiser, causing significant damage. When the troopers apprehended Bunker, they noticed that he had slurred speech, poor balance, and a strong odor of alcohol. Bunker has been convicted on three previous occasions of driving under the influence.</p> <p>Curtis Reed, 36, of Eureka, California, was charged with possession of marijuana with intent to distribute. On November 6, 2013, Reed was stopped on I-80 in Summit County by the Utah Highway Patrol for a minor traffic violation. During the stop, a drug dog alerted to the presence drugs in Reed's truck. Troopers searched the car and discovered forty-eight pounds of marijuana in a false hydraulic fluid tank in the back of the truck.</p> <p>David Jay Sindorf, 36, of Salt Lake City, Utah, was charged with felony driving under the influence. On August 3, 2013, a Park City police officer stopped Sindorf on Park Avenue for speeding. During the stop, the officer noticed that Sindorf's eyes were glassy and bloodshot, that his speech was slurred, and that he smelled of alcohol. The officer obtained a warrant to draw a sample of Sindorf's blood. The Utah State Crime Lab analyzed the sample and determined that Sindorf's blood alcohol level was .30, more than three times the legal limit. Sindorf's charge was enhanced to a felony because he has twice previously been convicted of driving under the influence in 2007 and 2009.</p> <p>Mark Patrick Moyer, 46, of Park City, Utah, was charged with two counts of possession of a firearm by a restricted person. On November 3, 2013, while investigating threatening behavior by a juvenile, deputies with the Summit County Sheriff's Office searched a storage unit belonging to Moyer. They found an AK-47 and a 20-gauge shotgun. Moyer has previously been convicted of a felony and is therefore prohibited from possessing any firearms.</p> <p>Melquiades Ramirez, Jr, 21, of Midvale, Utah, was charged with assaulting a police officer, assault, and resisting arrest. On November 1, 2013, Park City police officers broke up a fight between Ramirez and another man in the China Bridge parking structure. Ramirez refused to obey the officers' commands to remain at the scene. When officers attempted to detain and handcuff him, Ramirez twisted and squirmed and kicked one of the officers. The other party to the fight later reported that Ramirez had provoked the fight by punching him in the face.</p> <p>Noel Dawn Martin, 35, of Park City, Utah, was charged with felony driving under the influence and several other traffic-related motor vehicle offenses. On September 29, 2013, a Sheriff's deputy stopped Martin on a scooter near Kimball Junction for a minor traffic violation. Martin smelled of alcohol and had red, bloodshot eyes. The deputy obtained a warrant to take a sample of Martin's blood. The Utah State Crime Lab analyzed the blood and determined that Martin's blood-alcohol was .11, well above the legal limit of .08. Martin's charge was enhanced to a felony because in 2010 he was twice convicted of driving under the influence.</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>Richard Blaine Jones, 48, of South Lake Tahoe, California, was charged with possession of marijuana with intent to distribute. On October, 18, 2013, a Sheriff's deputy stopped Jones on I-80 in Summit County for a minor traffic violation. During the stop, the deputy deployed his drug dog, and the dog alerted to the presence of drugs in Jones's van. The deputy searched the van and found fifty pounds of marijuana in two suitcases.</p> <p><u>PLEAS, TRIALS, AND SENTENCES OF INTEREST</u></p> <p>Michael Stephenson pled guilty to failing to keep his vehicle and employment information current on the Utah Sex Offender Registry. Stephenson was convicted of a sex offense involving a child in 1993 and is required to maintain current personal, vehicle, and employment information in the Utah Sex Offender Registry. On June 17, 2013, during a routine check of registered sex offenders in Summit County, a sheriff's deputy discovered a car at Stephenson's residence that was not on the registry. Stephenson admitted that he owned the car and had failed to register it. He further admitted that he had changed employment and failed to update the registry. The Court sentenced Stephenson to 90 days in jail and 18 months probation.</p> <p>Morgan Kittridge Eaton, 36, of Bath, Maine, was sentenced to 34 days in jail with credit for time already served and two years unsupervised probation for making terroristic threats to the Summit County Justice Court. Eaton was charged with making terroristic threats after she left several messages on the voicemail system of the Summit County Justice Court in which she berated court staff and threatened to shoot them.</p> <p>Robert Martin Seal, 35, of Draper, Utah, pled guilty to a felony charge of driving under the influence. On July 26, 2013, Seal was seen by witnesses swerving in and out of his lane in the Trailside neighborhood of Summit County. A sheriff's deputy located Seal and his car at Trailside Park and found an open quart of whisky in Seal's car. The deputy took a sample of Seal's blood and sent it to the crime lab for testing. The crime lab determined that Seal's blood alcohol level was .20, more than twice the legal limit. The county attorney charged Seal with felony driving under the influence because Seal has twice before been convicted of driving under the influence in 2005 and 2010.</p> <p>Vincente Ramos, 41, of Salt Lake City, Utah, pled guilty to narcotics trafficking. On September 2, 2013, Ramos was stopped by a Summit County Sheriff's deputy for a traffic violation. During the stop, the deputy located two pounds of methamphetamine in the passenger seat of Ramos's car. The Court sentenced Ramos to 90 days in jail and three years probation. Ramos is a citizen of Mexico and will likely be deported by immigration authorities at the conclusion of his jail term.</p> <p>Andrew Robert Moss, 33, of New Mexico, pleaded guilty to one count of a attempted theft, a third degree felony. Moss admitted that while employed as an auditor and general cashier in March 2012 for The Canyons Resort that he embezzled two cash deposits totaling \$13,802. Moss will be sentenced on January 6, 2014, at 11:00 a.m.</p> <p>Robert John Lucking, 50, of Heber, Utah, pleaded guilty to theft and failing to pay over public money. The charges arose from Lucking's employment as a sergeant and evidence custodian at the Park City Police Department and his service as the president of the Park City Lodge of the Fraternal Order of Police. In the theft charge, between 2007 and 2012, Lucking embezzled more than \$50,000 from the Park City Lodge of the Fraternal Order of Police. Most of the money was excess donations from the Lodge's Shop with a Cop program. In the charge of failing to pay over public money, Lucking failed to properly handle cash submitted to the Park City evidence room. Lucking served as the evidence custodian from March 2008 to March 2012. An audit of the evidence room conducted after Lucking retired from that position revealed several thousand dollars in missing cash.</p>

Department	Description of Updates																														
	<p>Victim Advocate Activity</p> <p style="text-align: center;">Summit County Victim Assistance Activity Oct. 28-Nov.11, 2013</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 85%;">Victim contact and Notification Packet sent out following offender being charged</td> <td style="width: 15%; text-align: center;">8</td> </tr> <tr> <td>Victim Impact Statement assistance provided and Packet sent to victim with instructions</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Sentencing letter sent to victim with court sanctions and explanation</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Board of Pardons letter and registration of victims information for parole hearings</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Court Assistance provided to clients</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Hearings attended on behalf of victims and results of outcomes provided</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Court Prep and orientation in anticipation of testifying</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Protective Order assistance in filing, service of order and hearing assistance</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Civil Stalking Injunction assistance in filing, service of order and hearing assistance</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Child Protective Order assistance in filing, service of order and hearing assistance</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Pre-Trial Protective Orders/Jail No Contact Agreements contact victims and request order</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Callout with law enforcement i.e., unexpected death, rape, after hour calls, etc.</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Client Mtgs i.e., walk-ins and appointments</td> <td style="text-align: center;">9</td> </tr> <tr> <td>Children's Justice Center appointments with family or guardian during interview</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Restitution assistance i.e., submit claim forms to the Utah Office for Victim's of Crime, etc.</td> <td style="text-align: center;">3</td> </tr> </table>	Victim contact and Notification Packet sent out following offender being charged	8	Victim Impact Statement assistance provided and Packet sent to victim with instructions	6	Sentencing letter sent to victim with court sanctions and explanation	4	Board of Pardons letter and registration of victims information for parole hearings	0	Court Assistance provided to clients	2	Hearings attended on behalf of victims and results of outcomes provided	8	Court Prep and orientation in anticipation of testifying	2	Protective Order assistance in filing, service of order and hearing assistance	2	Civil Stalking Injunction assistance in filing, service of order and hearing assistance	2	Child Protective Order assistance in filing, service of order and hearing assistance	1	Pre-Trial Protective Orders/Jail No Contact Agreements contact victims and request order	2	Callout with law enforcement i.e., unexpected death, rape, after hour calls, etc.	0	Client Mtgs i.e., walk-ins and appointments	9	Children's Justice Center appointments with family or guardian during interview	0	Restitution assistance i.e., submit claim forms to the Utah Office for Victim's of Crime, etc.	3
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Community Development	<p><u>Submitted by Pat Putt, Community Development Director:</u> See attached Community Development Report</p>																														
Engineering	<p><u>Submitted by Leslie Crawford, Engineer:</u></p> <ul style="list-style-type: none"> • 5 Subdivision Reviews • 3 Lot Line Adjustment Reviews • Public Work/Engineering Projects <ul style="list-style-type: none"> ○ Lower Village Road <ul style="list-style-type: none"> ▪ Quantity Worksheets ▪ Preparation of Supplemental Agreement #6 ▪ Quantity Update & Review ▪ Final inspection • Flood Zone Search • Storage Cleanup • Summit Park Sewer Project Planning • Service Area #3 Sewer Meeting • MVC Final Quantities Meeting • Geotech Visit for Kilby Road Trail • Strategic Plan Meeting • RAP Tax Interview • Visit to Summit Park for lot grading • GovPartner meetings • Preparation of RFP for surveying for Jeremy Ranch and Silver Creek • Meeting with Snyderville Special Recreation regarding future projects • UDOT Engineering Conference <ul style="list-style-type: none"> ○ Networking / Regional vision • Wasatch Summit Technical Committee <ul style="list-style-type: none"> ○ Regional model coordination / share ○ Regional parameters adjust to a recreational base • Village at Kimball Junction 																														

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> ○ Bonds release ○ Project Development Improvements Agreements status ○ Service provider comments and Planning Commission follow-up ○ Development Agreement Amendment draft ● Special Event Permits / Road Closer Browns-Old Ranch ● Board of Adjustments follow-up, Driveway variance Cummins ● Park City Pedestrian Passage - Facebook ● Travel Demand Model Data – Wasatch Front Regional Council, Travel Survey ● Impact Fees Management – Quarry Village trip credit, VKJ, etc. ● Fairway Springs inspection – failure due to construction materials remaining ● Rail Trail and Echo Henefer Historic Loop Trail – County Manager Decision on Rail Road Trussell connecting easement ● Regional Transportation – Park City, Wasatch County, and Summit County meeting coordination ● Utah Olympic Park Development Agreement review/support ● Canyons Transportation Master Plan assistance ● Colony’s Projects review ● Overlay <ul style="list-style-type: none"> ○ Qty Review & Update ○ Pay Estimate ● Right of Way Permit Activity <ul style="list-style-type: none"> ○ 16 Permits Issued, 3 on hold, 4 denied ○ 10 Field inspections (3 Questar, 5 Contractors, 3 rough grade, 1 pre-surface, 1 bond release, 3 complaints, and 13 new GovPartner permits) ● Residential Permit Activity <ul style="list-style-type: none"> ○ 20 plans reviewed ○ 31 driveway inspections ○ 37 erosion control inspections ○ 5 Over the Counter Reviews
Facilities	<p><u>Submitted by Mike Crystal:</u> Finishing up courthouse front entrance. Replacing floors in bathrooms at the courthouse. Hiring new employee to replace a retiring one for justice complex. Summit park road shed is now complete with all new doors, front and new heaters</p>
Health Department	<p><u>Submitted by Rich Bullough, Health Director:</u> <u>Tobacco Policy:</u> Recently, Geri Essen presented information related to tobacco-free policies to the Summit County Council. As we progress towards establishing tobacco-free campuses in the County, we want to share a related success that has already been realized:</p> <p><i>Kamas City Parks and Events to go Smoke-Free</i> In a decision made to protect the health of its community members, the Kamas City Council unanimously voted to adopt a smoke-free policy at city parks and events. The policy was first presented to the Council by the Health Department and members of South Summit High School’s Peer Leaders group. Olivia Gunnerson, Health Educator for Summit County, and members of the Peer Leader group worked on this policy for close to one year. The project was last summer during the annual Fiesta Days events by doing tobacco observations at several events during the week. “In our observations of thousands of people, we were pleased to see that fewer than one hundred were smoking on city park grounds.” says Gunnerson. The group also collected discarded cigarette butts at both city parks in order to show the amount of litter that comes from people smoking on city park</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>property.</p> <p>Continuing their efforts, the Peer Leaders created a petition regarding the policy and attended different events collecting signatures. Ashley Bayles, a Senior at South Summit High School, was one of the students who volunteered to attend youth soccer games to gather support and signatures. “Almost everyone I talked to was very supportive of this policy. In fact, most were surprised that smoking was allowed at the parks. People were very interested in protecting the health of their children and families.” says Bayles.</p> <p>Another less noticeable effect of smoke-free policies is in helping reduce the number of youth who start to use tobacco. Research shows that the more tobacco-free policies are in place, the lower the youth usage rate is. According to the 2009 SHARPS (Student Health and Risk Prevention) survey, nearly 14% of Summit County youth had tried smoking cigarettes, the second highest county in the State. The Health Department has been working on a three year grant in an effort to reduce the number of youth who experiment with tobacco usage. This is one more piece to the puzzle. We hope that through a well-rounded approach, we can raise a tobacco-free generation. Kamas City smoke-free parks are an important part of that goal.</p> <p>Lindsey Snyder, a recent graduate of South Summit High School and member of the Peer Leader group, was happy to be part of this process, “It was exciting to be able to present to the Council and exercise my right as a citizen in this wonderful community. I’m very glad the city now supports a tobacco free park policy, as it will greatly influence the health and safety of our parks and citizens. It was a pleasure to be involved in something this important.”</p>
Information Technology	<p><u>Submitted by Ron Boyer, I.T. Director:</u></p> <p>We have been putting pieces in place to still accept applications online in the wake of dumping GovPartner. GovPartner was sent a termination notice effective December 5th, 2013. We have been working on a way to access the data after GovPartner is turned off.</p> <p>In order to accept in any information from the public on our website, we have also been working to put up a secure site with a SSL certificate. Now all of our forms can be embedded into our website template and be directly on a secure site.</p> <p>We have been meeting with web development companies to discuss changing the way that our website is developed. Because the website is such a presence for Summit County, we are rethinking the way it will be delivered to its audience.</p> <p>We have been in discussion with Park City Municipal about working together on a broadband plan between the city and the county. After looking at the issue more closely, it is going to be a growing need in the near future and Summit County should be addressing the issue for the growth of connected devices.</p> <p>Cross training of tax roll process and IT’s role was done with Linda Vernon during October. IT assists the Assessor, Auditor, and Treasurer in sending the initial adjustments and values to the Treasurer.</p> <p>GIS Updates: Put together an online map for Lisa Yoder that shows open space.</p> <p>Worked on a parcel update, one area in Weber Canyon isn’t lining up, so coordinates were collected for two monuments with the GPS.</p> <p>Facilitated GIS training for the two employees in the Recorder’ office.</p> <p>Set up a meeting with Wasatch County and Allwest regarding addresses on Bench Creek Rd which starts in Summit County, crosses the river into Wasatch County and then back into Summit County.</p> <p>Attended the Envision Tomorrow Plus training with Sean Lewis, Planning, at University of Utah.</p> <p>Envision Tomorrow Plus is a toolbox add-in for ArcGIS to build planning scenarios.</p> <p>Support incidents October 4 – November 13 288 tickets opened and 335 resolved with 295 still open.</p>
Library	<p><u>Submitted by Dan Compton, Library Director:</u></p> <p><u>Food for Fines</u> will run November 18 - 30 this year. For every can of food donated, we will waive \$1 in</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>library fines. All food items collected will be donated to local food banks.</p> <p><u>2nd Annual Stuffed Animal Sleepover</u> Friday, November 15 - check-in at 5:00 p.m. Yes! Your stuffed animal buddies get to have another sleep over at the library! I know they're excited, because last year was SO much fun. Bring your buddies for check-in between 5-6 on Friday night, then return to watch a short film of their crazy overnight adventures Saturday morning at 10:30 a.m. Every stuffed animal needs emergency contact info, in case they want to go home early. (You never know.)</p> <p><u>Scholastic Book Sale</u> - Sponsored by Friends of the Summit County Library Kimball Junction Branch - 1885 W. Ute Blvd., Park City, UT 84098 - 435-615-3900 Thursday, November 21 - 1:00pm-8:00pm Friday, November 22 - 8:00am-8:00pm Saturday, November 23 - 10:00am-8:00pm Sunday, November 24 - Noon-5:00pm</p> <p><u>E-Book Demos - OverDrive</u> Come learn how simple it can be to check out and read an E-Book on your smartphone, tablet, or computer using OverDrive. You are welcome to bring your own device. The Kamas Branch will host demos on Wednesday, November 6th, 13th, and 20th at 4:00 p.m. The Kimball Junction Branch will host demos on Wednesday, November 13th and 20th at 5:00 p.m. The Coalville Branch will host a demo on Thursday, November 21st at 4:30 p.m.</p> <p><u>Gettysburg Address Recital Party</u> Kimball Junction Branch Tuesday, November 19th 5:00-6:00 p.m. November 19, 2013 is the 150th anniversary of Lincoln's landmark Gettysburg Address. We invite you to join Utah students and their families in memorizing and applying the timeless principles contained in the two-minute masterpiece. All of our branches have cards with the Gettysburg Address printed on them, so ask for one at the library today and start memorizing! Stop by any time from 5:00-6:00 p.m. for light refreshments and attempt to recite the Gettysburg Address. If you can recite it in its entirety from memory, you will be entered in a drawing to win a DVD copy of Lincoln (2012) starring Daniel Day-Lewis or the book Who Was Abraham Lincoln? by Janet Pascal for the 12 and under division. We will have 3 different age divisions: 12 and under, 13-18, and 19 and up. To learn more about this initiative, please visit gettyready.org</p>
Mountain Regional Water	
Park City Fire Service District	<p><u>Submitted by Chief Paul Hewitt:</u> See attached Monthly Operations Report</p>

Personnel	<p>Submitted by Brian Bellamy, Personnel Director:</p> <p>Personnel</p> <ol style="list-style-type: none"> 1. Jobs Advertised <ol style="list-style-type: none"> a. Motor Vehicle Tech – Closed November 1 b. Corrections Officer – Closes November 15 2. Applications Received <ol style="list-style-type: none"> a. Motor Vehicle Tech – 34 b. Corrections Officer - 65 3. Job Offers Made <ol style="list-style-type: none"> a. Custodian - accepted b. Physical Therapist - accepted c. Planning and Zoning Administrator - accepted 4. Interviews/Testing set up - 26/0 5. Positions Advertised in 2012/2013 – 28/34 6. Applications received in 2012/2013 – 1271/1541 7. 0 new hire orientation 8. 0 E-verify (Due to Federal Government shutdown) 9. 0 seasonal employee furloughed 10. 94 letters sent to unsuccessful candidates 11. 1 new Worker’s Comp claim filed 12. 1 employee out on Worker’s Comp 13. 0 employees returned to work from Worker’s Comp 14. 1 employee on Worker’s Comp light duty 15. 0 new disability claim filed, includes FMLA documentation 16. 1 employee on short term disability 17. 2 employees on disability light duty 18. 0 unemployment claim filed 19. 0 employee resigned their positions 20. 0 employee retired 21. 0 employee terminated 22. 3 pre-employ drug test 23. 5 random DOT drug tests 24. 1 random DOT alcohol test 25. 0 post accident drug test 26. 3 employees met personally with 401k representative 27. Worked with Department Heads and employees on evaluations 28. Met with Health consultant 29. Multiple meetings regarding Health Care 30. Met with PCFD, MRW, SBR regarding employee health insurance 31. Worked on biometric screenings 32. 244 Summit County employees participated in biometric testing 33. PCFD and MRW had open enrollment meetings 34. IT continuing to digitize former employee personnel records – now at the letter “M” 35. Multiple requests for salary and policy information from other agencies 36. Multiple telephonic and in person verifications of employment 37. Meetings regarding the 2014 Budget 38. Working on Personnel Policy changes 39. Worked with two department heads and County Attorney regarding employee discipline issues 40. Met multiple times with department heads and employees regarding employee issues 41. Continue to answer public inquiries regarding county employment
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	<p>42. Serve county employee's needs</p> <p>Animal Control</p> <ol style="list-style-type: none"> 1. 13 dogs are in the shelter along with 28 cats. <ol style="list-style-type: none"> a. 17 new animals were received by Animal Control b. 4 dogs were transferred c. 14 cats were transferred d. 0 dogs adopted e. 0 cat adopted f. 7 dogs claimed by owner g. 0 cats claimed by owner 2. Officers ran 91 details 3. Met with Leash Law Task Force 4. Recruited new dog rescue group
Public Works	<p><u>Submitted by Derrick Radke, Public Works Director:</u></p> <p>Road Crew</p> <ul style="list-style-type: none"> • Completed County Crew Hauling of Road De-Icing Salt from Redmond, UT • Clean Culverts • Cleaned Debris from Box Culvert & other Large Diameter Culvert and Spring Hollow on Chalk Creek Road • Started Edge/French drain along Hidden Cove Road at Rasmussen Road • Build rock wall on W. Hoytsville Road to extend shoulder • Installed concrete pad at 3-Mile Landfill for House Hold Hazardous Waste disposal area • Sign Build/Installation/Replacement, Marking of new Medians on Landmark Drive and Newpark Drive • Budget Review w/Manager • RFP survey of Echo Road R/W, Easement w/UP • One Snow Event November 5th. <p>Weed Dept.</p> <ul style="list-style-type: none"> • Bio-Weed Control Conference in Jackson, WY • Began working on Educational pamphlets <p>Solid Waste</p> <ul style="list-style-type: none"> • The concrete addition was completed at the 3-mile Household Hazardous Waste area • Meetings were held discussing the possibilities of expanding the landfill hours at the 3-mile landfill to 10-hr days. • Met with Republic regarding the 10-hr days at 3-mile and requested that they get back to us on whether or not they can separate their residential waste from their household waste. (This would allow us to raise rates for commercial/business waste, while leaving the residential waste scale charges the same) • The state of Utah is reviewing our permit modification/new cell expansion and has responded with a series of questions and clarifications. We responded back by answering those questions. • Completed a report for the Council on a recycling update. Presentation date TBD. <p>Wildland Fire</p> <ul style="list-style-type: none"> • Winterization of Equipment <p>Fire Wardens' Year End Meeting in Price, UT</p>
Recorder	
Treasurer	
Sheriff	
Snyderville Basin	

Recreation	
USU Extension	<p><u>Submitted by Sterling Banks:</u></p> <ul style="list-style-type: none"> - Summit County/USU Extension office conducted their annual Summit County 4-H Awards program with 120 4-H members, parents and guests attending. Approximately 90 Summit County 4-H members (youth) and leaders (adults) were recognized for their accomplishments during the past year. - Summit County/USU Extension staff conducted an “agriculture in the classroom” program for the North Summit Elementary School involving approximately 80 students. - Summit County/USU Extension office oversees the scheduling/maintenance of the Summit County stockyards. During the past two months approximately 4500 calves and 1000 lambs were weighed and shipped from the stockyards involving approximately 65 ranchers

COMMUNITY DEVELOPMENT

- The department received 15 new building applications and 5 new planning applications this past week as follows:

NEW BUILDING PERMITS November 7 - 13, 2013

Number	Full Address	Description	Tax ID
2013-1588	9775 SILVER CREEK RD North	Replace Boiler	SL-B-199
2013-1591	1418 WILLOW LN West	Photovoltaic Permit	SLS-133
2013-1592	1565 VILLAGE ROUND	Photovoltaic Permit	PWV-A-39
2013-1593	8818 CHEYENNE WAY North	Photovoltaic Permit	JR-4-4061
2013-1594	8830 SILVER SPUR RD North	Deck Repair / Railing	JR-14
2013-1602	1784 UINTA Way	TI / Freebirds Burrito's	VKJ-SPA-1E
2013-1586	5769 STATE ROAD 32 North	Install new furnace and chimney liner	CD-31-2
2013-1590	935 WILLIAMSTOWN CT East	New Furnace	SMT-A-95
2013-1595	5769 STATE ROAD 32 North	Replace water heater and install flue liner	CD-31-2
2013-1596	5100 COVE CANYON DR	Heat Tape Inspection. Contact Doug	CSP-2A-A
2013-1598	1694 PHEASANT Way West	Bathtub replacement	SPC-A-45
2013-1600	8589 MEADOW VIEW RD North	Skating rink inside barn / personal use	SL-B-105
2013-1597	565 E 3200 North	Barn / shop	WFLD-3
2013-1599	7182 SILVER CREEK RD North	Commercial Hood / Catering Business	SL-I-7-1
2013-1601	260 HILLTOP RD West	Install replacement furnace for heating	FT-47-B

**Planning Applications
November 7 - 13, 2013**

Project Number	Description
2013-781	Canyons Cloud Dine Addition TUP Temporary Use Permit PP-8-A 4000 Canyons Resort Drive
2013-782	Ramirez Dog Kennel CUP Conditional Use Permit CD-36-7 4733 Browns Canyon Rd
2013-783	E. Stephens Lot 3 PA Plat Amendment 2147 N. East Henefer Road
2013-784	Highland Estates Valdez LOR Lot of Record HE-A-396 150 East Highland Dr
2013-785	Park City Nursery Quarry Village 2013 Temporary Use Permit Kilby & Pinebrook

Respectfully Submitted, Patrick Putt
Community Development Director

Monthly Operations Report - October 2013

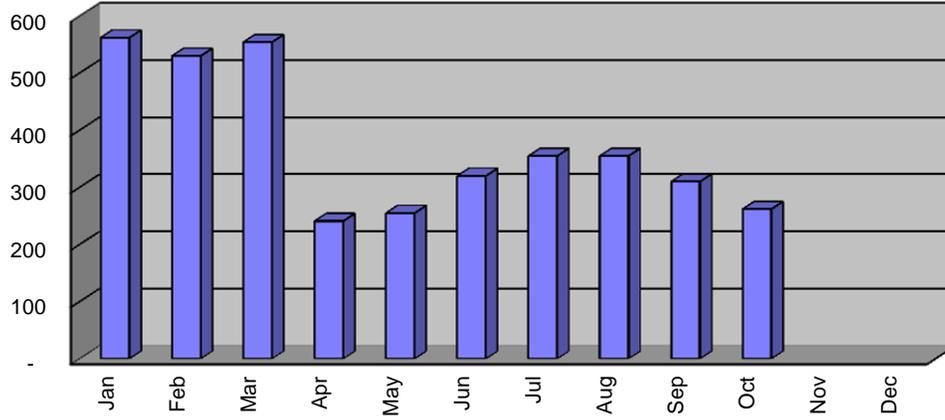
Park City Fire District



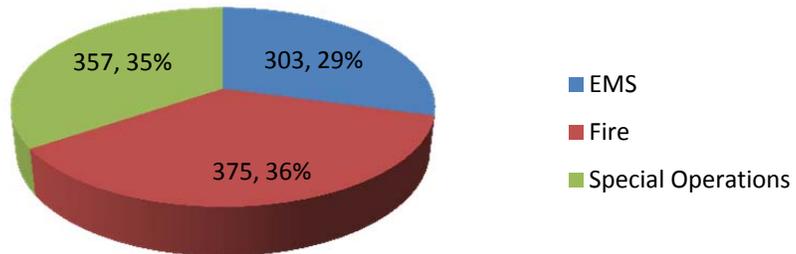
Trench Training – October 28, 2013

Monthly Operations Report October - 2013

Monthly Calls - 2013



Total Training Hours by Category - October 2013 Park City Fire District



Monthly Operations Report October - 2013

Fire Summary

This month's department fire training focused on the use of a blitz monitor in conjunction with a vent, enter, and search drill. This drill was performed at the training tower with the use of live fire. The Blitz monitor was used to provide a rapid fire knockdown from an exterior position. This tactic provides valuable time for the completion of a known occupant rescue.

During the month of October all PCFD employees completed a two hour classroom refresher on driving safety. The training consisted of four driver safety videos combined with a written assignment.

This month the quarterly training for engineers was completed. Engineers were given a two hour refresher on engine and pump operations. The class was split evenly between classroom and hands on.

Miscellaneous:

Annual Department hose testing commenced and was mostly completed. Crews tested all hose in service on vehicles, in stations, and in fire caches. Several hoses have failed dramatically, reinforcing the need for safety during this process.

The new Engine 33 was delivered and is now in service at Station 33.

EMS Summary

Dr. Macintosh, instructed and updated fire personnel on changes in PKMC's ability to treat psychiatric/behavioral problems at the hospital. In the past, crews typically would transport such patients to UUMC or UNI in SLC. PKMC has personnel to treat and manage the patient now and will see any and all patients fitting these criteria. This change can be beneficial for PCFD by allowing crews to transport locally remaining available in the district versus a 2 hour transport to SLC.

A newly designed backboard was put into service at station 31 for testing by personnel. The Backboard was designed by an ER physician and incorporates a strap device at the head allowing employees to lift patients while not sacrificing proper lifting position or more importantly their backs. The design utilizes the latest plastics technology and engineering to provide the strength and security needed while remaining functional providing the before mentioned safety to our employees

Special Operations

During the month of September, all PCFD Special Operations crews were involved in rope rescue training. The 5-7 hour training involved rope rescue scenarios and skills involved in the treatment, packaging, and rescue of victims trapped above the ground.

October also involved annual trench rescue training for all Special Operations crews. The training was 2 full days in length and incorporated a 9' deep trench behind the PCFD training facility. Crews must be extra vigilant and skilled during this type of training as the trench poses a real hazard even while training. Following the completion of the training, the Utah State Certification Council tested the participants on their

Monthly Operations Report October - 2013

skill set. PCFD will be the first fire agency in Utah to receive certification from the Utah Fire Training Certification Council in the trench rescue specialty (Figure 3 & 4).

Station 36 (Capt. Pendleton, Engineer Jolley, and Tech Specialist Holmes) also delivered HazMat training to the new recruits. This level of training will prepare them for responding to simple HazMat emergencies such as CO, Natural Gas, and other gas/fuel leaks. They learned basic decontamination procedures and how to operate safely in a contaminated environment.

Other Training

All crews completed Emergency Vehicle Operation training as required yearly safety training. Crews viewed several videos covering common dangers/practices while operating vehicles and individually submitted reports outlining lessons learned from the videos.

Shift captains attended training on techniques on using ground ladders to remove injured patients from above ground locations. The training involved sliding backboards down ladders and using ladders as an “extension” of the backboard to pass a patient down from a 10’ drop. This technique is commonly known as a “moving ladder slide”.

C shift personnel also received training on air monitoring equipment and techniques. This training was delivered via a webinar from Firehouse.com. The training serves as a great refresher for the crews, especially with the upcoming winter season that always brings an increase in carbon monoxide and gas leak incidents

Additional Highlights

Fire Prevention Month All crews participated in visiting area schools (Creekside Kids, Parley’s Park, Jeremy Ranch Elementary, Park City Day School and Shining Stars) reviewing fire safety with the children (figure 2).

Football Standbys were ongoing during October at PCHS

PCFD ordered new SCBA; face pieces, and communication equipment, from Drager Safety. This equipment was mainly purchased for the new PCFD recruits that will be graduating in December.

10/5 BC Harwood and Station 33 (Cpt. Boyd, Eng. Emery, and PM Greenwood) assisted Chief Hewitt in hosting an auctioned dinner with proceeds donated to Speedy Foundation (to fight depression/mental illness). Crews gave a tour of the fire engine, answered questions about PCFD, and assisted the Chief in tending to the guests needs (figure 1).

On 10/15, E35, A35, A38, and BC3 were involved in a mass casualty (MCI) drill in South Salt Lake. The PCFD units were the first units on scene, followed by 40-50 other fire and EMS units from the Salt Lake Valley. The MCI exercise was the largest in state history and involved the triage, treatment, and transport of approximately 80 victims of a simulated school shooting. In addition to the numerous other fire/EMS agencies, local air ambulance providers and Salt Lake valley hospitals were also involved.

Monthly Operations Report October - 2013

On 10/3, PCFD standby crews performed medical standby duties on a TV commercial shoot involving Olympic athletes. The shoot involved several Park City locations.

10/31/2013 Station 35 personnel were asked to be the judges of a costume contest at the Tanger Outlet Mall. The crew judged many costumes and performed PR activities while onsite. Crews also participated in the Halloween festivities on Main Street.

Significant Incidents

10/6 Station 37 responded to (address omitted) for an adult male in his 60's in full arrest. A37 attempted resuscitation and transported the patient to PKMC where he expired.

10/28, E35, A35, and Backcountry 37 performed a rescue and evacuation of a mountain biker on the (location omitted). It took approximately 1 hour to carry the biker to the ambulance for transport to the PKMC

Butch Swenson the long time Summit County Emergency Planner passed away this month. PCFD crew/engine and Chief Hewitt attended Butch's funeral 11-2.

Monthly Operations Report October - 2013



Figure 1

Figure 2



Figure 3



Figure 4

**SUMMIT COUNTY
PUBLIC WORKS DEPARTMENT**

**2014 BUDGET PRESENTATION
TO THE
SUMMIT COUNTY COUNCIL**

NOVEMBER 20, 2013

PUBLIC WORKS 2014 BUDGET PRESENTATION

▣ SERVICES PROVIDED BY PUBLIC WORKS

- Responsible for maintaining all designated county roads. Maintenance includes:
 - ▣ Snow removal
 - ▣ Pavement Maintenance, inclusive of Pothole Patching, Major Patching, Overlays and Seal Coats
 - ▣ Road sign placement and repairs
 - ▣ Storm Water Management, inclusive of street sweeping, drainage maintenance, monitor and assist flood control activities.
 - ▣ Design and Construction Management of County Road Maintenance and Improvement Projects
 - ▣ Weed Control on Public Property and Cooperatively on Private Property
- Additional programs managed by Public Works Administration include:
 - ▣ Solid Waste Disposal and Recycling
 - ▣ Engineering Review of Development Projects and Construction
 - ▣ Regional transit
 - ▣ County Fire Warden

PUBLIC WORKS 2014 BUDGET PRESENTATION

- ▣ **PUBLIC WORKS ROLE IN IMPLEMENTING THE COUNCIL'S STRATEGIC PLAN**
 - **Strong Fiscal Foundation**
 - ▣ Implement Pavement Preservation Strategies to prolong the life of existing pavements
 - ▣ Use innovative construction to promote recycling of existing roadway materials and minimize virgin materials
 - ▣ Widen existing Roadways to improve capacity only when no other solution is viable
 - **Planning & Collaboration**
 - ▣ Transportation Planning with local and regional partners
 - ▣ Traffic Monitoring and information sharing
 - **Multi-Modal Transportation**
 - ▣ Development of new sidewalks, paths and bicycle lanes into new and existing roads whenever possible
 - ▣ Provide “No-Fare” Transit Services in the Snyderville Basin tied to Regionally Significant Areas (Park City Municipal and Salt Lake City)
 - ▣ Transit Planning with Regionally Significant Areas (Park City Municipal and Salt Lake City)
 - **Environmental Stewardship**
 - ▣ Storm Water Pollution Prevention Ordinance Enforcement
 - ▣ Storm Water Pollution Prevention Plan Development and Monitoring

PUBLIC WORKS 2014 BUDGET PRESENTATION

- ▣ **Public Works Involvement in the Council's Priority Performance Objectives 2013-2014**
 - Adopt a revised Snyderville Basin Transportation Plan.
 - Adopt an Eastern Summit County Transportation Plan.
[COMPLETE]
 - Adopt an air and water [Storm Water] quality strategy.
 - Adopt a Solid-Waste Master Plan.

PUBLIC WORKS 2014 BUDGET PRESENTATION ROAD PROJECT HIGHLIGHTS

Capital Road and Major Road Maintenance 2013 - 2014 Budget Comparison

Category	2013								Total Requested	Total Approved
	Municipal		SA#6		SA#8		Class B			
	Requested	Approved	Requested	Approved	Requested	Approved	Requested	Approved		
Capital Road Improvement	\$ 675,000	\$ 675,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 675,000	\$ 675,000
Road Reconstruction	\$ 1,200,000	\$ 650,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,200,000	\$ 650,000
Overlay	\$ 787,000	\$ 560,000	\$ 468,000	\$ 47,000	\$ -	\$ -	\$ 87,000	\$ 87,000	\$ 1,342,000	\$ 694,000
Seal Coat Projects	\$ -	\$ -	\$ 219,000	\$ 98,000	\$ 175,000	\$ 175,000	\$ 177,000	\$ 177,000	\$ 571,000	\$ 450,000
Other	\$ 425,000	\$ 425,000	\$ -	\$ -	\$ 205,000	\$ 205,000	\$ 215,000	\$ 140,000	\$ 845,000	\$ 770,000
TOTAL	\$ 3,087,000	\$ 2,310,000	\$ 687,000	\$ 145,000	\$ 380,000	\$ 380,000	\$ 479,000	\$ 404,000	\$ 4,633,000	\$ 3,239,000
Category	2014								Total Requested	Total Approved
	Municipal		SA#6		SA#8		Class B			
	Requested	CM Rec.	Requested	CM Rec.	Requested	CM Rec.	Requested	CM Rec.		
Capital Road Improvement	\$ 2,225,000	\$ 2,225,000	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 2,225,000	\$ 2,225,000
Road Reconstruction	\$ 2,081,000	\$ 2,081,000	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 2,081,000	\$ 2,081,000
Overlay	\$ 726,000	\$ 551,000	\$ 227,000	\$ 227,000	\$ 300,000	\$ 300,000	\$ 170,000	\$ 170,000	\$ 1,423,000	\$ 1,248,000
Seal Coat Projects	\$ -	\$ -	\$ 536,500	\$ 242,050	\$ 85,000	\$ 85,000	\$ 345,000	\$ 345,000	\$ 966,500	\$ 672,050
Other	\$ 307,700	\$ 107,700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 307,700	\$ 107,700
TOTAL	\$ 5,339,700	\$ 4,964,700	\$ 763,500	\$ 469,050	\$ 385,000	\$ 385,000	\$ 515,000	\$ 515,000	\$ 7,003,200	\$ 6,333,750
Difference 2013 v. 2014	\$ 2,252,700	\$ 2,654,700	\$ 76,500	\$ 324,050	\$ 5,000	\$ 5,000	\$ 36,000	\$ 111,000	\$ 2,370,200	\$ 3,094,750

PUBLIC WORKS 2014 BUDGET PRESENTATION ENGINEERING HIGHLIGHTS

- ▣ SPECIAL PROJECTS
 - STORM WATER POLLUTION PREVENTION PLAN
 - ▣ REQUIRED BY UTAH DEQ & EPA
 - ▣ SUMMIT COUNTY WILL BE DESIGNATED AS AN MS4 LATE 2013 or EARLY 2014
 - ▣ PLAN REQUIRED WITHIN 12 MONTHS
 - ▣ IMPLEMENTATION REQUIRED WITHIN 12 to 18 MONTHS

 - SNYDERVILLE BASIN TRANSPORTATION PLAN UPDATE – COMPREHENSIVE PLAN
 - ▣ PROJECT ADDED AFTER INITIAL BUDGET PRESENTATION
 - ▣ ESTIMATING \$100,000 CONSULTANT FEE

 - DESIGN AND CONSTRUCTION MONITORING OF \$6.33 MILLION IN ROAD MAINTENANCE AND IMPROVEMENT PROJECTS (if approved by Council)

 - REVIEW OF AN INCREASING NUMBER OF NEW DEVELOPMENT PROJECTS

PUBLIC WORKS 2014 BUDGET PRESENTATION

WEED DEPARTMENT HIGHLIGHTS

- ▣ ACRES TREATED 2013
 - Helicopter Spray: Spring = 1575 AC; Fall = 1680 AC Total of 3255
 - Public Lands Treated = 1425 AC.
 - Private Property (Based on Chemical Sales) = 2450 AC.

- ▣ ACRES ESTIMATED TO BE TREATED 2014
 - Helicopter = 3500 to 4000
 - Public Lands = 1400 to 1600
 - Private Property (Based on Chemical Sales) = 3000

PUBLIC WORKS 2014 BUDGET PRESENTATION

WILDLAND FIRE HIGHLIGHTS

- ▣ “Lowlight” of the 2013 Season
 - Rockport Fire
 - Main Change for the 2014 Budget is the Suppression Cost to be paid to Utah Division of Forestry, Fire, & State Lands goes up by \$16,600 based on Average Cost from 2006 – 2012 (Low and High tossed out)
- ▣ “Highlight” for the 2014 Season
 - NO FIRES 😊

PUBLIC WORKS 2014 BUDGET PRESENTATION TRANSIT HIGHLIGHTS

- ▣ Estimated Contractual Cost Increase with PC Transit will go up by approximately \$145,250
- ▣ Ridership on the Summit County-PC-SLC Connect continues to rise, however not enough to offset the maximum contractual payment to UTA of \$235,000

- ▣ INSERT GRAPH

PUBLIC WORKS 2014 BUDGET PRESENTATION

SOLID WASTE HIGHLIGHTS

▣ **Budget Background:**

- In 2013 the landfill budget was set up as an Enterprise Fund
- Revenues collected from incoming waste needs to match the operational expenses and new cell development and closure

▣ **Life of Current Landfill and New Cell Development:**

- The original landfill site is estimated to be full and reach its capacity in the fall of 2017.
- Existing plan to expand the landfill to serve for an additional 40 years in the current location is being reviewed by DSHW
- The new expansion would take place in 5 stages/cells and will cost an estimated \$100,000 per acre.
- The first cell needs to be ready for waste in the fall of 2017 and will cover approximately 7 acres at a cost of \$700,000.
- There is no reserve for this new development the current budget

▣ **Revenue Solutions:**

- A plan will be presented to Council early in 2014

▣ **Increase Service Hours at 3-Mile Landfill:**

- Request from Republic Services to extend operating hours at 3-Mile
- Will require additional Part Time Personnel

PUBLIC WORKS 2014 BUDGET PRESENTATION SOLID WASTE HIGHLIGHTS

RECYCLING SUCCESS

County Curbside Tons Recycled by Month

Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13
228	132	134	111	132	116	240	345	300	330	327	329	362	280	317	325	314	276	365	347	308	338
142		Average BEFORE County curbside Program											324		Average AFTER County curbside Program						

	Landfilled @ (3-mile)	Recycled @ Landfill	Recycled @ Curbside	Recycle Utah	Total Recycled	% Diverted
2012	36,808	286	2,724	1,571	4,581	12.4
2013 YTD	28,834	1,211	3,234	1,309	5,754	20.0



County Council Staff Report

Subject: Solid Waste/Landfill Budget Issues
Author: Jaren Scott
Department: Solid Waste
Date: November 20, 2013
Type of Item: Budget Hearing

Services Provided:

County Curbside Tons Recycled by Month

Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13				
228	132	134	111	132	116	240	345	300	330	327	329	362	280	317	325	314	276	365	347	308	338				
	142	Average BEFORE County curbside Program											324	Average AFTER County curbside Program											

	Landfilled @ (3-mile)	Recycled @ Landfill	Recycled @ Curbside	Recycle Utah	Total Recycled	% Diverted
2012	36,808	286	2,724	1,571	4,581	12.4
2013 YTD	28,834	1,211	3,234	1,309	5,754	20.0

Budget Background:

In 2013 the landfill budget was moved from the General Fund to an Enterprise Fund. The revenues collected from the tonnage coming into the landfill needs to match the operational expenses as well as fund the new cell development and closure funds.

2014 Budget Estimates and Figures:

In 2014 the Landfill's estimated operational expenses are \$1,315,543 and the revenue is estimated at \$1,262,720. The estimated revenue is short of the operational expenses by \$52,823.

Life of Current Landfill and New Cell Development:

The original landfill site is estimated to be full and reach its capacity in the fall of 2017.

Currently, the state DSHW is reviewing a plan to expand the landfill by an additional 40 years in the current location, but on property that has never operated as a landfill. This means that the new cell expansions will need to be designed to the industries best standards by having a liner system and sump system. The new expansion would take place in 5 stages/cells and will cost an estimated \$100,000 per acre. The first cell needs to be ready for waste in the fall of 2017 and will cover approximately 7 acres for a development cost of \$700,000.

In regards to the current budget, there is no reserve for this new development.

Revenue Solutions:

In July 2013, the Council made the first immediate steps to alleviate the budget shortfall by instituting charges on Green Waste and animal carcasses. We won't know the extent of these changes until they have been implemented and tracked for a longer period of time.

The most obvious solution to increase revenue would be to increase the tipping fees charged at the Summit County landfills. Currently each ton is charged \$25 with a \$10 minimum.

We have a contract with Republic/Allied for the years 2012-2017 that prohibits us from charging more for the residential waste. However, we could increase the tipping fees on the commercial/construction waste without affecting this contract. Our total annual tonnage at the 3-mile landfill is 37,000 tons with 70% of that being municipal (25,900 tons). So, 11,100 tons at 3-mile and 14,000 tons at Henefer (total of 25,100 tons) of waste could be charged at a higher tipping fee.

It is not my goal to make any changes today, but to make you aware of this issue and readdress it in the near future when we have enough data to make an appropriate decision.

Increase Service Hours at 3-Mile Landfill:

Since I arrived in February of this year, Republic/Allied has requested longer hours of operation at our 3-mile facility. We are currently open from 8am to 4pm Mon-Sat. Commercial loads are required to be at the landfill to dump by 3:30pm so that the waste can be compacted and covered by 4pm. These hours put a strain on Republic and oftentimes they have to leave their trucks loaded

overnight. Leaving trucks full of waste creates a fire hazard and could cause the loss of their fleet.

I have performed an analysis of changing the 3-mile schedule to Mon-Sat 7am-5pm. This schedule is possible to accommodate with the re-addition of a part-time employee. I had a part-time employee resign when I first started and I chose, at that time, to not rehire the position.

There are a few positives from increasing the service hours at 3-mile. First, Republic would be able to better service their routes and empty their trucks both earlier in the morning and later in the evening. Also, the general public would have more access to the landfill. Nearly every day we have complaints from those who got to the landfill after hours and had to turn around and take their load back home.



TIFFANIE NORTHRUP-ROBINSON
PLANNER II

STAFF REPORT

For: Summit County Council – “SCC”
Date of Report: November 13, 2013
Date of Meeting: November 20, 2013
Department: Community Development
Author: Tiffanie Northrup-Robinson, Planner II
Title: Silver Creek Business Park Lot 9, 10, 11 & 12 Plat Amendment/Ord. 344-A
Public Hearing/Possible Action - Plat Amendment and Ordinance Amendment

Executive Summary:

The applicant, Robert Holmes, recently received approval of a Conditional Use Permit to construct a storage facility consisting of 5 individual buildings, as well outdoor storage for boats, RV’s and U-Haul rental on lot 9 of the Silver Creek Business Park. However, in conjunction with this approval, the applicant is proposing to amend Silver Creek Business Park Lot 9, 10, 11 & 12 Subdivision plat to adjust a lot line and combine lots; as well as amend ordinance 334 to modify the recorded open space, grading and landscaping plan (**EXHIBIT A**).

Based upon Staff’s review and analysis, Staff finds that the request complies with the Snyderville Basin General Plan, and the Snyderville Basin Development Code, and recommends that the SCC hold a public hearing and vote to approve the request for the proposed Silver Creek Business Park Lot 9, 10, 11 & 12 Plat Amendment and adopt Ordinance 344-A.

If members of the public bring to light new concerns or issues that may affect these findings, the SCC may instead choose to continue the decision to another date, or may choose to deny the application with appropriate findings.

A. Project Description

Project Name: Silver Creek Business Park Lot 9, 10, 11 & 12 Plat Amendment
Ordinance 344 amendments
Applicant(s): Robert Holmes
Owner(s): Lot 9, LLC & Fisher Creek, LLC
Location: Silver Creek Business Park
Zone District: Community Commercial (CC) (**EXHIBIT B**)
Adjacent Uses: Storage/Office/Retail
Parcel Information: SCPC-9-AM, SCPC-10-AM, SBPC-11-AM, SBPC-12-AM, approx. 6.28 acres
Lot of Record Status: Yes
Type of Item: Plat Amendment and Ordinance Amendment
Land Use Authority: SCC for Plat Amendment and Ordinance Amendment
Type of Process: Administration & Legislative
Future Routing: None

B. Background

The Silver Creek Business Park was originally recorded on June 30, 1997 and consists of 13 lots. In 1999, an amendment was approved and adopted by the Board of County Commissioners by Ordinance 334 to the specific plan and an amended plat was recorded (**EXHIBIT C**). Along with the amended specific plan and subdivision plat, a detailed open space and landscaping plan was required to be recorded as a condition of approval (**EXHIBIT D**). This was to ensure that adequate open space was achieved and view corridors were maintained throughout the development.

The applicant would like to adjust the current lot lines between lot 9 to 10 to make the parcel slightly larger, combine lots 10, 11 and 12 together and place a building pad on the lot and also move the existing platted open space that is currently shown on and between lots 9, 10, 11 and 12. The open space would be maintained on the back side of these lots adjacent to Hwy 40 and all of the existing lot 12, which has restrictions due to wetlands on the parcel, will now be entirely open space. Because the subdivision, open space and landscaping was approved as part of a specific plan that was adopted by ordinance, the Summit County Council would have to approve the amended plat and the ordinance modifying the open space and landscaping plan.

On March 26, 2013 the SBPC reviewed the proposed applications during a work session and provided initial feedback for the applicants prior to moving forward. Some of the primary concerns that the SBPC felt still needed additional information specifically the zero setback issues, additional berming on the south side of the project to reduce the visibility of the structure from Hwy 40, detailed landscaping to be consistent in terms of quantities and quality with the original adopted landscaping plan, and modifications to the architecture, specifically breaking up the south and west walls to break it up. On September 10, 2013 the SBPC held a public hearing and approved the Conditional Use Permit with several conditions, including that the SCC must approve the proposed amended plat, modified open space and landscaping, through adoption of an Ordinance (**EXHIBIT E**).

C. Community Review

This item has been correctly noticed as a public hearing to all properties within 1,000' of this parcel and also noticed in the Park Record. At the time of this report no public comment has been received.

D. Identification and Analysis of Issues

1. **Setbacks:** Based on the original recorded documents, the applicant interpreted the developable area did not require them to meet setbacks. Because the language in the Ordinance 344 is a little ambiguous and staff reports prepared at the time seemed contrary to this interpretation, the applicant is proposing to amend the plat and Ordinance to place building pads on the new lots allow for some flexibility with the setback to try and meet the intent of the ordinance at the time and current code requirements. The applicant worked with

staff to come up with a solution to meet their objectives as well as the intent of the Code. As proposed Building 4, which is directly adjacent to the existing Park City Self Storage located on lot 8, would have a zero setback on the North side of the building. As proposed, all other structures would be located within the building pad that is meeting the minimum setback requirements from Hwy 40 and side setbacks, with the exception of the require eighty (80') foot required setback from Pace Frontage Road. Staff agrees that it is more appropriate to keep the buildings closer to the street and create a greater buffer from Hwy 40. We have asked that they maintain the separation between lot 9 and 10 to create a landscape buffer in case they chose to sell the parcel to a separate party or if Lot 10 is not developed for some time.

2. **Berming:** The planning commission requested that the applicants create a berm around the structure to help hide the building, similar to the adjacent lot 8. The applicants have proposed berming, however, the code does not permit for berming to be over 6 feet in height. Staff is requesting that the proposed note on the plat that states "Final berming and grading including all berms may be adjusted for specific site conditions at the time of construction to maximize visual buffering and to fit site conditions" to include that the berms may not exceed 6 feet in height **(EXHIBIT A)**.
3. **Landscaping:** The modified landscape plan includes a significant amount of vegetation to be installed throughout the build out of these two lots. Compared to the existing approved landscaping plan, quantities are similar, however some of the material are different and only includes trees and native grasses **(EXHIBIT A)**. Additional landscaping is shown on the Conditional Use Permit site plan that includes landscaping along the front of the storage units, along Pace Frontage Road.
4. **Wetlands:** On the south end of the amended lot 10 (currently platted lot 12) is a designated wetland. The current platted lot is approximately 56' at its closest point from the edge of the wetland. With the proposed combined lots, the closest point of the lot is approximately 105' from the edge of the wetland. The current code requires a minimum 40' setback from the designated wetland area, so the amendment would increase this setback and further preserve the wetland area **(EXHIBIT A)**.

F. Findings/ Code Criteria and Discussion

The planning area goal of the East Basin neighborhood is to ***"allow those land uses and activities, which promote a neighborhood scale and appropriate economic development, and business services activities in concentrated locations access."*** This goal is supported by the policies and objectives contained in the neighborhood planning area, outline below:

1. Provide a location for industrial uses that offer quality jobs capable of supporting local families and/or an appropriate location for businesses, which serve the needs of primarily Snyderville Basin residents.

2. All major development shall be developed in a phased manner. The phasing schedule should be based on projected market absorption rates, fiscal impacts on County and Special Service Districts, and relating the provision of community amenities and needs with other land uses, showing that to the extent practicable, tax revenues will be available to the County and Special Service Districts before fiscal impacts occur.
3. Summit County will work with Park City on annexation and jurisdictional matters related to development in this neighborhood, particularly with respect to the Resort Center. It is Summit County's objective to: 1) ensure proper planning and design, 2) that community benefits, will accrue to the community as a whole, 3) and that the County and its Special Service Districts will not incur any negative fiscal impacts from the cumulative development in this neighborhood.

Staff has reviewed this application for compliance with the General Plan standards and has found no conflicts.

G. Findings/ Code Criteria and Discussion

Before an amendment to a recorded subdivision plat can be approved, it shall comply with the standards set forth in Section 10-3-18 of the Snyderville Basin Development Code:

Grounds for Vacating or Changing a Plat:

1. If the County Manager or Land Use Authority is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment, and that there is good cause for the vacation, alteration or amendment, the County Manager or Land Use Authority, may vacate, alter or amend the plat, any portion of the plat, or any road or lot.

Staff finds that the public will not be materially injured as a result of this application.

2. No plat amendment shall be approved which results in an increase in density.
The applicants are proposing to reduce the currently platted lots; therefore, there will be no increase in density as a result of the amendment.

H. Recommendation(s)/Alternative

Staff recommends that the SCC discuss the proposed Plat Amendment and modifications to Ordinance 344 for compliance with the General Plan and development standards of the Code. Staff further recommends that the SCC conduct a public hearing, take into consideration any public comment, and make approve the Silver Creek Business Park Lots 9, 10, 11 & 12 Amended Plat, though adoption of Ordinance 344-A , based on the following findings:

Findings of Fact:

1. The Board of County Commissioners approved The Silver Creek Business Park plat in 1997 and it was recorded on June 30, 1997

2. The Silver Creek Business Park consisted of 13 lots.
3. In 1999 The Board of County Commissioners via Summit County Ordinance 344 approved amendments to the specific plan, the plat and also included a recorded open space and landscaping plan for the Silver Creek Business Park.
4. The applicant, Robert Holmes, represents the owners Lot 9, LLC & Fisher Creek, LLC.
5. The subject properties are legally described as Lot 9, 10, 11 and 12, The Silver Creek Business Park Amended; and is further identified as Assessor's Parcels SCBP-9-AM, SCBP-10-AM, SCBP-11-AM, SCBP-12-AM.
6. The applicant is requesting the proposed amendment to ensure the building pads are located on the parcels indicating clear setbacks for future development.
7. The applicant is proposing to modify the open space and landscaping plan to be consistent in intent of the original approval and create a greater buffer on the south end of the property near existing wetlands.
8. The Snyderville Basin Planning Commission made a positive recommendation to the Summit County Council on September 10, 2013 for the proposed subdivision plat amendment and also for the open space and landscaping plan amendment, which was adopted by Ordinance 344.
9. Public notice of the public hearing was published in the November 9, 2013 issue of *The Park Record*.
10. Postcard notices announcing the public hearing were also mailed to property owners within 1,000 feet of the subject property.

Conclusions of Law:

1. No person will be materially injured as a result of the amendment.
2. There will be increase in density as a result of the amendment.
3. There is good cause for the amendment as overall density will be reduced as a result of the amendment.

Conditions of Approval:

1. The Summit County Assessor, Engineer, and Recorder will review the amended plat and a current title report will be provided for final review by the County Attorney prior to recordation.
2. The amended plat and amended ordinance shall be recorded within one (1) year, if approved by the SCC.

ATTACHMENTS

Exhibit A – Proposed amended plat, grading and landscaping plan and Ordinance 344-A

Exhibit B – Vicinity Information

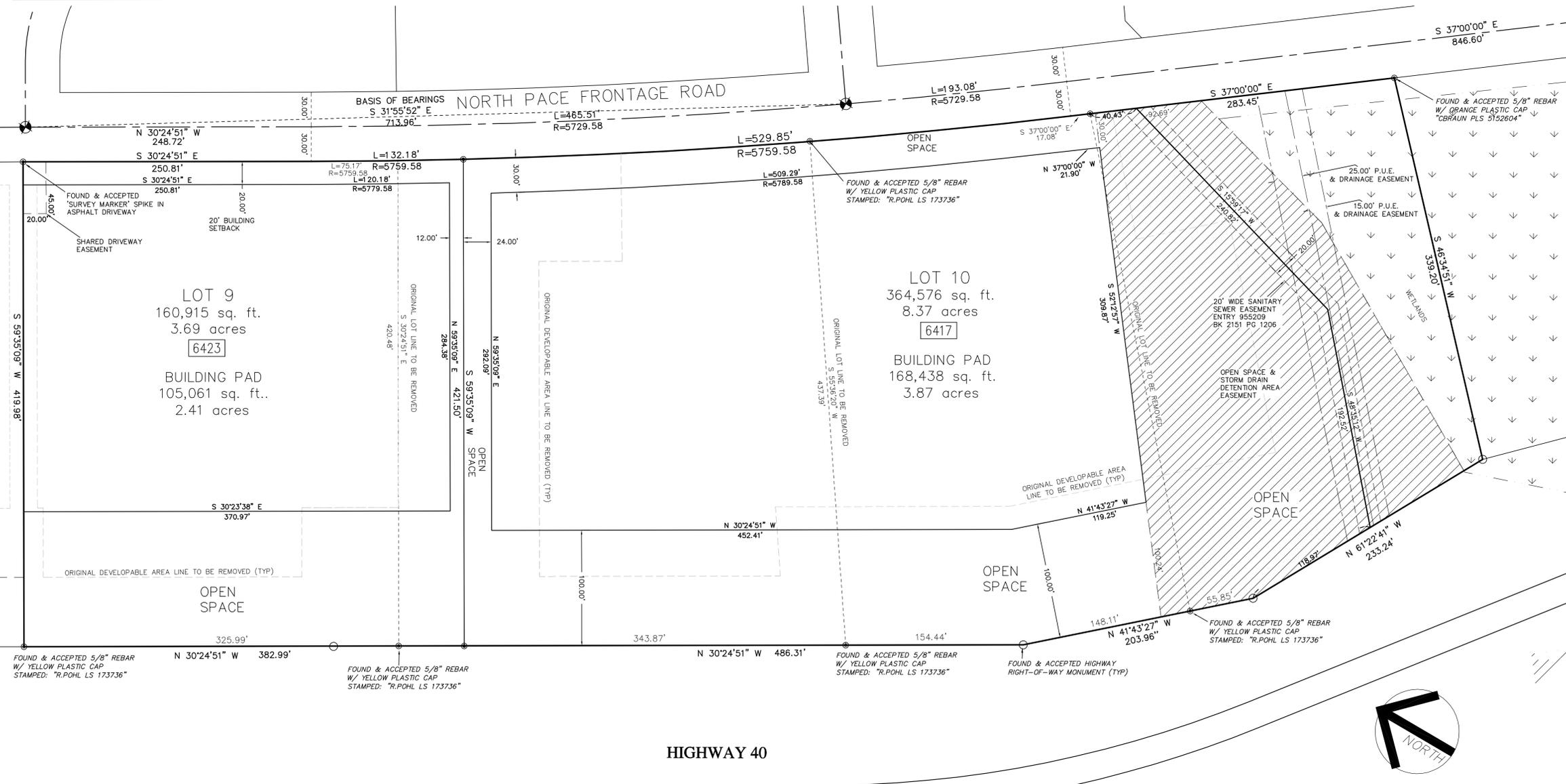
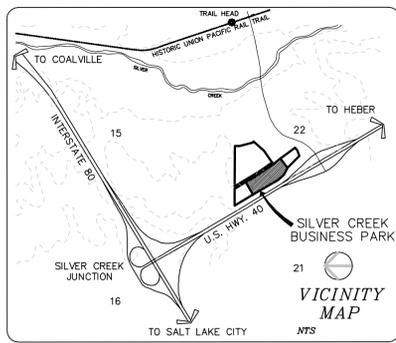
Exhibit C – Existing subdivision plat and Ordinance 344

Exhibit D – Recorded landscaping and open space plan

Exhibit E – September 10, 2013 meeting minutes

SILVER CREEK BUSINESS PARK SUBDIVISION PLAT, SECOND AMENDED AMENDING LOTS 9, 10, 11 AND 12

LYING WITHIN THE NORTHWEST QUARTER OF
SECTION 22, TOWNSHIP 1 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land, to be known hereafter as the SECOND AMENDED SILVER CREEK BUSINESS PARK SUBDIVISION PLAT, AMENDING LOTS 9, 10, 11 AND 12 do hereby certify that I/We have caused this Plat to be prepared, and I/We hereby consent to the recordation of this Plat. ALSO, the owners(s), or their representatives, hereby offer for dedication to Summit County all the streets, land for local government uses, required utilities and easements shown on the plat.

In witness whereof, We have hereunto set our hand this _____ day of _____, 2013.

BY: _____
Lot 9, L.L.C., a Utah Limited Liability Company, as to Lot 9

NAME _____
NAME _____

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of _____, 2013, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, _____, the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: _____
My Commission Expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land, to be known hereafter as the SECOND AMENDED SILVER CREEK BUSINESS PARK SUBDIVISION PLAT, AMENDING LOTS 9, 10, 11 AND 12 do hereby certify that I/We have caused this Plat to be prepared, and I/We hereby consent to the recordation of this Plat. ALSO, the owners(s), or their representatives, hereby offer for dedication to Summit County all the streets, land for local government uses, required utilities and easements shown on the plat.

In witness whereof, We have hereunto set our hand this _____ day of _____, 2013.

BY: _____
Fisher Creek, L.L.C., a Utah Limited Liability Company, as to Lot 10, 11 and 12

NAME _____
NAME _____

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of _____, 2013, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, _____, the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: _____
My Commission Expires: _____

LEGAL DESCRIPTION:
ALL OF LOTS 9, 10, 11 & 12 OF THE AMENDED SILVER CREEK BUSINESS PARK SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Summit County, Utah. I further certify that the property boundaries as shown are correct.

Christopher R. Braun _____ Date _____
PLS 5152604

NOVEMBER 2013 SHEET 1 OF 1

SCALE 1" = 50'

LEGEND

- FOUND STREET MONUMENT
- TO BE SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604"
- FOUND & ACCEPTED AS DESCRIBED
- STREET ADDRESS

- All Lots to have 12' front, side and rear yard non-exclusive public utility and drainage easements. Public utility and lot drainage easements may be relocated on an individual lot basis at the time of final site plan approval.
- Occupancy Restriction Notification. Summit County has an ordinance which restricts the occupancy of buildings within this development. Accordingly, it is unlawful to occupy a building located within this development without first having obtained a Certificate of Occupancy issued by the Building Inspector.
- This Plat is subject to the Covenants, Conditions and Restrictions for Silver Creek Business Park recorded in the Office of the Summit County Recorder in Coalville, Utah. Entry No. 483345 Book 1062 and Page 672.
- Fire Department Access Roads: An all-weather fire department access road is required to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. The all-weather fire department access road is to be maintained at all-times during construction. In the event that the all-weather access is not maintained, the Fire District reserves the right to stop work until required roads are placed back in service. [Uniform Fire Code 901.3]
- Water Supplies for Fire Protection: Water supplies required for fire protection are to be installed and made serviceable prior to the issuance of a building permit and/or combustible construction being initiated. In the event that the fire protection water supply is not maintained, the Fire District reserves the right to stop work until required water supply for fire protection is placed back in service. Water supplies for fire protection must be clearly identified in a manner to prevent obstruction by parking and/or other obstructions. Each water supply for fire protection must be marked with an approved flag to identify its location during winter conditions. [Uniform Fire Code 901.3 and 901.43]
- When Lots 9 and 10 are proposed for development approval, individually or jointly, the open space improvements within those lots shall be installed according to the final open space, grading and landscape plan as part of the conditions of approval. (See open space, grading and landscape plans on file)
- Development of lots 1-10 shall require low-impact permit approval.
- Any additional subdivision of Lots 9 or 10 is allowed. If additional subdivision occurs, the building pads identified within the plat will remain unchanged (i.e. any new lot lines will not require additional internal setbacks....etc.).
- The management of open space is subject to the recorded Silver Creek Business Park Dedicated Open Space Management Agreement (see Ordinance 344)
- Prior to building permit issuance, each lot shall receive applicable Snyderville Basin Sewer Improvement District Approval (Line Extension Agreement acceptance or System Capacity Fee acceptance) prior to receiving sewer service. Lots have sanitary sewer capacity limited by Line Extension Agreement. Any change in lot use may require a revised Line Extension Agreement.
- The Building Pads as identified on this Amended Plat is that area within which all buildings, walkways, driveways, parking areas and other improvements necessary to achieve the intended uses enumerated within the current Community Commercial (CC) zoning district, or as the Property may be zoned in the future, and has satisfied the current Development Code setback requirements from U.S. Highway 40 and the existing wetlands identified. Furthermore, all lot-line setbacks within the designated Building Pads shall be as identified on this amended Subdivision Plat. Parking lot landscape requirements must still be met per the Development Code.

Park City Surveying

P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

SUMMIT COUNTY PLANNING COMMISSION

THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE SUMMIT COUNTY PLANNING COMMISSION.

PLANNING COMMISSION _____

COUNTY MANAGER

THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE SUMMIT COUNTY MANAGER.

SUMMIT COUNTY MANAGER _____ DATE _____

COUNTY ASSESSOR

APPROVED AND ACCEPTED BY: _____ HEREBY CERTIFY THAT ALL TAXES, INTEREST AND PENALTIES OWING ON THE LAND INCLUDED IN THIS PLAT HAVE BEEN PAID.

COUNTY ASSESSOR _____ DATE _____

COUNTY ENGINEER

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

COUNTY ENGINEER _____ DATE _____

APPROVAL AS TO FORM

THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE PARK CITY FIRE SERVICE DISTRICT.

COUNTY ATTORNEY _____ DATE _____

RECORDED

ENTRY NUMBER: _____
Book _____ PAGE: _____
STATE OF UTAH, COUNTY OF _____
DATE: _____ TIME: _____
FEE PAID: _____
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER _____ EXHIBIT A1

SILVER CREEK BUSINESS PARK

LOTS 9 & 10 OPEN SPACE, GRADING AND LANDSCAPE PLANS

LOCATION MAP:



PREPARED FOR:

RONALD J. SHARP & ASSOCIATES
 RON SHARP
 ROBERT HOLMES
 LOT 9, SILVER CREEK BUSINESS PARK
 PARK CITY, UTAH 84098
 801.815.4521

CONSULTANT:

LAND PLANNING:
 LANGVARDT DESIGN GROUP
 ERIC LANGVARDT, LANDSCAPE ARCHITECT
 1525 WESTMORELAND DRIVE
 SALT LAKE CITY, UTAH 84105
 801.583.1295

SHEET INDEX:

- L1.0 COVER SHEET
- L1.1 OPEN SPACE, GRADING AND LANDSCAPE PLAN
- L1.2 OPEN SPACE, GRADING AND LANDSCAPE PLAN

PLANT SCHEDULE:

QUANTITY	SYMBOL	BOTANICAL/COMMON NAME	SIZE
TREES			
10		Acer ginnala Amur Maple	2" CAL.
10		Acer x. freemanii Autumn Blaze Maple	2" CAL.
11		Populus angustifolia Narrowleaf Cottonwood	2.5" CAL.
172		Populus tremuloides Quaking Aspen	2" CAL.
38		Prunus virginiana 'Canada Red' Canada Red Chokecherry	2" CAL.
11		Picea pungens Colorado Spruce	8'-10' Heights

NOTE: Plant quantities are for all of Lot 9 and Lot 10 open spaces identified on plans.

SILVER CREEK BUSINESS PARK

LOTS 9 & 10

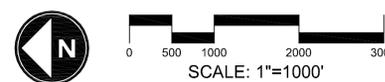
SUMMIT COUNTY, UTAH

DATE:	NOVEMBER 2013
PROJECT:	000.0000.00
DRAWN BY:	EL
REVIEW BY:	EL
VERSION:	OPEN SPACE
REVISIONS:	

SHEET TITLE:
COVER SHEET

SHEET NUMBER:

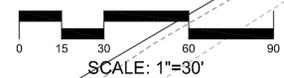
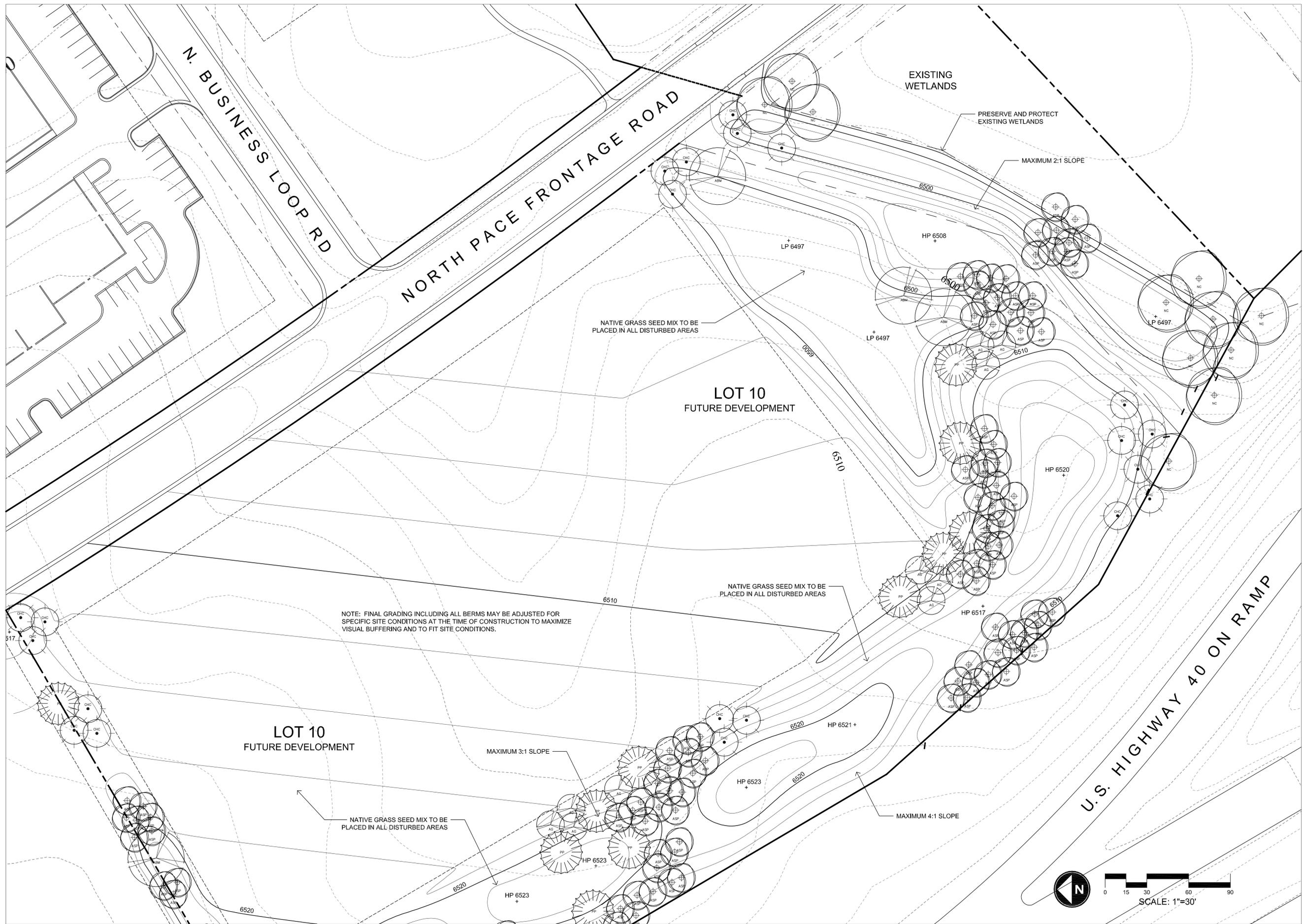
L1.0



SILVER CREEK BUSINESS PARK

LOTS 9 AND 10

SUMMIT COUNTY, UTAH



DATE:	NOVEMBER 2013
PROJECT:	000.0000.00
DRAWN BY:	EL
REVIEW BY:	EL
VERSION:	OPEN SPACE
REVISIONS:	

SHEET TITLE:
OPEN SPACE, GRADING
& LANDSCAPE PLAN

SHEET NUMBER:

L1.2

SILVER CREEK BUSINESS PARK

LOTS 9 AND 10

SUMMIT COUNTY, UTAH



DATE:	NOVEMBER 2013
PROJECT:	000.0000.00
DRAWN BY:	EL
REVIEW BY:	EL
VERSION:	OPEN SPACE
REVISIONS:	

SHEET TITLE:
 OPEN SPACE, GRADING
 & LANDSCAPE PLAN

SHEET NUMBER:

L1.1



SUMMIT COUNTY, UTAH
ORDINANCE NO. 344-A

**AN ORDINANCE AMENDING THE SILVER CREEK BUSINESS PARK SPECIFIC PLAN AND
SUBDIVISION PLAT FOR LOTS 9 AND 10 OF THE SILVER CREEK BUSINESS PARK SUBDIVISION**

WHEREAS, Fisher Creek, LLC is the Owner of certain real property located in Section 22, Township 1 South Range 4 East and better described as Lots 9 and 10 of the Silver Creek Business Park Subdivision containing approximately 14.67 acres, hereinafter referred to as the "Property"; and

WHEREAS, the Property was approved as part of a 13 lot subdivision subject to conditions set forth in the June 30, 1997 Specific Plan which was thereafter amended on June 28, 1999 by Summit County Ordinance 344. Said Specific Plan, as amended, requires that building improvements within the "Developable Area" meet the design requirements of the Development Code in place at the time of site plan review but be exempt from front, side, rear, lot-line setbacks and landscape buffers in consideration of providing the dedicated open space shown on **(EXHIBIT A)**, a detailed open space, grading and landscape improvement plan and the recorded Dedicated Open Space Management Agreement **(EXHIBIT B)** which places the responsibility of the maintenance, management, repair, and replacement of all dedicated open space on the Owner and not Summit County; and

WHEREAS, the Owner has requested the relocation of the dedicated open space areas in conformance with the intent of the 1997 Specific Plan and Subdivision Plat Code requirements and as thereafter amended and in conformance with Code Section 4.4 requiring the open space be functional; and

WHEREAS, this request would result in more functional open space as required in Code Section 4.4; and

WHEREAS, the Owner's request to relocate the dedicated open space meets the current Development Code requirements for buffer and setback areas for U.S. Highway 40 and the existing wetlands; and

WHEREAS, the Property is currently zoned Community Commercial (CC), and the Code allows for an administrative review and approval of the site plans under the CC district; the County has agreed to continue to process future development on this Property under a Low Impact Permit per Section 2.2 (B); and

WHEREAS, the Snyderville Basin Planning Commission considered the application for an amendment to the Silver Creek Business Park Lot 9, 10, 11, 12 Amended Subdivision and held a legally noticed public hearing on September 10, 2013; and

WHEREAS, the Snyderville Basin Planning Commission considered public input and forwarded a positive recommendation to the Summit County Council; and

WHEREAS, a public hearing was legally noticed and held before the Summit County Council on November 20, 2013;

WHEREAS, the Summit County Council reviewed the Silver Creek Business Park Lot 9, 10, 11 and 12 Amended Subdivision along with modified open space, grading and landscaping plan, Exhibit C;

NOW THEREFORE, in consideration of approving future development of the Property described herein, the County accepts and adopts this Ordinance with the following provisions:

The term “Developable Area” as used in the June 30, 1997 Specific Plan and the June 28, 1999 Summit County Ordinance 344 amending said Specific Plan was not defined to the satisfaction of Summit County or the Owner and it is desirable it be clearly defined herein to conform with the intent of the 1997 Specific Plan approval and 1999 Ordinance 344 where it states, “strict adherence to the requirements for landscape buffers and setbacks in the current Snyderville Basin Development Code would be too restrictive for the designated “Developable Areas”. This Amendment changes the term “Developable Area” to “Building Pad” which is hereinafter defined as follows:

Building Pad is that area within which all buildings, walkways, driveways, parking areas and other improvements necessary to achieve the intended uses enumerated within the current Community Commercial (CC) zoning district, or as the Property may be zoned in the future, and has satisfied the current Development Code setback requirements from U.S. Highway 40 and the existing wetlands identified. Furthermore, all lot-line setbacks within the designated Building Pad shall be as identified on the amended Silver Creek Business Park Lot 9, 10, 11,12 Amended Plat.

The Owner agrees to provide an amended Open Space, Grading and Landscape Plan which would help buffer the “Building Pads” and follow the original Open Space, Grading and Landscape Plan design intent, plant counts, spacing, sizes, etc; replat dedicated open space areas; and hereinafter define “Building Pads” as stated above.

NOW, THEREFORE, pursuant to the authority granted to the Summit County Council as the County Legislative Body of the County of Summit, State of Utah, the Council hereby ordains as follows:

Section 1. **Adoption.** The Silver Creek Business Park Lot 9, 10, 11 and 12 Amended Subdivision is hereby adopted by Summit County, and the Council Chair is authorized to sign and execute the amended Development Agreement.

Section 2. **No Rights Created in Third Parties.** This Ordinance is not intended to, nor shall it

be construed to create any rights, claims, or causes of action in third parties.

Section 3. Savings Clause. In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

Section 4. Effective Date. This Ordinance shall take effect 15 days after passage by the Summit County Council of Summit County and subsequent publication in a newspaper of general circulation in Summit County, Utah.

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

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

By: _____
Chair

Councilor McMullin	voted	_____
Councilor Robinson	voted	_____
Councilor Ure	voted	_____
Councilor Armstrong	voted	_____
Councilor Carson	voted	_____

ATTEST:

County Clerk
Summit County, Utah

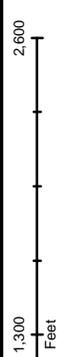
APPROVED AS TO FORM:

Deputy County Attorney
Summit County, Utah



Legend

- Cities
- Reservoirs
- Rivers
- Highway Corridor (HC)
- Agriculture Protection (A)
- Agriculture-Grazing 100
- Agriculture-Grazing 160
- Commercial (C)
- Light Industrial (LI)
- Industrial (I)
- Cities



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

**Summit County, Utah
Vicinity Map**

Prepared by Summit County
Community Development Department





Legend

- Cities
- Reservoirs
- Rivers
- Highway Corridor (HC)
- Agriculture Protection (A)
- Agriculture-Grazing 100
- Agriculture-Grazing 160
- Commercial (C)
- Light Industrial (LI)
- Industrial (I)
- Cities



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

Summit County, Utah Vicinity Map

Prepared by Summit County
Community Development Department



SUMMIT COUNTY
ORDINANCE NO. 344

AN ORDINANCE AMENDING THE SILVER CREEK BUSINESS PARK SPECIFIC PLAN AND
SUBDIVISION PLAT, Section 22, Township 1 South, Range 4 East

WHEREAS, Silver Creek Business Partners are the owners of certain real property located in Section 22, Township 1 South, Range 4 East and better described as the Silver Creek Business Park containing approximately 40 acres from the original Silver Creek Commerce Center Plat B; and

WHEREAS, the Silver Creek Business Park was approved as a 13 lot subdivision on June 30, 1997 and was subject to conditions as approved in the Specific Plan including a requirement that each developable area meet the design requirements of the Development Code in place at the time of site plan review; and

WHEREAS, the Development Code was revised and adopted on March 6, 1998, and strict adherence to the requirements for landscape buffers and setbacks in the current Snyderville Basin Development Code, would now be too restrictive for the designated developable areas, considering the intended uses; and

WHEREAS, there were contiguous open space areas dedicated on the plat which were to be undeveloped; and

WHEREAS, the developer requested to relocate these platted open space areas into dispersed landscape buffers within each of the individual development pads in order to meet the Code requirements for buffer setback areas; and

WHEREAS, this request would result in a reduction of the contiguous open space parcel identified by Summit County; and

WHEREAS, the Code Section 4.4 states that the majority of the open space be functional and in a location identified by Summit County, however it also states that superior landscaping may be used in exchange for lower open space requirements may be permitted; and

WHEREAS, the owners agreed to provide a detailed landscape plan which would help screen developable areas, as well as re-plat dedicated open space areas, thereby allowing the remaining developable areas to be exempt from the landscape buffer requirement; and

WHEREAS, the County agreed to the landscape mitigation plan with the attached Open Space Management Agreement as mitigation to satisfy the landscape buffer requirements (see attached); and

WHEREAS, the project is zoned as Existing Industrial (EI), and the Code allows for an administrative review and approval of site plans under the EI district; the County has agreed to process future development areas in this subdivision under a Low Impact Permit per Section 2.2 (B); and

WHEREAS, in order to carry out the above changes an amended subdivision plat will be recorded and an amendment to the Notice of Approval will be recorded per the Exhibit A.

NOW THEREFORE, in consideration of approving future development in the Silver Creek Business Park, the County accepts and adopts this Ordinance with the following conditions:

1. An amended subdivision plat is reviewed and approved by the County staff and shall be recorded with all required signatures once approved.
2. The attached changes (Exhibit A) shall be incorporated into this amendment for the Silver Creek Business Park Specific Plan.
3. All open space shall be dedicated and reserved in perpetuity as a no-build area with the exception of the approved amenities per the Community Development approval.

NOW, THEREFORE, The County Legislative Body of the County of Summit, the State of Utah, ordains as follows:

PASSED AND ADOPTED this 28 day of June, 1999



BOARD OF COUNTY COMMISSIONERS
SUMMIT COUNTY, STATE OF UTAH

By: Sheldon D. Richins
Chair, Sheldon Richins

Commissioner Richins voted: Aye
Commissioner Cone voted: Aye
Commissioner Schifferli voted: Aye

ATTEST

[Signature]
County Clerk, Summit County, Utah

Exhibit A. (Amendment to Notice of Approval, see next page)

Community Development Staff Report to the
Summit County Board of Commissioners
Agenda Item January 11, 1999

Silver Creek Business Park Specific Plan and Plat Amendment, Silver Creek Junction at the Corner of Hwy. 40 and Silver Creek Drive (West half of Section 22, Township 1 South, Range 4 East Salt Lake Base and Meridian)

Overview

The applicant, Silver Creek Business Partners, LLC has requested the Summit County Board of Commissioners consider approving an amendment to the Silver Creek Business Park Specific Plan and Subdivision Plat. The property is located on the corner of Hwy. 40 and Silver Creek Drive and is identified in the East Basin Land Use Planning Area as Existing Light Industrial. The Board is being asked to hold a public hearing on the proposed amendment and discuss any concerns from that hearing. The applicant will return with a signed plat and the staff will present an Ordinance for the Commission to adopt at that time.

Background

The property is located in the original Silver Creek Commerce Center Plat C and was subdivided into 13 lots and recorded on June 30, 1997. The recorded subdivision plat designates the developable area for lots 1-12 and the location of open space. The plat was approved along with a Specific Plan which further defined the development parameters for the development areas, including setbacks, landscaping, signage, architecture, parking, and screening. The strict interpretation of these Development Code requirements results in a substantial reduction of the developable area (impervious surfaces) for the proposed uses. The industrial uses require adequate parking, loading, and storage areas in addition to a building; all of which cannot currently be accommodated in the remaining developable area once the site development requirements of the Code are met. Therefore, the applicant and staff have worked together to revise the Specific Plan and Subdivision Plat to better design the open space area to meet the intention of the landscape buffer requirements, landscape screening and overall user quality of the area.

The revisions for the Specific Plan include the designation of dedicated open space, an overall landscape improvement plan for all of the lots, and detailed site plan for the project's Amenity Parcel between Lots 4 and 5. Some of the lots were reconfigured to accommodate these changes as well.

In order to process this amendment there are several documents involved and described as follows:

1. The recorded Notice of Approval placed conditions which need to be revised in order to accommodate the revisions. These changes come in the form of revised text and are outlined in the staff report.
2. A detailed landscape improvement plan including construction drawings which requires installation per an approved phasing plan. This is also included in the staff report and will be further described at the public hearing.
3. A recorded Dedicated Open Space Management Agreement which places the responsibility of the maintenance, management, repair, and replacement of all dedicated open space, on the owners of the Park and not Summit County.
4. A revision to the process for reviewing and approving site plans for all development areas. The staff and applicant have agreed that this overall amendment to the Specific Plan and Plat have accomplished the overall design objectives, and makes a streamlined process manageable and fair.

5. All of these revisions will be incorporated into final documents and the Board of County Commissioners shall adopt the amendment by Ordinance.

Proposed Revisions to the recorded Notice of Approval for Silver Creek Business Park Specific Plan and Subdivision Plat

The Notice of Approval for the Silver Creek Business Park Specific Plan incorporated the recommendations of the Planning Commission as the conditions of approval for the overall development. The language of the Specific Plan conditions should be revised as follows in order to accommodate the amendment. These revisions shall be incorporated in the attached Ordinance:

~~1. The County reserves the right to access properties to the north of the site via an easement located within lots 6 or 7, Parcel 2. The easement shall be a minimum of fifty (50) feet in width and shall be recorded in the office of the Summit County Recorder. The use of the easement shall be either vehicular or pedestrian. A determination as to the need for the access will be made by the County at the time of site plan application by owners of either Lot 6 or Lot 7. Establishment of the easement would result in a 50 foot shift of development into the open space area located eastward of Lot 6.~~

2. ~~The Specific Plan plat shall indicate the location of the "developable areas" for Parcels 2 and 3 on which d~~ The Specific Plan plat shall indicate the location of "Developable Areas" for Lots 4, 5, 6, 7, 8, 9, 10, 11, 12. Development will be required to comply with County development codes in effect at the time of application for ~~This developable area will include required buffers between buildings and parking areas, parking requirements, building design, landscaping, signage, screening and lighting, lighting, signage, 15% interior parking lot landscaping; as well as all parking and storage areas shall be screened to the greatest extent possible through opaque treatments (such as dense plantings and landscaping, fencing, or other acceptable methods), and landscaped buffers around building (Consideration will be given to planters and architectural features in replacement of the 15 foot required buffers between parking and buildings when appropriate).~~

3. The Specific Plan plat shall indicate the location of buildings and parking within Lots 2 and 3 of Parcel 1.

4. ~~The Specific Plan plat shall indicate the location of open space areas. Open space areas shall be owned and maintained in common by a property owners association. This area shall cover the 25 percent mandatory open space requirement for the entire business park, however, Code required areas for landscaping, screening, buffering and parking will be required on each lot within the developable areas through individual site plan reviews. The areas shown on the subdivision plat as open space, shall be dedicated as such in perpetuity and may not be used for any other purpose than passive open lands. The Specific Plan Plat shall indicate the location of open space areas. Open space areas shall be owned and maintained in common and the maintenance and management of such shall be identified in a recorded Management Agreement. A note shall be added to the plat stating that management of open space is subject to the recorded document.~~

~~5. As properties within Parcel 3 (adjacent to Highway 40) are developed, the landscaping requirements for such lots shall include landscaping within the highway right of way if considered necessary for buffering of the development. Compliance with permit requirements through the Utah Department of Transportation shall be coordinated by the applicant. There shall be a landscape plan for the dedicated open space along with a site plan for the amenity parcel within lot 5. The installation of the landscaping shall conform to the attached phasing plan. A certificate of occupancy for the respective building within each phase shall not be issued prior to completion of the landscaping for that phase.~~

6. Although design of future buildings will be regulated through individual site plan reviews and shall be consistent with design requirements in effect at that time, the following general standards shall always apply:

- a. Building facades fronting all public roadways shall present a "front door" appearance, even if primary building access is from another direction.
- b. Building coloration shall generally consist of earth-tone colors.
- c. Architecture shall generally consist of natural elements reflective of the "western mountain storefront" theme, including styles and materials which are generally compatible with surrounding buildings.

7. Although no specific building locations are approved under the Specific Plan, orientation of buildings on individual lots on Parcel 3 (adjacent to Highway 40) shall avoid a strictly linear appearance. Individual site plan review for development on these lots shall take into account the sensitivity of the corridor while recognizing the need for appropriate circulation and access. The type of use proposed shall affect consideration of the most appropriate orientation for a given building.

8. No development orders applicable to the geographic area encompassed by the Specific Plan shall be approved unless such development orders are consistent with the Specific Plan.

9. Accesses to lots within Parcel 3 shall be minimized and shared to the extent possible.

These are the recommended changes to the Specific Plan as they were presented and approved in the Notice of Specific Plan Approval and recorded on April 21, 1997 under Book 01040 Pg. 00709-0072.

In addition to the above language amending the Specific Plan requirements, the following phasing plan will be incorporated into the amendment in regards to the installation of the required open space landscaping:

Project Amenity Parcel within Lot 5

Installation of all improvements shall be required when the third developable area of the four (Lots 4-7 within Parcel 2) is proposed for development and shall be required for the low impact approval.

Entry Buffer at Lot 7

The improvements shall be installed with the development of the Lot 7 developable area

Entry Buffer at Lot 4

The improvements shall be installed with the development of the Lot 4 developable area

Open Space between Lots 8-12

Designate an Improvement Area for each lot 8-12. When the developable area is proposed for approval, the landscaping improvements in the Improvement area shall be installed according to the Final Landscape Plan as part of the conditions of approval. This means that the final landscape plan should be designed so that the landscaping can stand alone if needed, but still compliment future plantings

How to process future Development Area site plans:

Section 2.2 of the Snyderville Basin Development Code states " Existing Industrial (EI) There are areas within the Snyderville Basin within which, because industrial development or unexpired vested development permits, consent agreements, or development agreements existing prior to the adoption of the regulations defined herein, including platted lots within the Silver Creek Industrial Park, require special development uses to remain and to allow the expansion of such uses in accordance with limitations and regulations defined in the Low Impact Permit Process, and permit industrial uses to be developed in accordance with the specific provisions of such previously approved agreements."

The staff feels the low impact permit is appropriate for reviewing the site plans for the individual developable areas on the lots. The staff would recommend using this process because it allows the project to be reviewed by the Planning Commission in cases where there are issues which cannot be settled. The applicant supports the low impact permit because it allows the process to be streamlined, and as long as the revised specific plan and the landscape plan are followed, the review will be more efficient.

Remaining Concerns

There is potential for a large amount of traffic on the existing North Pace Frontage Road and there are currently three access points with a potential of at least two more. The applicant has requested approval of an additional future access point from lot 7 to the Frontage Road. The staff is concerned with the already existing access points and feels that the remainder lots should avoid any additional points onto this Road. This is a concern that the applicant and staff have not been able to compromise and staff recommends if this is still a point of conflict at time of site plan review, that the project return to Planning Commission.

Final Recommendation

The Staff recommends the Summit County Board of Commissioners adopt the Ordinance to Amend the Silver Creek Business Park and Specific Plan, along with the revised dedicated open space, landscape improvements plan and Amenity Parcel site plan. The approval shall be subject to the following conditions:

1. The required service providers, and the Summit County Board of Commissioners shall sign the plat prior to recordation.
2. Access to North Pace Frontage Road shall be minimized to the greatest extent possible and in the case the staff and applicant cannot come to agreement, the issue will be forwarded to the Planning Commission.

Silver Creek Business Park Dedicated Open Space Management Agreement

There are dedicated open space areas within the Silver Creek Business Park (Park) created for the use and benefit of the public, and specifically the users and employees of the Park. These open space areas contain required landscape improvements as well as recreational facilities/equipment in the Amenity Parcel. The County shall not be held responsible for the maintenance, upkeep, repair or management of the open space, however it shall be the responsibility of the developer to ensure that there is created a Master Association for this purpose, per the following:

The dedicated open space shall be managed, maintained, and held in common by an established and active Master Association. This responsibility is further outlined in Section 5.04 b. of the Covenants, Conditions and Restrictions for the Silver Creek Business Park and incorporated herein:

“b. Operation of Silver Creek Business Park Open Space.

To operate and maintain, or provide for the operation and maintenance of (1) all SCBPdedicated Open Space which may be conveyed to it by Developer; (2) all SCBP dedicated Open Space within SCBP in which it owns easements for operation and maintenance purposes; and (3) all SCBP dedicated Open Space in which it owns easements for the benefit of the Master Association members; and to keep all improvements of whatever kind and for whatever purpose from time to time located thereon in good order and repair.”

Please see the recorded Silver Creek Business Park plat and Specific Plan, including the landscape plan, for more information.

The Silver Creek Business Park Partners, Ltd have acknowledge and agree to the above Management Agreement and shall adhere to the provisions stated herein:

By *K. [Signature]*

It's *V.P. Raw Sharp Assoc*

Agent for Silver Creek Business Park
6/28/99

SILVER CREEK BUSINESS PARK

OPEN SPACE GRADING & LANDSCAPE PLANS

prepared for:

SILVER CREEK BUSINESS PARK PARTNERS, LTD.
P.O. BOX 770-220 PARK CITY, UTAH 84060

prepared by:

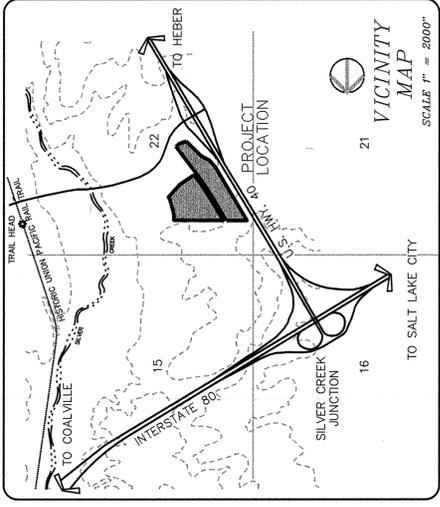
JACK JOHNSON COMPANY
1777 SUN PEAK DRIVE
PARK CITY, UTAH 84098
DECEMBER 1998

PLANTING NOTES

- The contractor shall locate and verify the existence of all utilities prior to starting work.
- The contractor shall supply all plant materials in quantities sufficient to complete the plantings shown on all drawings.
- All plant materials shall be of the quality and grades established by the current American Standard Nursery Stock, published by the American Association of Nurserymen or equivalent.
- No plant shall be put into the ground before rough grading has been completed and approved by the landscape architect or equal.
- All plants shall bear the same relationship to finished grade as the plant's original grade, be from the container, B&B, or if transplanted.
- Plants shall be inspected and certified. No plants shall be accepted if they are not certified. All root pruning material made of synthetics or plastics shall be removed at time of planting.
- With container grown stock, the container shall be removed and the container ball shall be cut through the surface in two vertical locations.
- The day prior to planting, the location of all trees and shrubs shall be staked for approval by the landscape architect or equal.
- Planting holes shall be dug to the depth of the root ball and a balanced one-third peat moss and two-thirds soil mix shall be used to fill the hole.
- All plants shall be sprayed with an antiseptic within 24 hours after planting. All plants shall be sprayed with an anti-desiccant at the beginning of their first winter.
- All plants shall be installed as per planting details and specifications.
- All plants and stakes shall be set plumb unless otherwise specified.
- The contractor shall provide loam fill as per the planting details and/or contract specifications.
- All plants shall be watered thoroughly twice during the first 24-hour period after planting. Additional watering shall be provided as needed and suggested by local conditions during the first growing season.
- The contractor shall refer to the contract specifications for any additional requirements.
- All sod shall be obtained from areas having growing conditions similar to areas to be covered. Areas to be sodded shall be raked of stones and debris. Sod shall be laid in a staggered pattern. All sod must be placed with staggered joints, tightly butted, with no inequalities in grade. Place all sod in rows at right angles to slopes (where applicable).
- Tree Preservation. During any construction or land development, the developments shall clearly mark all trees to be maintained and shall be required to erect a protective barrier around and support all trees or shrubs to be maintained. The barrier shall be constructed of wood or metal of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees. During the construction stage, the developer shall not allow cleaning of equipment or material under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree. All existing trees which are to be preserved shall be provided with a permeable surface under the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline for a minimum of four (4) feet by four (4) feet.
- Maintenance. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. As required by the contract, the contractor shall provide a maintenance schedule for the first year not limited to, mowing lawns of grass of six (6) inches or higher, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weed, and other such material or plants not part of the landscaping. All plant material shall be maintained in a healthy condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of a similar variety and size, within ninety (90) days.

SEED MIX AND SOWING RATES

Native Grass Mixture	
Western Wheatgrass	(25%)
Bluebunch Wheatgrass	(25%)
Smooth Brome	(15%)
Sheep Fescue	(15%)
Blue Fescue	(5%)
Rocky Mountain Penstemon	(5%)
White Yarrow	(5%)
Total Native Grass Revegetation Area = 19.7 Acres	
Wildflower Mix	
Blanket Flower	(12%)
Danica Rocket	(5%)
Red's Eye	(5%)
Scarlet Gilia	(12%)
Blue Flax	(12%)
Rocky Mountain Penstemon	(8%)
Blazing Star	(4%)
Apply @ 25 lbs./Ac	
Agropyron smithii	(25%)
Agropyron spicatum	(25%)
Bromus inermis	(15%)
Festuca ovina	(15%)
Linum lewisii	(5%)
Penstemon strictus	(5%)
Achillea millefolium	(5%)
Palmer Penstemon	(8%)
Floral Golden Eye	(4%)
Red Yarrow	(4%)
Green Yarrow	(8%)
Corneshill	(8%)
Painted Daisy	(12%)
Apply @ 35 lbs./Ac	



SHEET INDEX

- COVER SHEET, TYP. FRONT - ~~BEAR~~ ~~SUBTRACT~~ ~~LANDSCAPING~~
- SHEET LOCATION DIAGRAM
- AMENITY PARCEL
- LOT 4 OPEN SPACE
- LOT 7 OPEN SPACE
- LOTS 8 & 9 OPEN SPACE
- LOTS 10 & 11 OPEN SPACE
- LOT 12 OPEN SPACE
- LOT 5 OPEN SPACE

File No. 558426
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
 DATE: 02/03/00 TIME: 08:42 AM
 FEE \$ 312.00 BY: *Alan Spriggs*
 REQUEST: COALITION TITLE

SUMMIT COUNTY COMMISSION
 PRESENTED TO THE BOARD OF SUMMIT COUNTY COMMISSIONERS
 THIS 21 DAY OF June 1999 AT WHICH
 TIME THESE PLANS WERE APPROVED AND ACCEPTED.



Richard D. Seaman
 COMMISSION CHAIRMAN
John D. Seaman
 COUNTY CLERK
 Sheets 1-9

THE JACK JOHNSON COMPANY
 1777 Sun Peak Drive * Park City, Utah 84098
 (801) 645-9000 * fax (801) 649-1620

DATE	BY	COMMENTS



DESIGNED BY: EL
 DRAWN BY: EL
 REVIEWED BY: DBS

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
 JOB NO.: 265017
 DWG. NO.: SC00VBR
 VIEW: PLOT
SILVER CREEK BUSINESS PARK
OPEN SPACE GRADING & LANDSCAPE PLAN
COVER SHEET
 SHEET 1

SILVER CREEK BUSINESS PARK
OPEN SPACE GRADING & LANDSCAPE PLAN
TYPICAL FRONT & REAR SETBACK LANDSCAPING

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD. JOB NO. 265017 DMG NO. SCOPEN VEH. PLOT8

DESIGNED BY: EL
DRAWN BY: EL
REVIEWED BY: DBS

DATE	BY	COMMENTS

1777 Sun Peak Drive • Park City, Utah 84098
(801) 645-9000 • fax (801) 649-1620

THE JACK JOHNSON COMPANY

PLANT SCHEDULE

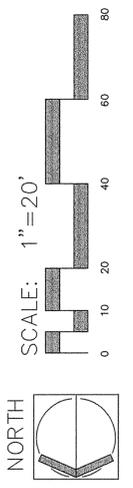
Symbol	Qty.	TREES
	6	Deciduous
	2	Deciduous
	5	Deciduous
	11	Coniferous
	42	Deciduous
	2	Deciduous

Symbol	Qty.	SHRUBS/GROUNDCOVERS
	32	Groundcover
	32	Deciduous
	9	Deciduous
	20	Groundcover
	8	Deciduous
	13	Deciduous
	14	Deciduous
	1,650 S.F.	Wildflower Seed Mix

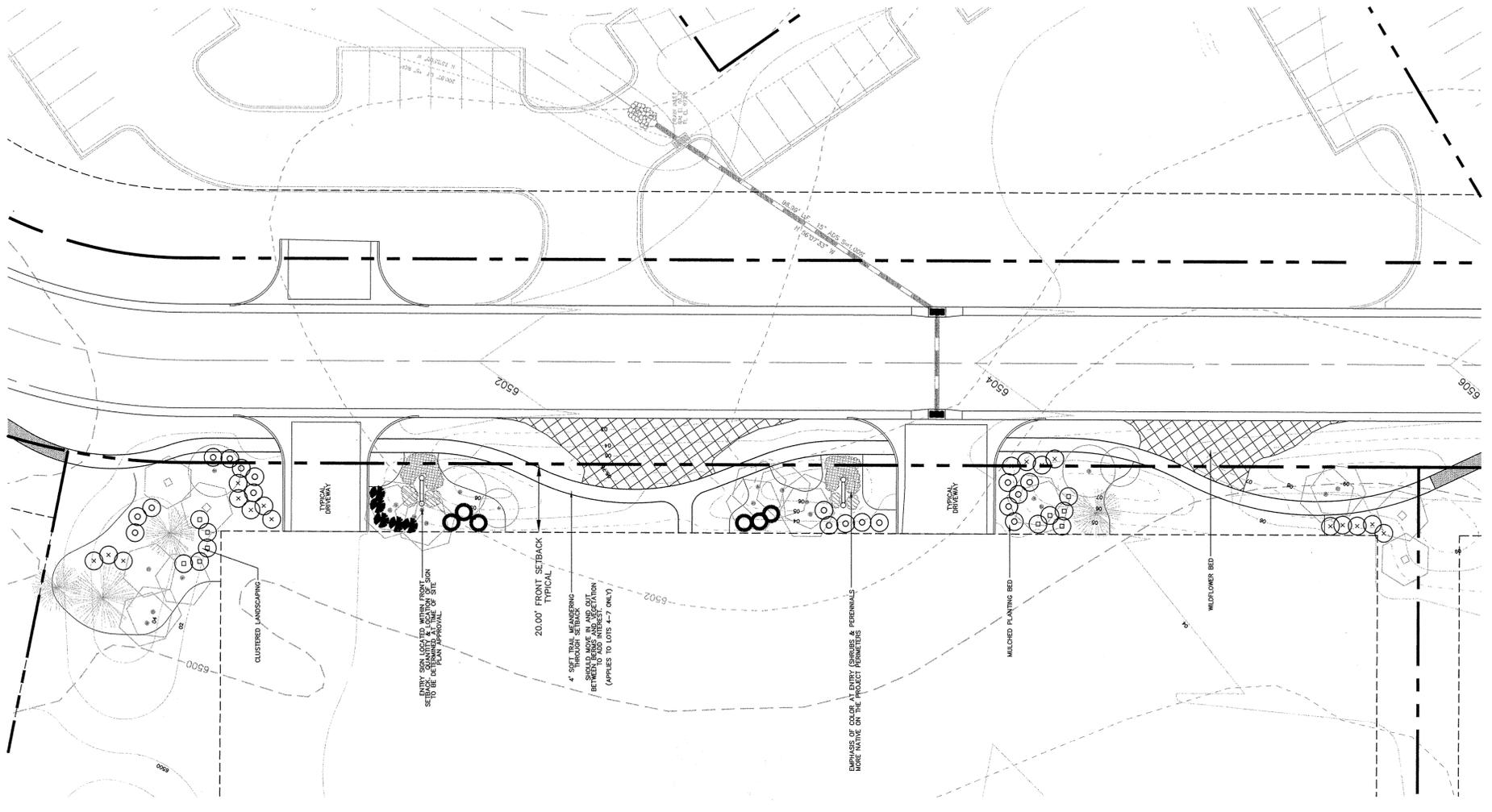
Symbol	Qty.	GRASSES
	4,850 S.F.	LAWN Sod
	23,200 S.F.	Native Grass

377 L.F. Commercial Grade Landscape Edging
30 CU.YDS Shredded Cedar Bark - 2" Deep

- NOTES:
1. TREE QUANTITIES SHALL MEET OR EXCEED 1 TREE PER EVERY 10 LINEAL FEET OF FRONT SETBACK. TREE QUANTITIES WITHIN THE REAR SETBACK SHALL MEET OR EXCEED 1 TREE PER EVERY 15 LINEAL FEET OF REAR SETBACK.
 2. SHRUB QUANTITIES IN THE FRONT SETBACK SHALL BE 1 SHRUB PER EVERY TREE IN THE FRONT SETBACK. SHRUB QUANTITIES IN THE REAR SETBACK SHALL BE 1 SHRUB PER EVERY TREE IN THE REAR SETBACK.
 3. ALL VEGETATION SHALL BE CLUSTERED AND LOCATED TO PREVENT ACTIVITIES (E.G. LOADING DOCKS, SIDE DOORS, STORAGE, ETC.) FROM BEING VISIBLY OBSCURED.
 4. ALL FRONT SETBACKS SHALL INCORPORATE BERMS THAT ARE 3" MINIMUM HIGH AND 12" MINIMUM WIDE. THE MAJORITY OF THE REAR SETBACKS SHALL BE IMPLEMENTED ACCORDING TO PROPOSED BERRING.
 5. ALL VEGETATION SHALL ALSO BE PLACED WITH CONSIDERATION TO ENHANCE BUFFERING.
 6. MULCHED AREAS SHALL BE LIMITED TO HIGHLY VISIBLE AREAS ALONG THE FRONT SETBACK AND AT CRITICAL POINTS OF ENTRY.
 7. MULCHED AREAS SHALL ALSO BE LIMITED TO HIGHLY VISIBLE AREAS WHERE MORE FORMAL PLANTINGS EXIST (SHRUBS & PERENNIALS) AND SHOULD ACT TO PROVIDE WATER RETENTION AND NEED CONTROL IN THESE AREAS. ALL AREAS OUTSIDE OF LAWN AND MULCHED AREAS SHALL BE REVEGETATED WITH A NATIVE GRASS MIXTURE (ATTACHED).



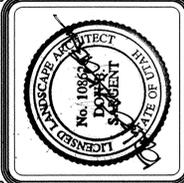
File No. 558426
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
DATE: 02/03/00 TIME: 08:42 AM
FEE \$ 312.00 BY *Alan Spriggs* Deputy
REQUEST: COALITION TITLE



1777 Sun Peak Drive • Park City, Utah 84098
 (801) 645-9000 • fax (801) 649-1620

THE JACK JOHNSON COMPANY

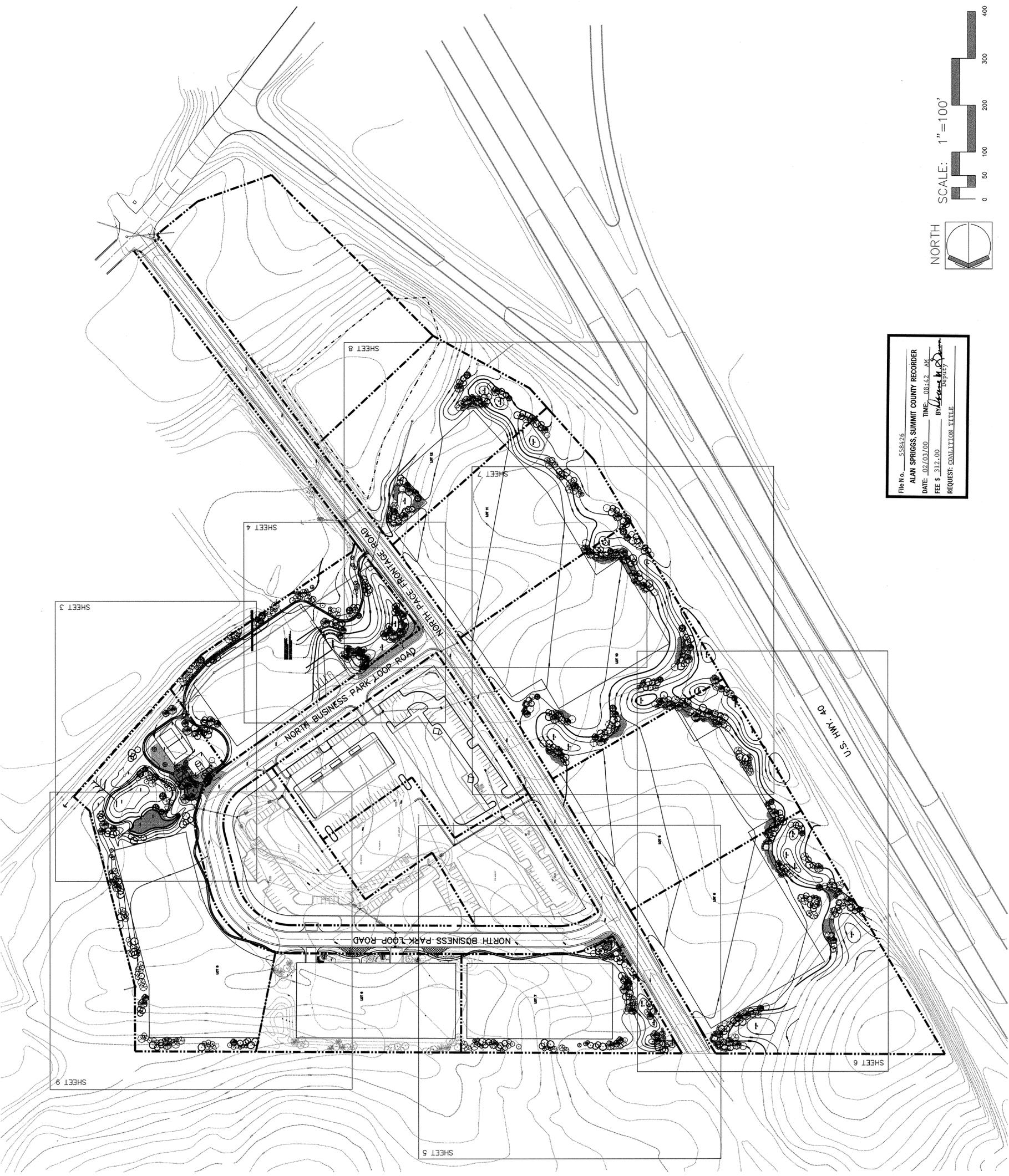
REVISIONS	DATE	BY	COMMENTS



DESIGNED BY: EL
 DRAWN BY: EL
 REVIEWED BY: DBS

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
 JOB NO: 265017
 DWG NO: SCOPEN
 VIEW: PLOT2

**SILVER CREEK BUSINESS PARK
 OPEN SPACE GRADING & LANDSCAPE PLAN
 SHEET LOCATION DIAGRAM**



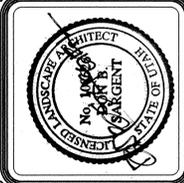
File No. 558426
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
 DATE: 02/02/00 TIME: 08:42 AM
 FEE \$ 312.00 BY: *Alan Spriggs*
 REQUEST: COALITION TITLE



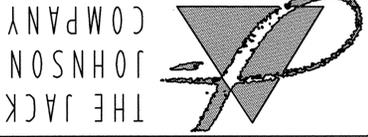
SILVER CREEK BUSINESS PARK
OPEN SPACE GRADING & LANDSCAPE PLAN
AMENITY PARCEL

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
JOB NO: 265017
DWG NO: SCOPEN
VEW: PLOT2

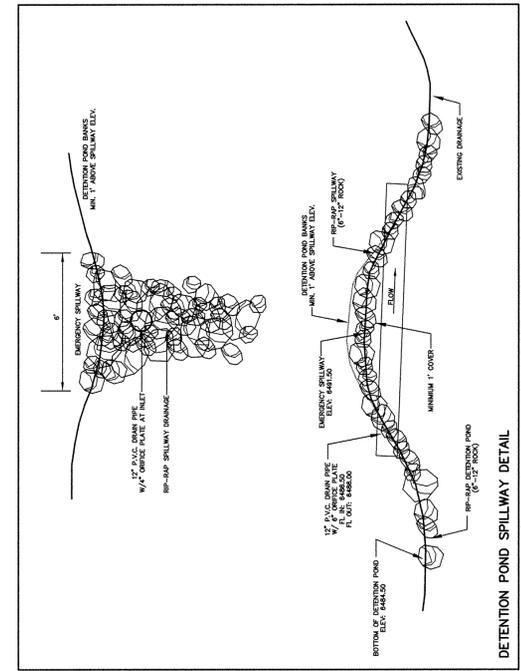
DESIGNED BY: EL
DRAWN BY: EL
REVIEWED BY: DBS



DATE	BY	COMMENTS



1777 Sun Peak Drive * Park City, Utah 84098
(801) 645-9000 * Fax (801) 649-1620

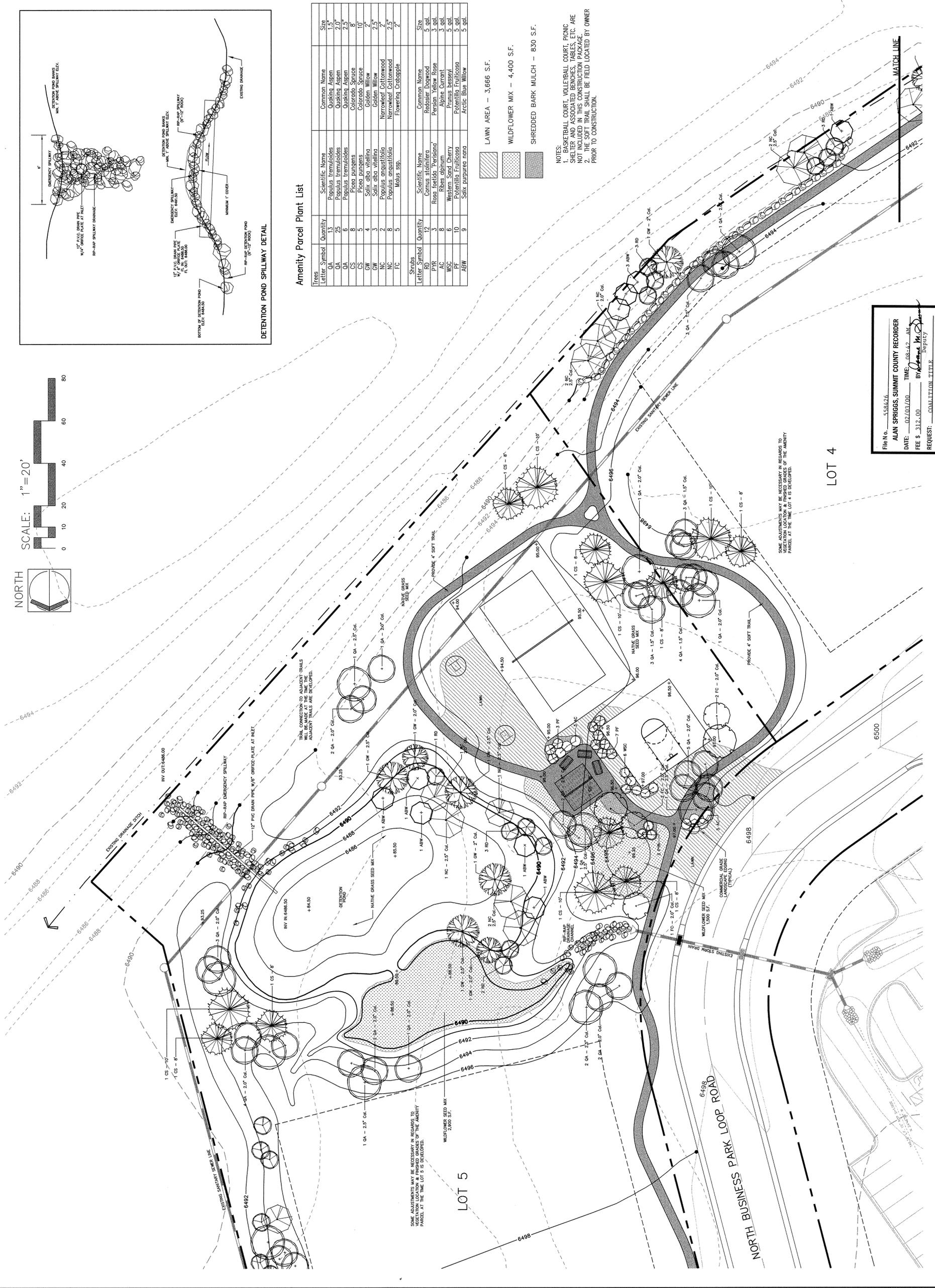
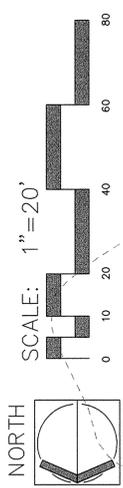


Amenity Parcel Plant List

Letter	Symbol	Quantity	Scientific Name	Common Name	Size
OA	1.5'	15	Populus tremuloides	Quaking Aspen	1.5'
OA	2.0'	25	Populus tremuloides	Quaking Aspen	2.0'
OA	6'	6	Populus tremuloides	Quaking Aspen	2.5'
CS	8'	8	Picea pungens	Colorado Spruce	8'
CS	10'	5	Picea pungens	Colorado Spruce	10'
GW	4'	4	Salix alba vitellina	Golden Willow	2'
GW	3'	3	Salix alba vitellina	Golden Willow	2.5'
NC	2'	8	Populus angustifolia	Narrowleaf Cottonwood	2.5'
NC	8'	8	Populus angustifolia	Narrowleaf Cottonwood	2.5'
FC	5'	5	Malus spp.	Flowering Crabapple	7'
Letter	Symbol	Quantity	Scientific Name	Common Name	Size
RD	12"	12	Cornus stolonifera	Redosier Dogwood	5 gal.
RD	3"	3	Rosa fedida 'parviana'	Parvian Yellow Rose	3 gal.
AC	8"	8	Ribes alpinum	Alpine Currant	3 gal.
WSC	6"	6	Prunus besseyi	Plum	5 gal.
PF	10"	10	Potentilla fruticosa	Potentilla	5 gal.
ABW	9"	9	Salix purpurea nana	Arctic Blue Willow	5 gal.

- LAWN AREA - 3,666 S.F.
- WILDFLOWER MIX - 4,400 S.F.
- SHREDED BARK MULCH - 830 S.F.

NOTES:
1. BASKETBALL COURT, VOLLEYBALL COURT, PONG TABLE AND ASSOCIATED DECKING, PATIOES, ETC. ARE NOT TO BE CONSTRUCTED UNTIL THE OPEN SPACE IS COMPLETE.
2. THE SOFT TRAIL SHALL BE FIELD LOCATED BY OWNER PRIOR TO CONSTRUCTION.



File No. 558426
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
DATE: 02/03/00 TIME: 08:42 AM
FEE \$ 312.00 BY: [Signature] Deputy
REQUEST: COALITION TITLE

SILVER CREEK BUSINESS PARK
 OPEN SPACE GRADING & LANDSCAPE PLAN
 LOT 4 OPEN SPACE PARCEL

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
 JOB NO: 265017
 DWG NO: SCOPEN
 VIEW: PLOT3

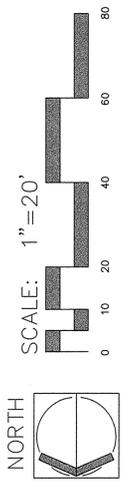
DESIGNED BY: EL
 DRAWN BY: EL
 REVIEWED BY: DBS



REVISIONS	DATE	BY	COMMENTS

THE JACK JOHNSON COMPANY
 1777 Sun Peak Drive • Park City, Utah 84098
 (801) 645-9000 • fax (801) 649-1620

File No. 558826
 ALAN SPRIGGS, SUMMIT COUNTY RECORDER
 DATE 02/03/00 TIME 08:42 AM
 FEE \$ 312.00 BY *Alan Spriggs*
 REQUEST: COALITION TITLE

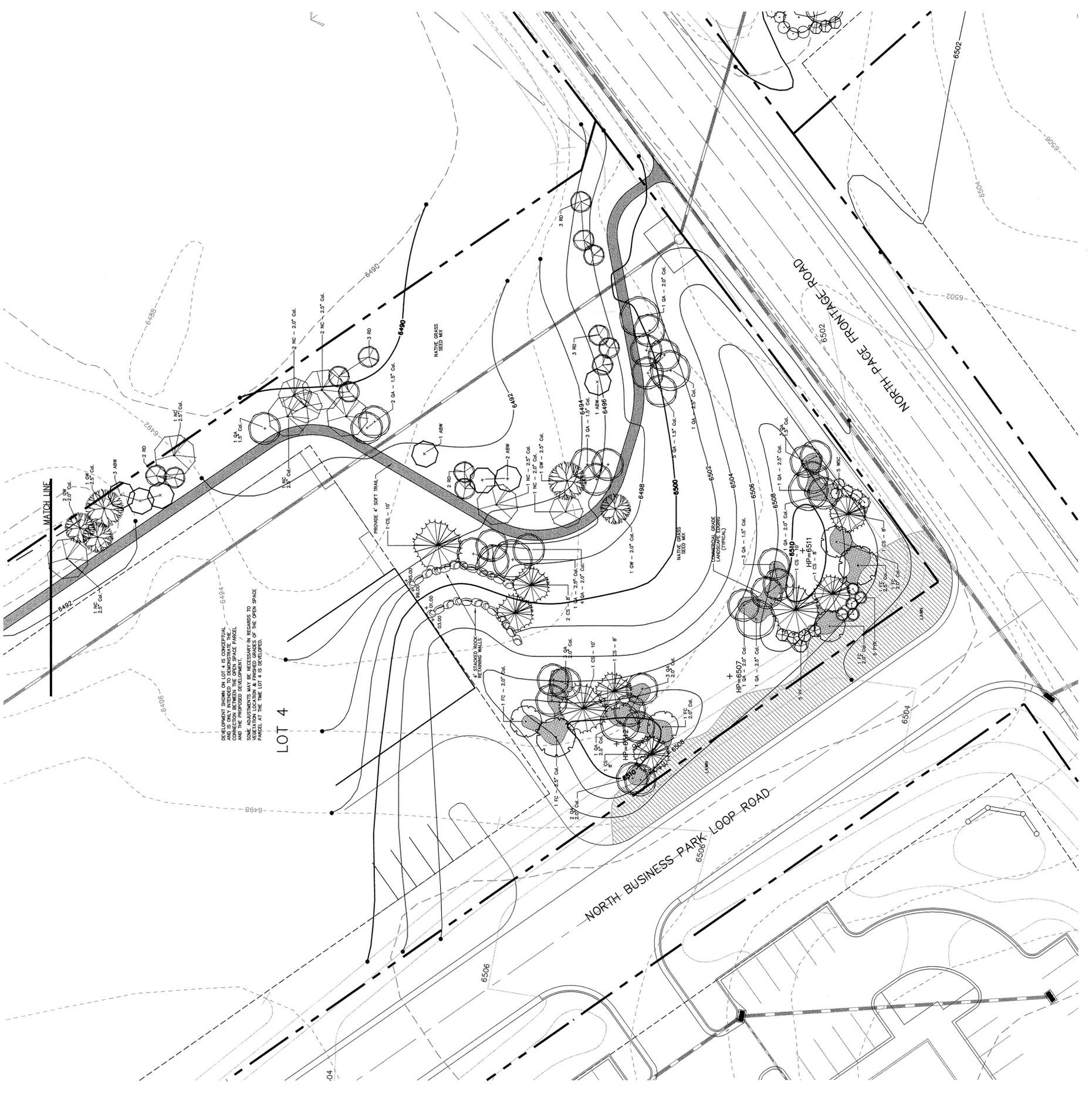


PLOT DATE: 1/9/99

Lot 4 Plant List

Trees	Letter Symbol	Quantity	Scientific Name	Common Name	Size
	OA	14	Populus tremuloides	Quaking Aspen	1.5"
	OA	15	Populus tremuloides	Quaking Aspen	2.0"
	OA	5	Populus tremuloides	Quaking Aspen	2.5"
	CS	6	Picea pungens	Colorado Spruce	8'
	CS	3	Picea pungens	Colorado Spruce	10'
	GW	3	Salix alba vitellina	Golden Willow	2"
	GW	2	Salix alba vitellina	Golden Willow	2.5"
	NC	3	Narrowleaf Cottonwood	Narrowleaf Cottonwood	2"
	NC	6	Populus angustifolia	Narrowleaf Cottonwood	2.5"
	FC	4	Malus ssp.	Flowering Crabapple	2.5"
	FC	2	Malus ssp.	Flowering Crabapple	2.5"
Shrubs	Letter Symbol	Quantity	Scientific Name	Common Name	Size
	RD	13	Cornus stolonifera	Redstart Dogwood	5 gal.
	PYR	5	Rosa foetida 'Perisiana'	Persian Yellow Rose	3 gal.
	WSC	5	Prunus besseyi	Western Sand Cherry	5 gal.
	PF	5	Potentilla fruticosa	Potentilla Fruticosa	5 gal.
	ABW	7	Salix purpurea nana	Arctic Blue Willow	5 gal.

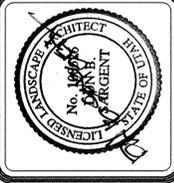
LAWN AREA - 3,890 S.F.
 SHREDDED BARK MULCH - 2,255 S.F.



SILVER CREEK BUSINESS PARK
OPEN SPACE GRADING & LANDSCAPE PLAN
LOTS 8 & 9

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
JOB NO: 265017
DWG NO: SCOPEN
VIEW: PLOTS

DESIGNED BY: EL
DRAWN BY: EL
REVIEWED BY: DBS



REVISIONS	DATE	BY	COMMENTS

THE JACK JOHNSON COMPANY
1777 Sun Park Drive • Park City, Utah 84098
(801) 645-9000 • Fax (801) 649-1620

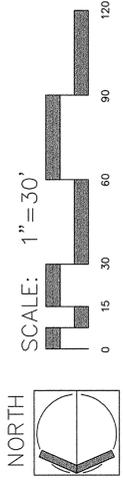
PLOT DATE: 1/8/99



Lot 8 & 9 Plant List

Trees Letter Symbol	Quantity	Scientific Name	Common Name	Size
OA	44	Populus tremuloides	Quaking Aspen	1.5"
OA	16	Populus tremuloides	Quaking Aspen	2.0"
OA	1	Populus tremuloides	Quaking Aspen	2.5"
CS	3	Picea pungens	Colorado Spruce	10'
CS	1	Picea pungens	Colorado Spruce	10'
CS	4	Salix caprea	Willow	2"
NC	4	Populus angustifolia	Narrowleaf Cottonwood	2"
NC	14	Populus angustifolia	Narrowleaf Cottonwood	2.5"
FC	10	Molus ssp.	Flowering Crabapple	2"
FC	5	Molus ssp.	Flowering Crabapple	2.5"
Shrubs Letter Symbol	Quantity	Scientific Name	Common Name	Size
RD	26	Cornus stolonifera	Redosier Dogwood	5 gal.
PR	19	Rosa foetida	Persian Yellow Rose	3 gal.
WSC	19	Prunus besseyi	Western Sand Cherry	5 gal.
AF	22	Potentilla fruticosa	Potentilla Fruticosa	3 gal.
AF	2	Ribes cynosbati	Alpine Currant	3 gal.
CP	16	Promis cistena	Purple Leaf Sand Cherry	5 gal.

WILDFLOWER MIX - 2,530 S.F.



File No. 558426
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
DATE: 02/03/00 TIME: 08:42 AM
FEE \$ 312.00 BY: *Alan Spriggs*
REQUEST: COALITION TITLE

SILVER CREEK BUSINESS PARK
OPEN SPACE GRADING & LANDSCAPE PLAN
LOT 10

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
JOB NO.: 265017
DWG NO.: SCOPEN
VIEW: PLOTS

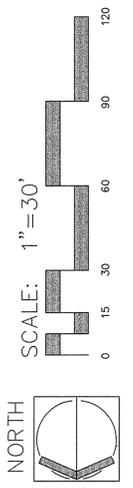
DESIGNED BY: EL
DRAWN BY: EL
REVIEWED BY: DBS



REVISIONS	DATE	BY	COMMENTS

THE JACK JOHNSON COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(801) 645-9000 • fax (801) 649-1620

File No. 555426
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
DATE: 02/03/00 TIME: 08:42 AM
FEE \$ 312.00 BY: [Signature]
REQUEST: COALITION TITLE

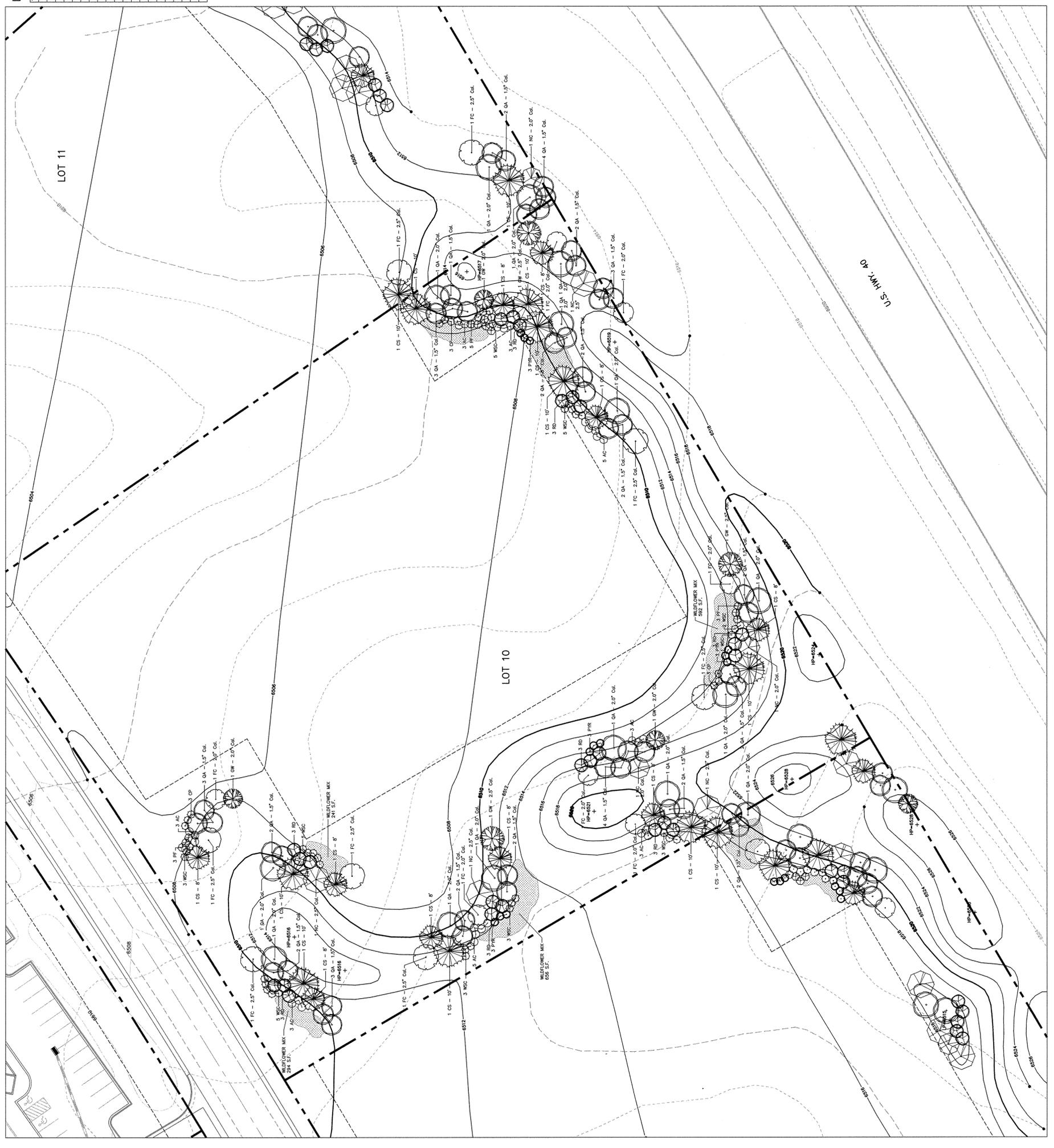


PLOT DATE: 1/8/99

Lot 10 Plant List

Letter Symbol	Quantity	Scientific Name	Common Name	Size
OA	47	Populus tremuloides	Quaking Aspen	1.5"
OA	15	Populus tremuloides	Quaking Aspen	2.0"
CS	10	Piceo pungens	Colorado Spruce	8"
CS	11	Piceo pungens	Colorado Spruce	10"
GW	3	Salix alba vitellina	Golden Willow	2"
GW	1	Salix alba vitellina	Golden Willow	2.5"
NC	3	Populus angustifolia	Narrowleaf Cottonwood	2"
NC	4	Populus angustifolia	Narrowleaf Cottonwood	2.5"
FC	7	Malus ssp.	Flowering Crabapple	2"
FC	8	Malus ssp.	Flowering Crabapple	2.5"
Shrubs				
Letter Symbol	Quantity	Scientific Name	Common Name	Size
PR	12	Rosa foetida 'Perisiana'	Persian Yellow Rose	3 gal.
WSC	35	Prunus besseyi	Western Sand Cherry	5 gal.
PF	11	Potentilla fruticosa	Potentilla Fruticosa	5 gal.
AC	28	Ribes alpinum	Alpine Currant	3 gal.
RD	24	Cornus stolonifera	Recesser Dogwood	3 gal.
CP	9	Prunus cistena	Purple Leaf Sand Cherry	3 gal.

WILDFLOWER MIX - 2,596 S.F.



SILVER CREEK BUSINESS PARK
OPEN SPACE GRADING & LANDSCAPE PLAN
LOTS 11 & 12

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
JOB NO: 265017
DWG NO: SCOPEN
VIEW: PLOT7

DESIGNED BY: EL
DRAWN BY: EL
REVIEWED BY: DBS



REVISIONS	DATE	BY	COMMENTS

1777 Sun Peak Drive * Park City, Utah 84098 * Fax (801) 649-1620

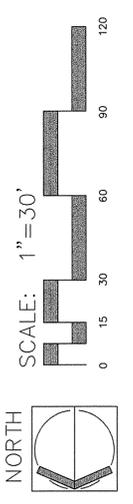
THE JACK JOHNSON COMPANY

Lot 11 & 12 Plant List

Trees	Letter Symbol	Quantity	Scientific Name	Common Name	Size
	QA	19	Populus tremuloides	Quaking Aspen	1.5"
	QA	10	Populus tremuloides	Quaking Aspen	2.0"
	CS	6	Picea purgens	Colorado Spruce	6"
	CS	7	Picea purgens	Colorado Spruce	10"
	GW	1	Salix alba vitifolia	Golden Willow	2"
	GW	2	Salix alba vitifolia	Golden Willow	2.5"
	NC	4	Populus angustifolia	Narrowleaf Cottonwood	7"
	FC	3	Populus angustifolia	Narrowleaf Cottonwood	2.5"
	FC	2	Morus ssp.	Flowering Crabapple	2.5"
	FC	2	Morus ssp.	Flowering Crabapple	2.5"
Shrubs	Letter Symbol	Quantity	Scientific Name	Common Name	Size
	RD	15	Cornus stolonifera	Redosier Dogwood	5 gal.
	PYR	3	Rosa foetida 'Perisano'	Persian Yellow Rose	3 gal.
	WSC	12	Prunus besseyi	Western Sand Cherry	5 gal.
	PF	3	Potentilla fruticosa	Potentilla Fruticosa	5 gal.
	AC	6	Ribes alpinum	Alpine Currant	3 gal.

WILDFLOWER MIX - 1,032 S.F.

File No. 538426
ALAN SPRINGS, SUMMIT COUNTY RECORDER
DATE: 02/03/00 TIME: 08:42 AM
FEE \$ 312.00 BY: *Alan Springs* Deputy
REQUEST: COLLECTION TITLE



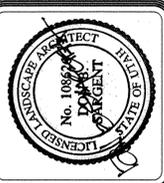
PLOT DATE: 1/8/99



SILVER CREEK BUSINESS PARK OPEN SPACE GRADING & LANDSCAPE PLAN TYPICAL FRONT & REAR SETBACK LANDSCAPING

FOR: SILVER CREEK BUSINESS PARK PARTNERS, LTD.
JOB NO.: 265017
DWG NO.: SCOPEN
VIEW: PLOT8

DESIGNED BY: EL
DRAWN BY: EL
REVIEWED BY: DBS

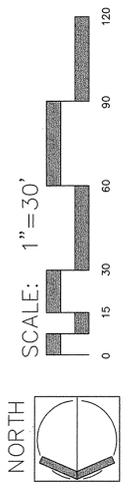


REVISIONS	DATE	BY	COMMENTS

1777 Sun Peak Drive • Park City, Utah 84098
(801) 645-9000 • fax (801) 649-1620

THE JACK JOHNSON COMPANY

File No. 558426
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
 DATE: 02/02/00 TIME: 08:42 AM
 FEE \$ 312.00 BY: *Alan Spriggs*
 REQUEST: COALITION TITLE



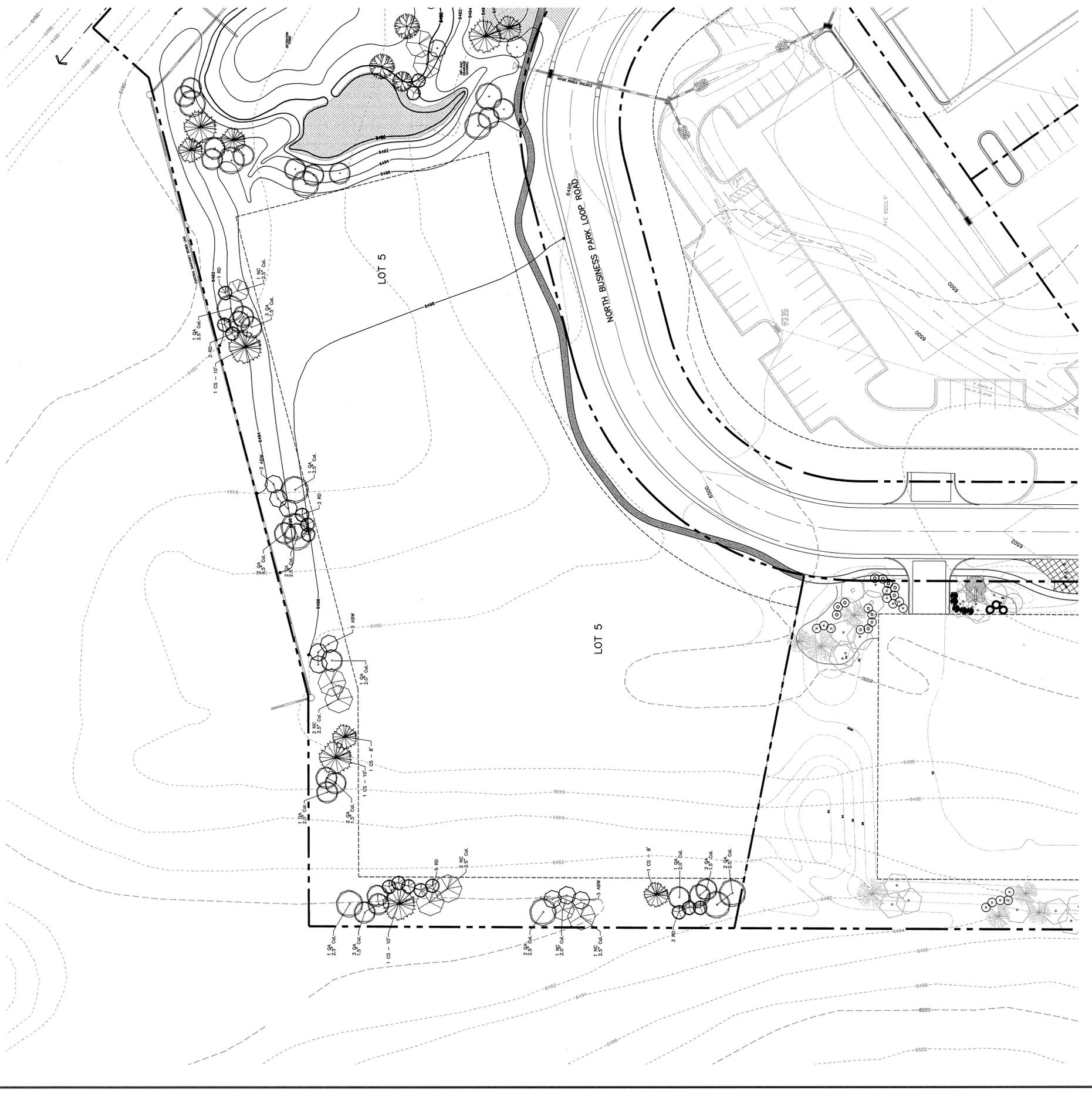
PLOT DATE: 1/8/99

Lot 5 Plant List

Trees			Shrubs		
Letter Symbol	Quantity	Size	Letter Symbol	Quantity	Size
OA	12	1.5"	CS	4	3' gal.
QA	3	2.0"	ABW	9	3' gal.
QA	9	2.5"			
CS	2	8"			
CS	3	10"			
NC	1	2"			
NC	6	2.5"			

Scientific Name	Common Name
Populus tremuloides	Quaking Aspen
Populus tremuloides	Quaking Aspen
Populus tremuloides	Quaking Aspen
Picea pungens	Colorado Spruce
Picea pungens	Colorado Spruce
Populus angustifolia	Narrowleaf Cottonwood
Populus angustifolia	Narrowleaf Cottonwood

Scientific Name	Common Name
Cornus stolonifera	Redosier Dogwood
Salix purpurea nana	Arctic Blue Willow



3. **Public hearing and possible action regarding a plat amendment for Silver Creek Business Park Lots 9, 10, 11, and 12, including language modifications to Ordinance 334 and a Conditional Use Permit for Silver Creek Business Park Lot 9 storage units; 6447 Pace Frontage Road; Lot 9, LLC and Fisher Creek, LLC, Applicant – Tiffanie Northrup-Robinson, County Planner**

County Planner Tiffanie Northrup-Robinson explained that this item will require two actions. First is a proposed plat amendment, which will require a recommendation to the County Council, because the plat was adopted by the County Commission in 1999 by ordinance. She recalled that this was discussed in work session on March 26, 2013. She reviewed the zoning in the area and the plat and explained that a specific landscaping plan was adopted with this development, which was also recorded and adopted as part of Ordinance 344. She indicated the location of the proposed new storage units and the landscaping plan. She presented the proposed amended plat and indicated the proposed lot lines and setbacks, explaining that the adjustments would create a better open space buffer on the site. She recalled that one concern at the work session was the zero setback, and Staff has worked with the applicant and found a compromise based on the existing plat and how it was intended to be utilized with previous setbacks. Another concern was berming on the south side of Lot 9, and the landscaping plan would be amended to be consistent with what was originally approved as far as quality and quantity, although there might be slightly different materials. She explained that the applicants propose about 27,250 square feet of storage, with about 1,000 square feet utilized for office space, and they have made adjustments in the architecture toward Highway 40. Planner Northrup-Robinson presented the proposed landscape plan and indicated the wetland area, noting that the applicant has created a greater buffer from the wetlands. She presented the visual analysis provided by the applicant and photographs of the site. The affordable housing requirement would be .29 unit, and the applicant would be eligible to pay the fee-in lieu for affordable housing of \$25,213.13. Staff recommended that the Planning Commission forward a positive recommendation for the plat amendment for the

Silver Creek Business Park and Ordinance 344. Staff also recommended that the Planning Commission approve the CUP with the conditions outlined in the staff report.

Commissioner Franklin stated that he could not accept a zero setback, which would make this an illegal, nonconforming parcel. He stated that the Code requires a 12-foot setback, and he could not accept the plat amendment because of that. Ms. Brackin confirmed that the Code regulation is 12 feet, but when this plat was approved, setbacks were considered specifically for this area. Planner Northrup-Robinson explained that developable areas were designated, which are essentially building pads. There is conflicting language, part of which states that this is where the buildings would go, with zero setbacks, but other language talked about setbacks. She explained that this amendment would clarify the actual building pads, not just developable area, so the setbacks would be defined by the plat, not the Code. Ms. Brackin explained this is allowed and has occurred in other areas of the County because of the nature of the property and other reasons. If the Code setbacks cannot be met, they can identify the setbacks on the plat, and the plat regulates the setbacks rather than the Code.

Ron Sharpe, the owner of the property, stated that he reviewed the staff reports from when this was originally approved, and the discussion was that the County wanted meaningful open space rather than a lot of little pieces of open space. He sat down with Staff at the time and calculated all the open space to provide the open space in one area. The Planning Commission asked to see all the open space contiguous rather than in bits and pieces. Planner Northrup-Robinson explained that the zero setback is next to other property owned by the same property owner. If the same owner did not own the adjacent parcel, the County would require a 12-foot setback.

Commissioner Franklin stated that he could not accept the zero setback between Lots 8 and 9. He stated that the buildings are so large that he could not see a hardship that would keep the applicant from pushing the building 12 feet from the lot line. He stated that allowing a zero setback is not proper planning practice. Robert Holmes, the

applicant, explained that the only thing that would be accomplished with a 12-foot setback would be to create a 12-foot wide area where trash would collect, and they would like to avoid that.

Commissioner Peck recalled that they discussed this the last time they saw this project, and she thought they had reached a consensus and recognized that they would get some benefit by placing the buildings together and providing more open space and a buffer around the project. She did not recall looking at this as a continuing problem. She asked about the berms. Eric Langvardt, project designer, explained that the berm is a 100-foot span at a height of six feet. He believed they might have to look at what they can do with the berm to be more creative. **Commissioner Peck** suggested that the berm have some contours and depth and a little character.

Commissioner Lawson asked which grading plan applies to the rendering showing the berms. Mr. Langvardt replied that it is L1.1 and noted some adjustments that could be made to the plan. **Commissioner Lawson** noted that they could also break up the berm with landscaping. Mr. Langvardt and the Commissioners discussed options for the berms and landscaping the site. **Commissioner Lawson** commented that, if they have been able to consolidate and create more meaningful open space by doing away with the 12-foot setback, which is essentially unusable property, he could justify allowing the zero setback in this case. He stated that he is reasonably satisfied with what is proposed, especially if they get more creative with the west side of the landscaping berm.

Commissioner Barnes verified with the applicant that they plan to proceed with construction of the adjacent lot next spring. Mr. Holmes stated that they had originally planned to phase the buildings, but with the demand they have received, they will proceed to construct all five buildings and leave Building 6 to sometime in the future. **Commissioner Barnes** commented that the applicant seems to have done a good job of screening the site.

Commissioner Velarde encouraged the applicant to do what they can to get the word out that these are storage units that have been platted for a long time, that they are doing their best to screen them, and that this is not the end of the world.

Chair DeFord asked about lighting on the Highway 40 side of the project. Mr. Holmes replied that the only lighting would be at night and would be on photo cells. He explained that they have discussed using LEDs on this phase of the project. **Chair DeFord** asked if the outdoor storage will be paved. Mr. Holmes confirmed that it will be paved, and they are working with Engineering regarding drainage and other issues. Mr. Langvardt explained that now that they have decided to proceed with building all the buildings, it made sense to do the asphalt as well.

Chair DeFord opened the public hearing.

There was no public comment.

Chair DeFord closed the public hearing.

Commissioner Peck referred to Finding 8 for the plat amendment and Finding 10 for the CUP and suggested that they not say that the Planning Commission shall make a recommendation or final decision. She suggested that the findings state that the Planning Commission is the recommending or final decision making body. She asked that the numbering for the Findings of Fact for the CUP be corrected and requested that Condition 2 regarding discouraged material include an example of discouraged materials.

Commissioner Lawson commented on Condition 2 for the CUP and stated that he is not clear on the use of discouraged materials. Planner Northrup-Robinson explained that, because this is not just a small use of the materials, the Code requires approval from the County Manager if the applicant wishes to use discouraged materials. **Commissioner Lawson** stated that they did not look at the building materials to begin with, and he was

uncomfortable with leaving the use of discouraged materials up to the County Manager. Mr. Holmes stated that he was not sure when split-faced block became a discouraged material, because they have used it on 10 of their buildings. Planner Northrup-Robinson stated that has been in the Code for some time, and the language requiring County Manager approval was added when the form of government changed. If the County Manager chose not to approve the materials, the applicant would have to use the materials allowed by Code, which would be reviewed by Staff. **Commissioner Barnes** noted that the Planning Commissioners seem to approve of the colors and materials on the applicant's existing buildings and asked how the Planning Commission could send that message. Community Development Director Patrick Putt stated that, considering that the Planning Commission is the final land use authority, they could include a condition of approval that, prior to issuance of a building permit, final drawings and materials would be presented to the Planning Commission for review. Ms. Brackin suggested that they leave that to Staff's discretion, and the Community Development Director could bring it back to the Planning Commission if he feels he needs further input from the Planning Commission.

Commissioner Franklin withdrew his objection to the zero setback on Lot 8, stating that he did not know there was an existing wall there. However, as a general policy, he believed they should try to abide by the setbacks in developments.

Commissioner Velarde made a motion to forward a positive recommendation to the County Council on the plat amendment for Silver Creek Business Park Lots 9, 10, 11, and 12, including language modifications to Ordinance 344, with the following Findings of Fact, Conclusions of Law, and Conditions of Approval as shown in the staff report dated September 4, 2013, with a correction to the Ordinance number to state Ordinance 344:

Findings of Fact:

- 1. The Board of County Commissioners approved The Silver Creek Business Park plat in 1997, and it was recorded on June 30, 1997.**

2. The Silver Creek Business Park consisted of 13 lots.
3. In 1999 the Board of County Commissioners via Summit County Ordinance 344 approved amendments to the specific plan, the plat, and also included a recorded open space and landscaping plan for the Silver Creek Business Park.
4. The applicant, Robert Holmes, represents the owners of Lot 9, LLC, and Fisher Creek, LLC.
5. The subject properties are legally described as Lots 9, 10, 11, and 12, The Silver Creek Business Park Amended and are further identified as Assessor's Parcels SCBP-9-AM, SCBP-10-AM, SCBP-11-AM, and SCBP-12-AM.
6. The applicant is requesting the proposed amendment to ensure the building pads are located on the parcels indicating clear setbacks for future development.
7. The applicant is proposing to modify the open space and landscaping plan to be consistent with the intent of the original approval and create a greater buffer on the south end of the property near existing wetlands.
8. The Snyderville Basin Planning Commission shall make a recommendation to the County Council for the proposed subdivision plat amendment and also for the open space and landscaping plan amendment, which was adopted by Ordinance 344.
9. Public notice of the public hearing was published in the August 31, 2013, issue of *the Park Record*.
10. Postcard notices announcing the public hearing were also mailed to property owners within 1,000 feet of the subject property.

Conclusions of Law:

1. No person will be materially injured as a result of the amendment.
2. There will be no change in density as a result of the amendment.

Conditions of Approval:

- 1. The Summit County Assessor, Engineer, Attorney, and Recorder will review the amended plat prior to recordation.**
- 2. The amended plat and amended ordinance shall be recorded within one (1) year, if approved by the SCC.**

The motion was seconded by Commissioner Franklin.

Commissioner Peck amended the motion to remove the compulsory language from Finding of Fact 8, to read that, “The Snyderville Basin Planning Commission is the recommending body to the County Council for the proposed subdivision plat amendment and also for the open space and landscaping plan amendment, which was adopted by Ordinance 344.” Commissioners Velarde and Franklin accepted the amendment to the motion. The amended motion passed unanimously, 6 to 0.

Commissioner Velarde made a motion to approve the Conditional Use Permit for Silver Creek Business Park Lot 9 storage units with the following Findings of Fact, Conclusions of Law, and Conditions of Approval shown in the staff report dated September 4, 2013:

Findings of Fact:

- 1. The Board of County Commissioners approved The Silver Creek Business Park plat in 1997, and it was recorded on June 30, 1997.**
- 2. The Silver Creek Business Park consisted of 13 lots.**
- 3. In 1999 the Board of County Commissioners via Summit County Ordinance 334 approved amendments to the specific plan, the plat, and also included a recorded open space and landscaping plan for the Silver Creek Business Park.**
- 4. The applicant, Robert Holmes, represents the owners of Lot 9, LLC, and Fisher Creek, LLC.**

5. The subject property is legally described as Lot 9, The Silver Creek Business Park Amended, and is further identified as Assessor's Parcel SCBP-9-AM.
6. Parcel SCBP-9-AM is currently zoned Community Commercial (CC).
7. The applicant is requesting a Conditional Use Permit for Storage, RV, Boat and Vehicle which is outlined as a Conditional Use Permit in the Use Table, Section 10-2-10.
8. The Snyderville Basin Planning Commission shall make a final decision regarding the proposed Conditional Use Permit according to 10-3-5 of the Code.
9. Public notice of the public hearing was published in the August 31, 2013, issue of *the Park Record*.
10. Postcard notices announcing the public hearing were also mailed to property owners within 1,000 feet of the subject property.

Conclusions of Law:

1. The use is in accordance with the General Plan.
2. The use conforms to all applicable provisions of this Title including, but not limited to, any applicable provisions of this Section and Chapter 4 of this Title, the General Plan, and State and Federal regulations.
3. The use is not detrimental to public health, safety, and welfare.
4. The use is appropriately located with respect to public facilities.
5. The use is compatible with the existing neighborhood character and with the character and purpose provisions of the applicable zoning district and will not adversely affect surrounding land uses.

Conditions of Approval:

1. The applicant must provide a detailed lighting plan that is in compliance with the lighting standards outlined in 10-4-22 prior to issuance of a building permit.

- 2. The applicant shall receive approval from the County Manager for the use of discouraged material, colored concrete block, prior to issuance of a building permit. Otherwise, the applicant will need to modify the structure to include an allowed material prior to building permit.**
- 3. The applicant shall provide a final landscaping and irrigation plan, including final berming detail, prior to the issuance of a building permit. This shall also include a detailed cost breakdown and the submittal of a bond in the amount of 120% of the total cost.**
- 4. The applicants shall submit an application and review of the Construction Plan and the required Development Improvement Agreement and associated bonding for all improvements required in the development plan. This shall be reviewed by the County Engineer and shall be in compliance with Chapter 6 of the Code.**
- 5. The applicant shall clearly delineate the wetland boundary as shown on the original plat.**
- 6. The applicant shall pay the Workforce Housing fee to mitigate the 0.29 Affordable Housing Unit Equivalent generated by the project. The fee of \$25,213.13 must be paid prior to issuance of a building permit.**
- 7. The final plat amendment and modifications to Ordinance 334 shall be approved by the Summit County Council and recorded prior to issuance of a building permit. If the plat and ordinance amendments are not approved, the CUP would have to go back to the SBPC for additional review on the existing platted lots.**
- 8. Any substantial change to the architecture will require an amendment to the CUP and further consideration by the SBPC.**
- 9. No approvals or entitlements are being given for Lot 10 as part of this review.**

10. Any signage must be approved through a sign permit application prior to installation of any signage.

11. All Service Provider conditions shall be met.

The motion was seconded by Commissioner Barnes.

Commissioner Peck amended the motion to remove the compulsory language from Finding of Fact 8, to read that, “The Snyderville Basin Planning Commission is the final land use authority regarding the proposed Conditional Use Permit according to 10-3-5 of the Code,” and to correct the references to Ordinance 334 to read Ordinance 344. Commissioners Velarde and Barnes accepted the amendment to the motion. The amended motion passed unanimously, 6 to 0.

DRC UPDATES

There were no DRC updates.

COMMISSION COMMENTS

Commissioner Velarde asked about the grading permit at The Colony. Director Putt explained that he investigated the grading permit and explained that it allowed for grading associated with the ski easement into one of the lots. No trees were cut, and the contour change was consistent with the ski easement and the literal language on the plat, although it does not seem to be consistent with the intent of the Planning Commission’s recommendation. Commissioner Velarde asked if the Planning Commission could request a letter from the County to the applicant stating that, while they are within the letter of the law, they do not appreciate what they have done. She would like something in the file that evidences that the Planning Commission knows that the developer pulled a fast one on them. Director Putt believed the intent of the language was that from certain vantage points there would not be any visible grading cuts, but what they have are visible cuts in the viewshed. Whether they are significant is a matter of

opinion, but the work being done is consistent with the grading permit that was issued and consistent with the language on the plat. Ms. Brackin explained that the County Council was the final authority on the approval, and there was discussion about having as little disturbance as possible from the Park City side. However, it was also acknowledged that there would be some view impacts, and the permit was not issued in error but was consistent with the approvals.

Commissioner Peck expressed concern about the roundabout by the Subway and Smith's. She stated that cars do not even slow down and go right into the parking lot by Subway and left into Wendy's. She asked for some kind of traffic control for the roundabout.

DIRECTOR ITEMS

Director Putt reported that the last neighborhood plan public hearing was held with the County Council last week. There will be a wrap-up public hearing on Phase I of the General Plan toward the end of September or beginning of October before the County Council. He reported that a Phase II General Plan consultant group has been selected, which is a combined team of Design Workshop and Charles ? .

Director Putt also reported that the Murnin-Kilgore project will be reviewed by the County Council tomorrow evening. He suggested that the Canyons update be done in conjunction with the second Planning Commission meeting in October.

The meeting of the Snyderville Basin Planning Commission adjourned at 8:05 p.m.

Minutes Approved