



STAFF REPORT

To: County Council
Report Date: March 19, 2014
Meeting Date: March 19, 2014
Author: Brian Bellamy
Description: Approve required Utah Retirement Systems (URS) rates
Type of Item: Decision

A. Background

The Summit County Council discussed the 2013-2014 URS contribution rates and the proposed 2014-2015 rates for Summit County employees during Personnel's presentation in the 2014 budget meetings. Attached are the rates for 2011-2012, 2012-2013, 2013-2014 years and the proposed rates for the 2014-2015 year.

Currently we have employees who participate in both Tier 1 and Tier 2 plans. All employees hired after June 30, 2011, who have not previously participated in the Tier 1 plan, are automatically enrolled in the Tier 2 plan.

The general highlights of the **Tier 1 Public Employee plan** are:

You qualify for a monthly retirement benefit if you are:

- 65 with 4 years of service.
- 62 with 10 years of service.
- 60 with 20 years of service.
- Any age with 25 years of service with full actuarial reduction.
- Any age with 30 years of service.
- Service benefit formula is based upon number of years of service credit x 2% x highest three years' earnings, converted to a monthly average.

The general highlights of the **Tier 1 Public Safety plan** are:

You qualify for a monthly retirement benefit if you are:

- 65 with 4 years of service.
- 60 with 10 years of service.
- Any age with 20 years of service.

—Service benefit formula is based upon number of years of service credit x 2.5%, plus number of years of service over 20 by 2% x highest three years’ earnings, converted to a monthly average.

The general highlights of the **Tier 2 Public Employee Hybrid plan** are:

You qualify for a monthly retirement benefit if you are:

- 65 with 4 years of service.
- 62 with 10 years of service.
- 60 with 20 years of service.
- Any age with 35 years of service.
- Service benefit formula is based upon number of years of service credit x 1.5% x highest five years’ earnings converted to a monthly average.

The general highlights of the **Tier 2 Public Employee Defined Contribution Plan** are:

- Your employer contributes 10% of your compensation to a defined contribution plan.
- You may make additional deferrals to the same defined contribution plan as your employer.
- Total contributions paid into this plan by your employer are vested to your account after four years of eligible employment.
- All deferrals you make into your account are vested immediately.

The general highlights of the **Tier 2 Public Safety Hybrid plan** are:

Monthly retirement benefit is determined by age, years of service credit, final average monthly salary, and the benefit formula.

—You qualify for a monthly retirement benefit if you are:

- 65 with 4 years of service.
- 62 with 10 years of service.
- 60 with 20 years of service.
- Any age with 25 years of service.
- Service benefit formula is based upon number of years of service credit x 1.5% x highest five years’ earnings, converted to a monthly average.

The general highlights of the **Tier 2 Public Safety Defined Contribution plan** are:

Your employer contributes 12% of your compensation to a defined contribution plan.

- You may make additional deferrals to the same defined contribution plan as your employer.
- Total contributions paid into this plan by your employer are vested to your account after four years of eligible employment.
- All deferrals you make into your account are vested immediately.

B. Recommendation

Staff recommends the Council approve the attached 2013-2014 rates.

Approved: _____
Chris Robinson, Council Chair

2013-2014 URS Rates

	2011-2012			2012-2013			2013-2014			2014-2015		
	Actual			Actual			Actual			Preliminary		
Tier 1	Employee	Employer		Employee	Employer		Employee	Employer		Employee	Employer	
Local Government Non-contributory	0.00%	13.37%	13.37%	0.00%	16.04%	16.04%	0.00%	17.29%	17.29%	0.00%	18.47%	18.47%
<i>UAAL (Included in Employer Rate)</i>			2.59%			4.18%			5.49%			6.61%
Public Safety Contributory (Required)	12.29%	15.78%	28.07%	12.29%	19.08%	31.37%	12.29%	20.83%	33.12%	12.29%	22.75%	35.04%
Public Safety Contributory (Actual)	3.00%	25.07%	28.07%	3.00%	28.37%	31.37%	3.00%	30.12%	33.12%	3.00%	32.04%	35.04%
Public Safety Non-contributory	0.00%	27.07%	27.07%	0.00%	30.45%	30.45%	0.00%	32.14%	32.14%	0.00%	34.04%	34.04%
<i>UAAL (Included in Employer Rate)</i>			5.63%			8.15%			9.83%			11.75%
Tier 2	Employee	Employer		Employee	Employer		Employee	Employer		Employee	Employer	
Local Government Non-contributory	0.00%	12.74%	12.74%	0.00%	14.33%	14.33%	0.00%	15.58%	15.58%	0.00%	16.72%	16.72%
<i>UAAL (Included in Employer Rate)</i>			2.59%			4.18%			5.49%			6.61%
Public Safety Non-contributory	0.00%	17.82%	17.82%	0.00%	20.34%	20.34%	0.00%	21.94%	21.94%	0.00%	23.83%	23.83%
<i>UAAL (Included in Employer Rate)</i>			5.63%			8.15%			9.83%			11.75%
Post Retired Employment	Employee	Employer		Employee	Employer		Employee	Employer		Employee	Employer	
Local Government (Required)*	0.00%	2.59%	2.59%	0.00%	4.18%	4.18%	0.00%	5.49%	5.49%	0.00%	6.61%	6.61%
Public Safety (Required)**	0.00%	5.63%	5.63%	0.00%	8.15%	8.15%	0.00%	9.83%	9.83%	0.00%	11.75%	11.75%
Public Safety (Actual)***	0.00%	11.19%	11.19%	0.00%	11.19%	11.19%	0.00%	11.19%	11.19%	0.00%	11.19%	11.19%

UAAL - This percentage is the Amortization of Unfunded Actuarial Accrued Liability.

* This rate is required for retired public employees hired after June 30, 2011. It is the UAAL.

**This rate is required for public safety employees hired after June 30, 2011.

***This rate is paid to Post Retired employees hired before June 30, 2011. This rate was set by the County Council in 2010.

-- Elected Officials, hired on or before June 30, 2011, who opted out of URS are having retirement placed in a defined contribution account at the rate of 11.19%.

-- Elected Officials, hired after June 30, 2011, are mandated to be in the Tier II Local Government Non-contributory retirement system.

--All Post Retired employees hired after June 30, 2011, URS requires the Unfunded Actuarial Accrued Liability be paid.



MEMORANDUM:

Date: March 19, 2014

To: Council Members

From: Annette Singleton

Re: Snyderville Basin Special Recreation Service District Administrative Control Board

Appoint Ben Castro to fill the unexpired term of Jay Burke on the Snyderville Basin Special Recreation Service District Administrative Control Board. Ben's term to expire December 31, 2017.



2014-2016 Sustainability Plan

In keeping with the County Council's commitment to sustainability, the following draft plan has been prepared for review by Council. This 2014-2016 Plan builds on the successes of the previous three (3) years accomplishments and proposes actions needed to address unfinished goals in the 2011-2013 Sustainability Plan.

The 2014 Sustainability budget includes funds to conduct Phase II of a countywide GHG Reduction Study. The study will establish a comprehensive climate action planning effort, define the strategies, calculate potential benefits, and explore the costs and funding options for strategies. This more comprehensive climate action planning effort will help establish a countywide greenhouse gas emissions reduction goal.

Meanwhile, the Sustainability Coordinator recommends the following specific goals for Council's consideration:

2014-2016 Goals

- Reduce carbon dioxide equivalent (CO₂e) emissions of County operations
- Intensify energy efficiency in existing County facilities
- Raise fuel efficiency & reduce tailpipe emissions of County fleet
- Amplify the use of renewable energy countywide
- Foster energy efficiency of residential and commercial properties countywide
- Establish a comprehensive countywide climate action plan
- Influence maintenance of air and water quality
- Incorporate sustainability measures in Land Management

REDUCE CO₂ EQUIVALENT EMISSIONS OF COUNTY OPERATIONS

Action Items

- Complete 2010-2013 emissions reduction quantification analysis.
- Exceed 2013 emissions reduction goal by end of 2014.
- Set new carbon dioxide equivalent emissions reduction goal for County operations.
- Establish benchmarking measurement intervals toward CO₂ emissions reduction goal.
- Set up new utility and fuel tracking software to accurately monitor emissions reductions.

Action Summary:

Position Summit County for short-term reductions in GHG emissions and long-term plan for more significant reductions over time.

INTENSIFY ENERGY EFFICIENCY OF EXISTING COUNTY BUILDINGS

Action Items

Further increase energy efficiency of existing county buildings:

- Coordinate installation of \$348,000 worth energy efficiency and lighting upgrades to the County Justice Center and County Courthouse in Coalville.
- Track and verify expected energy and cost savings obtained annually (2013 – 2016).
- Quantify actual CO₂e emissions reduction annually and report to Council.
- Install 74 kW solar PV system on County's largest energy user (the Justice Center) that will accomplish the following:
 - generate approximately 107,000 kWh annually
 - reduce 75.5 metric tons of CO₂e emissions annually
 - repurpose approximately \$14,000/year in electricity cost saving
- Set up and train staff to utilize utility tracking software to accomplish the following:
 - Establish benchmarks to measure effectiveness of efficiency measures installed
 - Qualify as third-party verification of energy savings
 - Flag anomalies in billing for further investigation
 - Eliminate repetitive data entry of utility bills
 - Provide spreadsheet of utility bills for upload to Accounts Payable
 - Normalize energy usage for weather
 - Accurately monitor and provide instantaneous CO₂e emissions data

Action Summary:

Demonstrate cost savings from the implementation of energy efficiency measures that allow Summit County to repurpose funds for other services.

RAISE FUEL EFFICIENCY AND REDUCE TAILPIPE EMISSIONS OF COUNTY FLEET

Action Items

- Lead County Fleet Review Committee activities:
 - Increase number of CNG vehicles in County Fleet
 - Enact Vehicle Acquisition Policies established by Fleet Review Committee
- Continue replacing low fuel economy vehicles with higher fuel economy vehicles.
- Research additional alternative vehicle technologies appropriate for specific vehicles.
- Install CNG refueling appliance at Public Works.
- Quantify fuel cost savings and tailpipe emissions reduction attributable to CNG.
- Investigate alternatives to diesel powered transit buses.
- Reduce tailpipe emissions from Park City/Summit County jointly owned transit bus system.
- Coordinate fuel tracking software with Public Works vehicle maintenance software to:
 - Establish accurate accounting of Fleet fuel consumption and maintenance costs of each vehicle within every department
 - Provide instantaneous CO₂e emissions data

- Evaluate fuel efficiency analysis of vehicles
- Track emissions reduction attributable to CNG vehicles
- Simplify payment of fuel bills by downloading/uploading bills to Accounts Payable
- Flag billing anomalies for further investigation

Action Summary:

Position Summit County as a leader in the adoption of clean-burning transportation fuels that improve air quality and reduce fleet fuel cost.

AMPLIFY THE USE OF RENEWABLE ENERGY COUNTYWIDE

Action Items

- Support Council’s pursuit of Community Choice Aggregate or a similar mechanism to provide renewable energy to Summit County residents.
- Evaluate and determine if the Summit Community Solar program should be modified and/or repeated to increase residential solar PV installations throughout Summit County.
- Adapt Summit Community Solar to install solar PV on commercial properties countywide.
- Work with municipalities to adopt/expand incentives for business and residents to install renewable energy.

Action Summary:

Lead Summit County residents in the adoption of renewable energy as a strategy for long-term emissions reduction, job creation, and utility cost savings that allow residents to invest more in their community.

FOSTER RESIDENTIAL AND COMMERCIAL ENERGY EFFICIENCY COUNTYWIDE

A priority for 2014 is the development of a countywide residential energy efficiency/weatherization program. Partners already engaged in the initial research stage include Utah’s Weatherization Program and Single Family Rehabilitation and Reconstruction Program, U.S. Department of Agriculture - Rural Development Energy Efficiency Program, Habitat for Humanity, and non-profit affordable housing organizations.

Action Items

- Participate in the Georgetown University Energy Program competition to win \$5 million prize for a sustainable, replicable countywide residential energy efficiency and renewable energy program.
- Develop countywide residential energy efficiency program to reduce energy consumption of existing homes and new residential construction.
- Develop countywide commercial energy efficiency program to reduce energy consumption of existing businesses and commercial properties and new commercial construction.
- Establish mechanism to verify energy reduction of residential and commercial energy efficiency programs.

- Develop and implement mechanism to verify emissions reduction associated with residential and commercial energy efficiency upgrades.

Action Summary:

Assist Summit County residents in reducing energy consumption, lowering utility bills, reduce emissions and increasing the comfort level within their homes and businesses; contribute to economic vitality and provide jobs.

ESTABLISH A COMPREHENSIVE CLIMATE ACTION PLAN

Action Items

- Conduct Phase II of countywide Greenhouse Gas (GHG) Reduction study and establish a comprehensive climate action planning effort, define the strategies, calculate potential benefits, and explore the costs and funding options for strategies.
- Set new countywide GHG emissions reduction target and bench-marking and reporting intervals.

Action Summary:

Position Summit County for short-term reductions in GHG emissions and a establish a long-term plan for more significant reductions over time.

INFLUENCE THE MAINTENANCE OF AIR AND WATER QUALITY

Action Items

- Mobilize community partnerships to support Department of Health air and water quality initiatives.
- Assist in the dissemination of Summit County Health Department’s public education campaigns such as:
 - “Check Engine Light” public education campaign.
 - “Turn the Key - Be Idle Free”
- Advance Water Quality Advisory Committee recommendations.
- Champion emissions reduction strategies outlined in 2014-2016 Sustainability Plan.
- Spearhead countywide emissions reduction strategies that attract citizen participation.
- Expand air quality monitoring.

Action Summary:

Implement initiatives that help to maintain air quality and help ensure that water supplies remain safe, clean, and reliable.

INCORPORATE SUSTAINABILITY MEASURES IN LAND MANAGEMENT

Action Items

- Ensure adoption of sustainability measures in Phase II updates to General Plan.

- Acquire with BOSAC’s advice high priority open space.
- Adopt open space management plans.
- Coordinate with Transportation Planning.
- Support implementation of the Governor’s Sage Grouse Management Plan.
- Adopt sustainability measures in updates to the Development Code
- Research environmental impacts and provide policy guidance related to, but not limited to, the following:
 - heated driveways;
 - large open gas flames;
 - wood burning stoves and fireplaces;
 - Energy efficiency, night-sky lighting technologies.
- Establish leadership in local and regional planning including, but not limited to, Mountain Accord.

Action Summary:

Guide the areas of development to minimize impacts; welcome smart growth in Summit County.

EXPECTED RESULTS BY THE END OF 2016 ARE:

- ➡ **New Emissions Reduction Goals established and achieved**
- ➡ **Verifiable cost-effectiveness of energy efficiency improvements, lighting upgrades and solar installations**
- ➡ **Quantifiable increase in overall fuel efficiency, fuel cost savings & reduction of tailpipe emissions by County fleet vehicles**
- ➡ **Increased use of renewable energy countywide**
- ➡ **Substantiated decrease in residential and commercial energy usage countywide**
- ➡ **Engaged Summit County residents participating in greenhouse gas reduction**
- ➡ **Recognizable contribution to maintenance of air and water quality**
- ➡ **Updated General Plan and Development Code that incorporate sustainability measures**

Financial Analysis of JC Solar Installation

3/13/2014

2012	1,434,301 kWh	\$ 95,438.91	Annual Electricity	\$ 8,313.33	Avg \$/mo
2013	1,464,065 kWh	\$ 86,796.38	Annual Electricity	\$ 9,151.97	Avg \$/mo

System Design 74 kW	107,678	Annual kWh	\$ 297,000.00	Installation Cost
			\$ (54,000.00)	RMP USIP Rebate
			\$ 243,000.00	With Incentives (Rebate)

Average Monthly Electricity Bill \$ 12,000.00 15 yr O&M

Current	With Solar
\$9,152.00	\$7,980.39

By generating an average of **100,490 kilowatt-hours per year**, this system will offset **13%** of your average monthly electricity*

Solar Costs and Savings

Financial Metrics

		Metric	With Incentives	Without Incentives
Cost After All Incentives and Taxes:	\$243,000			
System Cost Without Incentives:	\$297,000	Lifetime Return on Investment:	118%	51%
First Year Savings:	\$11,470	First Year Return on Investment:	7%	5%
Average Annual Savings:	\$14,696	Net Present Value of System:	\$28,409.95	(\$45,890.05)
Savings over 25 years:	\$367,402			

Simple payback: 16.75 NOTE: Solar panels warranted for 25 years

* Solar Contractor's preliminary design generates **107,678 kWh** annually

This system will cover around **5,328** square feet and generate **2,512,249 kilowatt-hours** of electricity over its lifetime.

Pounds of CO2 Prevented From Entering Atmosphere over 25 years:	4,655,197
Equivalent number of tree seedlings grown for 10 years:	54,143
Lifetime Water Prevented from Cooling Thermoelectric Power Plants:	9,044,096 Gallons

<http://solarsimplified.org/solar-resources/calculate-your-solar-savings>

**SUMMIT COUNTY, UTAH
RESOLUTION No. 2014-08**

PEACE HOUSE TRANSITIONAL HOUSING PLAN

WHEREAS, the Summit County Council on January 15, 2014 approved the Tanger Outlets Retail Expansion Specially Planned Area (“Tanger Zoning Approval”); and,

WHEREAS, upon execution of the Tanger Outlet Retail Expansion Development Agreement (“Development Agreement”), which Development Agreement implements the Tanger Zoning Approval, Tanger Outlets will pay to the County a fee-in-lieu of \$960,490.00 as part of its required affordable housing component, as well as to fulfill its community incentives component of the Tanger Zoning Approval (together, the “Tanger Fee-in Lieu”); and,

WHEREAS, the Summit County Council has directed that the Tanger Fee-in-Lieu be utilized by the Peace House for transitional housing serving individuals who due to domestic violence are temporarily homeless (“Peace House Transitional Housing”); and,

WHEREAS, the Summit County Council has further directed that the Summit County Manager, Planning Staff, and the Peace House prepare a plan of action to guide the completion of the Peace House Transitional Housing in a timely manner; and,

WHEREAS, the Peace House has agreed to acquire property for the Peace House Transitional Housing prior to March 1, 2015; and,

WHEREAS, the Peace House has agreed to complete all regulatory approvals for the Peace House Transitional Housing prior to March 1, 2016; and,

WHEREAS, the Peace House has agreed to commence construction of the Peace House Transitional Housing prior to March 1, 2017;

WHEREAS, the County will allocate the subject moneys to other affordable housing organizations or purposes if the Peace House does not meet the aforementioned deadlines;

NOW, THEREFORE, BE IT RESOLVED, that the County Council of the County of Summit, State of Utah, directs the County Manager to issue a grant of \$960,490.00 to the Peace House for construction of Peace House Transitional Housing upon the following conditions:

Section 1. Property Acquisition.

Peace House shall acquire through purchase, lease or other control, real property for the Peace House Transitional Housing on or before March 1, 2015 and provide to the County Manager evidence of such acquisition or site control sufficient to fully perform the tasks set forth in Sections 2 and 3 below.

Section 2. Regulatory Approvals.

Peace House shall acquire all necessary regulatory approvals for the Peace House Transitional Housing on or before March 1, 2016 and provide to the County Manager proof of a valid development permit to complete the construction and development of the Transitional Housing. .

Section 3. Construction.

Peace House shall commence construction of the Peace House Transitional Housing on or before March 1, 2017, and provide proof of such to the County Manager. And, in form and substance acceptable to the County Manager, provide proof of sufficient funds and/or financing to complete the construction and development of the Transitional Housing..

Section 4. Expiration.

The County will allocate the subject moneys to other affordable housing organizations if the Peace House does not meet the aforementioned deadlines. The County's grant to the Peace House as provided for herein is expressly conditioned upon the County's receipt of the Tanger Fee-In-Lieu.

APPROVED AND ADOPTED this _____ day of _____, 2014.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

Christopher F. Robinson
Chair

ATTEST:

Kent Jones
County Clerk

RESOLUTION NO. 2014-09

**A RESOLUTION IN SUPPORT OF THE ANTI-BULLYING
CAMPAIGN BY PARK CITY HIGH SCHOOL STUDENTS**

WHEREAS, bullying is defined as “a form of aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort” (apa.org); and

WHEREAS, bullying may take on many forms, including (but not limited to) physical bullying; cyber bullying; social exclusion; malicious hearsay; passive aggression; harassment due to sexual orientation or gender identification; and victimization due to one’s race, socioeconomic status, or ethnicity; and

WHEREAS, the environment created by these acts of bullying may not only negatively impact one’s educational, work place, and social relations, but also can cause long-term and detrimental emotional and psychological trauma, sometimes resulting in suicide; and

WHEREAS, bystanders, defined as everyone present, other than the bully and the victim, who do not interfere with the bullying, add to the victim’s potentially harmful sense of complete isolation; and

WHEREAS, silence is the cloak of bullying which allows the victim’s suffering to remain unnoticed and the bully’s actions to remain unchallenged; and

WHEREAS, the lack of awareness in society of the incredible effects of these forms of harassment leads to the furthering of subtle bullying and the acceptance of such acts; and

WHEREAS, peers have the most influence upon one another and therefore have the greatest potential to end bullying;

NOW THEREFORE BE IT RESOLVED THAT in support of the students of Park City, Utah, we will become more aware of bullying, and strive to recognize it and its negative effects among students in our attempt to create a healthier community.

BE IT FURTHER RESOLVED THAT we will work to achieve an environment void of such bullying and social disruptions to allow all community members to experience a more inclusive, friendly, and accepting setting.

Resolution No. 2014-09
Resolution in Support of Anti-Bullying campaign

BE IT FURTHER RESOLVED THAT we will show our support to Park City High School's Student Council efforts to lead an annual anti-bullying initiative in compliance with the central goals of this resolution.

DATED this ____ day of _____, 2014

SUMMIT COUNTY COUNCIL

By: _____
Christopher Robinson, Chair

Councilor Armstrong

Councilor Carson

Councilor McMullin

Councilor Ure

ATTEST:

Summit County Clerk

COMMUNITY DEVELOPMENT

- The department received 4 new building applications and 3 new planning applications this past week as follows:

NEW BUILDING PERMITS March 6-12, 2014

Date	Name	Address	Description
03/06/14	Mark Johnson	3341 W Garff Ranch Rd	Interior Remodel Only
03/06/14	Johnathan Weinberg	115 Ridgecrest Drive	Home Remodel
03/07/14	Harmony Health L.C.	6169 Park Lane So	Newpark Center / 60 Unit Condos
03/10/14	Mickey & Milla Bilbrey	4043 Saddleback Rd	Interior Remodel Only

NEW PLANNING APPLICATIONS March 6-12, 2014

Project Number	Description
2014-050	Arnold LLA Lot Line Adjustment 1335 So Henefer Rd NS-832-3/NS832-4-A
2014-051	Highland Estates LIP Low Impact Permit 150 East Highland Drive HE-A0-396
2014-052	Canyons Structure Appeal of Decision Appeal of Decision Canyons Resort Dr. PP-74-G-1, PP-74-E & H, PP-75-A-5

Respectfully Submitted, Patrick Putt
Community Development Director

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MARCH 5, 2014
COUNCIL CHAMBERS
COALVILLE, UTAH

PRESENT:

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

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

CLOSED SESSION

Council Member Ure made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 4:05 p.m. to 5:00 p.m. for the purpose of discussing property acquisition. Those in attendance were:

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

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Dave Thomas, Deputy Attorney
Lisa Yoder, Sustainability Coordinator

Council Member Armstrong made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

WORK SESSION

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

- **Interview applicants for vacancies on the Eastern Summit County Planning Commission**

The Council Members interviewed Sean Wharton, Chris Ure, and Ken Henrie for vacancies on the Eastern Summit County Planning Commission. All of the applicants are incumbents on the Planning Commission, and the Council Members primarily discussed with the applicants their

current responsibilities and work on the Planning Commission and planning issues they think need to be addressed in Eastern Summit County.

REGULAR MEETING

Chair Robinson called the regular meeting to order at 5:30 p.m.

- **Pledge of Allegiance**

DISCUSSION AND POSSIBLE APPROVAL OF 2014 LOCAL CORRIDOR PRESERVATION FUND PROGRAMMING; KENT WILKERSON, TRANSPORTATION ENGINEER

County Traffic Engineer Kent Wilkerson confirmed that this application would exclusively fund the purchase of right-of-way for the Silver Creek roundabout.

Council Member Ure made a motion to approve the 2014 Local Corridor Preservation Fund Programming. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

DISCUSSION AND POSSIBLE ADOPTION OF THE EASTERN SUMMIT COUNTY ECONOMIC DEVELOPMENT STRATEGIC PLAN; ALISON WEYHER

Chair Robinson noted that the County Council has reviewed this strategic plan on a number of occasions.

Council Member McMullin made a motion to adopt the Eastern Summit County Economic Development Strategic Plan. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.

APPOINT MEMBERS TO THE SNYDERVILLE BASIN PLANNING COMMISSION

Council Member Ure made a motion to reappoint Mike Franklin and Greg Lawson and to appoint Ted Levy to the Snyderville Basin Planning Commission, with their terms to expire February 28, 2017. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

WORK SESSION – (Continued)

- **Discussion regarding Tesoro Uinta Express Pipeline; Michael Gebhardt, Tesoro Vice President of Business Development, and Cindy Gubler, Communications Consultant**

Michael Gebhardt, Tesoro Vice President of Business Development, provided a PowerPoint presentation regarding the pipeline that Tesoro is in the early stages of proposing to move waxy crude oil from the Uinta Basin to the Salt Lake City refineries. He explained that this would be a common carrier line.

Council Member Armstrong asked if other substances besides waxy crude could be moved through this line since the line would be a common carrier. Mr. Gebhardt explained that the intention is to build the pipeline for waxy crude movement.

Mr. Gebhardt explained that they are in the beginning stages of proposing this pipeline and would like to inform, educate, and build relationships with the communities through which the pipeline will pass on the proposed route. He explained that the basis for the proposal currently is to move 60,000 barrels per day, and that could change. He explained that these are barrels of crude that are already being shipped to Salt Lake, not additional production.

Council Member McMullin asked about the maximum they could ship if other entities were to join with Tesoro. Mr. Gebhardt replied that it would depend on the pipe design. Chair Robinson asked if Tesoro would increase the pipe diameter or pressure if they were to move more than 60,000 barrels. Mr. Gebhardt replied that it would depend on what they were looking at, but most likely they would increase the pipeline diameter to accommodate additional barrels. Council Member McMullin asked if the pipeline could be used for two types of materials on the same day; i.e., waxy crude and some other type of fluid. Mr. Gebhardt replied that, in terms of fluid dynamics, that is possible, but the pipeline will be designed and sized for waxy crude, and all the refineries in Salt Lake use waxy crude, so they would not design the pipeline for other materials. He explained that they would not move a refined product and a crude product in the same pipeline, because they would want to keep the refined product clean. He clarified that common carrier does not mean that they would ship different products on the line but that the pipeline would be open for all parties who wish to ship waxy crude on the line. Chair Robinson explained that, if someone wanted to ship another substance in the pipeline, they would have to clean the pipeline and remove all the impurities, and this is not a situation where they would switch back and forth between products on a regular basis. Council Member McMullin asked if another product other than crude oil could be moved through this pipeline. Chair Robinson confirmed that they could transport other liquids in the future if they were to clean out the pipeline first. Mr. Gebhardt explained that the design operation would be for transportation of crude oil, not other types of liquids.

Mr. Gebhardt explained that there is currently not a pipeline designed to transport waxy crude, which requires heating to a certain temperature. He explained that 60,000 barrels per day is equivalent to 250 tanker trucks per day. Council Member Robinson asked about the current volume being shipped on tanker trucks. Mr. Gebhardt replied that it is close to 60,000 barrels. Estimates of daily use by the five refineries in Salt Lake is 53,000-58,000 barrels per day. Chair Robinson confirmed with Mr. Gebhardt that, if for some reason production were to increase, they would have to add more trucks to ship the additional crude oil or redesign and upgrade the pipeline to carry the additional production. Mr. Gebhardt confirmed that 60,000 is based on the current approximate demand in Salt Lake. He stated that they would not build the pipeline for future capacity when there is no commitment for greater capacity. Council Member Armstrong asked if it would be more expensive to do this project or to pay trucks to transport the crude oil. Mr. Gebhardt replied that the cost would be nearly equivalent.

Mr. Gebhardt explained that this is considered to be conventional crude oil and is a high quality crude that is fairly clean to process. The only problem with this oil is the higher temperatures and that it solidifies at room temperatures. He explained that black waxy crude solidifies at about 95 degrees, and yellow waxy crude solidifies at about 115 degrees. The oil would have to

remain above that temperature to continuously flow. They would heat the oil at its origin, and it would take about 40 hours to transit to Salt Lake City. The pipeline would be insulated, and they do not intend to reheat it along the way but will provide a contingency if the oil stops flowing. They will put a heat trace on the outside of the pipeline, and if it is perceived that the oil has stopped flowing, they will turn on the switch to reheat the oil where it has solidified. Council Member McMullin asked what would happen if they do not detect that the oil has stopped flowing and the pipeline were to explode. Chair Robinson explained that it would not explode, but it would cause a big problem for Tesoro. Mr. Gebhardt explained that they would have to determine where the line is plugged and then decide how to remove it. He explained that a number of technologies can be used to do that, and the method would be determined on a case-by-case basis. He discussed techniques that would be used to assure pipeline safety, including smart pigs, pipe design and testing prior to pipeline use, remote control valves, a leak detection system, visual inspections at least 26 times a year, and pipeline site markers.

Mr. Gebhardt reported that this pipeline project has been looked at by Tesoro for about 18 months, and they are just at the beginning of the process. They did engineering studies in August 2013 and filed with the federal government for utilization of federal land at the end of September. The Forest Service is the lead agency, and they have just started the environmental impact study (EIS) process. They held open, public town hall meetings last week as part of the EIS process to involve the community. The purpose of the EIS process is to get feedback from the community and be sure that it is considered. He explained that Tesoro wants to minimize impact to developed areas and sensitive areas and maximize existing rights-of-way or corridors where utilities already exist.

Council Member McMullin asked at what point in the process they would choose the route. Mr. Gebhardt explained that completing a draft EIS is a 12-month process. That would then be put out for public review for 60 days, followed by a 45-day period to publish a final EIS and record of decision. He explained that the record of decision will define and determine the final route. Council Member Ure asked how they can go through the EIS process if they have not determined the location of the pipeline yet. Mr. Gebhardt explained that three routes are proposed, a primary route and two alternate routes, and those will go through the EIS process. The preferred route is submitted, and after they do the environmental impact studies and gather feedback from the public, that input will be considered in determining whether anything would disallow the preferred route. He explained that they are trying to make this a collaborative effort with the community, and Tesoro has been part of the community for a long time. They will not just build the pipeline and then disappear. He reviewed with the Council Members the proposed route and alternate routes through Summit County on a map of the area. Mr. Gebhardt explained that about 36 miles of the proposed 135-mile proposed pipeline will pass through Summit County.

Chair Robinson confirmed that the EIS input closes on March 17 and asked Staff to submit comments from the County to the Forest Service prior to that date. He asked if the County would be a coordinating agency with the Forest Service as this process moves forward. Mr. Gebhardt explained that, as a county through which the pipeline would pass, after March 17 Summit County would not have any input into the EIS process until the draft EIS comes out. From a permitting perspective, feedback would be solicited from the County regarding a number of factors related to the final design and route. Council Member Ure asked if the size of the pipe and the pressure within the pipe would make a difference in how they would coordinate. Mr. Gebhardt replied that the diameter of the pipe would definitely affect that, and he would have to

check on whether psi would make a difference. Council Member Ure asked about the proposed psi for the pipeline. Mr. Gebhardt replied that is an engineering matter that still needs to be determined. He explained that topography, elevation, sensitive areas, and other factors will all be considered in determining where the valves are located. Council Member Ure asked how Tesoro would guard against stray electricity from the heat trace on the pipeline, explaining that animals are affected by stray electricity. Mr. Gebhardt explained that the electrical will be inside smaller diameter pipes attached to the pipeline, and the entire pipeline would be insulated with 2 to 4 inches of insulation that would also provide water-resistant properties.

Chair Robinson asked what type of authorizations Tesoro would need from the County other than encroachment permits and a CUP if the pipe is a certain diameter. Mr. Gebhardt replied that they would need a right-of-way from the County where they have to cross County property. Cindy Gubler, Communications Consultant for Tesoro, explained that if they have to build any tanks or valves above ground, permits would be needed for them as well. Mr. Gebhardt explained that they would have about four displacement tanks along the line in the event the flow stops so they could move the oil out of the pipeline until flow could be restored. He confirmed that the tanks would be approximately 800,000-gallon tanks.

Council Member Ure asked if Tesoro is receiving any State funding for the pipeline. Mr. Gebhardt replied that they are not. Council Member Ure asked what kind of taxes would be paid for the portion of the pipeline that goes through Summit County. Deputy County Attorney Dave Thomas replied that would be determined by the State Tax Commission, and it would be taxed as personal property tax.

Council Member Armstrong asked how many pipelines Tesoro currently operates. Mr. Gebhardt replied that they recently acquired the Northwest pipeline in Salt Lake City from Chevron, they have a Tesoro pipeline system in North Dakota, and they have acquired pipelines from the BP Southern California operations in the Los Angeles industrial complex. Council Member Armstrong asked if this will be the only high-mountain, low-temperature facility operated by Tesoro. Mr. Gebhardt replied that this will be the most mountainous terrain, but the North Dakota environment is probably harsher than this one. Council Member Armstrong confirmed with Mr. Gebhardt that the other Tesoro pipelines do not transport waxy crude. He asked about the impact of low temperatures on waxy crude, even with the insulation and heating. Mr. Gebhardt replied that there should be no impact, because the pipeline would be buried 4 to 6 feet below the frostline, and they anticipate it would remain at a fairly constant temperature. The pipeline will be monitored, and if the temperature should drop, they could compensate for that with the heat trace. Council Member Armstrong noted that the proposed pipeline would run alongside some of the County's most precious water sources and asked what would be the most realistic hazard associated with the pipeline. Mr. Gebhardt replied that most problems would be with the pumps and motors, but that traditionally happens on assets that are a little older. With this being new construction, he did not anticipate having those kinds of problems in the foreseeable future. He explained that, based on failure rate, they have a scheduled replacement program. He stated that their operating philosophy is that one drop of oil outside the pipeline is one drop too many and that the biggest hazard in general is when people dig and do not know where they are digging and hit a pipeline. He explained that the technology to monitor flow rates along the route is the best mitigation they have against digging without proper marking. Council Member Armstrong noted that, if there were a leak, it would not immediately cool to the ambient temperature and asked how much would be likely to leak before it cools off. Mr. Gebhardt

replied that it depends on where the leak is, what the temperature is, and the thermal degradation of the oil. Council Member Armstrong asked if anything would legally bind Tesoro to transporting only waxy crude oil through the pipeline. Mr. Gebhardt replied that they will have contracts on the product shipment, and that is what the pipeline will be designed for. He emphasized that they are designing this pipeline for current demand and interest in waxy crude and are not overbuilding capacity. The refineries have spent hundreds of millions of dollars to be able to refine waxy crude. If something else is discovered, this pipeline will be full of the waxy crude. Council Member Armstrong asked about fire risk. Mr. Gebhardt replied that there is no fire risk and that waxy crude is not a flammable material. Council Member Armstrong asked about the cleanup process if there were a leak. Mr. Gebhardt stated that they have people in Salt Lake who are prepared for emergency response in conjunction with FEMA and the EPA. The first step would be to contain the leak concurrent with stopping the leak immediately. Then they would assess the situation and determine the right practices and techniques for restoring the pipeline to the condition it was in before the leak. Council Member Armstrong expressed concern about where the pipeline runs along the Weber River and asked if additional valves could be installed in that area. Mr. Gebhardt explained that is a design issue that will be reviewed by engineering to protect sensitive areas. He stated that they would generally look at a 100-foot right-of-way, and beyond that, they would design based on the terrain and constrictions, so it will not be a uniform right-of-way the entire length of the pipeline. Council Member Armstrong noted that a 100-foot right-of-way could place a substantial burden on some property owners if they only have a couple hundred feet on their property. He asked where people could send their comments prior to March 17. Mr. Gebhardt stated that there are multiple channels for doing so, and uintaexpresspipeline.com would provide information regarding all the options for providing comment.

Council Member Ure asked when Tesoro believes they will be ready to begin construction. Mr. Gebhardt replied that they are targeting construction to begin early in 2016 to be completed by the end of that year.

Council Member Armstrong asked how they would access remote and sensitive areas to dig the large trenches that would be needed. Mr. Gebhardt replied that would require pipeline trenching equipment, which would be part of the EIS, and they would have to get special use permits to install those segments of the pipeline. They would remediate the land but would not replant trees, because they must leave the pipeline right-of-way clear so roots do not grow into the pipeline.

Chair Robinson invited comments from the audience.

Carly Ferro asked if they would require a power transmission line for the pipeline and if that would be addressed in the draft EIS. Mr. Gebhardt explained that the concept is still being developed. They would need primary power and back-up generation in the event they lose primary power. They are exploring those options along the route, and if electrical service is available, they would utilize it. Where electrical service is not available, they would likely have access to natural gas and could use generators to provide electricity for the pipeline.

County Engineer Leslie Crawford asked about secondary containment on the pipe, noting that a lot of oil could potentially leak into the water supply before Tesoro recognizes there is a leak. Mr. Gebhardt explained that normal requirements for secondary containment for above-ground storage tanks would be maintained. There is not a designed secondary containment for the pipeline itself for the whole length of the pipeline, which is standard in the pipeline industry. Ms. Crawford asked about the response time to get to the leak if sensors go off. Mr. Gebhardt replied that depends on where the leak is. There would be an immediate reaction, but the time to get to the location would vary depending on where it is. Ms. Gubler explained that the valves can be shut down immediately, as they are controlled remotely. Chair Robinson suggested that part of the County's input might be to review the isolation valves and require additional ones if they feel there are not enough of them in the right places. He suggested that they may need the EIS to suggest additional safeguards along waterways.

Sustainability Coordinator Lisa Yoder asked who would have priority on property where there is a conservation easement. Mr. Gebhardt replied that he does not know the answer. He offered to look into that and explained that they are not at that level of detail yet. Chair Robinson explained that some conservation easements allow underground utilities. If the conservation is easement is silent, they could condemn a right-of-way.

Ms. Ferro asked how they would safeguard the soils with the heated pipeline. Mr. Gebhardt explained that will be addressed in the EIS, which will answer specific questions along the route.

Josh Mann asked what safeguards are in place in the event of an earthquake, which could damage several miles of the line. Mr. Gebhardt explained that they are aware of the fault lines but are not to that level of engineering yet. That would all be designed into the pipeline as they proceed to the detailed engineering.

Aaron Osowski with *The Park Record* asked who would decide eminent domain if necessary. Mr. Gebhardt replied that they hope that would not happen. They are looking for mutually agreeable decisions between the project and landowners. They would decide that on an individual basis if that becomes an issue.

REGULAR MEETING – (Continued)

PUBLIC INPUT

Chair Robinson opened the public input.

There was no public input.

Chair Robinson closed the public input.

MANAGER COMMENTS

Mr. Jasper reported that SB 184 regarding building fees has been amended to now state that the County must respond to building inspection requests within three days or hire outside help.

Mr. Jasper recalled that a petition to annex Tollgate Canyon into the North Summit Fire District was previously approved. There is now a more extensive process going on to de-annex Tollgate Canyon from the Wildland Fire District.

Mr. Jasper reported that the County is working with two consultants for the Regional Transportation Study. He is also working with Kent Cashel from Park City and Jennifer Guetschow from the Canyons regarding their participation in the study.

COUNCIL COMMENTS

Chair Robinson thanked Staff for scheduling the meeting with Tesoro.

The County Council meeting adjourned at 6:55 p.m.

Council Chair, Chris Robinson

County Clerk, Kent Jones

Summit County Health Department Policy Adopted 2013

Policy #1- In addition to the existing Utah Onsite Waste Water Rule and proposed updates to R317-4, the Summit County Health Department will accept perc test results for a period of two years from the date the test was performed. After the two years have lapsed, an additional perc test will need to be performed accompanied with a site evaluation.

Policy #2- In addition to the existing Utah Onsite Waste Water Rule and proposed updates to R317-4, the Summit Health Department will be present at all perc tests. Perc test may only be scheduled by the certified tester. If the health department is not present for the test, the perc test results may be accepted or rejected.

Policy #3- In addition to the existing Utah Onsite Waste Water Rule and proposed updates to R317-4, the Summit County Health Department requires that all onsite wastewater designs will be submitted by a certified level 2 or 3 designer or engineer.

Policy #4- In addition to the existing Utah Onsite Waste Water Rule and proposed updates to R317-4, the Summit County Health Department fee for a conventional onsite wastewater permit will be \$200.00. Advanced system permit will be \$500.00. An approved permit is not transferable to any other parties. If the system is not installed within one year from date of purchase, the original permit holder can renew the permit for a cost of \$25.00. This renewal will extend the permit one additional year from original date of purchase. Applicant may only renew the permit twice.

Policy #5- In addition to the existing Utah Onsite Waste Water Rule and proposed updates to R317-4, the Summit County Health Department will issue an onsite wastewater repair/remodel permit when a septic system is failing. The cost of a repair/remodel permit is \$100.00. If a new wastewater system is necessary, then a new onsite wastewater permit will be required.

Policy #6- In addition to the existing Utah Onsite Waste Water Rule and proposed updates to R317-4, the Summit County Health Department will require a residential home owner, with an onsite wastewater system applying for a building permit for the purpose of remodel/addition, to contact the health department to determine if the existing system is adequate.

Policy #7- In addition to the existing Utah Onsite Waste Water Rule and proposed updates to R317-4, the Summit County Health Department will determine if the septic tank size needs to be increased based on building square footage.

4000 sq ft- require minimum tank size of 1750 gallons

5000 sq ft or greater- require minimum tank size of 2500 gallons



Water Quality

Water Quality Current Efforts

- ▶ Onsite wastewater program
 - New policies implemented
 - New state wastewater rule
- ▶ Drinking water program
 - Certified Laboratory
 - Sample sources
 - Sanitary surveys for public water systems
- ▶ Water concurrency

Water Quality Recent Initiatives

- ▶ Formation of water quality committee
- ▶ Additional policy and ordinance development
 - Reporting for septic system pumping businesses
 - Mapping of high risk/areas of concern
 - Onsite wastewater policies and partnerships with HOAs, realtor organizations, others
 - Prioritization of high risk neighborhoods for expanded sewer efforts
- ▶ Expanded education and communication
- ▶ Study of ground and surface water etc in Snyderville Basin

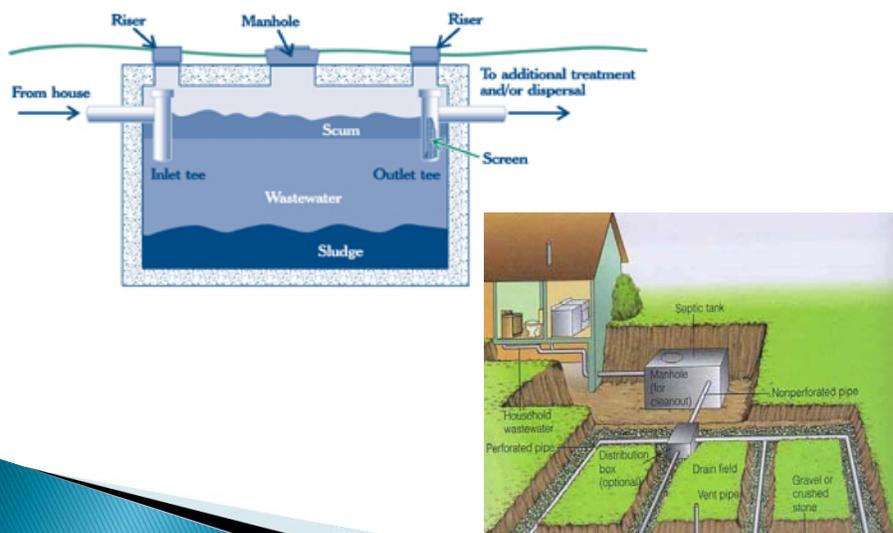
Onsite Wastewater Overview

- ▶ Approximately 7,000 systems in Summit County
- ▶ Almost all systems are of conventional type, many are old, and some are in areas of non-optimal soil and slope
- ▶ New, advanced systems allow for working systems in non-ideal conditions/locations
- ▶ New policies adopted 2013
- ▶ New State regulations adopting 2013

Conventional Septic System

- ▶ Most commonly utilized
- ▶ Older but effective technology in moderate to good soils, with a medium to fast percolation rate and no groundwater issues

Conventional Septic System



Advanced Septic System

- ▶ Sometimes referred to as “alternative system”
- ▶ Relatively new technology but proven effective
- ▶ Allows for septic in areas of poor soil, slow perc rate and areas with high ground water
 - Utilizes Secondary treatment
 - Requires maintenance and test sampling

Advanced Septic System



Current On-Site Program

- ▶ Percolation tests and design performed by certified professionals
- ▶ Health Dept. visits all proposed building lots and observes percolation tests
- ▶ Revised permit application, process and validity timeline
- ▶ Sensitive areas identified and considered in permitting
- ▶ Tank size adjusted based on use and square footage
- ▶ Home owner and contractors educated

Perc Tests and Site Visits

- ▶ SCHED and USU educated and certified individuals
- ▶ Perc observation and site visits imperative
- ▶ Increased perspective of building lot challenges
- ▶ Use of advanced systems where needed
- ▶ This part of the program has resulted in better designed and properly installed systems
- ▶ Falsified perc results are not tolerated

Areas of Concern

- ▶ Moose Hollow
- ▶ Hidden Cove
- ▶ Preserve
- ▶ Silver Creek Estates
- ▶ Highland Estates
- ▶ Timberline
- ▶ Woodland
- ▶ Kamas (Marion and Samak)
- ▶ Weber Canyon

Final Inspection

- ▶ System installed correctly to specs
- ▶ System installed in designated area
- ▶ System inspected when entirely installed
- ▶ Home owner is emailed all critical documents
- ▶ Require contractors to repair, adjust and correct issues prior to backfill

System Owners

- ▶ Need to be aware they are on a septic system
- ▶ Understand the basics of system
- ▶ Do's and Don'ts
- ▶ Importance of pumping
- ▶ Notify the HD when problems occur (contractors have same obligation)
- ▶ Currently working on educating existing septic owners

PERMITTING COMPARISON

PRESENT

- ❑ Perc & design out sourced
- ❑ Site evaluations
- ❑ Revised permit application
- ❑ Home owner educated
- ❑ Contractors educated and involved
- ❑ Permit sheet no specs listed(Must consult with designer)
- ❑ Comprehensive inspection

PAST

- ❑ HD performed perc and designed system
- ❑ No application process
- ❑ Little to no contact with home owner
- ❑ Permit listed all specs
- ❑ Simple inspection

Future Projects

- ▶ Improve records and mapping of failures
- ▶ Further educate septic owners and contractors
- ▶ Engage realtors
- ▶ Further refinement of partnership with planning and building
- ▶ Expand work with HOAs
- ▶ Require reporting from septic pumpers
- ▶ Move towards sewer in existing trouble areas and plan for sewer in proposed developments



Sewered and Unsewered Areas

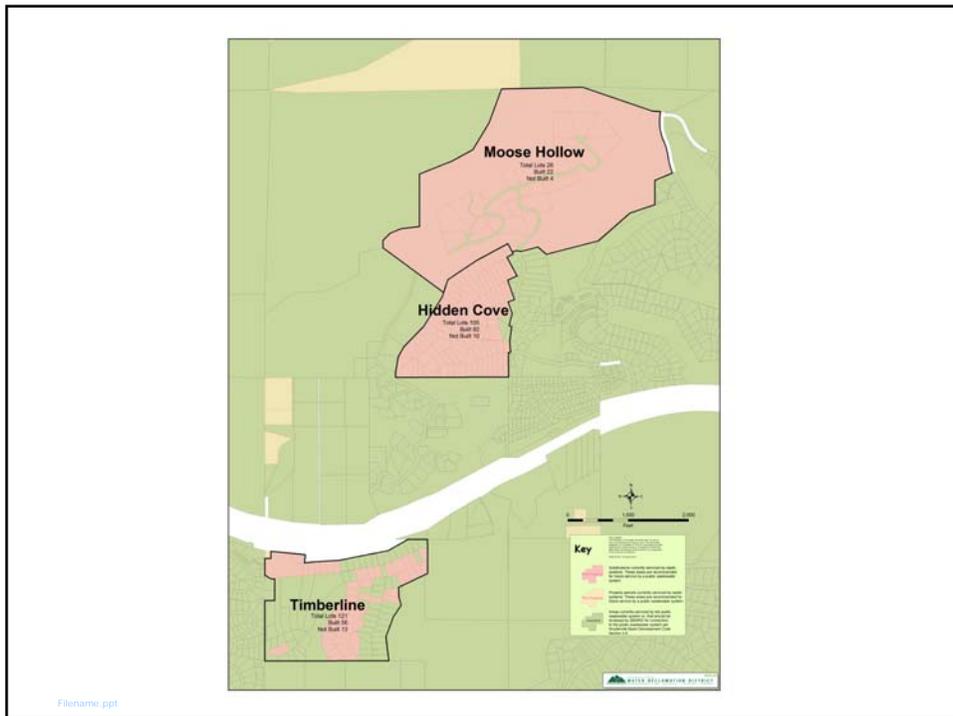
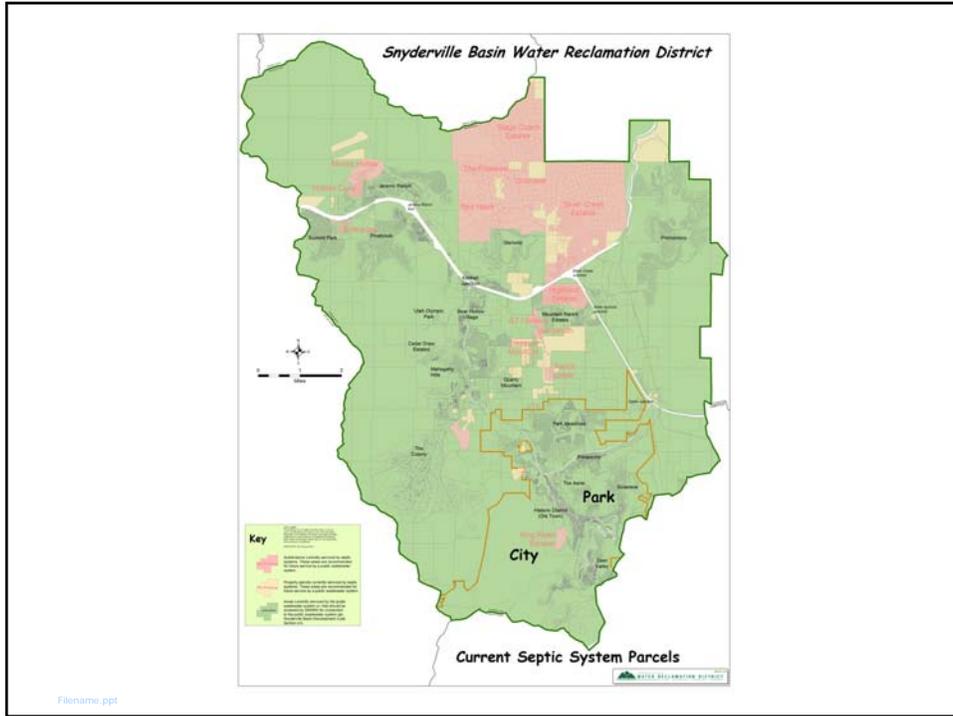
Joint Meeting: Summit County Council,
Board of Health and SBWRD Board
of Trustees

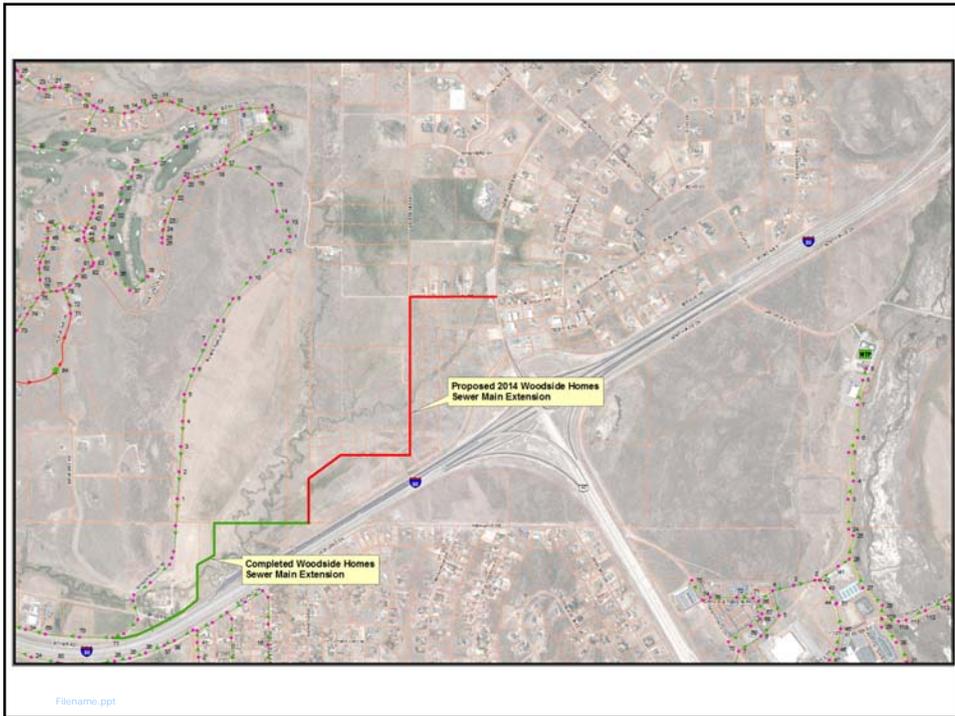
March 19, 2014

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**Summary of Process and Procedures for Obtaining
Wastewater Service**

Step 1 – Property owners in an unsewered area express interest in obtaining wastewater service.

Step2 – Neighborhood/property owners meeting held to discuss options to obtain wastewater service.

Step 3 – If the majority of property owners decide to support the creation of an Assessment Area, then a Notice of Intent must be published and include the following:

- a. Intent to provide improvement to property, the cost of which will be finance through assessment to benefited properties.
- b. Description of proposed Assessment Area
- c. Description of improvements to be provided and general location
- d. Estimated cost of improvements
- e. Intent to levy an assessment on benefited properties
- f. Assessment method
- g. Protest procedure
- h. Public Hearing date and time

Step 4 – Hold Public Hearing

Step 5 – Receive and consider Protests

If at least 50% of property owners according to assessment method protest, Assessment Area cannot be designated/created

Step 6 – Adopt Resolution Designating Assessment Area at Public Meeting

Step 7 – Adoption of Assessment List/Board of Equalization

Step 8 – Levy Assessment

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MEMORANDUM

To: Summit County Council

Fr: Kent S. Wilkerson, PE Engineer II

Dt: 3-19-14

Re: Amendment to Ordinance 767 – Village at Kimball Junction SPA – Affordable Housing

Attached for your consideration is an amendment to the subject Ordinance which will allow a refund of Impact fees.

During the Development Agreement (DA) creation, waiver of the affordable housing's Snyderville Basin Transportation Impact Fee was not addressed. Typically the County Manager has considered and approved these. Whereas the fee is part of the DA, it needs to be amended.

Two sections need to be modified to accommodate the wavier as enclosed. To modify the DA, a public hearing is required and has been posted.

The Affordable Housing meets income targets and has proximity to transit, therefore the Planning Commission has recommended approval of this Ordinance. It is recommended that the County Council approve Ordinance 767B following a public hearing.

SUMMIT COUNTY, UTAH
ORDINANCE NO. 767-B

AN ORDINANCE TO AMEND THE VILLAGE AT KIMBALL JUNCTION DEVELOPMENT AGREEMENT SECTION 7.5.4 DEFINES AFFORDABLE HOUSING AND SECTION 7.6.2 DEFINES ASSOCIATED TRANSPORTATION IMPACT FEE PAYMENT

WHEREAS, the Utah State Code, Sections 17-27-101 *et. seq.* grants to counties the authority to regulate land use, and Section 10-3-11 of the Summit County Code sets forth the mechanism to create a Specially Planned Area sets forth the authority for the County to enter into Development Agreements within the Snyderville Basin; and

WHEREAS, the Summit County Council approved the Village at Kimball Junction Specially Planned Area Rezone on February 27, 2012 and the associated Development Agreement on June 13, 2012 through adoption of ordinance 767 and as amended; and

WHEREAS, the Snyderville Basin Planning Commission considered the application for an amendment to the Village at Kimball Junction Development Agreement, and held a legally noticed public hearing on January 14, 2014; and

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

WHEREAS, a public hearing was legally noticed and held before the Summit County Council on March 19, 2014;

WHEREAS, the Summit County Council reviewed the Amended Development Agreement for the Village at Kimball Junction Development Agreement, specifically Section 7.5.4 addressing affordable housing and Section 7.6.2 regarding the payment of associated impact fees, seeking clarity in impact fee payment;

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

Section 1. Adoption. The Development Agreement Amendment for the Village at Kimball Junction Section 7.5.4 and Section 7.6.2 is hereby adopted by Summit County, and the Council Chair is authorized to sign and execute the amended Development Agreement.

Section 2. **No Rights Created in Third Parties.** This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties other than as specifically defined in the Development Agreement.

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

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

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ____ day of _____, 2014.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

By: _____
Chair

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

ATTEST:

County Clerk
Summit County, Utah

APPROVED AS TO FORM:

Deputy County Attorney
Summit County, Utah

7.5.4 ...:

(a)

(b)

(c)

(d) Summit County hereby agrees to waive or reduce all county fees associated with OBK's workforce housing obligation to the extent it has discretion to do so under the Code. OBK shall provide evidence that water is available to connect and, if not, shall provide necessary sum or water shares to assure the availability of water for the Affordable Project. OBK shall also ensure that all impact fees or sums equaling the amount of impact fees required by water providers (if any) shall be paid in full prior to the transfer of real property. MCHT shall deposit the amount of any funds received under this section in a designated account for use exclusively for the development of the Affordable Project. The use of all funds shall be approved by the SCC. Summit County agrees to waive / refund to MCHT of the, Transportation Impact Fees associated with workforce housing in accord with the project Traffic Report.

7.6.2 On or before March 1, 2013, the remaining anticipated impact fees for Phase 2 be pre-paid by all owners of lots within Phase 2 as shown on Exhibit 10 of the Village at Kimball Junction SPA Book of Exhibits, to the County for use toward the construction of the Newpark roundabout. Based upon the approved traffic study, the total of such traffic impact fees associated with the remaining projects for use in the construction of the Newpark roundabout is Seventy Five Thousand Seven Hundred Forty-Five Dollars (\$75,745). Summit County shall recognize the pre-payment of these impact fees at the time an Individual Owner applies for a building permit for their project(s). The County agrees that upon receipt of such funds, the County will commence construction the Newpark roundabout. Should future tenants create a greater impact than projected in the original approved traffic study or impact fee schedule (such as a restaurant or other intense transportation user), additional impact fees will be charged at the time a permit for tenant improvement is issued. This may include alternative methods of land use designations such as shopping center as opposed to tracking individual uses as listed. Transportation Impact Fees paid as part of Phase 2 are eligible for waiver under the Impact Fee Ordinance. As an additional community benefit, the Impact Fees paid in accord with the project's Traffic report will be refunded to OBK. OBK agrees that a sum equaling the amount refunded shall be paid to MCHT as an additional contribution to affordable housing. The sum to be refunded shall be the equivalent of the peak hours trips charged.



TIFFANIE NORTHRUP-ROBINSON
PLANNER II

PUBLIC HEARING NOTICE

Village at Kimball Junction Development Agreement Amendment Modification to Affordable Housing Traffic Impact Fees addressed in Section 7.5.4 and required by Section 7.6.2 of the Agreement

Public notice is hereby given that the Summit County Council will conduct a public hearing to discuss and possibly recommend an amendment to the Village at Kimball Junction Development Agreement to modify the Affordable Housing Impact Fee addressed in Section 7.5.4 and required by Section 7.6.2 of the Agreement.

The public hearing will be held:

**Wednesday March 19, 2014
Beginning at 6:00 p.m.
Sheldon D. Richins Building
1885 West Ute Boulevard, Park City, Utah**

The applicant, Scott Loomis, representing Mountainlands Community Housing Trust, is requesting an amendment to Section 7.6.2 of the Village at Kimball Junction Development Agreement that specifies the traffic impact fees required for the Affordable Housing portion of the development. This would clarify the traffic impact fees required for the Affordable Housing portion of the development.

For further information, please contact Kent Wilkerson, at the Summit County Engineering Department, P.O. Box 128, 60 North Main Street, Coalville, Utah 84017 or call at (435) 336-3294, or email at kwilkerson@summitcounty.org

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Summit County Department of Community Development at (435) 336-3123 prior to the meeting.

Posted: February 27, 2014
Published: March 8, 2014 – The Park Record