

January 9, 2014

SUMMIT COUNTY COUNCIL
PO Box 128
Coalville, UT 84017

Dear Summit County Council,

Attached are summaries and committee recommendations by the 2013 RAP Tax Recreation Grant Committee. This year's application was revised for better clarification from applicants. Applications were available from Sept. 1 and the applications were received no later than Oct. 4, 2013 at 12 noon.

The committee members included:

Kathy Apostolakos, Chair

Peter Tomai, Vice Chair

Alex Natt, Secretary

Amy Yost

Meg Steele

Shana Overton

Wendy Cryan

Anita Lewis, County Liaison

The committee is scheduled to review our findings and recommendations with the Council, in work session, on Jan. 22, 2014.

Best wishes,

Kathy Apostolakos, Chair

RAP Tax Recreation Grant Committee

2013 Summit County Recreation RAP Allocations

Available RAP Tax:

\$1.1M

Region	% Allocation By Population	Funding Allocation	Actual Funding Allocation	Final % Allocation
East County - North	13.0%	\$143,000	\$143,000	13.0%
East County - South	18.0%	\$198,000	\$198,000	18.0%
Park City	21.0%	\$231,000	\$231,000	21.0%
Snyderville Basin	48.0%	\$528,000	\$528,000	48.0%
Total	100%	\$1,100,000	\$1,100,000	100%

Allocation by Applicant

No.	Applicant	Project	Requested \$	Allocated \$	% of Request	Region Allocation
East County - North						
2	Henefer Town	Pocket Park	\$39,000	\$39,000	100%	
3	NS Recreation	Outdoor Community Recreation	\$500,000	\$0	0%	
4	NS School District	Football/Track/Field Facility Improve	\$105,000	\$104,000	99%	
East County- North Sub Total			\$644,000	\$143,000		\$143,000
East County - South						
1	Francis City	Irrigation/trees	\$14,485	\$14,485	100%	
5	Oakley City	Rodeo Building Interior	\$150,000	\$76,833	51%	
12	Peoa Recreation	Playground improvements	\$16,922	\$16,922	100%	
23	SS Aquatic & Fitness	Numerous Updates/control access	\$181,735	\$89,760	49%	
East County- South Sub Total			\$363,142	\$198,000		\$198,000
6	PCMC	Pro Shop Lighting	\$15,000	\$0	0%	
8	PCMC	MARC Fitness Equipment	\$25,000	\$25,000	100%	
9	PCMC	Golf Course Electric Vehicle	\$14,992	\$11,000	73%	
7	PCMC	Ice Arena Software	\$6,022	\$3,000	50%	
11	PCSchool District	Ecker Pool Replaster	\$48,000	\$32,000	67%	
24	Summit Cty/PCMC	Underpass Hwy 40	\$160,000	\$160,000	100%	
26	PCMC/Basin Rec	Feasibility Study 3 facilities	\$40,000	\$0	0%	
Park City Sub-Total			\$309,014	\$231,000		\$231,000
13	Basin Recreation	Trail bridge Canyon Ck at Spring Ck	\$15,000	\$15,000	100%	
14	Basin Recreation	Expand dogpark Trailside	\$25,000	\$25,000	100%	
15	Basin Recreation	Exercise Stations Willow CK	\$10,000	\$10,000	100%	
16	Basin Recreation	(2) 8x8 Pavilions near tennis Trailside	\$10,000	\$10,000	100%	
17	Basin Recreation	Trailside add 14 Features to skate park	\$30,000	\$30,000	100%	
18	Basin Recreation	(2)60'x20' nets goal area Matt Knoop Memorial Park	\$15,000	\$15,000	100%	
19	Basin Recreation	Fencing Parley's Lane Dog Park in The Woods	\$25,000	\$0	0%	
20	Basin Recreation	Shade sail in Matt Knoop Park	\$6,000	\$6,000	100%	
21	Basin Recreation	Add 2 tennis courts Willow Creek Park	\$80,000	\$0	0%	
22	Basin Recreation	9700 Ft Soft Surface Trail Glendwild Loop & Silver Ck	\$125,000	\$80,000	64%	
25	Utah Athletic Found.	Shade in playground area & trail	\$175,252	\$20,000	11%	
7	PC Ice Arena	Ice Arena Numerous Software Improvements etc.	\$9,033	\$4,468	49%	
11	PCSchool District	Ecker Hill Pool Re-Plaster	\$72,000	\$72,532	101%	
24	Summit Cty AND PCMC	Underpass Hwy 40	\$240,000	\$240,000	100%	
26	PCMC AND Basin Recreation	Feasibility Study - 3 Facilities	\$60,000	\$0	0%	
Basin Sub-Total			\$897,285	\$528,000		\$528,000
Region Totals			\$2,213,441	\$0	0%	\$1,100,000 Allocation

North Summit Region

Total Amount to Allocate: \$143,000

App #	Applicant	Amount Requested	# Served (visits/year)	Final \$ Allocated	% of \$ Requested
2	Henefer Town	\$39,000	4000	\$39,000	100%
3	NS Recreation	\$500,000		0	0%
4	NS School District/Track Resurface	\$105,000	61,850	\$104,000	99%

Total: \$143,000

South Summit Region

Total Amount to Allocate: **\$198,000**

App #	Applicant	Amount Requested	# Served (visits/year)	Final \$ Allocated	% of \$ Requested
1	Francis City/Park Irrigation & Trees	\$14,485	12,120	\$14,485	100%
5	Oakley City/Rodeo Bldg Interior	\$150,000	100,000	\$76,833	51%
12	Peoa Recreation/ Landscaping, O & M, Fencing	\$16,922	2000	\$16,922	100%
23	SS Aquatic & Fitness - Numerous Pool updates & access control	\$181,735	145,000	\$89,760	49%

Total: \$198,000

Park City Region

Total Amount to Allocate: **\$231,000**

App #	Applicant	Amount Requested	# Served (visits/year)	Final \$ Allocated	% of \$ Requested
6	PCMC/Lighting Golf Shop	\$15,000		0	0%
8	PCMC/ MARC Fitness Equipment	\$25,000	600,000	\$25,000	100%
9	PCMC/Golf Course Vehicle	\$14,992	35,000	\$11,000	73%
7	PCMC/ Ice Arena Software*	\$6,022	130,000	\$3,000	50%
11	PC School District/Ecker Pool RePlaster *	\$48,000	100,000	\$32,000	67%
24	Summit Cty/PCMC - Underpass Hwy 40 *	\$160,000	110,000	\$160,000	100%
26	PCMC/Basin Rec-3 facility feasibility study	\$40,000		0	0%

*See additional under Basin

Total:	\$231,000
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Snyderville Basin Region

Total Amount to Allocate:

\$528,000

App #	Applicant	Amount Requested	# Served (visits/year)	Final \$ Allocated	Applicant Priority	% of \$ Requested
13	Basin Recreation/Trail Bridge Canyon Ck/Spring Creek	\$15,000	32,000	\$15,000	Bob Radke	100%
14	Basin Recreation/TS Dog Park	\$25,000	10,000	\$25,000	#4 Brian	100%
15	Basin Recreation/Exercise Stations WC Park	\$10,000	20,000	\$10,000	#6 Brian	100%
16	Basin Recreation/TS (2) 8x8 Pavillions	\$10,000	3,000	\$10,000	#3 Brian	100%
17	Basin Recreation/TS Skate Park	\$30,000	8,000	\$30,000	#2 Brian	100%
18	Basin Recreation/(2)60'x20' goal nets Matt Knoop Park	\$15,000	30,000	\$15,000	#1 Brian	100%
19	Basin Recreation/The Woods Dog Park Fencing	\$25,000		0	#8 Brian	0%
20	Basin RecreationShade Sail Matt Knoop Park	\$6,000	10,000	\$6,000	#7 Brian	100%
21	Basin Recreation/2 Tennis courts Willow Crk Park	\$80,000		0	#5 Brian	0%
22	Basin Recreation/Serv Area #3 - (9700 Ft)soft surface trail Glendwild/Silver Creek	\$125,000	25,000	\$100,000	Will Pratt	80%
7	PCMC/Ice Arena - Software Improvements *	\$9,033	130,000	\$4,468		49%
11	PCSchool District/Ecker Pool - Re Plaster *	\$72,000	100,000	\$72,532		101%
24	Summit Cty AND PCMC/Underpass Hwy 40 *	\$240,000	110,000	\$240,000		100%
25	Utah Athletic Foundation	\$175,252	400,000	\$20,000		11%
26	PCMC AND Basin Recreation/3 facility feasibilty study	\$60,000		0		0%

*See additional under Park City

Total: \$528,000

2013 RAP Tax Recreation Grant Requests with Grant Committee Recommendations – Grant Total: \$1.1M

NORTH SUMMIT: Regional allocation by population: \$143,000 Application awards: \$143,000

App #2 **Henefer Town** - Pocket Park located on historical property – Will house DUP Museum
1) Town purchased land 2) DUP rec'd state funds.

Percent of Request Funded: 100% **Funding:** \$39,000

Acceptable uses of RAP funds: 1) Sod & Sprinklers 2) Sidewalk & Cement 3) Water & Sewer Hook-up 4) Benches 5) Should cement be donated, then Historical Monuments

App#3 **North Summit Recreation Special Service District** – Additional Coalville Park Improvements

1) Approximately \$189k unspent from 2012 RAP Tax/Rec award. Recommend that be used for Construction Plans, at approximately \$140,000, without which, they apparently cannot proceed on project. Any remaining 2012 grant funding would be used for specifics in that original grant.

Percent of Request Funded: 0% **Funding:** \$0

App#4 **North Summit School District** – North Summit High School track resurfacing

1) Track used for school & community 2) Very high usage #'s

Percent of Request Funded: 99% **Funding:** \$104,000

Acceptable uses of RAP funds: 1) Scrape old track surface & pave with 2" new surfacing. Any balance could be used for other track related improvements such as long jump.

SOUTH SUMMIT: Regional allocation by population: \$198,000 Application awards: \$198,000

- App#1 **Francis City** – Park irrigation system to connect to current trees, plus additional trees
1) Next stage in park development. 2) Well done Master Plan/Dept. of Forestry partnership 3) Population served by extensive events in area
Percent of Request Funded: 100% **Funding:** \$14,485
Acceptable uses of RAP funds: 1) Irrigation system installation with automatic controls 2) new trees
- App #5 **Oakley City** – Rodeo building interior 1) Great job done on exterior with 2012 RAP Tax funds. 2) Will continue plans toward building completion. 3) Not 100% funding this round due to large RAP Tax grant in 2012. Felt should be spread throughout region users this grant.
Percent of Request Funded: 51% **Funding:** \$76,833
Acceptable uses of RAP funds: 1) Flooring including heat 2) Interior building finishes, plumbing, electrical, mechanical.
- App#12 **Peoa Recreation** - Woodenshoe Park - Landscaping, O& M, fencing
1) Park improvements continuing from last RAP Tax grants 2) Recreation district has no funding source. 3) Lots of continuing individual volunteer support, Eagle projects etc. 4) Needs some O&M for maintenance, insurance, bathroom cleaning etc.
Percent of Request Funded: 100% **Funding:** \$16,922
Acceptable uses of RAP funds: 1) Landscaping: Fill & gravel to parking & driving area, top soil, sod & installation 2) O & M – Power, insurance, lawn moving, sprinklers, building cleaning, dumpster 3) Additional fencing & gates.

App#23 **South Summit Aquatic & Fitness Center** – Construction for ceiling in party room for temperature & humidity control plus numerous upgrades for play as well as access control. Funding chosen by facility priority.
1)No RAP Tax funds since 2003. 2) Exceptionally large # of users served
Percent of Request Funded: 49% **Funding:** \$89,760
Acceptable uses of RAP funds: 1) Party room ceiling 2) Play structure & Slide Improvements 3) Front Desk Ready Access system for a more secure entry 4) Wibit Aqua Track 5) Pool climbing wall.

PARK CITY: Regional allocation by population: \$231,000 Application awards: \$231,000

App#6 **Park City Municipal Corp. (PCMC)** - Lighting for pro-shop 1) Felt there was not recreational benefit to users served. 2) Other PCMC applications better served users.
Percent of Request Funded: 0% **Funding:** \$0

App # 8 **PCMC – MARC** – New fitness equipment 1) Extremely high user #'s 2) User survey demand. 3) Renovation didn't cover all new fitness equipment.
Percent of Request Funded: 100% **Funding:** \$25,000
Acceptable uses of RAP funds: 1) Suitable Fitness Room Equipment

App#9 **PCMC – Municipal Golf Course** - Electrical utility vehicle for course. 1) Old one is 13 years old & no longer functional. Electrical vehicle green & reduce fuel. 2) Will make course safer for utility movement rather than in golf carts.
Percent of Request Funded: 73% **Funding:** \$11,000
Acceptable uses of RAP funds: 1) Toro Utility Vehicle

SNYDERVILLE BASIN: Regional allocation by population: \$528,000

Application awards: \$528,000

- App#13 **Basin Recreation** – Pedestrian trail bridge East Canyon Creek at Spring Creek.
1) Will connect Spring Creek Trailhead and trail parking directly with the Glenwild Trail System and hopefully keep pedestrians out of the street & traffic. 2) Solves major safety issue for trail users. 3) High volume usage of this trail & trailhead.
Percent of Request Funded: 100% **Funding:** \$15,000
Acceptable uses of RAP funds: 1) Pedestrian bridge construction
- App#14 **Basin Recreation** – Expansion of dog park at Trailside. 1) As the county continues enforcement of responsible dog owner behavior, expansion is needed for designated dog & owner recreation.
Percent of Request Funded: 100% **Funding:** \$25,000
Acceptable uses of RAP funds: 1) Add fencing, sod, irrigation, shade shelters and areas to divide small & large dogs. 2) Agility feature, 3) water feature 4) Benches 5) Mutt stations
- App#15 **Basin Recreation** – Exercise stations for Willow Creek Park. Multiple exercises can be performed around the walking path for increased fitness by patrons. 1) Liked by users 2) Suits broad population base.
Percent of Request Funded: 100% **Funding:** \$10,000
Acceptable uses of RAP funds: 1) Par Course stations.
- App#16 **Basin Recreation** – Two 8X8 shade pavilions at tennis courts at Trailside Park. 1) Waiting tennis players as well as other park visitors need additional shade options.
Percent of Request Funded: 100% **Funding:** \$10,000
Acceptable uses of RAP funds: 1) Two 8x8 pavilions 2) Concrete footings 3) Cement pads 3) One pavilion picnic table & other with benches.

- App#17 **Basin Recreation** – Addition of 14 features to Trailside Skate Park. With proven usage by the skate users, additional features would fill out concrete pad space already there in the park. 1) Will offer different skate experience of Park City Skate Park. 2) Completion of the project started 3 years ago. 3) Keeps park attractive to users. 4) Great for summer camps & events.
Percent of Request Funded: 100% **Funding:** \$30,000
Acceptable uses of RAP funds: 1) 14 featured equipment elements to finish out skate park space.
- App#18 **Basin Recreation** – Two 60'x20' net systems in goal area of Matt Knoop Memorial Park. 1) Needed predominately for safety as LAX & soccer balls are chased by kids into parking lot & ponds.
Percent of Request Funded: 100% **Funding:** \$15,000
Acceptable uses of RAP funds: 1) Two 60'x20' net systems
- App#19 **Basin Recreation** – Fencing Parley's Lane Dog Park in the Woods. 1) Low priority by users and Basin Rec at this time 2) Other county dog park enhancements
Percent of Request Funded: 0% **Funding:** \$0
- App#20 **Basin Recreation** – Shade sail in a sand area of Matt Knoop Park 1) Increased usage after moving Power Hour to this park. 2) Approx. 60 Power Hour participants each M/W/F with around 2 kids with them each. 3) Need to keep kids out of the sun. Park has limited shade.
Percent of Request Funded: 100% **Funding:** \$6,000
Acceptable uses of RAP funds: 1) Specified shade sail keeping a similarity between parks.

App#21 **Basin Recreation** – Two additional tennis courts at Willow Creek Park. 1) Felt demand did not yet show need for additional courts at this time- with Trailside tennis courts and the MARC soon being back online.

Percent of Request Funded: 0% **Funding:** \$0

App#22 **Basin Recreation – in cooperation with Summit County Service Area #3:** - Silver Creek/Wasatch Trail, connecting I-80 Silver Creek Underpass on the east with the existing Glenwild Loop Trail on the west. 1) Master Trail Plan connectivity. 2) Will offer safety of separating trail users & horse-back riders from the road/traffic. 3) Silver Creek Trail has no proven usage #'s as yet. 4) Easements settled or not a factor.

Percent of Request Funded: 80% **Funding:** \$100,000

Acceptable uses of RAP funds: 1) Approximately 9700 feet of 4 x 6 feet wide soft surface trail.

App#25 **Utah Athletic Foundation (UAF)** – Shade for public areas, playground areas and trails. 1) Usage mixed local & out of town. Local usage has grown through the years with increased focus. 2) All request areas are offered elsewhere in the Basin already. 3) Concern over trail plan – bike up only trail, flow trail etc. 4) UAF does have matching funds toward projects.

Percent of Request Funded: 11% **Funding:** \$20,000

Acceptable uses of RAP funds: 1) \$13,000 toward trails 2) \$7,000 toward shade

COMBINED APPLICATIONS FOR PARK CITY & SNYDERVILLE BASIN:

- App#7 **Park City Ice Arena** – Guest services software for efficiency in tracking user waivers, faster for user check in etc. CityReporter software will also give real time update information for facility maintenance and repairs.
Funding through Park City total allocation: \$3,000
Funding through Basin total allocation: \$4,468 **Grand total funding:** \$7,468
Acceptable uses of RAP funds: 1) CityReporter - waiver form software development & integration costs with 4 iPads 2) CityReporter first year support cost 3) No funding for PointStreak, felt too specific a user group.
- App#11 **Park City School District** – Ecker Hill Swimming Pool – Re-plaster/resurfacing to stop all leaking & cracking in large and small pools.
Funding through Park City total allocation: \$32,000
Funding through Basin total allocation: \$72,532 **Grand total funding:** \$104,532
Acceptable uses of RAP funds: 1) Re-plaster/resurface interior of large & small pools to stop leaking & cracking.

App#24 **Summit County and PCMC** – US40 Pedestrian/Wildlife Underpass at approximately Mile Post 2.16 on US40 near the Silver Summit Junction in the Snyderville Basin.
1) UDOT allocation of funding 2) Due to surprise UDOT funds, was not budgeted by Summit County or Park City. 3) Follows Trails Master Plans of connectivity 3) UDOT hopes for solution of some animal road kill. 4) Transportation Alternative Program Grant (TAP Grant)
Funding through Park City total allocation: \$160,000
Funding through Basin total allocation: \$240,000 Grand total funding: \$400,000
Acceptable uses of RAP funds: Summit County and Park City Municipal Corp.'s contributions to UDOT constructed Pedestrian/Wildlife Underpass on Highway 40.

App#26 **PCMC And Basin Recreation** – Feasibility Study to explore the potential construction of three major recreation facilities resulting from information gained through the Recreation Facility Demand Study & Mountain Recreation Strategic Action Plan.
1) Committee felt a feasibility study was not the best use of RAP Tax funds because after the study is complete you have nothing capital to show and you have not provided recreational opportunity for county residents.
Funding through Park City total allocation: \$0
Funding through Basin total allocation: \$0 Grand total funding: \$0

DENIED GRANT APPLICATIONS DUE TO INELGIBILITY:

PARK CITY SAILING ASSOCIATION

Only publically owned or operated parks and other facilities used for recreational purposes qualify for funding with RAP Recreation taxes.

December 20, 2013

The Board of County Council
Summit County, Utah
60 N. Main Street
Coalville, UT 84017

**PETITION FOR ANNEXATION TO THE MOUNTAIN REGIONAL WATER SPECIAL
SERVICE DISTRICT**

1. Pursuant to the provisions of Utah Code Annotated (UCA), Section 17D-1-401, as amended, the undersigned petitioner requests that the Board of County Council of Summit County, Utah, annex the property (Property) described in Exhibit A, which is attached hereto and incorporated by reference, into the boundaries of Mountain Regional Water Special Service District (District).
2. The undersigned petitioner(s) own one hundred percent of the Property to be annexed. Therefore, the notice, hearing, and protest requirements of Sections UCA 17D-1-1205, 17D-1-206, and 17D-1-207 do not apply.
3. The undersigned petitioner is desirous of receiving water service from the District for the Property and is willing to abide by all lawful adopted rules and regulations of the District as a condition of receiving water service from the District.

The undersigned petitioner has read and knows the contents of the foregoing Petition, and the fact set forth are true, accurate, and complete to the best of the undersigned petitioner's knowledge and belief.


Joseph Kevin Hamilton, Petitioner

Date: 12-20-13

[Attach Exhibit A that includes the property's TAX ID numbers, and legal property description, and map of the boundaries satisfactory to the County Recorder]

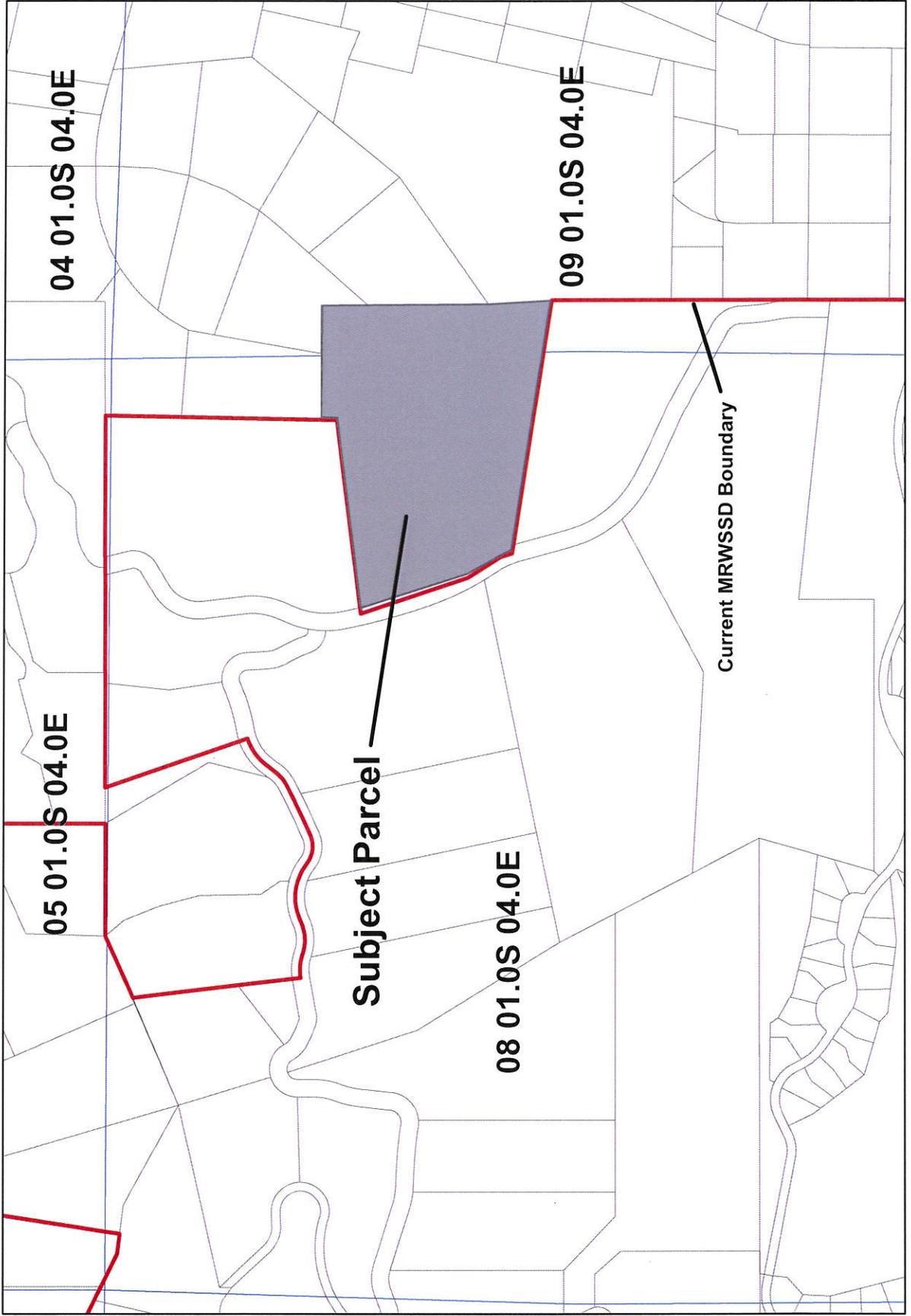
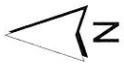
Parcel Number SS-16-B

BEG AT A PT WH IS S 1241.49 FT & E 330.0 FT FR THE NE COR OF SEC 8, T1SR4E, SLBM
(SD PT BEING ON AN EXISTING FENCE COR & A 2" PIPE) & RUN TH S 00°02'02" E 1320.0 FT ALG
AN OLD EXISTING FENCE LINE; THN 81°11'19" W 1463.43 FT TO THE E'LY
EDGE OF A DIRT ROAD; TH N 17°09'09" W 70.80 FT ALG SD ROAD; TH N 32°30'27" W
218.77 FT ALG SD ROAD; TH N 18°30'43" W 650.38 FT ALG SD ROAD; TH N 82°46'31" E
1804.65 FT TO THE PT OF BEG CONT 41.0 ACRES VWD-40 Q-150 735-490

Annexation Exhibit

Parcel SS-16-B

Lying within the Northeast Quarter of Section 8 and
the Northwest Quarter of Section 9,
Township 1 South, Range 4 East,
Salt Lake Base & Meridian, Summit County, Utah



RESOLUTION NO. _____

**A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE MOUNTAIN
REGIONAL WATER SPECIAL SERVICE DISTRICT
(SS-16-B)**

WHEREAS, the Summit County Council of Summit County, Utah, established a local district designated as the Mountain Regional Water Special Service District (the "District"), to provide water services within its boundaries; and

WHEREAS, Utah Code Ann. §17D-1-401 provides that additional land from that specified in the resolution establishing a local district may be annexed to the District in conformance with the applicable procedures; and

WHEREAS, §17D-1-203 and §17D-1-401(2) provide that the Summit County Council of Summit County, Utah (the "Council"), may be petitioned to annex an area into the District; and

WHEREAS, there have been numerous annexations into the District since its establishment in 1987; and

WHEREAS, Joseph Kevin Hamilton, has petitioned the Summit County Council to annex his land into the District. In the petition, Joseph Kevin Hamilton, represented that he is the sole owner of the property; and

WHEREAS, §17D-1-402 provides that the notice, hearing, and protest period do not apply if a petition for annexation of additional area is filed with the signatures of all of the owners of taxable real property; and

WHEREAS, Joseph Kevin Hamilton, has signed the petition for annexation.

The Summit County Council makes the following Resolution:

Section 1. The Council finds and determines that public health, convenience,

and necessity requires that certain land situated in Summit County, State of Utah, being generally described as parcel SS-16-B in Summit County, Utah be annexed into the District.

Section 2. The boundaries of the District shall include all previously established boundaries and the additional annexed parcel SS-16-B.

Section 3. The District was established to provide water services within its boundaries.

Section 4. The name of the District, subsequent to the annexation, shall continue to be designated as “Mountain Regional Water Special Service District.”

Section 5. The property, more particularly described as parcel SS-16-B located in Summit County, Utah is hereby annexed into the boundaries of the District. The property annexed shall be governed by and become an integral part of the District. Pursuant to this annexation, the owners of the property shall be entitled to receive the benefit of water services and facilities provided by the District, and shall be subject to the rights, powers and authority of the District, including, without limitation, the right, power and authority to promulgate rules and regulations for the operation of the District, to levy ad valorem taxes on the property, and to impose such fees and charges as shall be necessary to pay for all or part of the commodities, facilities and services to be provided by the District for the payment of the District’s bonds and other obligations.

Section 6. All officers and employees of Summit County are hereby directed to take such action as shall be necessary and appropriate to effectuate the provisions of this Resolution and the intent expressed herein.

Section 7. This Resolution shall take effect immediately upon its approval and

adoption by the Summit County Council.

APPROVED AND ADOPTED this _____ day of _____, 2014

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

Chairperson

ATTEST:

County Clerk

David L. Thomas (Bar No. 7601)
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

BEFORE THE SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

In the matter of	:	MEMORANDUM OF SUMMIT
	:	COUNTY DEPARTMENT OF
SCOTT POSTON, an individual.	:	COMMUNITY DEVELOPMENT
	:	
	:	
	:	
	:	
	:	
	:	

The Summit County Department of Community Development (“CD”) provides the following Memorandum in the above captioned case:

Statement of Facts

1. Hidden Cove Subdivision was recorded in 1965. (Exhibit A, ALJ Summation).
2. A residence was built on Lot 71 within the Hidden Cove Subdivision in 1970 (the “Original Residence”). There were no required set-backs at the time. In 1977, Summit County enacted its initial land use code (the “Code”) and placed Lot 71 within the AG-1 zone district, which required either a 55 foot front yard set-back from the centerline of the road or a 30 foot front yard set-back from the property line, whichever was greater. Beginning in 1985, Summit County allowed for performance zoning within the Snyderville Basin wherein set-backs were determined on a project-by-project basis. In 1993, a tier system was adopted within the Snyderville Basin and Lot 71 was placed into the Medium Density Residential zone district, which originally provided that set-backs were determined on a project-by-project basis, but in 1994 was modified to require a 30 foot front yard set-back from the property line. 1998 brought a new zoning regime, a combination hard zoning with a performance zone overlay (often referred to as the “Matrix”), wherein Lot 71 was rezoned to Existing Residential with no change in front

yard set-back requirements. (Exhibit A; Exhibit B, selected portions of the Snyderville Basin Development Codes 1977 - current).

3. As part of Summit County's comprehensive general plan and land use code update in 2004, Lot 71 was again rezoned, this time to the Hillside Stewardship zone district. The required front yard set-back was set at 30 feet from the property line or where property lines extended to the center of the roadway, the set-back was 55 feet from the centerline of the road. Code §10-2-5(D)(6). A further revision to the Code was made in 2006 and 2010, but the set-back requirements remained unchanged. Code §10-2-5(D)(7). (Exhibit B).
4. In sum, the front yard set-back requirements have historically remained relatively unchanged for Lot 71. The County concedes that the Original Residence complied with all of these historical front yard set-back requirements and is a legal conforming structure.
5. At an unknown point in time, a porch was added to the front of the Original Residence and thereafter, was enclosed and became part of the residence (the "Modified Residence"). There is no evidence of a building permit having ever been issued to allow for the enclosure of the porch. The porch enclosure encroaches into the historical front yard set-back. (Exhibit A).
6. A wrap around porch was then added to the Modified Residence further encroaching into the historical front yard set-back. (Exhibit A)
7. Scott Poston ("Poston") purchased the Modified Residence in 2005. (Exhibit A).
8. A 210 square foot additional structure was added to the Modified Residence at an unknown date (the "Art Room"). The Art Room protruded from the north side of the Modified Residence. There is no record that a building permit was issued for this Art Room and Poston has previously admitted that the Art Room was "not reviewed by [sic] county authorities." According to Poston, the Art Room ". . . does not have sufficient sub grade structure to support the vertical loads imposed on the structure. As a consequence the home has settled and it is believed it will continue to settle." The Art Room encroached upon the front yard set-back by 13 feet. (Exhibit A; Exhibit D, Affidavit of Dan Child).
9. Dan Child, Summit County Code Enforcement Officer, who is also a licensed building inspector ("Child"), reviewed Google aerial map photos of Lot 71, dated July 2006, and concluded that the photos do not show the Art Room. Consequently, the Art Room was built after July 2006 at a time when Poston owned the Modified Residence. (Exhibit C, Affidavit of Heather Judd; Exhibit D).
10. In 2012, Poston desired to add a covered patio to the Modified Residence. He applied for and was issued by Summit County a building permit to construct the covered patio. While preparing to construct the covered patio, Poston discovered the foundation

problems with the Art Room. In light of the foundation issues with the Art Room, Poston abandoned the covered patio project. (Exhibit A).

11. Poston voluntarily demolished the Art Room in 2012. “Mr. Poston said he removed part of the home and poured the foundation in order to stabilize the house. Mr. Pittam said they now realize this was not appropriate. . . . They were only trying to keep the house from sliding down.” (Exhibit A).
12. Poston did not obtain a building permit from Summit County to pour the foundation or reconstruct the Art Room. On December 6, 2012, Building Inspector Greg White (“White”) saw construction on the Modified Residence for which no building permit had been issued. White posted a Stop Work Order on the Modified Residence. (Exhibit A).
13. Despite the Stop Work Order, Poston poured the foundation walls to the Art Room on or about December 17, 2012. Thereafter, on December 20, 2012, Child issued the first of five administrative citations on the Modified Residence. Child also delivered a copy of this first administrative citation to Poston’s housekeeper. (Exhibit A).
14. On or about January 10, 2013, Poston backfilled the foundation to the Art Room. (Exhibit A).
15. On January 15, 2013, Child issued another citation to Poston for failure to procure a building permit. (Exhibit A).
16. On January 17, 2013, Child observed newly delivered rebar and construction material in the driveway of the Modified Residence and subsequently, on January 23, 2013 he issued yet another citation. (Exhibit A).
17. Poston contacted Child, who informed him that he needed a building permit. Poston was also informed that the proposed location of the Art Room violated the front yard set-back requirements of the County code. Poston applied for a variance from the set-back requirements. He did not apply for a building permit. (Exhibit A).
18. On March 20, 2013, County Planner Jennifer Strader issued a staff report in which she assumed that the Modified Residence, inclusive of the Art Room (pre-demolition), was a legal non-conforming structure. The subject of the staff report was a request for variance from the front yard set-back requirement. No official determination as to the non-conforming status of the Art Room was made. (Exhibit A).
19. The Summit County Board of Adjustment (“BOA”) heard and denied the variance request on March 28, 2013. The BOA’s minutes state:

Board Member Peay made a motion to deny the variance on the basis that there is no unreasonable hardship, the homeowner has the ability to enjoy a substantial property right on the parcel, and there are no special circumstances with the property that would

cause a variance to be granted. The motion was seconded by Board Member Longley. All voted in approval. (emphasis in original). (Exhibit A).

20. On August 19, 2013, Building Inspector Richard Butz and Child observed that the illegal foundation was being framed without a building permit. Another Stop Work Order and citation were issued. (Exhibit A).
21. Poston applied for a building permit from Summit County on August 26, 2013 and subsequently sought an administrative hearing on the Stop Work Order.
22. On November 21, 2013, an administrative hearing was held before the Honorable Colin R. Winchester, Administrative Law Judge. An Interim Administrative Code Enforcement Order was issued on December 31, 2013 staying the proceedings to allow Summit County to make a final determination on whether or not the Art Room is a legal nonconforming structure. (Exhibit E, Interim Administrative Code Enforcement Order).

Pertinent Statutes, Regulations and Case Law

1. **UCA 17-27a-103(36)**

"**Nonconforming use**" means a use of land that:

- (a) **legally existed before its current land use designation;**
- (b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
- (c) **because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.** See *Hugoe v. Woods Cross City*, 988 P.2d 456, 458 (Utah App 1999); Summit County Code, Title 10, Chapter 11. (emphasis added).

2. **17-27a-510. Nonconforming uses and noncomplying structures.**

(1) (a) Except as provided in this section, a nonconforming use or a noncomplying structure may be continued by the present or a future property owner.

(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

(c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.

(2) The legislative body may provide for:

(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;

(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and

(c) the termination of a nonconforming use due to its abandonment.

(3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

(b) A county may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:

(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or

(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

(c) (i) Notwithstanding a prohibition in its zoning ordinance, a county may permit a billboard owner to relocate the billboard within the county's unincorporated area to a location that is mutually acceptable to the county and the billboard owner.

(ii) If the county and billboard owner cannot agree to a mutually acceptable location within 90 days after the owner submits a written request to relocate the billboard, the provisions of Subsection **17-27a-512(2)(a)(iv)** apply.

(4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(c) Abandonment may be presumed to have occurred if:

(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the county regarding an extension of the nonconforming use;

(ii) the use has been discontinued for a minimum of one year; or

(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and shall have the burden of establishing that any claimed abandonment under Subsection (4)(c) has not in fact occurred.

(5) A county may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance. (emphasis added).

3. **17-27a-104. Stricter requirements.**

(1) Except as provided in Subsection (2), a county may enact an ordinance imposing stricter requirements or higher standards than are required by this chapter.

(2) A county may not impose stricter requirements or higher standards than are required by:

(a) Section **17-27a-305**; and

(b) Section **17-27a-513**. (emphasis added).

4. Snyderville Basin Development Code

10-8-1: NONCONFORMING USES, STRUCTURES, LOTS:

- A. Maintenance Permitted: Within the zone districts established in this title, there may be existing lots, structures and uses of land and structures, which were lawfully established before the adoption of this title, but which are now prohibited, regulated or restricted. It is the intent of this section to allow these uses and structures to continue until such time as they are removed or otherwise brought into conformance with this title.
- B. Burden Of Property Owner: **The property owner bears the burden of establishing that any nonconforming use or nonconforming structure lawfully exists.**
- C. Enlargement Prohibited: A nonconforming structure or nonconforming use shall not be enlarged in any way, unless it conforms to the provisions contained in this title.
- D. Repairs; Maintenance; Improvement: A nonconforming structure or a nonconforming use may be repaired, maintained, or improved, provided that such repair, maintenance, or improvement is in compliance with the provisions of this title. A nonconforming structure or nonconforming use may be altered to decrease its nonconformity or to be brought into compliance with the provisions of this title.
- E. Abandonment Or Loss Of Nonconforming Use: A nonconforming use that is discontinued for a continuous period of one year is presumed abandoned and shall not thereafter be reestablished or resumed. The property owner shall have the burden of establishing that any claimed abandonment has not in fact occurred. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing such abandonments. Any subsequent use of the building, structure, or land must conform to the regulations specified in this title for the zone district in which the use is located.
- F. Replacement Permitted If Destroyed By Natural Cause: If any nonconforming use, nonconforming structure, or nonconforming portion thereof, is destroyed by fire or other natural cause, it may be replaced. If the structure or use is not repaired or replaced within one year from the date of loss, it shall not be reconstructed or replaced except in conformance with the provisions of this title. The CDD or designated planning staff member may grant an extension of time based on demonstrated progress toward compliance with this requirement.
- G. Extension: The CDD or designated planning staff member may grant a onetime one year extension for subsections E and F of this section upon the findings that special circumstances, such as construction schedules, seasonal weather conditions, renewed business demand, or other similar circumstances exist which warrant such an extension. In order to grant an extension, the property owner shall file a written request to the community development department requesting such extension and be under due diligence in either rebuilding the structure, or reestablishing a commercial use, prior to the end of the original one year period.

- H. **Conformance Of Structure Required: If any such nonconforming structure or nonconforming portion thereof, is demolished or removed at the will of the property owner, any subsequent structure or portion thereof shall thereafter be required to conform to the regulations specified in this title for the zone district in which the structure is located.**
- I. New Nonconforming Use, Structure Prohibited: No lot, parcel of land, or interest therein, shall be transferred, conveyed, sold, subdivided, or acquired either in whole or in part as to create a new nonconforming use, structure or lot/parcel, or to avoid or circumvent the requirements of this title. No building permit will be issued for any lot, parcel or structure which has been transferred, conveyed, sold, subdivided or acquired in violation of this title.
- J. Nonconformance Of Area Per Dwelling Unit: A parcel/lot that was lawfully created but does not conform to the minimum area per dwelling unit requirement of the zone district in which it is located shall be considered a lot of record and is entitled to one, but no more than one, dwelling unit thereon (lot of record). (Ord. 723, 7-22-2009) (emphasis added).

Argument

The Original Residence located on Lot 71, Hidden Cove Subdivision, is an existing legal conforming structure. At some point after July 2006, a 210 square foot Art Room was built onto the Modified Residence, which encroached into the front yard set-back by 13 feet.¹ Poston has the burden of proof to establish that the Art Room was a legal use at the time it was built. UCA §17-27a-510(4)(a); Summit County Code (“Code”) §10-8-1(B).

Poston has failed to carry his burden by providing evidence as to when the Art Room was constructed so as to evaluate what code provisions applied at the time of construction. He has produced no building permit or even eye witness testimony. The most he has provided are statements from neighbors that the Art Room existed in 1994.

¹ While there is no evidence to demonstrate that the Modified Residence is a legal nonconforming structure, that issue is not before this body.

The County has searched its records and there is no evidence that a building permit was ever issued for the Art Room. (Exhibit D). The fact that the Art Room had a substandard foundation is further evidence that no building permit was issued. Further, Poston has admitted at the BOA hearing that the Art Room was built without county approval. (Exhibit A). A structure cannot be “legal” at the time it was built without having first procured a building permit.² Poston asserts that Hugoe v. Woods Cross City, 988 P.2d 456 (Utah App. 1999) stands for the proposition that failure to obtain a building permit does not defeat a legal non-conforming use. Poston misreads Hugoe. In Hugoe, the plaintiff was using the property for a use that was permitted under the regulations in existence at the time and for which no subsequent permit was needed. The Court in Hugoe found that the city had failed to prove that the plaintiff needed a “site plan” under the former regulations to operate a parking, staging and storage area for trucks. That is not the case here. A building permit has been required for all structures since 1977.

While Poston has procured statements from neighbors that the Art Room existed in 1994, aerial photographs from July 2006 definitively show the Modified Residence without the Art Room. In 2006, the current provisions of the Code were in effect and would have required a 55 foot front yard set-back from the centerline of the road. Code §10-2-5(D)(7). The Art Room violated that set-back requirement. (Exhibit A). For all of these reasons, the Art Room is not a legal nonconforming use. UCA §17-27a-103(36).

² Summit County Development Code §1.9 (1977) required a building permit. All subsequent land use regulations within Summit County also have required a building permit (Snyderville Basin Development Code §5.12(1) (1985); Snyderville Basin Development Code §4.12 (1993); Snyderville Basin Development Code §5.17 (1994); Snyderville Basin Development Code §3.11 (1998); Summit County Code §10-3-11(A) (2004); Snyderville Basin Development Code §10-3-11(A) (2006); Snyderville Basin Development Code §10-3-20(A) (2009)) as a pre-requisite to commencing construction of a structure.

Even assuming for the sake of argument that the Art Room was a legal nonconforming structure, Poston admits that he voluntarily demolished the Art Room in 2012 (Exhibit A); resulting in the loss of any nonconforming status. Code §10-1-8(H). Poston now claims that Code §10-1-8(H) is invalid because it is more restrictive than UCA §17-27a-510(3)(b)(ii). Poston cites to Harding v. Alpine, 656 P.2d 985 (Utah 1982) for the proposition that county regulations cannot contradict state statute. The County agrees that its code provisions regarding the voluntary demolition of a legal nonconforming structure are more restrictive than state statute. However, unlike in Harding, state statute expressly allows for such within the County Land Use Development and Management Act. UCA §17-27a-104.

Consequently, whether the Art Room was ever a legal nonconforming structure (which it was not) is immaterial since Poston's voluntary demolition of the Art Room renders such issue moot. The CD requests that the Council render a decision finding that the Art Room is not a legal nonconforming structure that can be rebuilt without complying with current land use regulations, specifically the front yard set-back.

Dated 16th of January 2014, 2013.



David L. Thomas
Chief Civil Deputy

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Memorandum, to be mailed, postage prepaid, to the following this ____ day of January, 2014:

Patricia Geary Glenn
P.O. Box 2866
Park City, Utah 84060

Scott Poston
8765 Gorgoza St.
Park City, Utah 84090

Exhibits on File

(Can be requested at the county attorney's office)

DAVID R. BRICKEY
COUNTY ATTORNEY

Criminal Division

JOY E. NATALE
Prosecuting Attorney

RYAN P.C. STACK
Prosecuting Attorney

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Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

LEGAL MEMORANDUM

To: Summit County Council
Bob Jasper, County Manager

From: David L. Thomas, Chief Civil Deputy 

Date: January 17, 2014

Re: Tanger Outlet Retail Expansion

1. The Council has requested that I address three questions:
 - a. Can COROC Park City, LLC ("Tanger Outlets") meet 100% of its mandatory workforce housing requirement, as well as its community benefit requirement, through a fee-in-lieu?
 - b. Who decides how workforce housing fees-in-lieu are distributed, the land use authority (County Council) or the County Manager?
 - c. Can workforce housing fees-in-lieu be distributed to the Peace House?

2. The Workforce Housing chapter of the Snyderville Basin Development Code was enacted in August 2009 through the adoption of Ordinance #716. Those regulations provided as follows:
 - a. Commercial developments had a mandatory workforce housing requirement calculated using a specific formula (WUE formula). Summit County Code ("2009 Code") §10-5-6.
 - b. Among the alternatives to providing on-site or off-site workforce housing, an applicant could:
 - (i) donate land to "qualified community-based housing non-profits such as Habitat for Humanity, Mountainlands Community Housing Trust, religious organizations, and [the] Peace House." 2009 Code §10-5-7(4)(a); or
 - (ii) pay a fee-in-lieu. However, a cap of 5 WUEs was placed on the fee-in-lieu for commercial developments. 2009 Code §10-5-7(3) & 10-5-10(A)(2). While

this cap applies to the mandatory workforce housing requirement, the use of a fee-in-lieu as a community benefit is not addressed.

c. Fees-in-lieu could only be used for various workforce housing strategies. One such strategy is “[t]o assist qualifying community based housing non-profit organizations in their workforce housing endeavors, to be approved on a case by case basis by the Chief Executive of Summit County.” 2009 Code §10-5-10(D)(4).

3. On June 29, 2011, Ordinance #760 was enacted, which placed a moratorium on the acceptance of new applications for CORE rezones. By Ordinance #707-A, the CORE was repealed on December 29, 2011. While the CORE was repealed, the other provisions of the 2009 Code with regard to Workforce Housing remained in effect. On November 15, 2011, the Snyderville Basin Planning Commission held its first public hearing on amending the mandatory components of the Workforce Housing chapter of the 2009 Code. Such public hearing placed the public on notice that the provisions regarding Workforce Housing were being reconsidered. During the pendency of the adoption of these new regulations, new applications do not vest under the former regulations (this has been called the “pending ordinance doctrine” and was first espoused in Western Land Equities, Inc. v. City of Logan, 617 P.2d 388 (Utah 1980)). This was codified in UCA §17-27a-508(1)(a)(ii) and limits the pending ordinance doctrine to 180 days. UCA §17-27a-508(1)(e). Hence, the pending ordinance doctrine as it relates to Workforce Housing expired on May 15, 2012.

4. Tanger Outlets’ application was received on April 27, 2012. UCA §17-27a-509.5(1)(a) provides that “[e]ach county shall, in a timely manner, determine whether an application is complete for the purposes of subsequent, substantive land use authority review.” The statute goes on to allow 30 days for this determination. Thereafter, the application is deemed complete. §17-27a-509.5(1)(d). A determination would be required no later than May 27, 2012. There is no official record of such a determination. Consequently, May 27, 2012 is the vesting date by default wherein the application vested under the 2009 Code.

5. Under the 2009 Code, assuming 100% of the mandatory workforce housing requirement could be satisfied by a fee-in-lieu, the total requirement would be as follows:

23,500 sq. ft. remainder as retail:

$$23,500 / 1000 = 23.5$$

$$23.5 \times 3.3 \text{ employees per } 1000 \text{ sq. ft. retail (10-5-6)} = 77.55$$

Employees generated

$$77.55 \times 0.2 = 15.51 \text{ employees to mitigate}$$

$$15.51 / 1.5 = 10.34$$

$$10.34 / 1.2 = 8.617 \text{ WUEs}$$

Total: 8.617 WUEs required, as defined in Section 10-5-4.

Workforce Unit Equivalent (WUE) = \$86,610

TOTAL REQUIREMENT \$746,318

6. 2009 Code §10-2-12(D)(2)(b) allows for incentive densities within the Towncenter for the provision of restricted affordable housing.¹ The 2009 Code is silent as to the ability of an applicant to use fees-in-lieu to satisfy this requirement. Tanger Outlets has proposed a fee-in-lieu of \$286,721 or approximately 3.1 WUEs as a community benefit.

7. On October 10, 2012, the Council adopted Ordinance #783, which made changes to the Workforce Housing chapter. The relevant changes are as follows:

a. Commercial developments had the mandatory workforce housing requirement calculated using a new formula (AUE formula). Summit County Code ("2012 Code") §10-5-6. Further, the definition of workforce housing was expanded and renamed affordable housing.

b. The cap was taken off of allowing fees-in-lieu to satisfy all AUE obligations. 2012 Code §10-5-9(A).

c. Fees-in-lieu could be paid directly to an "approved housing non-profit upon approval by the appropriate land use authority." 2012 Code §10-5-9(C).

d. Where fees-in-lieu are paid to the county, the "[u]se of the funds shall be approved on a case by case basis by the chief executive of Summit County." Among the affordable housing strategies wherein the County Manager could use the funds is "[t]o assist qualifying community based housing nonprofit organizations in their affordable housing endeavors."

8. Under the 2012 Code, assuming 100% of the mandatory affordable housing requirement could be satisfied by a fee-in-lieu, the total requirement would be as follows:

Commercial Development application for a 23,500 sq. ft. project:

First 5,000 sq. ft. are exempt; calculation done on 18,500 sq. ft.

Employee Generation, Retail category:

$(3.3 \times 18,500) \div 1000 = 61.05$ employees generated

Mitigation:

61.05 employees multiplied by .20 (mitigation rate) = 12.21 employees

12.21 divided by 1.5 (workers per household) = 8.14 employees

¹ The 2009 Code as it relates to Towncenters and the Specially Planned Area matrix of incentives has not changed.

8.14 divided by 1.2 (jobs per worker) = 6.78 AUEs

Fee-in-lieu Affordable Unit Equivalent (AUE): \$120,000 per AUE

TOTAL REQUIREMENT \$813,600

9. **Can COROC Park City, LLC (“Tanger Outlets”) meet 100% of its mandatory workforce housing requirement, as well as its community benefit requirement, through a fee-in-lieu?** As vested under the 2009 Code, my professional legal opinion is that Tanger Outlets can use a fee-in-lieu for 5.617 WUEs to satisfy its mandatory workforce housing obligation. Further, the Council has discretion to allow the use of \$286,721 in additional workforce fee-in-lieu (3.1 WUEs) as a community benefit. The whole purpose of the matrix concept was to allow such flexibility by the land use authority. The 2012 Code allows even more flexibility with regard to fees-in-lieu for affordable housing. This presents an opportunity to Tanger Outlets, wherein it may choose to abandon its vesting under the 2009 Code in favor of the 2012 Code. However, the applicant cannot pick and choose. Under the 2009 Code, 3 WUEs must be satisfied using one of the other methods: on-site housing, off-site housing, purchase existing units and convert them into workforce housing or a donation of land to a qualified community based housing non-profit organization. 2009 Code §10-5-7.

10. **Who decides how workforce housing fees-in-lieu are distributed, the land use authority (County Council) or the County Manager?** Under the 2009 Code, the County Manager has discretion. If Tanger Outlets elects to continue under the 2009 Code, the Council does not have discretion to direct the County Manager. However, under the 2012 Code, the land use authority, who is the Council in this case, may elect to direct fees-in-lieu to an approved housing non-profit. If the Council does not make this election, then it falls to the County Manager. Consequently, the Council only exercises jurisdiction where Tanger Outlets elects to be processed under the 2012 Code.

11. **Can workforce housing fees-in-lieu be distributed to the Peace House?** The 2009 Code includes the Peace House in its definition of a “qualified community based housing non-profit.” 2009 Code §10-5-7(4)(a). Hence, to the extent that the fees are used “for workforce housing purposes only,” such as transitional housing, the Peace House can receive the funds. 2009 Code §10-5-10(D). The 2012 Code does not change the Peace House’s status. While §10-5-9(C) does specify that a direct payment by the land use authority can go to an “approved housing non-profit,” it is reasonable to assume that such is the equivalent of a “qualified community based housing non-profit.”

12. Summary of Options:

2009 Code	2012 Code
<p>Mandatory Workforce Housing (8.617 WUEs)</p> <ul style="list-style-type: none"> • <i>Fees-in-lieu</i> (5.617 WUEs) - \$486,488.37 • 3 WUEs – on-site, off-site, purchase existing, and/or land donation 	<p>Mandatory Affordable Housing (6.78 AUEs)</p> <ul style="list-style-type: none"> • <i>Fees-in-lieu</i> (6.78 AUEs) - \$813,600
<p>Incentive Community Benefit: <i>Restricted Affordable Housing fees-in-lieu</i> (3.1 WUEs) - \$268,491</p>	<p>Incentive Community Benefit: <i>Restricted Affordable Housing fees-in-lieu</i> (3.1 AUEs) - \$372,000</p>
<p>County Manager distributes fees-in-lieu</p>	<p>County Council or County Manager distribute fees-in-lieu*</p>
<p>Peace House = <i>qualified community based housing non-profit</i></p>	<p>Peace House = <i>qualified community based housing non-profit</i></p>

*Recommend that Council direct the Manager to put terms and conditions on use of fees-in-lieu.

13. In sum, Tanger Outlets needs to select which Code it will proceed under. Currently, it appears that the application assumes the 2009 funding formula, but with the 2012 cap relief. The Codes cannot be mixed and matched in such a fashion.

MANAGER'S REPORT

January 22, 2014

To: Council Members

From: Robert Jasper

<u>Department</u>	<u>Description of Updates</u>
Administration	<u>Submitted by Robert Jasper, County Manager:</u> Documents and transactions are listed on the Manager Approval lists dated 1/9/14 and 1/16/14, posted on the website at: http://www.summitcounty.org/manager/index.php
Auditor	
Assessor	
Attorney	
Clerk	
Community Development	<u>Submitted by Pat Putt, Community Development Director:</u> See attached Community Development report
Engineering	<u>Submitted by Leslie Crawford, Engineer:</u> <ul style="list-style-type: none">• 2 Mylar Reviews• 1 Minor Subdivision Review• 1 Lot Line Adjustment• 2 Plat Amendments• 1 Mylar Correction• Echo Henefer Historic Loop trail<ul style="list-style-type: none">○ State reimbursement bill○ Grant extend• Silver Creek Drive Roundabout concepts follow-up• Impact Fee Management<ul style="list-style-type: none">○ Balance 2013 funds received - \$447,231.19 cash plus in kind and reduced impacts• Bear Hollow Traffic Calming Committee – resume, possible Sun Peak / Cooper Ln• SR-224 research<ul style="list-style-type: none">○ Holiday system operations (near 100th highest hour)○ Observation○ Crowd source data• Transportation stats – 2013 UDOT data refine (near historic highs)• Hallam Road Extension – follow-up options, legal coordination, planning feedback• Corridor Preservation Fund Balance (\$1,963,061.15) and applications reminder to communities• Attendance at Joint County and Park City Council Meeting• Budget Hearing with County Council• Review Public Works Secretary Resumes received• Preparation of Transportation RFQ• BidSync webinar• Work with IT on Engineering Forms to get electronic copies• Preparation of contract for surveying services for Netland Property• Preparation of deeds and paperwork for Old Ranch Road• Christmas Holiday• Public Work/Engineering Projects<ul style="list-style-type: none">○ 8 Blue Sky Inspections○ Snow removal issues• Right of Way Permit Activity<ul style="list-style-type: none">○ 9 permits issued

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> ○ 6 Field inspections (4 Questar, 1 Century Link, 1 Mountain Regional Water water leak) ● Residential Permit Activity <ul style="list-style-type: none"> ○ 5 plans reviewed ○ 6 driveway inspections ○ 7 erosion control inspections ○ 3 code enforcement ○ 2 over the counter reviews
Facilities	<p><u>Submitted by Mike Crystal, Facilities Director:</u></p> <ol style="list-style-type: none"> 1- Inmate work crew back on the job had them lay tile in public works break room. 2- Bill Larson who has been at the justice center is retiring this month. 3- Working on district court remodel
Health Department	<p><u>Submitted by Rich Bullough, Health Director:</u></p> <p>Youth Sexuality Series There is a high need for delivery of accurate, balanced sexuality and maturity information among youth and teens in Summit County. There have been repeated requests for delivery of these materials. However, in Utah we are limited in what can be provided through the schools.</p> <p>People’s Health Clinic initiated an effort to provide a teen sexuality series at the Park City Health Building. This series included parents and youth. One part of the program is designed for sons and fathers, and another for daughters and mothers. This series is designed to provide information to empower youth in decision making related to maturation and sexuality.</p> <p>Partners include Peoples Health Clinic, Planned Parenthood, KPCW, and The Summit County Health Department. During the October series there were 49 youth participants.</p> <p>Tobacco-related Activities The Summit County Health Department is working on multiple tobacco-related activities. These include:</p> <p><u>Smoke-free Campus Policy</u> – Working with Summit County Council regarding a Smoke-free Campus Policy</p> <p><u>Multiple Unit Housing Tobacco Policies</u> – Working with property managers to assist with smoke free complex policies. Developed postcard campaign – Challenge in Summit County is that Multiple Unit Housing (rentals units, condominiums etc.) are multiple use meaning some units are rented by a property management company, some units are occupied by owner, other units are leased/rented by individual owner.</p> <p><u>Great American Smoke-Out</u> Partnership with Community Church and local blood drive to promote tobacco cessation.</p> <p><u>Tobacco Media with local movie theatres</u> - Quitline resources will be promoted through local movie theatres. Kamas theatre advertisements will run through June 2014.</p> <p><u>E-Cigarette policy development</u> – The Summit County Health Department is actively working with the Utah Department of Health to develop and implement these policies. There is a general lack of scientific information related to e-cigarettes. Therefore, most policy is related to the Utah Indoor Clean Air Act.</p>
Information Technology	<p><u>Submitted by Ron Boyer, I.T. Director:</u></p> <p>Updated Kronos Timekeeper for Java 1.7.51 compliance.</p> <p>Met with CenturyLink Representatives to discuss broadband in Western Summit County.</p> <p>Mapped Rockport Fire home damage for Maps on the Hill to be displayed at State Capital on January 29th.</p>

<u>Department</u>	<u>Description of Updates</u>
	<p>Made staff assignments for 2014 projects. Met with Hyland Software to discuss plan submittal and review product called Plan Review. Set goal of March, with County Recorder, to start using Parcel Fabric Layer in GIS to track all parcel modifications. Plan to do all parcel splits and modifications in GIS for official tax map. Support calls 147 opened, 149 closed, and 152 still open</p>
Library	<p><u>Submitted by Dan Compton, Library Director:</u> Daisy Hodson - I am nominating Daisy Hodson for the Utah Library Association Outreach Award. This is the first year of the award and it is for someone who has demonstrated significant outreach efforts to encourage the use of library services or to improve access to information for underrepresented populations. I feel Daisy’s work on the ¡Yo Puedo! program makes her an excellent candidate.</p> <p>Love Your Library - Adriane Juarez and Kirsten Nilsson were on KPCW Wednesday morning discussing the Love Your Library event at both the Summit County and Park City Libraries on Wednesday, February 12th. This is going to be a very unique day at the library with a Read-Aloud-Relay and many other activities. I would love to have the Council and Manager’s participation with this if they are able. Julie Booth said she would try to schedule the Council members for this.</p> <p>Certification Standards - I was asked by Craig Neilson from the State Library to be on the Certification Standards Committee again. We will be meeting a few times in the next few months to possibly make some revisions to the certification process and standards, including the Quality Library requirements.</p>
Mountain Regional Water	
Park City Fire Service District	
Personnel	<p><u>Submitted by Brian Bellamy, Personnel Director:</u> Personnel</p> <ol style="list-style-type: none"> 1. Jobs Advertised <ol style="list-style-type: none"> a. Deputy Sheriff I – Closed December 27 b. Environmental Health Scientist – Closed January 10 c. Prosecutor – Closed January 10 d. Environmental Health Director – Closes January 24 e. IT Specialist – Closes January 31 2. Applications Received <ol style="list-style-type: none"> a. Deputy Sheriff I – 23 b. Environmental Health Scientist – 89 c. Prosecutor – 67 d. Environmental Health Director – 9 e. IT Specialist - 1 3. Job Offers Made <ol style="list-style-type: none"> a. Reserve Deputy (1) 4. Interviews/Testing set up - 7/0 5. Positions Advertised in 2013/2014 – 36/2 6. Applications received in 2013/2014 – 1629/156 7. 1 new hire orientations 8. 1 E-verify 9. 0 seasonal employee furloughed 10. 0 letters sent to unsuccessful candidates 11. 0 new Worker’s Comp claims filed for total of 0 claims for 2014 12. 1 employee out on Worker’s Comp for a total of 0 claims for 2014 13. 0 employees returned to work from Worker’s Comp

<u>Department</u>	<u>Description of Updates</u>
	<p>14. 1 employee on Worker’s Comp light duty 15. 3 new disability claim filed, includes FMLA documentation 16. 3 employees on short term disability 17. 0 employees on disability light duty 18. 0 unemployment claim filed 19. 2 unemployment claims being paid 20. 0 employees resigned their positions 21. 0 employee retired 22. 0 employee terminated 23. 2 pre-employ drug test 24. 0 random drug test 25. 0 post accident drug test 26. Paperwork completed for COLA 27. 1 employee met personally with 401k representative 28. Worked with Department Heads and employees on evaluations 29. IT continuing to digitize former employee personnel records – now at the letter “W” 30. Met with employee on Worker’s Comp to discuss future employment 31. Multiple requests for salary and policy information from other agencies 32. Multiple telephonic and in person verifications of employment 33. Working on Personnel Policy changes (Goal to finish in 2014) 34. Worked with one department head and County Attorney’s Office regarding employee discipline issues 35. Met multiple times with department heads and employees regarding employee issues 36. Continue to answer public inquiries regarding county employment 37. Serve county employee’s needs</p> <p>Animal Control</p> <p>1. 5 dogs are in the shelter along with 22 cats. a. 7 new animals were received by Animal Control b. 2 dogs were transferred c. 1 cat was transferred d. 1 dog adopted e. 1 cat adopted f. 4 dogs claimed by owner g. 0 cats claimed by owner h. 1 dog euthanized at owners request</p> <p>2. Officers ran 130 details 3. Participated in a leash check at Willow Creek Park 4. ALJ meeting held 5. Discussing process for obtaining a kennel application with County Attorney’s Office 6. Elavon credit card program implemented to take credit cards at Animal Control</p>
Public Works	<p><u>Submitted by Derrick Radke, Public Works Director:</u></p> <p>Road Crew</p> <ul style="list-style-type: none"> • Uniform Bid Solicitation • Review and Edit Employee Evaluation Criteria • Routine Equipment Maintenance • Sign Build/Installation/Replacement • Transportation Planning Meetings • Bus Shelter Maintenance • Clean and Paint Truck Bays. Organize Storage Areas.

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> • Some Pothole Patching • Four minor Snow Events • Christmas Tree Clean-Up <p>Public Works Misc.</p> <ul style="list-style-type: none"> • Discussions & Research for Hoytsville/Wanship Sewer Master Plan <p>Communications Site Management</p> <ul style="list-style-type: none"> • Negotiated Quarry Mountain Site Lease w/PC Television <p>Weed Dept.</p> <ul style="list-style-type: none"> • No Report <p>Solid Waste</p> <ul style="list-style-type: none"> • Received acceptance of our permit modification from the state DSHW. Responding this coming week and then there will be a 30 day comment period. • To date we have collected 12 full roll-off dumpsters of Christmas trees. Most come from the location just South of the Jeremy ranch Store. • Jaren had the opportunity to spend some time on the radio December 31st. Discussed recycling issues and the Landfill. • Daily tonnage at the 3-mile landfill is approx. 150% of normal due to the holidays and extra visitors. • Experiencing a high volume of calls and complaints regarding collection in Park City. The extra visitors and volume of waste causes lots of collection problems for Republic this time of year. <p>Wildland Fire</p> <ul style="list-style-type: none"> • No Report
Recorder	
Treasurer	
Sheriff	
Snyderville Basin Recreation	
USU Extension	

COMMUNITY DEVELOPMENT

- The department received 10 new building applications and 6 new planning applications this past week as follows:
-

NEW BUILDING PERMITS January 9 - 15, 2014

DATE	ADDRESS	DESCRIPTION
1/08/14	2936 Quick Draw	SINGLE FAMILY DWELLING
1/08/14	2928 Quick Draw	SINGLE FAMILY DWELLING
1/09/14	140 Crestview Terrace	INTERIOR REMODEL
1/09/14	1655 White Pine Canyon Rd.	FURNACE
1/09/14	7991 Western Sky	FURNACE
1/09/14	8109 Meadowview Dr.	FURNACE
1/09/14	1389 Center Dr.	TI / ASSEMBLE
1/10/14	4927 Last Stand Dr.	KITCHEN REMODEL
1/13/14	8208 Gorgoza Pines Rd.	INTERIOR REMODEL
1/14/14	2200 N East Henefer Rd.	GAS LINE / FIREPLACE

Planning Applications January 9 – 15, 2014

Project Number	Description
2014-008	Promontory Club Dye Cabin Final Site Final Site Plan 8417A N Ranch Cub Trail NS-3
2014-009	Sharpshooter Photos Gargoza Sign Sign Permit 3863 W. Kilby Road SS-8-C-1
2014-010	Sharpshooter Photos Gargoza LIP Low Impact Permit 3863 W. Kilby Road SS-8-C-1
2014-011	Rees Weber Meadows Final Sub Plat Final Sub Plat Hobson Lane NS-462
2014-012	7-11 Canyons Sign Sign Permit 1815 Canyons Drive
2014-013	7-11 Silver Springs Sign Sign Permit 4575 Silver Springs

Respectfully Submitted, Patrick Putt
Community Development Director

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, JANUARY 8, 2013
COUNCIL CHAMBERS
COALVILLE, UTAH

PRESENT:

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

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

CLOSED SESSION

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

The Summit County Council met in closed session from 3:40 p.m. to 4:15 p.m. for the purpose of discussing litigation. Those in attendance were:

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

Robert Jasper, Manager
Anita Lewis, Assistant Manager

Council Member Ure made a motion to dismiss from closed session and to convene in regular session. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

REGULAR MEETING

Chair McMullin called the regular meeting to order at 4:15 p.m.

- **Pledge of Allegiance**

CONSIDERATION AND APPOINTMENT OF 2014 COUNCIL CHAIR AND VICE CHAIR

Chair McMullin vacated the chair and nominated Council Member Robinson to serve as Chair for 2014. The Council Members voted unanimously in favor of the nomination, 5 to 0.

Council Member McMullin nominated Council Member Carson to serve as Vice Chair for 2014. The Council Members voted unanimously in favor of the nomination, 5 to 0.

Council Member Robinson assumed the chair.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE #823, CONSOLIDATION OF THE OFFICE OF COUNTY RECORDER WITH THE OFFICE OF COUNTY SURVEYOR; DAVID THOMAS, CHIEF CIVIL ATTORNEY

Deputy County Attorney Dave Thomas explained that the County has not previously had a County Surveyor, and it was suggested that the County formally adopt a policy for the County Recorder to also act as the County Surveyor. This item has been published and prepared for adoption. He explained that the actual office operations would not change, and the Recorder/Surveyor need only satisfy the qualifications for Recorder and does not need to be a surveyor to hold this position. He clarified that only one chief deputy is required for the combined office.

Council Member McMullin made a motion to approve Ordinance #823, consolidating the office of County Recorder with the office of County Surveyor. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2014-01 MRW, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT (WOODSIDE HOMES PARCELS)

Chair Robinson asked if there have been any objections to this annexation. Andy Armstrong, General Manager of the Mountain Regional Water Special Service District, replied that there have been none. He reported that they met with Service Area 3, which agreed to the annexation in exchange for an emergency interconnect. Chair Robinson confirmed with Mr. Thomas that two service districts cannot provide the same service in the same area. Mr. Thomas replied that is the case unless one of the service districts grants a waiver, and Service Area 3 has provided that waiver as testified in the Resolution, which will be a recorded document.

Council Member Ure made a motion to adopt Resolution No. 2014-01 MRW annexing certain real property (the Woodside Homes parcels) into the Mountain Regional Water Special Service District. The motion was seconded by Council Member Carson and passed unanimously.

The Council Members and County Manager Bob Jasper discussed with Garrett Seely with Woodside Homes the plans for development of Silver Creek Unit I. Mr. Jasper requested that Mr. Seely meet with him and the Community Development Director to discuss possible options.

MANAGER COMMENTS

Mr. Jasper recalled that the Council previously discussed the issue of providing law enforcement in the smaller municipalities in the County where there is no formal agreement for the County to provide law enforcement in those communities. He stated that he will send a letter to the mayors of those cities requesting to meet with them and discuss their responsibilities to provide law enforcement, not just defer to the County. He explained that there is an equity issue, because it is unfair for people paying taxes into the municipal fund to provide law enforcement in the cities, and the cities and the County need to follow the law.

Mr. Jasper discussed false alarms from private alarm systems and noted that the alarm companies make money off of the County's responses. He explained that many entities are starting to make alarm companies pay to respond to their alarms. Council Member Armstrong stated that he thought the process would be to see what is being done in other jurisdictions. He was not certain that the alarm companies should be charged and suggested that perhaps the end user who has an aging system or malfunctioning system should be charged. Mr. Jasper explained that his office conducted a survey, and he would get the information to the Council Members. He stated that he would like to meet with the alarm companies and see what they suggest to solve the problem.

COUNCIL COMMENTS

Council Member Carson reported that she attended the UAC Legislative Committee meeting, where they discussed Medicaid expansion, a bill to centrally assess new growth calculation and limit it to 20% either up or down, a proposed uniform marriage license fee, a local option gas tax, and elimination of the August truth in taxation hearings. The Council Members noted that money has been set aside for school buses. Council Member Carson believed the money was set aside for CNG school buses, and the transportation manager in the Park City School District is interested in CNG school buses.

Council Member Ure reported that the Governor asked him to sit on the Recreational, Agricultural, and Natural Resource Committee with Envision Utah. The first meeting will be January 16, and he will report back to the Council on the purpose of that committee.

Council Member Armstrong recalled that he requested work sessions on transportation, sustainability, and economic diversity. He commented that they started laying the groundwork for those issues last year and could continue to lay groundwork for the next four years, but he wants to make real progress in those areas in 2014. Mr. Jasper stated that he would first like to provide an overview of all the committee reports for 2013 and then decide which issues to focus on in 2014. Council Member Armstrong stated that he is not interested in continuing to have broad discussions about issues but would like to come up with some milestones and set dates by which they want to accomplish specific goals. Chair Robinson suggested that they hold a work session on one of the three areas in each of the next three weeks. Mr. Jasper suggested that they have the update on all the areas of the strategic plan next week and then hold the work sessions on the top three things they want to accomplish this year.

Council Member Armstrong discussed the lack of acute care and skilled nursing facilities in Summit County and the hardship that creates for families who have to travel to neighboring areas to take care of family members. He would like to discuss those needs and how they can be addressed. Council Member McMullin suggested that they reach out to Park City and see what information they have, because they have done some studies on senior needs. Council Member Armstrong clarified that this issue is not specific to seniors but is relevant to anyone who needs these types of facilities.

Chair Robinson reported that a stakeholder meeting for the Wasatch Summit will be held Tuesday, January 14, at 3:00 p.m. at the Utah Cultural Celebration Center.

Council Member Carson recalled that the Council had discussed holding a mini-retreat to review last year's goals and discuss a direction for this year. Council Member McMullin suggested that they wait and see what happens after the update next week.

APPROVAL OF COUNCIL MINUTES

DECEMBER 4, 2013

DECEMBER 9, 2013

DECEMBER 11, 2013

DECEMBER 16, 2013

DECEMBER 18, 2013

Council Member Carson made a motion to approve the minutes of the December 4, December 9, December 11, December 16, and December 18, 2013, County Council meetings as written. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

WORK SESSION

Chair Robinson called the work session to order at 5:05 p.m.

- **Interview applicant for vacancy on the North Summit Recreation Special Service District**

Council Member McMullin noted that Marci Hansen was recently appointed to the North Summit Recreation District Board to fill an unexpired term, and her term is now completed. As the former Council Chair, she made the decision that it would not be necessary to interview Ms. Hansen again, as she had recently been appointed.

The Council Members interviewed Tyler Rowser for a position on the North Summit Recreation Special Service District Board. Questions included why he wants to serve on the Board, whether he feels it is appropriate to ask the community if they want to be taxed for a bond to pay for recreational services, and what skills he would bring to the Board.

- **Interview applicants for vacancies on the Peoa Recreation Special Service District**

Council Member McMullin reported that Jonelle Fitzgerald was unable to be present for the interview, but she has already served two terms on the Recreation Board. Council Members Ure and McMullin did not believe it was necessary to re-interview Ms. Fitzgerald. The other Council Members concurred. Council Member Carson noted that Ms. Fitzgerald also serves on the Board of Health.

The Council Members interviewed Thayne Stembridge and David Blazzard for positions on the Peoa Recreation Special Service District Board. Questions included whether the applicants had any conflicts of interest and how they would handle them, why they want to serve on the Board, what experience and skills they would bring to the Board, whether they have time to serve on the Board, and their assessment of the primary recreational needs in the District.

- **Discussion regarding committee assignments**

Council Member McMullin asked for clarification regarding the Council Members' duties and roles on the various committees they may serve on.

Mr. Jasper stated that he would like to know if any of the Council Members would like to change their representation on the boards. He stated that he is not in favor of the Council Members serving as liaisons to the dependent districts. He explained that they appoint the administrative control boards of those districts, and if a Council Member serves as a liaison to that board, the Council Member becomes the most powerful person there, as the board members are likely to defer to the Council Member. He noted that they currently have liaisons to two boards and no liaisons to the other boards. After further discussion of liaison representation, the Council Members concurred that they should no longer have Council Members serve as liaisons to the dependent district boards.

The Council Members discussed the assignment to the Mountainlands Association of Governments (MAG) Board and whether the County has any applicants for the Community Development Block Grant (CDBG). They also discussed the Municipal Building Authority (MBA) and the Council's responsibilities as the MBA.

Council Member Ure noted that he serves on the Weber Basin Water Board as the Governor's appointee.

There were no other changes to the Council committee assignments.

REGULAR MEETING – (Continued)

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

PUBLIC HEARING REGARDING PETITION FOR ANNEXATION OF TOLLGATE CANYON AREA INTO THE NORTH SUMMIT FIRE DISTRICT; KEN SMITH AND HELEN STRACHAN

Chair Robinson explained that no action will be taken on this item this evening, and this public hearing starts a 60-day time period for protests to the annexation.

Deputy County Attorney Helen Strachan explained that the petition is to annex the Tollgate Canyon area, which includes the Pine Meadow Ranch and Forest Meadow Ranch subdivisions, into the existing North Summit Fire Protection District. She reported that the homeowners in the area filed a petition in the fall of 2013 to annex into the Fire District. Utah law allows two ways to annex into an existing special service district. One is for the Council to pass a resolution for the annexation on their own volition if they find that the annexation is necessary for the public health, safety, and welfare. The other way is to annex by petition. The County Clerk has confirmed that the petition contains the requisite number of signatures, which is 10% of the registered voters in the area proposed for annexation or signatures representing 10% of the taxable value in the proposed annexation area. County Clerk Kent Jones confirmed that the petition contained signatures of 10% of the registered voters. Once the signatures are received, the next step is to notice a public hearing for four consecutive weeks, and that notice was published in the Park Record. Ms. Strachan explained that the purpose of the public hearing is for the Council to consider any written protests that may have been filed thus far, and to her knowledge, no written protests have been received. Another purpose of the public hearing is to answer any questions about the petition. She confirmed that the protests must be in writing, must represent more than 33% of all the registered voters or 33% of all the taxable value in the area to be annexed, and must be filed within 60 days after the public hearing.

Chair Robinson reiterated the purpose of the public hearing and asked North Summit Fire Chief Ken Smith to explain what the Fire District is gearing up to do and the revenue estimate for this annexation. Chief Smith explained that he estimated the revenue based on the 2012 taxable value for the annexation at about \$191 million, which will generate between \$85,000 and \$87,000 a year in tax revenue. With that kind of revenue, they can afford to build a fire station in Tollgate Canyon. He explained that they have had preliminary discussions about obtaining some property and obtained estimates for a metal building to house their apparatus and a training room and potential future growth. They have also identified potential volunteers and already have five people trained as emergency medical responders. They are also working on receiving State approval for quick response certification. He stated that they would like to start responding as soon as the annexation has been completed.

Council Member Carson asked for a recap of the benefits of annexing into the Fire District. Ms. Strachan explained that North Summit Fire has been providing services to the Tollgate Canyon area. It is the opinion of the Summit County Attorney's Office that, if North Summit Fire is providing services outside its boundaries, the best course of action would be to annex this area into the Fire District so the services can continue to be provided by the Fire District.

Chair Robinson asked how much additional tax would be assessed for an average home. Chief Smith replied that the increase for his home would be about \$137 per year, but he currently pays about \$45 per year in Wildland Protection taxes, which would no longer be paid with the annexation, so the net increase for his home would be about \$90 per year.

Chair Robinson opened the public hearing.

Tony Tyler, a full-time resident of Pine Meadow Ranch and President of the Pine Meadow Ranch Homeowners Association, stated that Chief Smith has attended their homeowners association meetings and explained the benefits of the annexation. He stated that the increased taxes are the only drawback to the annexation, but they already receive the services the Fire District provides for their area, and it is in their best interests to annex into the District and pay for the services they are receiving. He commented that the Tollgate area is probably one of the biggest areas with a response time of more than 30 minutes from the closest response location, and building a fire station in Tollgate is a big incentive. He was in favor of the annexation, as was the homeowners association board. He noted that the total area to be included in the annexation consists of about 1,000 buildable lots, and it needs to be serviced like other areas of the County. Chair Robinson asked how many primary residents are in the Tollgate area. Mr. Tyler replied that 117 properties currently contain full-time residences. Approximately 340 additional lots have part-time cabins, and the remaining lots are unbuilt. Chair Robinson asked if Tollgate Canyon still plans to annex into Service Area 6. Mr. Tyler replied that they have dropped that idea because it would be too costly to bring the road up to County standards, and he did not believe the residents of Service Area 6 would support that.

Alan Powell, a full-time resident of Pine Meadow Ranch, stated that he supports the annexation and became a member of the Community Emergency Response Team (CERT) about six years ago. He has gone on to become an EMR 4. He explained that a number of people in the area are not only supportive of the annexation but are willing to step up and volunteer, which brings assets to the Fire District and makes this as easy as possible for everyone.

Cheryl Groot stated that she has owned her property since 1985 and has seen things change dramatically over last several decades. She is also EMR trained and represents the women and families who now live in the Tollgate area. She stated that this is a community that wants to help each other, and they appreciate Chief Smith spearheading this for them. She has been training for a year and has not been able to officially use her skills, and she is anxious to use them.

Tom Deaver, a full-time resident in Tollgate Canyon, agreed with everything that has been said. He stated that he is CERT trained and thinks this is a good idea and that the money is well spent. As citizens of the County, he believed they need to step up and carry their fair share financially.

Chair Robinson closed the public hearing.

The County Council meeting adjourned at 6:30 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones



STAFF REPORT

To: Summit County Council (SCC)
Report Date: Friday, January 17, 2014
Meeting Date: Wednesday, January 22, 2014
Author: Amir Caus, County Planner
Project Name & Type: Promontory Nicklaus Golf Clubhouse

EXECUTIVE SUMMARY: The applicant, Michael Coopman, has submitted a Final Site Plan application to develop a 16,455 sq. ft. golf clubhouse at the Promontory Development, Eastern Summit County. The proposed clubhouse would be for members only and not open to the public.

Staff recommends that the SCC approve the Final Site Plan for the development of a 16,455 sq. ft. community facility at the Promontory Development, Eastern Summit County.

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:** Promontory Nicklaus Golf Clubhouse
- **Applicant(s):** Michael Coopman
- **Property Owner(s):** Promontory Investments LLC
- **Location:** 6189 Nicklaus Club Drive
- **Zone District & Setbacks:** Promontory SPA – AG-100 Underlying – 30, 12, 12
- **Adjacent Land Uses:** Vacant and Recreational Open Space
- **Existing Uses:** Vacant and Recreational Open Space
- **Parcel Number and Size:** SS-52/POD 41 (639.93 acres)
- **Lot of Record Status:** Lot(s) of Record
- **Type of Item:** Final Site Plan
- **Land Use Authority:** Summit County Council
- **Type of Process:** Legislative
- **Future Routing:** N/A

B. Background

The proposed final site plan will occur on parcel SS-52 where the previously approved, but not recorded Nicklaus Golf Clubhouse was situated. The previously approved Final Site Plan was given approval in 2006; however the project never broke ground except for one portion of the parking.

The subject facility is proposed to be a two-level 16,455 sq. ft. clubhouse. The clubhouse is proposed to house a kitchen with chef's office, main dining room, private dining room and dining patios, locker rooms with restrooms and showers and shared attendant station, pro shop, a club repair workstation, a restroom and a break room for the golf employees, storage, mechanical rooms, and golf cart storage.

The area disturbed for the proposed clubhouse is 3.33 acres.

Please refer to the Exhibit package for further reference.

Per Section 6.6 of the Promontory Development Agreement, the SCC is the Land Use Authority and Final Decision Maker.

C. **Community Review**

A public hearing notice was published in the *Park Record*, and notice was sent to all property owners within 1000 feet of the property. As of the date of this report, no public comment has been received.

D. **Identification and Analysis of Issues**

2006 Approval

The 2006 approval included a 26,000 sq. ft. complex spread out over 8.34 acres that included a pro shop, office, lounge, bistro, and locker rooms. There was a separate area for cart storage. The complex also included a 136 parking spaces, truck court, event lawn areas, and tennis courts.

The current proposal is a more compact design spread out over a 3.33 acre area.

Service Provider Comments

The Eastern Summit County Development Code requires applicable service providers and agencies to review and make comment regarding the proposed subdivision. Staff has forwarded the proposed Final Site Plan to Service Providers for the Promontory area. Of the comments returned to Staff, the Service Providers have either approved the design or have stated that many of their checklist items can be addressed during construction phases.

Promontory Conservancy vs. Design Review Committee

As per Section 6.6 of the Promontory Development Agreement; *prior to the submission of a Final Site Plan to the Board, the applicant shall be required to first obtain review of such site plan by the Design Review Committee, who shall provide a written opinion to the Board. The decision of the Board shall be based upon the Developer's compliance with the requirements and standards set forth in this Development Agreement, Ordinance 298-A, and the criteria required under the Code.*

Although, the newly proposed Nicklaus Clubhouse has been reviewed and approved by the Promontory Conservancy (master owner association), the Design Review Committee approval has not yet been received. The Conservancy submitted a letter in the name of the Design Review Committee, but after consulting with the Attorney's Office, a letter of approval is required to be received from the Design Review Committee themselves.

Staff has placed a condition of approval that the Design Review Committee approval be submitted prior to recordation of the Final Site Plan.

Landscaping

A landscape plan will be submitted to Staff for review. Any required bonding will be posted prior to the issuance of a certificate of occupancy and recordation of the Final Site Plan.

Parking and Circulation

If approved, the existing parking area would be removed and 150 new stalls would be allocated to accommodate for the clubhouse and future phases.

Due to only one portion of the complex being improved, the applicant is proposing to improve 40 spaces during the initial phase and complete the remaining spaces as future phases are constructed.

The proposed parking will be required to meet the Americans with Disabilities Act (ADA) requirements concerning the handicap spaces.

Minimum Number of Accessible Parking Spaces

ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van-Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
101 to 150	5	1	4

The Park City Fire Protection District has reviewed the circulation and is acceptable of the current proposal.

Future Phases

The applicant is planning to use the remainder of the site for various club facilities as part of future phases. Any future phases will be required to return before the SCC for final approval.

E. Consistency with the General Plan

Chapter 2 of the Eastern Summit County General Plan: *Agriculture, open space, mountains and small towns are seen as the key elements that form the basis of the desired lifestyle in Eastern Summit County. They help tie together the East side's social, cultural, and economic traditions. They must be protected.*

Chapter 3 of the Eastern Summit County General Plan: *Protect the rural and open environment of Eastern Summit County.*

The applicants are proposing to develop an area that is reserved for development as part of the Promontory Development Agreement and are within the limits outlined by the subject Development Agreement.

F. **Findings/ Code Criteria and Discussion**

As per Section 6.6 of the Promontory Development Agreement; the approval of Final Site Plans shall be processed pursuant to the provisions of Appendix II. Site plan review shall include: 1) final site layout conformance with the intent of this Agreement; 2) sufficient architectural design details; 3) landscape; 4) exterior and site lighting; and 5) specific programs for amenities, trails, parks, and other related improvements and facilities as required by this Agreement.

Staff has placed conditions of approval that the aforementioned submittal requirements be reviewed and approved by Staff prior to the recordation of the Final Site Plan.

If the Summit County Council requires further review they may; *refer the Final Site Plan to the Eastern Summit County Planning Commission and/or the Snyderville Basin Planning Commission for advisory review and comment.*

Height

The proposed structure is not located in the ridgeline area, therefore per the Development Agreement, height of 32 feet is allowed. The height is not to be exceeded from existing grade.

Waste/Recycling

The applicant has stated that waste management will be comprised of the typical enclosed dumpsters on site, which are emptied regularly by Promontory's existing provider. There will also be recycling bins/areas in the facility itself. Recycling is also picked up on a regular basis.

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

Staff recommends that the Summit County Council conduct a public hearing to gather any public comment, review Staff's analysis, and vote to approve the Promontory Nicklaus Golf Clubhouse Final Site Plan based upon the findings, conclusions, and conditions listed below, unless based on information gathered during the public hearing that the proposed subdivision does not meet the approval criteria.

Findings of Fact:

1. Promontory Investments LLC, is the owner of record of parcel SS-52, located at 6189 Nicklaus Club Drive, Promontory, Summit County, UT.
2. The development parameters for this project are specifically set forth in the Promontory Development Agreement.

3. The proposed Final Site Plan is legally described as Promontory Nicklaus Golf Clubhouse.
4. The proposed clubhouse complex will consist of 16,455 sq. ft. and will be spread over 3.33 acres.
5. Proposed Maximum height is 32 feet.
6. Parking and circulation is regulated by the Engineering Department and Park City Fire Protection District.
7. 40 parking spaces will be provided as part of the first phase.
8. The Promontory Development Agreement establishes that the Board of County Commissioners (now known as Summit County Council) “is the Land Use Authority for [Final Site Plans].”
9. Public notice of the public hearing was published in the January 11, 2014 issue of *The Park Record*.
10. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels on January 8, 2014.
11. Service providers have reviewed the plats for compliance with applicable standards and no project issues have been identified that could not be mitigated.
12. Staff has reviewed the proposed final site plan for compliance with applicable Development Code standards.
13. Staff has reviewed the proposed plat and final site plan for compliance with Promontory Development Agreement standards.

Conclusions of Law:

1. The clubhouse and associated uses are derived from the existing Promontory Development Agreement.
2. The proposal meets the terms of the Promontory Development Agreement.
3. The proposal meets the applicable standards of the Eastern Summit County Development Code.

Conditions

1. The 2006 Nicklaus Golf Clubhouse (File #060503) shall be closed.
2. Future phases are not included in this approval.
3. Signage is not included in this approval.
4. All of the structural and site design requirements from the Code, Service Providers, and the Promontory Development Agreement shall be met.
5. As per Section 6.6 of the Promontory Development Agreement, the Promontory Design Review Committee shall review and approve the proposed Final Site Plan prior to recordation of the Final Site Plan.
6. The applicant shall obtain all required permits from Summit County prior to commencing construction.
7. The Summit County Engineer shall further review the Final Site Plan documents and verify engineering compliance for approval, including any Development Improvement Agreement (DIA) requirements.
8. The subject Final Site Plan shall follow the format as outlined in the Development Code.
9. Landscaping and lighting plans shall be reviewed and approved by Staff.
10. Any bonds that are required shall be paid prior to commencement of construction.

11. All other Service Provider requirements shall be met.

Attachment(s)

Exhibit A – Vicinity Map

Exhibit B – Aerial

Exhibit C – 2006 Final Site Plan

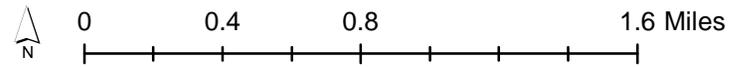
Exhibit D – Proposed Final Site Plan

Exhibit E – Letters from Promontory



Nicklaus Clubhouse Vicinity Map

Prepared by Summit County
Community Development Department

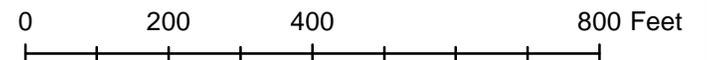


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Nicklaus Clubhouse Aerial

Prepared by Summit County
Community Development Department

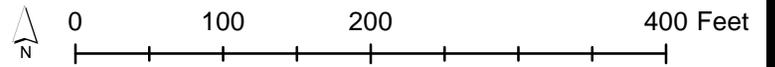


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Nicklaus Clubhouse Aerial ZOOM

Prepared by Summit County
Community Development Department

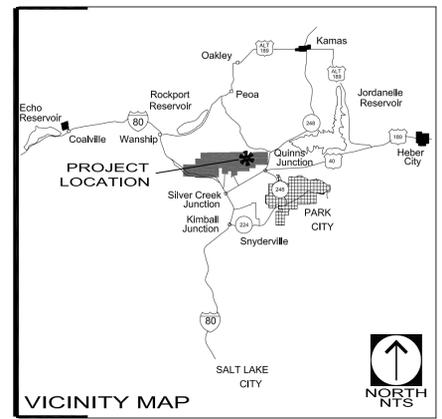


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PROMONTORY DEVELOPMENT, L.L.C.
8758 NORTH PROMONTORY RANCH RD.
PARK CITY, UT 84098

**PROMONTORY
NICKLAUS PAINTED VALLEY CLUBHOUSE
SITE PLAN PACKAGE**



**PROMONTORY
NICKLAUS CLUB PARCEL**

LOCATED IN SECTION 24,
TOWNSHIP 1 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH

NICKLAUS CLUB PARCEL

A parcel of land located in the northeast quarter of Section 24, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah being more particularly described as follows:

Beginning at a point which bears South 00°02'26" West along the east line of said Section 24 1,274.39 feet and West 1,829.83 feet from the Northeast Corner of Section 24, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, (Basis of bearing being South 00°02'26" West 5,315.33 feet between the Northeast Corner of said Section 24 and Southeast Corner of said Section 24, Township 1 South, Range 4 East, Salt Lake Base and Meridian), and running thence South 41°4'08" West 35.01 feet to a point of a curvature of a 625.00 foot radius curve to the left, the center of which bears South 85°45'52" East; thence southerly 287.69 feet along the arc of said curve through a central angle of 26°22'26" to a point of a reverse curvature of a 475.00 foot radius to the right, the center of which bears South 67°51'42" West; thence southerly 298.84 feet along the arc of said curve through a central angle of 35°48'18"; thence North 76°20'00" West 65.98 feet; thence North 62°09'57" West 189.55 feet; thence North 83°04'04" West 125.88 feet; thence South 72°00'42" West 99.83 feet; thence North 33°37'59" West 128.21 feet; thence North 45°11'42" West 259.76 feet to a point of a 300.00 foot radius non-tangent curve to the left; thence northeasterly 199.54 feet along the arc of said curve through a central angle of 38°06'34" (chord bears North 62°51'34" East 195.88 feet); thence North 43°48'17" East 164.61 feet to a point of a curvature of a 200.00 foot radius to the right, the center of which bears South 46°11'43" East; thence northeasterly 176.04 feet along the arc of said curve through a central angle of 50°25'51"; thence South 85°45'52" East 173.62 feet to a point of a curvature of a 25.00 foot radius curve to the right, the center of which bears South 41°4'08" West; thence southeasterly 39.27 feet along the arc of said curve through a central angle of 90°00'00" to the Point of Beginning.

Containing 282,349 square feet or 6.48 acres, more or less.

Know all men by these presents: that the undersigned is the owner of the hereon described tract of land, hereafter to be known as the "Nicklaus Club Parcel".

Executed this _____ day of _____, 2014

PROMONTORY DEVELOPMENT, L.L.C.
By: Promontory Development, L.L.C., an Arizona limited liability company
Its: Administrative Member

By: _____ as
Its: Administrative Member

By: _____

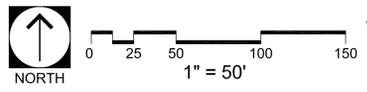
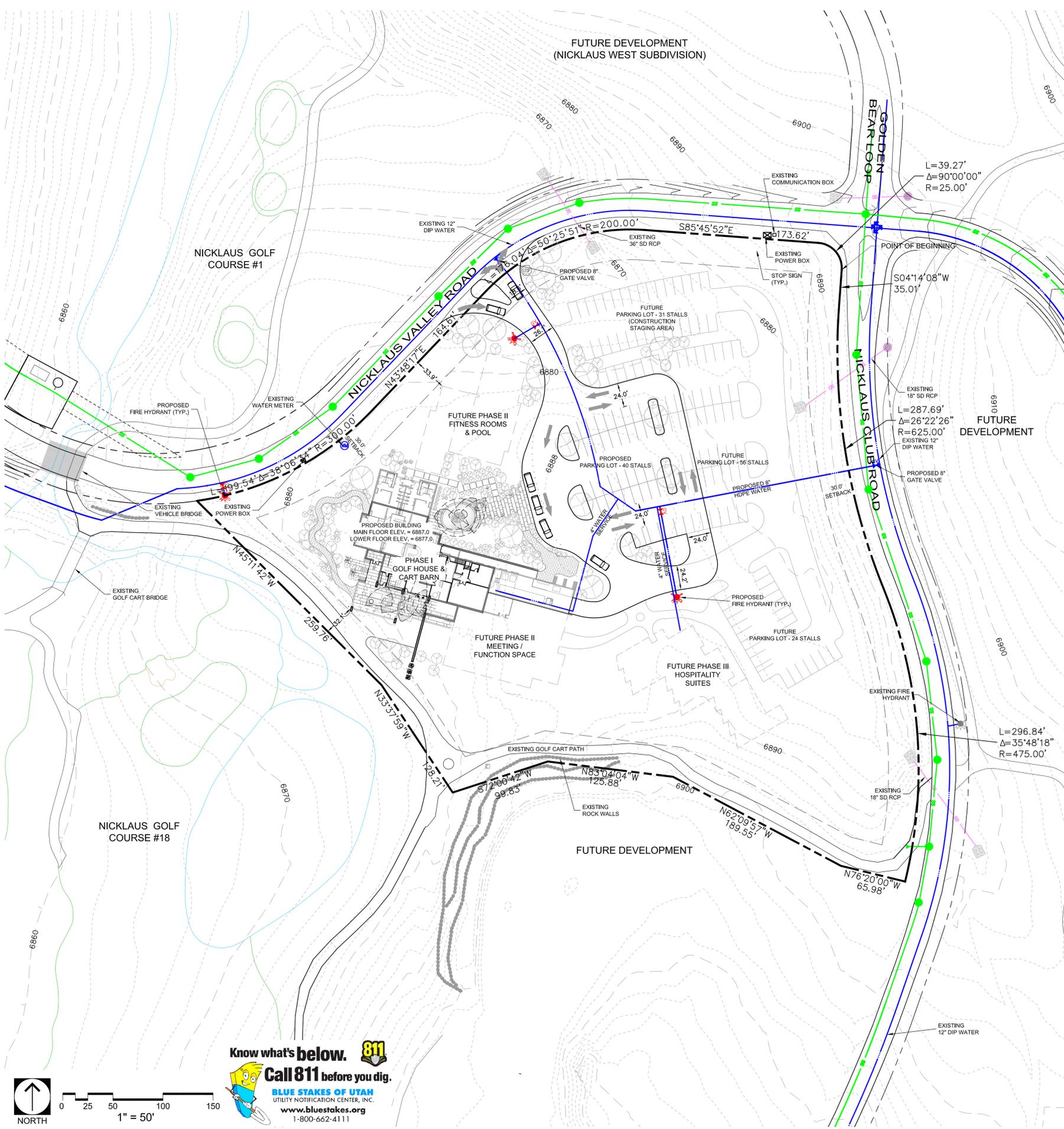
LAND USE PLAN

PHASE I GOLF HOUSE	9,296 (sf)
PHASE I CART BARN	7,159 (sf)
FUTURE PHASE II FITNESS ROOMS	2,358 (sf)
FUTURE PHASE II MEETING / FUNCTION SPACE	8,776 (sf)
FUTURE PHASE III HOSPITALITY SUITES	11,676 (sf)

COUNTY ENGINEER	APPROVAL AS TO FORM
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAN REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE.	APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____.
DATE _____ SUMMIT COUNTY ENGINEER	SUMMIT COUNTY ATTORNEY
PLANNING COMMISSION	RECORDED
THE SNYDERVILLE BASIN PLANNING COMMISSION FORWARDED A POSITIVE RECOMMENDATION FOR APPROVAL OF THIS PLAN PURSUANT TO A PUBLIC HEARING HELD ON _____ DAY OF _____, 20____.	ENTRY NO _____ STATE OF UTAH _____ COUNTY OF SUMMIT _____ DATE _____ TIME _____ RECORDED AND FILED AT THE REQUEST OF: _____
DATE _____ CHAIRMAN	COUNTY RECORDER

MULHOLLAND DEVELOPMENT SOLUTIONS
MAIL: P.O. BOX 680025, PARK CITY, UTAH 84068
PHONE: 435.901.2940 - cell, 435.615.6559 - office, 435.615.6546 - fax
IN PERSON: 5100 N. SILVER SPRINGS ROAD, PARK CITY, UTAH 84098
kristian@mulholland-development.com

DATE:	JANUARY 3, 2014
DESIGN BY:	KJM
DRAWN BY:	BRC
REVIEW BY:	
PROJECT NO:	NICKLAUS CLUB
ISSUE:	SKETCH PLAN PACKAGE
REVISIONS:	
SHEET TITLE:	NICKLAUS CLUB OVERALL SITE PLAN
SHEET NUMBER:	1



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path: M:\01_MDS\01_Eng\103 Promontory\09 Nicklaus Club\05 Nicklaus Club\02_NICKLAUS CLUB\ file name: NICKLAUS CLUB-C1-SITE PLAN.dwg | plot date: January 06, 2014 | plotted by: ckelian

DUE TO THE LARGE FILE
SIZE, SOME EXHIBITS
WERE NOT ABLE TO BE
INCLUDED.

PLEASE CONTACT STAFF
FOR FURTHER
INFORMATION AND
EXHIBITS.

435-336-3117

ACAUS@SUMMITCOUNTY.ORG



STAFF REPORT

To: Summit County Council (SCC)
Report Date: Friday, January 17, 2014
Meeting Date: Wednesday, January 22, 2014
Author: Amir Caus, County Planner
Project Name & Type: Promontory Dye Golf Clubhouse Final Site Plan Amendment

EXECUTIVE SUMMARY: The applicant, Michael Coopman, has submitted a Final Site Plan Amendment application to amend the Dye Clubhouse Final Site Plan to replace an unimproved future multi-purpose building with a pool located at 8417 North Ranch Club Trail, Promontory, Summit County, Utah.

Staff recommends that the SCC approve the Final Site Plan Amendment to amend the Dye Clubhouse Final Site Plan to replace an unimproved future multi-purpose building with a pool located at 8417 North Ranch Club Trail, Promontory, Summit County, Utah.

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:** Promontory Dye Golf Clubhouse Final Site Plan Amendment
- **Applicant(s):** Michael Coopman
- **Property Owner(s):** Promontory Investments LLC
- **Location:** 8578 Ranch Club Trail, Promontory, Summit County
- **Zone District & Setbacks:** Promontory SPA – AG-100 Underlying – 30, 12, 12
- **Adjacent Land Uses:** Residential, Vacant, and Recreational Open Space
- **Existing Uses:** Residential and Recreational Open Space
- **Parcel Number and Size:** NS-3 (199.05 acres)
- **Lot of Record Status:** Lot(s) of Record
- **Type of Item:** Final Site Plan Amendment
- **Land Use Authority:** Summit County Council
- **Type of Process:** Legislative
- **Future Routing:** N/A

B. Background

The proposed amendment is located on parcel NS-3 where the legally recorded Promontory Phase One Ranch Clubhouse Complex (now known as the Dye Golf Clubhouse Complex) is situated. The previously approved Final Site Plan was given

approval in 2003 with numerous uses and facilities being recorded as part of the subject Final Site Plan. Majority of the facilities have been improved; however the previously approved/recorded Multi-purpose Building, located on the south end of the complex, east of the roundabout, never broke ground.

The applicant does not see the need for another facility structure in an already build out complex and is proposing to use the space for a 6,270 sq. ft. lap pool.

Per Section 6.6 of the Promontory Development Agreement, the SCC is the Land Use Authority and Final Decision Maker.

C. **Community Review**

A public hearing notice was published in the *Park Record*, and notice was sent to all property owners within 1000 feet of the property. As of the date of this report, no public comment has been received.

D. **Identification and Analysis of Issues**

2003 Approval

The 2003 approval included an amenity complex for the benefit of Promontory residents. The complex included amenities such as lounges, dining areas, locker rooms, gathering areas, associated parking, and various recreational amenities.

The subject Multi-purpose Building was approved a 8,770 sq. ft. footprint. Detailed plans were not included at the time of the approval.

Service Provider Comments

The Eastern Summit County Development Code requires applicable service providers and agencies to review and make comment regarding the proposed subdivision. Staff has forwarded the proposed Final Site Plan Amendment to Service Providers for the Promontory area. Of the comments returned to Staff, the Service Providers see no issue with the proposed lap pool as the overall impact will be reduced.

Promontory Conservancy vs. Design Review Committee

As per Section 6.6 of the Promontory Development Agreement; *prior to the submission of a Final Site Plan to the Board, the applicant shall be required to first obtain review of such site plan by the Design Review Committee, who shall provide a written opinion to the Board. The decision of the Board shall be based upon the Developer's compliance with the requirements and standards set forth in this Development Agreement, Ordinance 298-A, and the criteria required under the Code.*

Although, the proposed amendment has been reviewed and approved by the Promontory Conservancy (master owner association), the Design Review Committee approval has not yet been received. The Conservancy submitted a letter in the name of the Design Review Committee, but after consulting with the Attorney's Office, a letter of approval is required to be received from the Design Review Committee themselves.

Staff has placed a condition of approval that the Design Review Committee approval be submitted prior to recordation of the new Final Site Plan.

Landscaping

A landscape plan will be submitted to Staff for review. Any required bonding will be posted prior to the issuance of a certificate of occupancy and recordation of the Final Site Plan.

E. **Consistency with the General Plan**

The applicants are proposing to install a less impactful use in an already developed area that was approved as part of the Promontory Development Agreement. The proposed amendment is within the limits outlined by the subject Development Agreement.

F. **Findings/ Code Criteria and Discussion**

As per Section 6.6 of the Promontory Development Agreement; *the approval of Final Site Plans shall be processed pursuant to the provisions of Appendix II. Site plan review shall include: 1) final site layout conformance with the intent of this Agreement; 2) sufficient architectural design details; 3) landscape; 4) exterior and site lighting; and 5) specific programs for amenities, trails, parks, and other related improvements and facilities as required by this Agreement.*

Staff has placed conditions of approval that the aforementioned submittal requirements be reviewed and approved by Staff prior to the recordation of the amended Final Site Plan.

If the Summit County Council requires further review they may; *refer the Final Site Plan to the Eastern Summit County Planning Commission and/or the Snyderville Basin Planning Commission for advisory review and comment.*

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

Staff recommends that the Summit County Council conduct a public hearing to gather any public comment, review Staff’s analysis, and vote to approve the Promontory Dye Golf Clubhouse Complex Final Site Plan Amendment based upon the findings, conclusions, and conditions listed below, unless based on information gathered during the public hearing that the proposed subdivision does not meet the approval criteria.

Findings of Fact:

1. Promontory Investments LLC, is the owner of record of parcel NS-3, located at 8578 Ranch Club Trail, Promontory, Summit County.
2. The development parameters for this amendment are specifically set forth in the Promontory Development Agreement.
3. The proposed lap pool will replace a previously recorded Multi-purpose Building.
4. Impact will be reduced by the removal of a Multi-purpose Building.
5. The Promontory Development Agreement establishes that the Board of County Commissioners (now known as Summit County Council) “is the Land Use Authority for [Final Site Plans].”

6. Public notice of the public hearing was published in the January 11, 2014 issue of *The Park Record*.
7. Postcard notices announcing the public hearing were mailed to property owners within 1,000 feet of the subject parcels on January 8, 2014.
8. Service providers have reviewed the plats for compliance with applicable standards and no project issues have been identified that could not be mitigated.
9. Staff has reviewed the proposed final site plan for compliance with applicable Development Code standards.
10. Staff has reviewed the proposed plat and final site plan for compliance with Promontory Development Agreement standards.

Conclusions of Law:

1. The clubhouse and associated uses are derived from the existing Promontory Development Agreement.
2. The proposal meets the terms of the Promontory Development Agreement.
3. The proposal meets the applicable standards of the Eastern Summit County Development Code.

Conditions

1. All of the structural and site design requirements from the Code, Service Providers, and the Promontory Development Agreement shall be met.
2. As per Section 6.6 of the Promontory Development Agreement, the Promontory Design Review Committee shall review and approve the proposed Final Site Plan prior to recordation of the Final Site Plan.
3. The applicant shall obtain all required permits from Summit County prior to commencing construction.
4. All Final Site Plan application requirements shall be demonstrated on the mylar.
5. Landscaping and lighting plans shall be reviewed and approved by Staff.
6. Any bonds that are required shall be paid prior to commencement of construction.
7. All other Service Provider requirements shall be met.

Attachment(s)

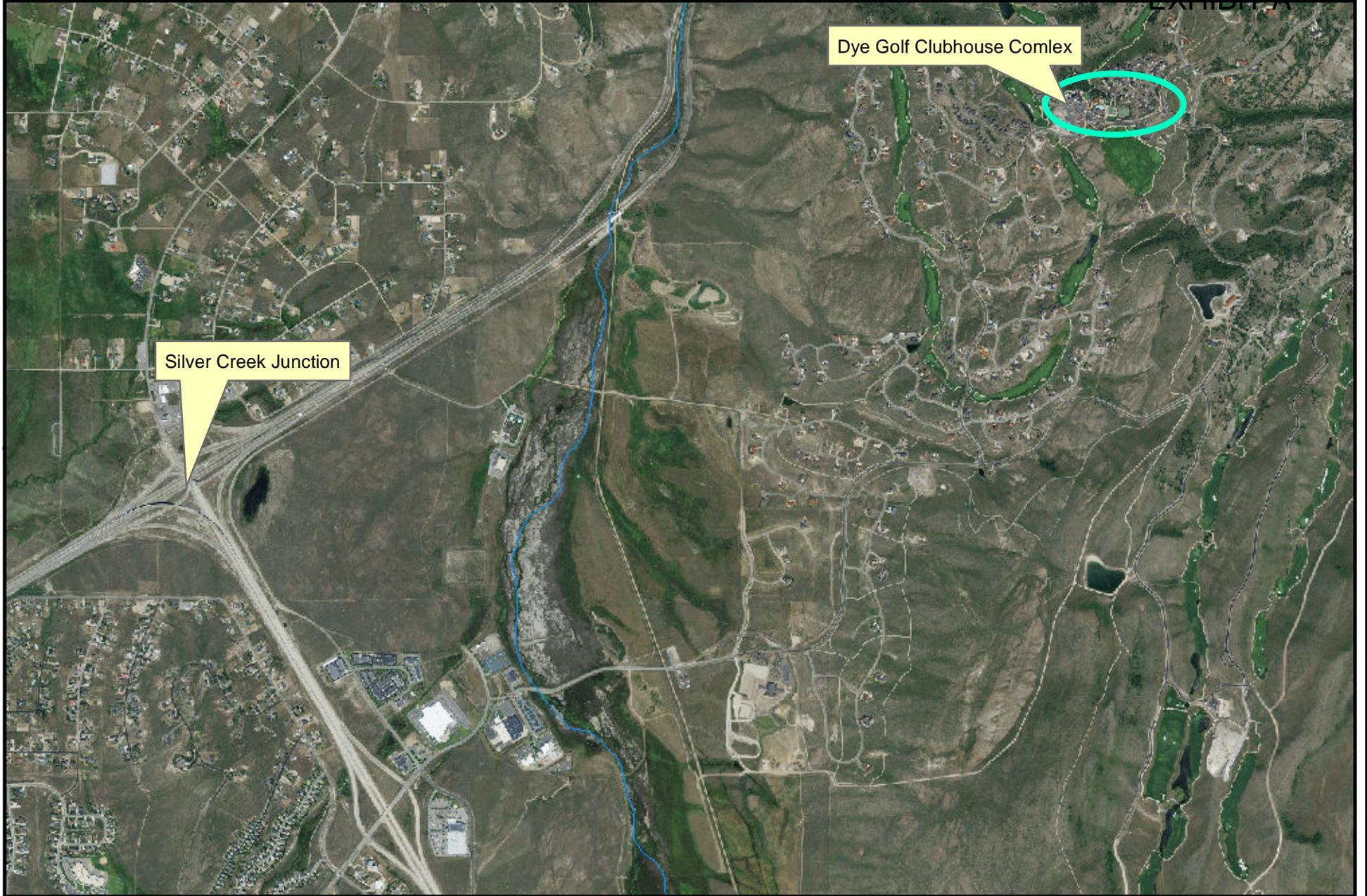
Exhibit A – Vicinity Map

Exhibit B – Aerial

Exhibit C – 2003 Final Site Plan

Exhibit D – Proposed Final Site Plan

Exhibit E – Letter from Promontory Conservancy



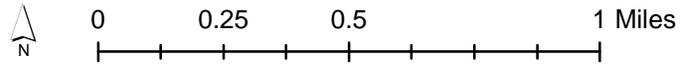
Dye Golf Clubhouse Complex

Silver Creek Junction



Dye Golf Clubhouse Complex Vicinity Map

Prepared by Summit County
Community Development Department



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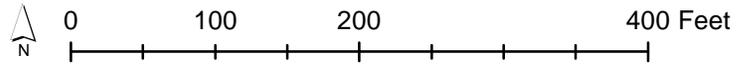
Proposed Lap Pool Area



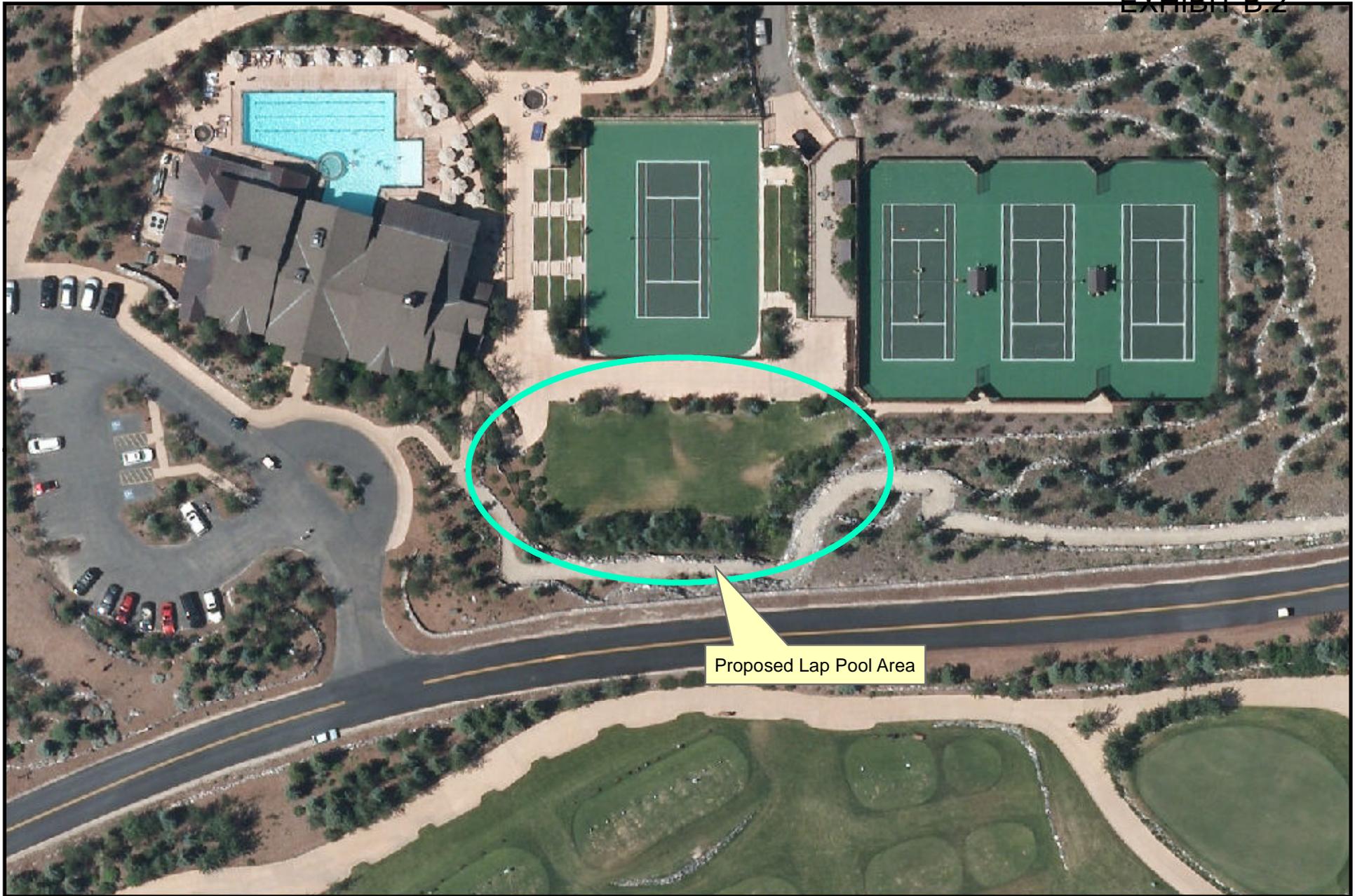
Dye Golf Clubhouse Complex

Aerial

Prepared by Summit County
Community Development Department



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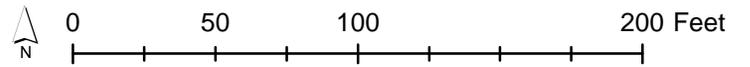


Proposed Lap Pool Area

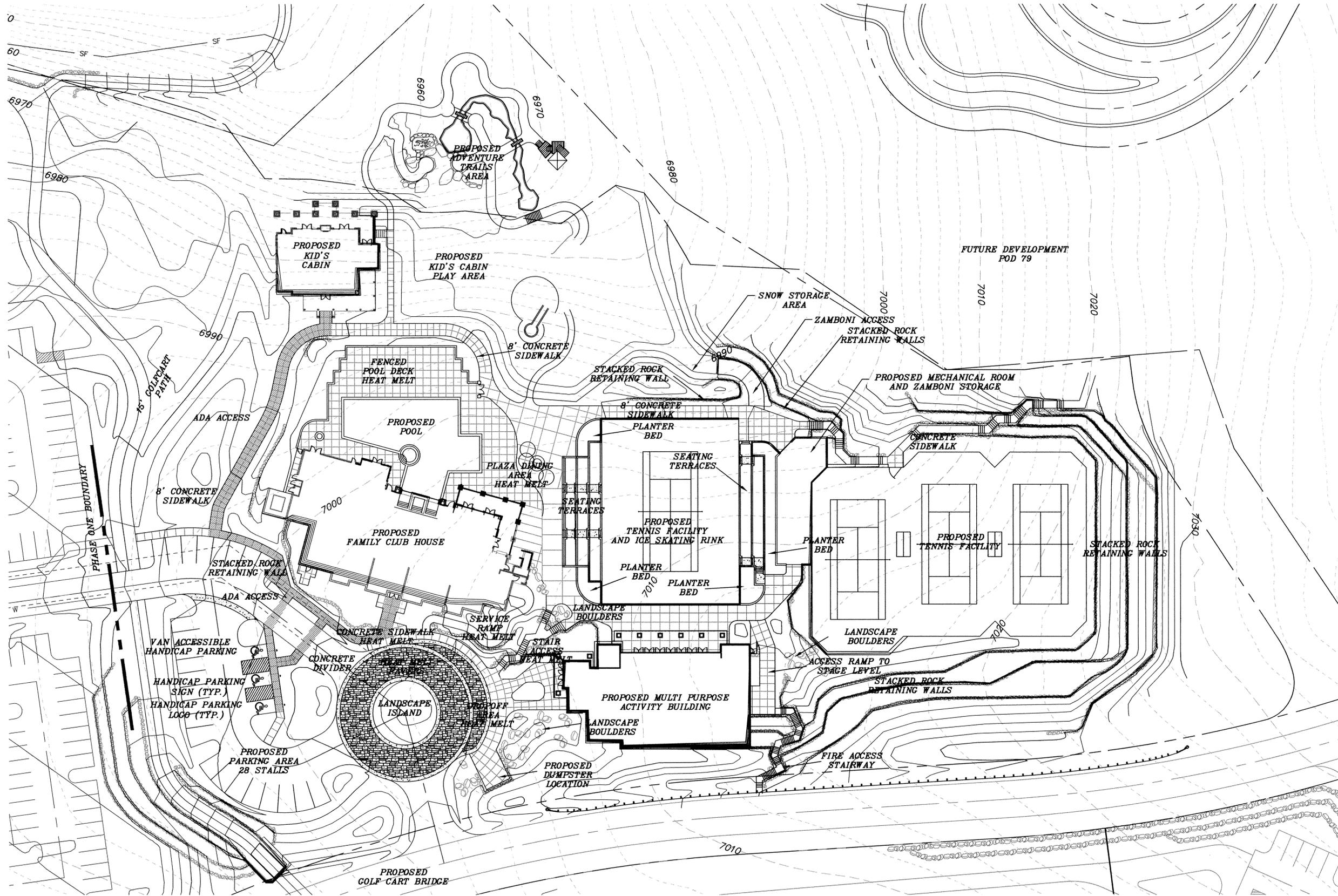


Dye Golf Clubhouse Complex Aerial ZOOM

Prepared by Summit County
Community Development Department

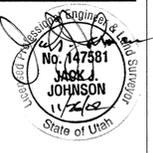


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JACK JOHNSON COMPANY
 Designing World Destinations
 In-Person - 1777 Sun Peak Drive - Park City - Utah 84098
 Telephone - 435.645.9000 - Facsimile - 435.649.1620
 www.jackjohnson.com

DATE:	12/18/01
DESIGNED BY:	PGG
DRAWN BY:	JMR
REVIEWED BY:	
PROJECT:	453.0301.04
ISSUE:	FINAL SUBMITTAL

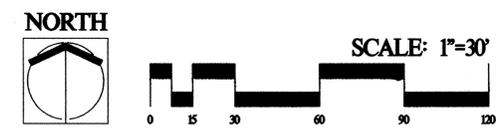


REVISIONS

03/15/02	REVISED PER SUMMIT COUNTY COMMENTS DATED 01/15/02
03/15/02	REVISED PER SBWRD COMMENTS DATED 01/15/02
03/15/02	REVISED ZAMBONI/TENNIS COURT LOCATION
04/28/02	REVISED ZAMBONI ROOM & FIRE ACCESS
07/29/02	RVSD POOL AREA/CLUBHOUSE CHILLER & KIDS CABIN ACCESS

**PIVOTAL, L.L.C.
 PROMONTORY
 CLUBHOUSE SITE
 PHASE ONE**

PHASE 1 SITE PLAN **C2**



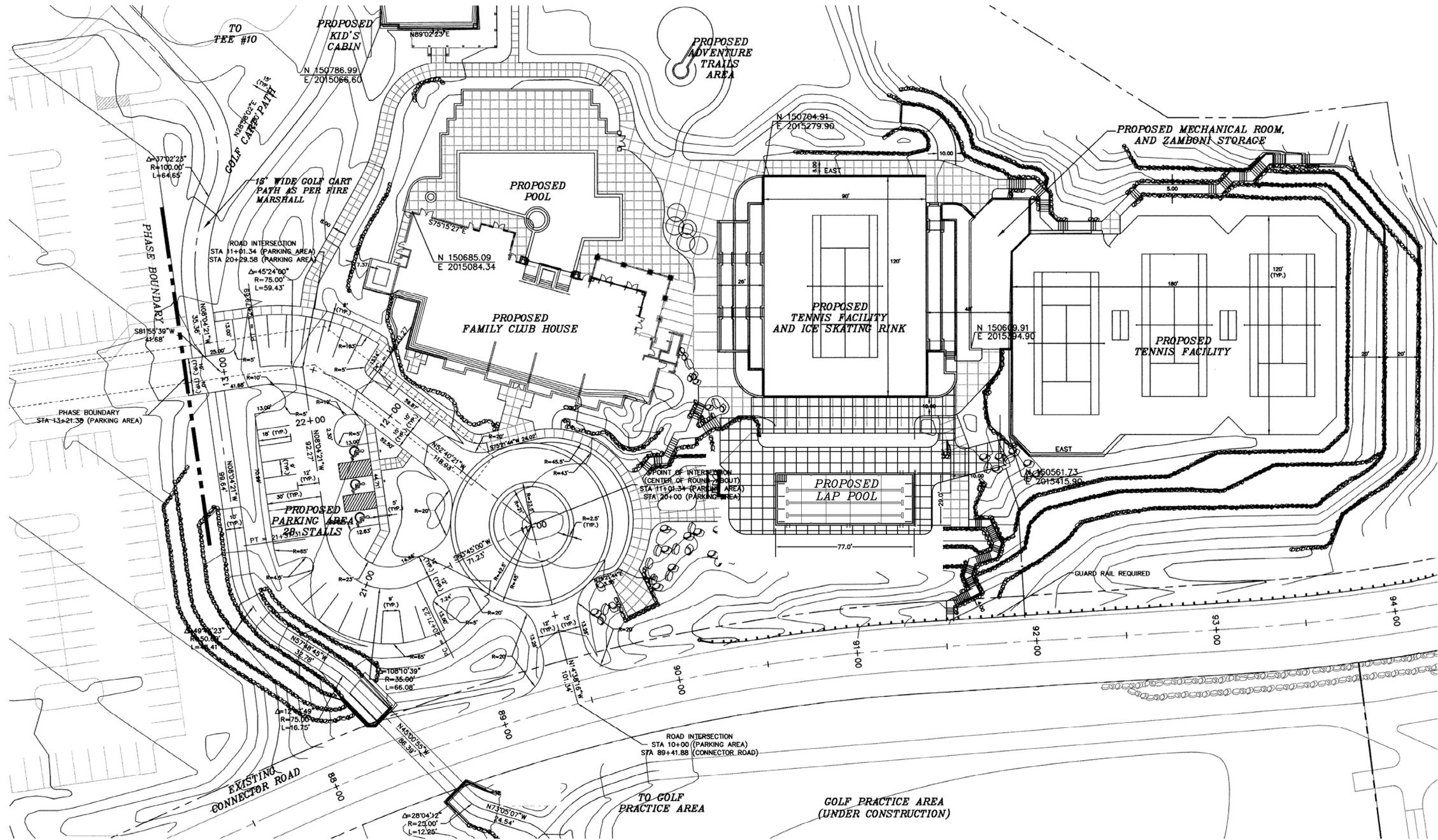
00648796 Bx01513 Pw00277-00277
 ALAN SPRIGGS, SUMMIT CO RECORDER
 2003 FEB 21 08:34 AM FEE \$462.00 BY DMG
 REQUEST: PIVOTAL PROMONTORY DEVELOPMENT

DUE TO THE LARGE FILE
SIZE, SOME EXHIBITS
WERE NOT ABLE TO BE
INCLUDED.

PLEASE CONTACT STAFF
FOR FURTHER
INFORMATION AND
EXHIBITS.

435-336-3117

ACAUS@SUMMITCOUNTY.ORG



DATE:	12/18/01
DESIGNED BY:	KJM
DRAWN BY:	JMR
REVIEWED BY:	
PROJECT:	453.0301.04
ISSUE:	FINAL SUBMITTAL

REVISIONS	
03/15/02	REVISED PER SUMMIT COUNTY COMMENTS DATED 01/15/02
03/15/02	REVISED PER SBWRD COMMENTS DATED 01/03/02
03/15/02	REVISED ZAMBONI/TENNIS COURT LOCATION
04/28/02	REVISED ZAMBONI ROOM AND FIRE ACCESS
07/29/02	REVISED CHILLER AND KIDS CABIN ACCESS

**PIVOTAL, L.L.C.
PROMONTORY
CLUBHOUSE SITE
PHASE ONE
AMENDMENT ONE**

DIMENSION PLAN

C7