MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, JULY 31, 2019
SUMMIT COUNTY COURTHOUSE
COALVILLE, UTAH

PRESENT:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Margaret Olson, Attorney
Kent Jones, Clerk

The Council convened at the Park City Fire Station on Promontory Ranch Road at 1:15 p.m. Chair Armstrong was not present for the site visit but will arrive when the meeting starts at Coalville.

Site Visit to the Pinnacle Subdivision, 8500 Wapiti Canyon Road

Council Members met with staff for a site visit to the Pinnacle Subdivision prior to making a decision regarding a request for an amendment to increase the home size from 8,000 to 22,000 square feet and to allow for accessory dwelling units on lots 1-36.

The Council then traveled to Coalville to convene for the remainder of the scheduled meeting.

Closed Session – Personnel and Property Acquisition and Litigation

Council Member Clyde made a motion to convene in closed session to discuss personnel. The motion was seconded by Council Member Wright and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 2:41 p.m. to 3:14 p.m. to discuss personnel. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Margaret Olson, Attorney
Council Member Clyde made a motion to leave session to discuss personnel and convene in closed session to discuss property acquisition. Council Member Wright seconded and all voted in favor, 5-0.

The Summit County Council met in closed session from 3:14 p.m. to 3:43 p.m. to discuss property acquisition. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Margaret Olson, Attorney
Annette Singleton, Executive Assistant

Council Member Carson made a motion to dismiss from closed session to discuss property acquisition and convene in closed session to discuss litigation. Council Member Clyde seconded with all voting in favor, 5-0.

The Summit County Council met in closed session from 3:43 p.m. to 3:51 p.m. to discuss litigation. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Margaret Olson, Attorney
Annette Singleton, Executive Assistant

Council Member Clyde made a motion to dismiss from closed session to discuss litigation and convene in closed session to discuss personnel. Council Member Robinson seconded with all voting in favor, 5-0.

The Summit County Council met in closed session from 3:51 p.m. to 3:53 p.m. to discuss personnel. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Margaret Olson, Attorney
Annette Singleton, Executive Assistant

Council Member Carson made a motion to leave session to discuss personnel and convene in open session. Council Member Clyde seconded and all voted in favor, 5-0.

Work Session

Pledge of Allegiance
Open+ Extended Library Hours pilot program proposed for the Coalville Branch, Dan Compton

Dan Compton, Library Director, reviewed the following staff report and explained a proposed program to extend hours of library access for the public. He asked if the Council would be supportive and consider funding to accomplish the request.

Summary of Open+ Extended Library Hours Solution

Bibliotheica first installed Open+ in Denmark in 2007 and has continued to evolve the solution over the past 12 years. There are currently over 750 libraries worldwide providing additional open hours with Open+. It is now changing the way libraries in the US and Canada think about service delivery.

It's a similar concept to the remote locker in Henefer, but this service would allow us to offer access to our buildings, collections, computers, and Wi-Fi, so patrons could visit when it's most convenient for them.

We'd love to staff our libraries 24 hours a day, but that's not practical or cost-effective. The goal of this program is not to replace staff, but to provide additional access above and beyond what we are currently able to provide.

The taxpayers have paid for our buildings and collections. We feel they should be allowed to use them to the greatest extent they can.

Not everyone who uses the library needs the same level of assistance. We have already invested in self-checkout infrastructure at all of our libraries, so we are ready to take advantage of a system like this.

Adding more open hours in the morning or evening creates a consistent and convenient schedule for the community and meets the needs of different users.

Patrons would need to register to use this service and attend an orientation session so they understand exactly how the system works. They would also be required to sign an agreement stating they would follow our patron rules of conduct policy and acknowledge they understand security cameras will monitor the use of the facility. Their library card number and PIN would provide access to the building after they register to use the service. An intercom system is used for announcements.

These are some libraries currently offering Open+ in the US and Canada.

Note: Not all branches in each of these systems use Open+.

- Gwinnett County Public Library, a 15-branch library system located just north of Atlanta
- Ventura County Public Library, a 14-branch library system located west of Los Angeles
- Evanston Public Library, a 3-branch library system located north of Chicago
- Hamilton Public Library, a 22-branch library system in Ontario, Canada – They have urban, suburban, and rural communities. Their northernmost branch (Freelton) serves a community of just 2,500 which is very similar to Coalville and that is where they decided to first install Open+. The branch was only open for a few hours a day and can now be open with hours more consistent with their other branches.

Some Library Board members and I participated in a conference call with Nancy Schram, Director of Ventura County Library on Wednesday, May 29th about their library's experience with Open+ at their Hill Road Branch Library. It opened at the end of 2017 and was planned with Open+ in mind. They initially only had funding to open the branch for 24 hours a week, but eventually got to 40. With Open+ they are able
to be open for 52 hours a week. They implemented in February 2018 and have had no problems. Ms. Schram said the community LOVES it. They are currently offering extended hours from 8-10 AM Monday-Wednesday and Thursday-Sunday. Ventura County’s ideal service model would be to staff the library during these hours, but they are grateful to be able to use a service like Open+ to give their community more access to their library.

The Summit County Library conducted a survey during the month of June to see if our patrons would be interested in extended library hours and explained the possibility of using a service like Open+ to offer extended hours at the Coalville Branch. I will provide the full results of the survey for your review, but here are the highlights:

Extended Library Hours Survey

Number of respondents: 243 (41 Coalville, 55 Kamas, 147 Kimball)

Q1: If your library was open for extra hours would you utilize it?
   Coalville: Yes – 75.61%
   Kamas: Yes – 78.85%
   Kimball: Yes – 80.95%

Q2: If you answered Yes, when?
   Coalville: Before normal hours: 21.95%, After normal hours: 63.41%
   Kamas: Before normal hours: 28.85%, After normal hours: 71.15%
   Kimball: Before normal hours: 23.94%, After normal hours: 63.38%

Q3: Would you use the library if it was open on Sundays?
   Coalville: Yes – 19.51%
   Kamas: Yes – 53.85%
   Kimball: Yes – 85.21%

Q4: Would you use the library if it was open on holidays?
   Coalville: Yes – 17.07%
   Kamas: Yes – 19.23%
   Kimball: Yes – 36.62%

Another question asked patrons what services they would utilize during extended hours and the top two answers at every branch were “Browse collections and check out materials utilizing self-checkout kiosks” and “Pick up and check out my items on hold.”

We also included a space for patrons to ask questions and list concerns. There was a wide array of comments. Some mentioned they would very much like the extended hours. Others listed concerns such as security and cost, especially if there would be an increase in tax dollars to fund extended hours.
The Library Board has approved for me to seek funding through the LSTA grant program like we did with the Henefer Remote Locker to provide Open+ at the Coalville Branch pending approval from the County Council. Coalville’s size and layout of the facility would make for the least challenging implementation of Open+ in our system. It is also open the fewest hours of any of our branches and has the lowest number of staff (2.5 FTE), so providing this service would help make Coalville’s access to the library more equitable. I feel members of the community would benefit greatly by having extended hours to pick up materials because I believe many cannot make it to the library during current business hours if they commute to work. The current hours are Monday-Friday 10-6 and Saturday 10-2.

Obviously the preferred alternative to Open+ is hiring more staff to extend our current hours of operation. The survey we conducted demonstrates that patrons, especially in the Snyderville Basin, are interested in Sunday hours and the majority of our patrons at all locations are interested in having extended hours. Open+ is a creative solution to accomplish this and we feel a pilot program in Coalville, especially if it can be funded by an LSTA grant, is a very inexpensive option. We would be the first library in the state to implement Open+, so it is likely we could get funding for this innovative approach.

The Coalville Branch could be open from 8-10 AM Monday-Friday, 6-8 PM Monday-Thursday, and 2-6 PM Saturday, which would be 22 additional hours each week. We have staff working during those hours at the Kimball Junction Branch who could be available to answer questions via phone and who could monitor the security feeds.

We plan to request additional hours for part-time staff members in our 2020 budget to be able to offer Sunday hours at the Kimball Junction Branch in another pilot program.

I have met with Clay Coleman (Risk Management), Mike Crystal (Facilities), Sheriff Martinez, and Ron Boyer (IT) about Open+ and would continue to work with them to address concerns if this is something the County Council is comfortable with us pursuing and if funding can be obtained.

*Respectfully submitted by Dan Compton, Summit County Library Director*
Q1 What Summit County Library location do you utilize the most?

Answered: 243  Skipped: 0

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coalville</td>
<td>16.87%</td>
</tr>
<tr>
<td>Kamas Valley</td>
<td>22.63%</td>
</tr>
<tr>
<td>Kimball Junction</td>
<td>60.49%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>243</td>
</tr>
</tbody>
</table>

1 / 20
Q2 If your library was open for extra hours would you utilize it?

Answered: 41  Skipped: 202

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>75.61%</td>
</tr>
<tr>
<td></td>
<td>31</td>
</tr>
<tr>
<td>No</td>
<td>24.39%</td>
</tr>
<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>41</td>
</tr>
</tbody>
</table>
Q3 If you answered Yes to Q2, when (please select all that apply)?

Answered: 41  Skipped: 202

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before normal hours of operation</td>
<td>21.95%</td>
</tr>
<tr>
<td>After normal hours of operation</td>
<td>63.41%</td>
</tr>
<tr>
<td>N/A</td>
<td>29.27%</td>
</tr>
</tbody>
</table>

Total Respondents: 41
Q4 Would you use the library if it was open on Sundays?

Answered: 41  Skipped: 202

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>19.51%</td>
</tr>
<tr>
<td>No</td>
<td>80.49%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
Q5 Would you use the library if it was open on holidays?

Answered: 41  Skipped: 202

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17.07%</td>
</tr>
<tr>
<td>No</td>
<td>82.93%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
Q6 During extended hours I would (please select all that apply):

Answered: 41  Skipped: 202

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Browse collections and check out materials utilizing self-checkout kiosks</td>
<td>65.85%</td>
</tr>
<tr>
<td>Use public computers, printers, and scanners</td>
<td>17.07%</td>
</tr>
<tr>
<td>Use Wi-Fi</td>
<td>12.20%</td>
</tr>
<tr>
<td>Use study areas and meeting rooms</td>
<td>2.44%</td>
</tr>
<tr>
<td>Pick up and check out my items on hold</td>
<td>58.54%</td>
</tr>
<tr>
<td>N/A</td>
<td>19.51%</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

Total Respondents: 41

There are no responses.
Q7 Do you have any questions or concerns with this new proposal?

Answered: 41  Skipped: 202

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<thead>
<tr>
<th>ANSWERCHOICES</th>
<th>RESPONSES</th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>9.76%</td>
</tr>
<tr>
<td>No</td>
<td>90.24%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
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<table>
<thead>
<tr>
<th>#</th>
<th>IF YES, PLEASE EXPLAIN</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Security</td>
<td>7/10/2019 4:13 PM</td>
</tr>
<tr>
<td>2</td>
<td>No one should have to work on Sundays.</td>
<td>7/10/2019 4:11 PM</td>
</tr>
<tr>
<td>3</td>
<td>Only if it made them not to work on these days (Holidays, Sundays)</td>
<td>7/10/2019 4:04 PM</td>
</tr>
<tr>
<td>4</td>
<td>Extended hours on Saturday would be nice.</td>
<td>7/10/2019 4:03 PM</td>
</tr>
<tr>
<td>5</td>
<td>I personally can usually get to the library during the normal operating hours. However, I can see that there are people who could use the extended hours and this seems like it could work.</td>
<td>7/5/2019 3:55 PM</td>
</tr>
<tr>
<td>6</td>
<td>Do you really trust people that much?</td>
<td>7/5/2019 3:29 PM</td>
</tr>
</tbody>
</table>
Q8 If your library was open for extra hours would you utilize it?

Answered: 52  Skipped: 191

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>78.85%</td>
</tr>
<tr>
<td>No</td>
<td>21.15%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>52</td>
</tr>
</tbody>
</table>
Q9 If you answered Yes to Q2, when (please select all that apply)?

Answered: 52  Skipped: 191

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before normal hours of operation</td>
<td>28.85%</td>
</tr>
<tr>
<td>After normal hours of operation</td>
<td>71.15%</td>
</tr>
<tr>
<td>N/A</td>
<td>19.23%</td>
</tr>
</tbody>
</table>

Total Respondents: 52
Q10 Would you use the library if it was open on Sundays?

Answered: 52   Skipped: 191

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>53.85%</td>
</tr>
<tr>
<td>No</td>
<td>46.15%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
Q11 Would you use the library if it was open on holidays?

Answered: 52  Skipped: 191

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>19.23%</td>
</tr>
<tr>
<td>No</td>
<td>80.77%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
Q12 During extended hours I would (please select all that apply):

Answered: 52  Skipped: 191

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Browse collections and check out materials</td>
<td>82.69%</td>
</tr>
<tr>
<td>Utilizing self-checkout kiosks</td>
<td>43</td>
</tr>
<tr>
<td>Use public computers, printers, and scanners</td>
<td>30.77%</td>
</tr>
<tr>
<td>Use Wi-Fi</td>
<td>32.69%</td>
</tr>
<tr>
<td>Use study areas and meeting rooms</td>
<td>36.54%</td>
</tr>
<tr>
<td>Pick up and check out my items on hold</td>
<td>63.46%</td>
</tr>
<tr>
<td>N/A</td>
<td>9.62%</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>1.92%</td>
</tr>
<tr>
<td>Total Respondents: 52</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other (Please Specify)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use children's area</td>
<td>6/2/2019 7:09 AM</td>
</tr>
</tbody>
</table>
Q13 Do you have any questions or concerns with this new proposal?

Answered: 52  Skipped: 191

<table>
<thead>
<tr>
<th>YES</th>
<th>RESPONSES</th>
</tr>
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<tbody>
<tr>
<td>Yes</td>
<td>11.54%</td>
</tr>
<tr>
<td>No</td>
<td>88.46%</td>
</tr>
</tbody>
</table>

TOTAL 52

IF YES, PLEASE EXPLAIN.

   7/10/2019 3:47 PM

2. A concern would be whether there would be an increase in tax dollars to do this. I have had numerous tax increases in the past few years and do not want any more. Also, what would be the added cost for a security system to monitor the facility when a physical employee is not available? What about liability issues regarding possible problems, such as assault, with another patron during these hours? I would consider using the library to browse and check out items before 10:00 AM most days and possibly after 2:00 PM on Saturdays. It would be simple enough to browse and check out without needing an employee there. However, I have never had a problem utilizing the library during its already established business hours. It would just be an added, but unnecessary convenience to have extended hours.
   6/10/2019 5:47 PM

3. Funding is a big concern. It would be unfortunate if this had an impact on already existing and amazing services. On the flip side of that, I'd love to see the Kamas branch open longer on Saturdays.
   6/2/2019 8:50 AM

4. Saturday extended answers is all that I would be interested in.
   6/1/2019 11:08 PM

5. Would you have some sort of "panic button" or similar for people to utilize if they did encounter a safety problem while in the unstaffed facility?
   6/1/2019 10:19 PM

6. Please please please try opening on Sunday!
   6/1/2019 10:08 PM

7. None
   6/1/2019 12:18 AM
Q14 If your library was open for extra hours would you utilize it?

Answered: 142    Skipped: 101

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>80.99%</td>
</tr>
<tr>
<td>No</td>
<td>19.01%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>
**Q15 If you answered Yes to Q2, when (please select all that apply)?**

Answered: 142  Skipped: 101

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before normal hours of operation</td>
<td>23.94%</td>
</tr>
<tr>
<td>After normal hours of operation</td>
<td>63.38%</td>
</tr>
<tr>
<td>N/A</td>
<td>24.65%</td>
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</table>

Total Respondents: 142
Q16 Would you use the library if it was open on Sundays?

Answered: 142  Skipped: 101

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>85.21%</td>
</tr>
<tr>
<td>No</td>
<td>14.79%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
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</tbody>
</table>
Q17 Would you use the library if it was open on holidays?

Answered: 142  Skipped: 101

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>36.62%</td>
</tr>
<tr>
<td></td>
<td>52</td>
</tr>
<tr>
<td>No</td>
<td>63.38%</td>
</tr>
<tr>
<td></td>
<td>90</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>142</td>
</tr>
</tbody>
</table>
Q18 During extended hours I would (please select all that apply): 

Answered: 142  Skipped: 101

**Answer Choices**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Browse collections and check out materials utilizing self-checkout kiosks</td>
<td>75.35% 107</td>
</tr>
<tr>
<td>Use public computers, printers, and scanners</td>
<td>19.72% 28</td>
</tr>
<tr>
<td>Use Wi-Fi</td>
<td>19.72% 28</td>
</tr>
<tr>
<td>Use study areas and meeting rooms</td>
<td>17.61% 25</td>
</tr>
<tr>
<td>Pick up and check out my items on hold</td>
<td>61.27% 87</td>
</tr>
<tr>
<td>N/A</td>
<td>9.86% 14</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>2.82% 4</td>
</tr>
</tbody>
</table>

Total Respondents: 142

**Other (please specify)**

<table>
<thead>
<tr>
<th>#</th>
<th>OTHER (PLEASE SPECIFY)</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Use children’s area</td>
<td>7/10/2019 4:32 PM</td>
</tr>
<tr>
<td>2</td>
<td>Use quiet space for study/work</td>
<td>7/10/2019 3:52 PM</td>
</tr>
<tr>
<td>3</td>
<td>Basically use on Sundays</td>
<td>7/10/2019 3:45 PM</td>
</tr>
<tr>
<td>4</td>
<td>Read newspapers</td>
<td>7/8/2019 3:12 PM</td>
</tr>
</tbody>
</table>
Q19 Do you have any questions or concerns with this new proposal?

Answered: 142  Skipped: 101

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>12.68% 18</td>
</tr>
<tr>
<td>No</td>
<td>87.32% 124</td>
</tr>
<tr>
<td>TOTAL</td>
<td>142</td>
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</table>

IF YES, PLEASE EXPLAIN.

1. I think the actual schedule is fine, if you change it, you are going to end up going back to the original one. You are risking having the homeless people coming in after hours and leaving the library very stinky or even coming to take naps especially if you decide to open Sundays and holidays. Very bad idea.

2. I think its important for society to have days that are different where you can't do everything you might normally. Don't open on holidays.

3. Please extend hours, open Sundays.

4. Can we afford it?

5. Not a concern, but just a suggestion from my hometown - have the library open on Sundays during the school year for students who need a quiet place to study. It could be closed on Sundays through the summer.

6. Para mi seria bueno ya que no trabajo por la tarde y puede venir a estudiar.

7. Nothing written down.

8. I prefer the library to be staffed but if monitored where will funds come from? Not from the taxpayer please. Also, it sounds like this is going to take too long to implement. I do not see that simply stating that minors must be accompanied by adult would work. What age is "minor." Will teenagers be allowed unaccompanied and will they be respectful of the property? This should not be at taxpayer expense. I understand that everything comes with a price but I do not think this should be a reason/excuse to raise taxes. Consider cost cutting, use interns from schools for credit not dollars, reallocate staff to have fewer staff on regular days and rotate Sunday/holiday coverage.

9. Agree to expanded services on contingency that there would be no tax increase. Cut costs elsewhere for this (e.g. don't overuse cool/AC)

10. I think the library still would need to be minimally staffed - perhaps solicit for trained volunteers from within the community?

11. Please open on Sundays!
<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>I do not think it is safe to have the library open without paid staff. It would attract theft, vandalism, and crime.</td>
<td>6/14/2019 9:11 PM</td>
</tr>
<tr>
<td>13</td>
<td>Welcoming homeless people to a new free shelter . . .</td>
<td>6/13/2019 7:54 AM</td>
</tr>
<tr>
<td>14</td>
<td>I live in Old Town and use the Park Ave library. Extended hours at the Summit County library branches don’t impact me. That said, if there are community members, particularly young adults and children, who would be served by extended hours, I fully support expanding schedules and staff. Libraries are such a critical resource in communities and ours are doing a phenomenal job at introducing programs and adapting technologies to serve the residents and families of Summit County.</td>
<td>6/7/2019 6:47 AM</td>
</tr>
<tr>
<td>15</td>
<td>Would be more interested in expanding the ebook options rather than physical hours.</td>
<td>6/4/2019 11:16 PM</td>
</tr>
<tr>
<td>16</td>
<td>S</td>
<td>6/2/2019 9:30 PM</td>
</tr>
<tr>
<td>17</td>
<td>I don’t believe resources should be used to have the Library open without staff available. If you are intending to extend hours, there should be librarians and library staff present. I think patron privacy may be compromised.</td>
<td>6/2/2019 3:04 PM</td>
</tr>
<tr>
<td>18</td>
<td>The open-with-no-staff option is puzzling. Summit County government is very well-off financially and can afford some modest extra staff. Why would you want to staff it as if you were poor? The proposal combines higher risk and the cost of extra electronic monitoring to provide reduced service. Those are the wrong priorities.</td>
<td>6/2/2019 11:58 AM</td>
</tr>
<tr>
<td>19</td>
<td>Theft and personal safety are concerns</td>
<td>6/2/2019 7:10 AM</td>
</tr>
<tr>
<td>20</td>
<td>A staff member needs to be on site to protect the library from vandalism, illegal activities happening on site, and to prevent people from negligently damaging or stealing items. Frankly, I wouldn’t be surprised in this town if people brought their dogs with them into the library and did drugs or used it as a location to buy/sell drugs.</td>
<td>6/1/2019 9:14 PM</td>
</tr>
</tbody>
</table>
The Council was supportive of applying for the grant funding.

Convene as the Governing Board of the North Summit Recreation Special Service District

Council Member Clyde made a motion to convene as the Governing Board of the North Summit Recreation Special Service District. Council Member Robinson seconded and all voted in favor, 5-0.

Discussion and possible adoption of Resolution 2019-5, a Resolution Providing for a Special Election to be held on November 5, 2019, for the Purpose of Submitting to the Qualified Electors of the North Summit Recreation Special Service District, Summit County, Utah (the "District"), a Proposition Regarding the Imposition of a Property Tax on the Taxable Value of Taxable Property within the District at a Rate not to Exceed .000104 in Order to Finance the Costs of all or a Portion of the General Operations and Maintenance Expenses of the District; Providing for the Publication of Notice of Public Hearing; Approving the Form of and Directing the Publication of a Notice of Election and the Ballot Proposition; and Related Matters; Nathan Brooks

Nathan Brooks, Director of the North Summit Recreation Special Service District, reviewed the following presentation and explained the intent of the Board to approve a Resolution to place a question on the November ballot for citizens to vote for a tax that would provide ongoing funding for the recreation activities and maintenance and operations of the District.
Keep North Summit Youth in the game!

North Summit Recreation District
Property Tax Increase Initiative
Introduction

• The County’s startup funding is ending.

• North Summit Rec. needs to find a new, reliable funding source in order to continue operations.
It's time for North Summit Rec. to be in control of the programming it offers to the community.
Goals for Today

• Review of North Summit Recreation District

• Discuss funding situation

• Educate about North Summit Rec.'s proposed funding solution
North Summit Rec. provides quality recreational opportunities for youth and adults.

Baseball  Volleyball
Softball  Summer sports camps
Soccer  Archery
Football  ATV safety training
Flag football  Concealed weapons classes
Basketball  Fitness classes
North Summit Recreation District

More than 20% of the North Summit community participates in North Summit Rec. programs.

Over 1000 kids took part in North Summit Rec. activities in 2018.
Background

- Formed in 2009 under the direction of the Summit County Council.

- Governed by a board of local residents.

- Recreational Districts were intended to become self-funding.

- Recreational programs have been well-utilized by residents.

- Past funding initiatives:
  - 2012: $15 million bond for a recreation facility - not successful
  - 2016: mil levy attempted for program operational funds - not successful
The Challenge

- Summit County funding was temporary.
  - South Summit Rec. and Snyderville Basin Rec. have alternative sources of funds; they will continue without County funding.

- North Summit Rec. needs a new, consistent source of revenue.
  - Participation fees cannot cover all program costs.
  - Current program budget is $75,000.
Without a new funding option, North Summit Rec. will be forced to eliminate all recreational programming.
Proposed Solution

• A nominal property tax increase of $0.000104.
  • Coalville, Henefer and Echo property owners.

• Revenue from the tax increase: $85,000.

• Cost to citizens:
  • Average household: $2.38/month
  • Business owner: $4.32/month
Community Benefits

- Proposed funding is exclusively for the use of North Summit Rec. programs.

- Local control over funding means local control on programs offered.

- Ongoing healthy recreational opportunities.

- Community building opportunities
  - Positive relationships
  - Safe, tight-knit environment
  - Community-minded new residents
An investment in our youth is an investment in our community's future.
Next Steps

- Aug. 21: Deadline for County Council to adopt the resolution to be on the ballot.
- Oct. 15: Ballots are mailed to residents.
- Nov. 5: Election Day!

- Ongoing: Community education
  - North Summit Rec. website
  - Flyer
  - Community talks
Without new, consistent funding for North Summit Rec., the North Summit community will lose a valuable community partner.
Council Member Robinson made a motion to approve Resolution 2019-5, a Resolution Providing for a Special Election to be held on November 5, 2019, for the Purpose of Submitting to the Qualified Electors of the North Summit Recreation Special Service District, Summit County, Utah (the “District”), a Proposition Regarding the Imposition of a Property Tax on the Taxable Value of Taxable Property within the District at a Rate not to Exceed .000104 in Order to Finance the Costs of all or a Portion of the General Operations and Maintenance Expenses of the District; Providing for the Publication of Notice of Public Hearing; Approving the Form of and Directing the Publication of a Notice of Election and the Ballot Proposition; and Related Matters as recommended. Council Member Wright seconded the motion and all voted in favor, 5-0.
A regular meeting of the County Council of Summit County, Utah (the “Council”), acting as the governing board of the North Summit Recreation Special Service District (the “District”) was held on Wednesday, July 31, 2019, at the hour of 6:00 p.m. at the Summit County Courthouse, 60 North Main Street, Coalville, Utah 84017, at which meeting there were present and answering roll call the following members who constituted a quorum:

Roger Armstrong  
Chair  
Doug Clyde  
Vice Chair  
Christopher Robinson  
Councilmember  
Kim Carson  
Councilmember  
Glenn Wright  
Councilmember

Also present:

Kent Jones  
County Clerk  
Margaret Olson  
County Attorney  
David L. Thomas  
Chief Civil Deputy County Attorney

Absent:

None

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the County Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this July 31, 2019, meeting, a copy of which is attached hereto as Exhibit A.

The following Resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember Clyde and seconded by Councilmember Robinson, was adopted by the following vote:

AYE: all in favor

NAY: none

The Resolution was then signed by the Chair and recorded by the County Clerk in the official records of the County. The Resolution is as follows:
A RESOLUTION PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE NORTH SUMMIT RECREATION SPECIAL SERVICE DISTRICT, SUMMIT COUNTY, UTAH (THE “DISTRICT”), A PROPOSITION REGARDING THE IMPOSITION OF A PROPERTY TAX ON THE TAXABLE VALUE OF TAXABLE PROPERTY WITHIN THE DISTRICT AT A RATE NOT TO EXCEED .000104 IN ORDER TO FINANCE THE COSTS OF ALL OR A PORTION OF THE GENERAL OPERATIONS AND MAINTENANCE EXPENSES OF THE DISTRICT; PROVIDING FOR THE PUBLICATION OF NOTICE OF PUBLIC HEARING; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS

WHEREAS, the Administrative Control Board of the North Summit Recreation Special Service District, Summit County, Utah (the “District”), has requested that the Summit County Council (the “Council”), acting as the governing body of the District, call a special election within the District on November 5, 2019, to authorize the imposition of a property tax on the taxable value of taxable property within the District at a rate not to exceed .000104 for the express purposes of financing the costs of all or a portion of the general operation and maintenance expenses of the District; and,

WHEREAS, the Council desires to submit a proposition concerning the imposition of the property tax to the vote of the qualified electors of the District pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and applicable provisions of the Utah Election Code, Title 20A, Utah Code Annotated 1953, as amended, and the Special Service District Act, Title 17D, Chapter 1, Utah Code Annotated 1953, as amended (collectively, the “Act”);

NOW, THEREFORE, BE IT RESOLVED by the County Council of Summit County, Utah, acting as the governing body of the North Summit Recreation Special Service District, Summit County, Utah, as follows:

Section 1. Definition of Terms. The terms defined or described in the recitals hereeto shall have the same meaning when used in the body of this Resolution.

Section 2. Election Call. On November 5, 2019, there shall be held in the District a special election (the “Special Election”) between the hours of 7:00 a.m. and 8:00 p.m., at which there shall be submitted to the qualified electors of the District the proposition appearing in the ballot proposition portion of the Notice of Election as substantially set out in Section 6 hereof. The County will hold the Special Election in conjunction with the municipal elections.
Section 3. Voting Places and Election Judges. For purposes of the Special Election, the voting precincts, the voting places, the election judges, and alternate election judges will be the same as those designated for the municipal elections to be held on November 5, 2019, and shall be specified in the Notice of Election when published.

Section 4. Authorization and Reimbursement of Expenses. The Special Election shall be conducted and the registration therefor shall be governed in conformity with the laws of the State of Utah, including particularly the Act, and the officials of the County or the District, as applicable, shall and are hereby authorized and directed to perform and do all things necessary to the proper calling and conduct of the Special Election and the canvass of the results thereof.

Section 5. Public Hearing. The County shall hold a public hearing on October 2, 2019, to allow equal time, within a reasonable limit, for a presentation of the arguments in favor of the ballot proposition and against the ballot proposition, and to receive input from the public with respect to the imposition of a property tax for the purpose of financing the costs of all or a portion of the general operations and maintenance expenses of the District, which hearing shall occur no more than forty-five (45) days, but at least four (4) days before the Special Election. A Notice of Public Hearing shall be published (i) once a week for two consecutive weeks in The Park Record, a newspaper of general circulation within the County, (ii) on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (iii) on the website described in Section 45-1-101, Utah Code Annotated 1953, as amended. The “Notice of Public Hearing” shall be in substantially the following form:
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on July 31, 2019, the County Council of Summit County ("County"), acting as the governing body of the North Summit Recreation Special Service District, Summit County, Utah (the "District"), adopted a resolution (the "Resolution") in which it authorized the calling of an election (the "Election") concerning the imposition of a property tax for the purpose of financing the costs of all or a portion of the general operations and maintenance expenses of the District (the "Property Tax") and called a public hearing to allow equal time, within a reasonable limit, for a presentation of the arguments in favor of the ballot proposition and against the ballot proposition, and to receive input from the public with respect to the imposition of said Property Tax.

TIME, PLACE AND LOCATION OF THE PUBLIC HEARING

The County shall hold a public hearing on October 2, 2019, at the hour of 6:00 p.m. at the Summit County Courthouse, 60 North Main Street, Coalville, Utah 84017. The purpose of the hearing is to allow equal time, within a reasonable limit, for a presentation of the arguments in favor of the ballot proposition and against the ballot proposition, and to receive input from the public with respect to the imposition of a property tax for the purpose of financing the costs of all or a portion of the general operations and maintenance expenses of the District. All members of the public are invited to attend and participate.

PURPOSE FOR PROPERTY TAX AND MAXIMUM AMOUNT

The imposition of a property tax on the taxable value of taxable property within the District shall be at a rate not to exceed .000104 for the express purposes of financing the costs of all or a portion of the general operation and maintenance expenses of the District.

DATED this 11th day of September, 2019.

/s/ Kent Jones
County Clerk

Published in The Park Record on: September 18, 2019 and September 25, 2019
Section 6. Notice of Election. In accordance with Section 11-14-202 of the Act, a Notice of the Special Election shall be (i) published in The Park Record three (3) times, once a week for three (3) consecutive weeks, the first publication to be not less than twenty-one (21), nor more than thirty-five (35) days before the Special Election, (ii) posted on the Utah Legal Notices website (www.utahlegals.com) and (iii) posted on the Utah Public Meeting Notice website (http://pmn.utah.gov).

In addition, the Election Officer (defined herein) is to (i) publish the sample ballot immediately before the election in The Park Record, as required in Section 20A-5-405 of the Act and (ii) publish notice of and perform the election voting device and tabulation equipment test procedures as required by Section 20A-3-201 and Section 20A-4-104 of the Act.

All such notices shall be given in substantially the following form, with such Amendments, changes, or alterations as may be required to conform such notices to the Act, including amendments thereto prior to such publication, and actual election information or calendar items to be confirmed prior to the publication of such notice:
ELECTION NOTICE

To all qualified electors of the North Summit Recreation Special Service District, Summit County, Utah:

Take notice that on November 5, 2019, a special election (the “Special Election”) shall be held in the North Summit Recreation Special Service District, Summit County, Utah (the “District”), at the places set out below for the purpose of submitting to the qualified electors of the District the question contained in the following ballot proposition:
OFFICIAL BALLOT FOR THE NORTH SUMMIT RECREATION SPECIAL SERVICE
DISTRICT, SUMMIT COUNTY, UTAH
SPECIAL ELECTION
November 5, 2019

/s/ Kent Jones
County Clerk

PROPOSITION

Shall the North Summit Recreation Special Service District, Summit County, Utah (the
"District"), be authorized to impose a property tax on the taxable value of taxable property
within the District up to a maximum rate that shall not exceed .000104 for the express purposes
of financing the costs of all or a portion of the general operation and maintenance expenses of
the District?

PROPERTY TAX COSTS. If the maximum property tax described in the election
Proposition is imposed as planned, an annual property tax in the estimated annual amount of
$28.50 on a $275,000 primary residence and in the estimated amount of $51.82 on a business
property having the same value as said residence will be imposed on property owners within the
District.

The information in this notice with respect to increases in taxes is an estimate only based
on current assumptions of the District. The information is intended to provide an elector with
some indication of the impact the imposition of the maximum rate of the proposed property tax
may have on taxes paid.

FOR THE IMPOSITION OF THE PROPERTY TAX

AGAINST THE IMPOSITION OF THE PROPERTY TAX
Voting at the special election shall be by mail, electronic ballot or both.

For purposes of this Special Election, the polling places for the Special Election shall be the same as the polling places for the municipal elections held on said date and are as follows:

<table>
<thead>
<tr>
<th>Voting Precincts</th>
<th>Polling Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Summit North</td>
<td>Henefer Town Hall</td>
</tr>
<tr>
<td>Henefer</td>
<td>Henefer Town Hall</td>
</tr>
<tr>
<td>Coalville</td>
<td>Coalville City Hall</td>
</tr>
<tr>
<td>Hoytsville</td>
<td>Coalville City Hall</td>
</tr>
<tr>
<td>Wanship</td>
<td>Coalville City Hall</td>
</tr>
<tr>
<td>Chalk Creek</td>
<td>Coalville City Hall</td>
</tr>
</tbody>
</table>

The polls will be open from 7:00 a.m. to 8:00 p.m.

There will be no special registration of voters for the Special Election; all persons registered to vote in the general election shall be considered registered to vote in the Special Election and the official register last made or revised shall constitute the register for the Special Election. The County Clerk will make available at the polling places a registration list or copy thereof listing all registered electors entitled to use such polling places.

Voting will be allowed to take place at the times, places, and manner as provided by the Utah Election Code, Title 20A, Utah Code Annotated 1953, as amended. For information about alternate times and forms of voting (including by absentee ballot and vote by mail), voters may contact the County Clerk’s office, located at 60 North Main Street, Coalville, Utah. Pursuant to Section 20A-3-604, Utah Code Annotated 1953, as amended, the schedule for early voting including dates, times and locations, shall be noticed and published by the Clerk.

NOTICE is given that on October 3, 2019, at 10 a.m. in the County Clerk’s Office, located at 60 North Main Street, Coalville, Utah, the Summit County Clerk will conduct a test of the voting and/or counting devices, as applicable, to be used for the Special Election. Any interested person may witness the testing procedure.

NOTICE is given that on November 19, 2019, that being a day no sooner than seven (7) days nor later than fourteen (14) days after the Special Election, the County Council will meet at its regular meeting place at 1 p.m. to canvass the returns and declare the results of the Special Election.
Pursuant to applicable provisions of the Local Government Bonding Act, the period allowed for any contest of the Special Election shall end forty (40) days after December 30, 2019 (the date on which the returns of the election are to be canvassed and the results thereof declared). No such contest shall be maintained unless a complaint is filed with the Clerk of the Third Judicial District Court in and for Summit County within the prescribed forty (40) day period.

GIVEN by order of the County Council of Summit County, Utah, this 31st day of July, 2019.

By: 
Roger Armstrong
Chair

ATTEST:

By: Kent Jones
County Clerk

Publication Dates in The Park Record: ___________________________
Section 7.  Mailing of Voter Information Pamphlet. The Council hereby authorizes the County Clerk to mail at least fifteen (15) days but not more than forty-five (45) days before the scheduled Special Election, a voter information pamphlet to each household with a registered voter who is eligible to vote in the Special Election. Said voter information pamphlet shall include: (a) the date and place of the Special Election, (b) the hours during which the polls will be open, (c) the title and text of the ballot proposition, (d) an explanation of the property tax impact on property owners, and (e) any additional information the Council determines may be useful to explain the property tax impact of the imposition of the proposed property tax on property owners.

Section 8.  Compliance with the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16, Utah Code Annotated 1953, as amended. The County shall post all arguments and rebuttal arguments as set forth in Utah law on the Statewide Electronic Voter Information Website as described in Section 20A-7-801, Utah Code Annotated 1953, as amended, for thirty (30) consecutive days before the Special Election. The County shall further post all arguments and rebuttal arguments in a prominent place on the County’s website for thirty (30) consecutive days before the Special Election. A public meeting shall be held on October 2, 2019, a date which is no more than forty-five (45), but at least four (4) days before the Special Election, beginning at the hour of 6 p.m. at the Summit County Courthouse, 60 North Main Street, Coalville, Utah. The purpose of the meeting is to hear arguments for and against the imposition of the property tax. Information regarding the public meeting required by Section 59-1-1605, Utah Code Annotated 1953, as amended, shall follow immediately after the posted arguments set forth on the Statewide Electronic Voter Information Website and the County website described herein.

Section 9.  Election Supplies and Ballots. The ballots to be used at the Special Election shall comply in all respects with the requirements of Title 20A, Chapter 6 and Section 11-14-206, Utah Code Annotated 1953, as amended, and the Proposition and election instructions with respect to the Special Election shall be in substantially the form contained in the Notice of Election set forth in Section 6 hereof.

Section 10.  Qualified Electors. Only registered, qualified electors of the District eighteen (18) years of age or older shall be permitted to vote at the Special Election.

Section 11.  Challenged Electors. Any person seeking to vote at any polling place designated for the conduct of the Special Election whose qualifications to vote are challenged for reasons indicated in Section 20A-3-202 or Section 20A-3-202.5 of the Act by any one or more of the Election Officials or by any other person, shall be allowed to vote with a provisional ballot and the counting of that person’s vote shall be determined in accordance with applicable law.

When a person’s right to vote is challenged as provided in the paragraph above, the Election Official shall follow the procedures set forth in Section 20A-3-105.5 of the Act.

Section 12.  Appointment of Election Officials and an Election Officer. The election officials (the “Election Officials”) shall each be a qualified elector of the District. Pursuant to Section
Section 13. *Absentee Ballots/Early Voting.* Any qualified elector of the District may vote by absentee ballot in accordance with Section 20A-3-301, et. seq., and, if applicable, Section 20A-3-601 et. seq. of the Act.

Section 14. *Canvass.* Immediately after the polls are closed and the last qualified voter has voted, the Election Officials shall account for the ballots in accordance with the procedures of Title 20A, Chapter 4, Part 1 and Part 2 of the Act and the County Clerk (or designee) shall conduct the counting of the ballots as required by said procedures and deliver the results to the County. The Council, acting as the governing body of the District, shall meet as a Board of Canvassers no sooner than seven (7) days, nor later than fourteen (14) days after the date of said election on November 19, 2019, at the hour of 1 p.m., at its regular meeting place in Coalville, Utah, and if the majority of the votes at the Special Election are in favor of the Proposition submitted, then the County Clerk shall cause an entry of that fact to be made upon the minutes of the Council. Thereupon, the District shall be authorized to levy a property tax up to the maximum rate approved in the Proposition.

Section 15. *Registration of Electors.* The County Clerk shall, in accordance with Section 20A-5-401 of the Act, prepare an official register of voters for each polling place that will participate in the Special Election.

Section 16. *Severability.* It is hereby declared that all parts of this Resolution are severable, and if any section, clause, or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause, or provision shall not affect the remaining sections, clauses, or provisions of this Resolution.

Section 17. *Conflict.* All resolutions, orders, and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation, or part thereof heretofore repealed.

Section 18. *Captions.* The headings herein are for convenience of reference only and in no way define, limit, or describe the scope of intent of any provisions or sections of this Resolution.

Section 19. *Recording of Resolution; Effective Date; Notice to Lieutenant Governor.* Immediately after its adoption, this Resolution shall be signed by the Chair and County Clerk, shall be recorded in a book for that purpose, and shall take immediate effect. The County Clerk shall immediately furnish a certified copy of this Resolution to the Lieutenant Governor and Election Officer (County Clerk) in accordance with Section 11-14-201 of the Act by no later than August 23, 2019, a date at least 75 days before the Special Election.

Section 20. *Further Authority.* The Council hereby authorizes the Chair to make changes to any notice or the ballot proposition described herein to cure any ambiguity or defect therein or to
make any other changes to such notice or ballot proposition as may be required or allowed by the
laws of the State of Utah.

Section 21.  *Compliance with Applicable Law*. The Council intends that, to the extent the Act
is amended effective prior to the holding of the Special Election, the provisions of this
Resolution be interpreted to comply with the amended Act.

PASS AND APPROVED this 31st day of July, 2019.

By: [Signature]

Roger Armstrong
Chair

ATTEST:

By: [Signature]

Kent Jones
County Clerk

APPROVED AS TO FORM:

By: [Signature]

David L. Thomas
Chief Civil Deputy

**Dismiss as the Governing Board of the North Summit Recreation Special Service District**

Council Member Carson made a motion to dismiss as the Governing Board of the North
Summit Recreation Special Service District and reconvene as the Board of County Council.
Council Member Robinson seconded the motion and all voted in favor, 5-0.

**Consideration of Approval**

**Acknowledgement of the 2019 property tax levy rate of .000153 pertaining to Weber Basin
Water Conservancy District**

The following information was reviewed by the Council as provided by Weber Basin Water
Conservancy District General Manager Tage Flint to acknowledge the Summit County property
tax levy rate of .000153.
June 28, 2019

Summit County Council
P.O. Box 128
Coalville, Utah 84017

Council Members:

Please find enclosed a copy of a resolution of the Weber Basin Water Conservancy District Board of Trustees, adopted May 23, 2019, fixing the property tax levy at a rate of .000153.

The form of resolution is similar to that delivered to you in previous years, and the levy should be made on all property within the County as designated in the resolution. The property described in the resolution includes several annexations of land, some of which occurred within the last few years.

We will appreciate your completing the attached acknowledgment and returning it to our office. A stamped, self-addressed envelope is enclosed for your convenience.

Thank you.

Sincerely,

Tage I. Flint, PE
General Manager/CEO

TIF/sm
encl.

A-12
I hereby acknowledge receipt of the WEBER BASIN WATER CONSERVANCY DISTRICT, Class A Mill Levy Resolution for the year 2019.

SUMMIT COUNTY

BY: Roger Armstrong
TITLE: Council Chair
DATE: 7/31/19

Please return this acknowledgment to:

Weber Basin Water Conservancy District
2837 East Highway 193
Layton, Utah 84040
Council Member Robinson made a motion to approve the Chair signature on the acknowledgement letter pertaining to the Weber Basin Water Conservancy District tax levy rate of .000153 as presented. Council Member Carson seconded and all voted in favor, 5-0.

Appoint member to serve on the Snyderville Basin Special Recreation Service District

Council Member Clyde made a motion to appoint Brandi Connolly to fill the unexpired term of Gary Resnick on the Snyderville Basin Special Recreation Service District Board with a term of service to expire December 31, 2019. Council Member Robinson seconded and all voted in favor, 5-0.

Advice and consent of County Manager's recommendation to appoint member to the Summit County Board of Health

Council Member Clyde made a motion to consent to the County Manager's recommendation to appoint Doug Evans to fill the unexpired term of Gary Resnick on the Summit County Board of Health with a term of service to expire December 31, 2019. Council Member Carson seconded the motion with all voting in favor, 5-0.

Council Minutes dated July 10, 2019, July 16, 2019, and July 17, 2019

Council Member Wright made a motion to approve the minutes of July 10 and 17, 2019 as written with Council Member Carson seconding and all voting in favor, 5-0.

Council Member Wright made a motion to approve the minutes of July 16, 2019 as written. Council Member Carson seconded the motion which passed 4-0. Council Member Robinson abstained.

Council Comments

- Council Member Wright attended a meeting regarding senior housing
- He, and Council Members Carson and Clyde attended an open discussion regarding transportation services for seniors. More discussion needed for comparative services and future options
- Also attended Habitat and MAOG Board meetings
- Council Member Robinson attended the public launch of the Solar Energy Kickoff Program with Council Members Wright and Carson
- Council Member Clyde noted the meetings already mentioned. Along with affordable housing he added early childhood education and inclusion in social connections as needing further discussion.
- He noted some seniors concerns regarding the quality of food service
- Council Member Carson was impressed with comments and suggestions at those meetings.
- She was contacted by a property owner in Manorlands with concerns and would like to schedule a site visit in August
- August 15 and 23 are dates of Forest Service meetings regarding water, funding, and the Upper Provo Watershed Project
- She thanked staff for the informative weed tour
• Chair Armstrong attended a contract drafting session for the U of U Mental Health
• Met with Snyderville Basin Recreation Board. Discussion included taxes, impacts, and
  use of facilities
• He noted two people that graduated Drug Court last Friday and thanked staff for their
  efforts and participation

Manager Comments

• Manager Fisher talked with Eric Cylvick about parking issues at Tollgate. There is a
  possible resolution of working with Promontory to provide a parking area

Chair Armstrong recused himself for the next agenda item for possible conflict of interest noting
his wife works with the Promontory Club. He was excused and Council Member Clyde assumed
the chair.

Discussion and possible action regarding the proposed Promontory Development
Agreement Amendment to increase the home size from 8,000 sq. ft. to 22,000 sq. ft. and to
allow for accessory dwelling units on Lots 1-36 of the Pinnacle Subdivision; Promontory,
Summit County, UT; Shawn Potter, Applicant and Amir Caus, AICP

Amir Caus, County Planner, reviewed the following staff report regarding a proposed
Amendment to the Promontory Development Agreement to increase the home size from 8,000
square feet to 22,000 square feet and to allow for accessory dwelling units on Lots 1-36 of the
Pinnacle Subdivision. He noted no changes from the previous meeting.
STAFF REPORT

To: Summit County Council
From: Amir Caus, County Planner
Date of Meeting: July 31, 2019
Type of Item: Development Agreement Amendment, Possible Action
Process: Legislative Review

RECOMMENDATION: The Eastern Summit County Planning Commission has reviewed the application for compliance with all standards in the Eastern Summit County Development Code and the Promontory Development Agreement and has found that it meets the requirements for approval. The Eastern Summit County Planning Commission recommends that the Summit County Council review the proposed Development Agreement Amendment to increase the home size from 8,000 sq. ft. to 22,000 sq. ft. on Lots 1-36 of the Pinnacle Subdivision and vote to approve the proposal pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval found in this Staff Report.

Project Description

Project Name: Promontory Development Agreement Amendment – Home Size
Applicant(s): Shawn Potter representing Promontory Investments LLC
Property Owner(s): Promontory Investments LLC, Promontory Development LLC, and South Point Utah LLC
Location: Promontory, Summit County, Utah
Zone District: Promontory Specially Planned Area
Parcel Number and Size: Portions of Parcels NS-1 (250.27 acres), NS-2 (298.83 acres), NS-3 (199.05 acres), and SS-23 (363.30 acres)
Type of Process: Legislative
Final Land Use Authority: Summit County Council

Proposal

The applicant, Shawn Potter, representing Promontory Investments LLC is seeking to amend the Promontory Specially Planned Area (SPA) Development Agreement.

The proposed amendments include increasing the home size from 8,000 sq. ft. to 22,000 sq. ft. on Lots 1-36 of the Pinnacle Subdivision, located in Pods 88, 89, 90, and 91. The proposal also includes allowance of Accessory Dwelling Units which was previously prohibited by the Promontory Design Guidelines. This amendment would be the fifth amendment of the
Promontory Development Agreement. NOTE: The Pinnacle Subdivision is a pending application and has not yet been approved. The proposed Development Agreement Amendment and the Pinnacle Subdivision are interdependent of each other and will both need to be approved for this amendment to take effect.

Background

The Planning Commission held a Work Session on March 21, 2019 for the proposed Development Agreement Amendment to amend the home size and allow for accessory dwelling units for Lots 1-36 in the Pinnacle Subdivision. During the Work Session, the Planning Commission expressed support for the proposed amendments and directed the Staff and the Applicant to finalize the amendment language. The Planning Commission also directed the applicant to return with a thorough ridgeline analysis to ensure that the future subdivision lots and structures on them would not break the ridgeline.

On May 2, 2019, the Planning Commission performed a general site visit of the Promontory Specially Planned Area. During the visit, the Planning Commission visited the major neighborhoods and amenities. As part of the visit, the Planning Commission visited the Pinnacle Subdivision site. Following the site visit, the Planning Commission held a public hearing for the proposed Development Agreement Amendment to amend the home size and allow for accessory dwelling units for Lots 1-36 in the Pinnacle Subdivision. The applicant included a ridgeline analysis which showed a number of lots that would ridgeline. During the May 2, 2019 meeting, the Planning Commission discussed seven major items which included; 22,000 sq. ft. home size limitation, Accessory Dwelling Units, Ridgeline, Amenity, Energy Efficiency, Slopes, and Criteria 1 & 2 for Development Agreement Amendments.

The Planning Commission was generally acceptable of the size, accessory dwelling, ridgeline (primarily due to the distance between ridgeline analysis corridors and the Pinnacle Subdivision), and the amenity. The Planning Commission was unable to find a mechanism to allow for development on slopes over 30%. The Planning Commission directed Staff and the Applicant to return with an acceptable Energy Efficiency program for homes that were over 10,000 sq. ft. in size and to redesign the layout which avoided natural slopes over 30%. The meeting (public hearing) was continued to May 16, 2019.

Since the May 2, 2019 meeting the applicant has revised the lot and road layout to generally avoid natural slopes over 30% and has implemented language that requires homes over 10,000 sq. ft. in size to be Zero Energy Ready Homes (ZERH).

The Planning Commission held and closed a public hearing on May 16, 2019. The Planning Commission directed Staff to return to the June 6, 2019 meeting with positive Findings of Fact, Conclusions of Law and Conditions of approval.

On June 6, 2019, the Planning Commission forwarded a positive recommendation for the proposed Development Agreement Amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in this Staff Report.
On June 26, 2019, the County Council held and closed a public hearing. After conclusion of the public comments and a discussion, the County Council requested a site visit and continued the item the August 14, 2019 meeting. The County Council urged the applicant to further consider additional employee housing units to offset the additional increase in density and related employee/workforce generation resulting therefrom.

The applicant requested a work session with the Planning Commission which was held on July 18, 2019 regarding the proposed Pinnacle Subdivision. The Planning Commission felt that it was inappropriate to review the subdivision request until the applicant has finalized the Development Agreement Amendment. The Development Agreement Amendment and the Pinnacle Subdivision Phases 1-6 are interdependent of each other and will both need to be approved before either document is recorded.

No supplemental information has been provided by the applicant.

Analysis

Below are the existing Development Agreement language and the proposed Development Agreement Language for Home Sizes and Accessory Dwelling Units.

Existing Home Size:
Section 4.4.4 Base Residential Density. 885 high end, second home, estate-type single family detached dwelling units, which have a minimum Floor Area of 3,500 square feet of Floor Area, and sit on lots at least one acre in size. The Board of County Commissioners may, at its discretion, allow estate lots that are smaller than one acre. There shall be a maximum dwelling unit size of 10,000 square feet of Floor Area. A plat note shall be required to set forth these minimum and maximum building requirements. All structures which are built within the retention and ridgeline viewsheds, defined in Section 1.52 and as designated on Exhibit E, shall comply with the Design Guidelines and the Supplemental Design Guidelines for Retention and Ridgeline Areas in Exhibit C. Additionally, all base residential units located within Ridgeline Areas shown on Exhibit E must comply with the ridgeline requirements of Section 4.8.6.1.6.

Existing Homesite Restrictions Language:
3.19 Homesite Restrictions
Except for compounds which result from the combined development of two (2) or more Homesites, no more than one (1) residence may be constructed on any Homesite. Other outbuildings (i.e. detached garages) may be constructed, but only if they are a visual extension of the main residence. Such complexes are always subject to Committee pre-approval.

Existing Guest House or Servant’s Quarter Language:
4.1 Building Size
...While separate guest houses or servant’s quarters are not permitted on Homesites at Promontory under the Community’s zoning requirements, the Committee may require and/or allow a particular Owner who submits plans for a large residence to reduce the consolidated massing of his/her proposed home by separating the home into two (2) or more building structures. For example, a separate garage mass, which is attached to the main building mass
by a covered walkway, could incorporate a separate living area above it. Similarly, a main residence mass could be connected by a covered walkway to a ground-level guest suite...

Proposed Home Size and Accessory Dwelling Language (revised based on the May 2, 2019 Planning Commission Comments):

Section 4.4.4 Base Residential Density: Base Residential Density consists of 735 high end, second home, estate-type detached, single-family homes permitted by this Agreement on Estate Lots.

1. A detached, single-family home may be constructed on an Estate Lot which is one (1) acre in size or greater and has a Floor Area no less than 3,500 square feet and no more than 10,000 feet, with the following exceptions only:
   a. For the purposes of this Subsections “a” through “f”, “gross floor area” shall be measured from the outside face of exterior walls and includes basements, garages, mechanical rooms, and any conditioned or unconditioned spaces. Lots 1-36 of the Pinnacle Subdivision shall have a minimum floor area of 6,000 and a maximum gross floor area of 22,000 square feet. The floor area requirements for each lot shall be designated on the subdivision plat.
   b. Lots 1-36 of the Pinnacle Subdivision which have been allowed maximum gross floor area of 22,000 square feet are permitted to construct a 1,500 square foot gross floor area accessory dwelling. The accessory dwelling unit is required to be connected to the primary dwelling via a shared wall. The accessory dwelling unit may not project into the sky (ridgeline) and may not be developed on sensitive lands. The gross 1,500 square feet for the accessory dwelling unit will be counted within the overall 22,000 square foot maximum gross floor area.
   c. Any residence proposed for construction on Lots 1-36 of the Pinnacle Subdivision that exceeds 10,000 gross square feet shall comply with the requirements of the DOE Zero Energy Ready Home National Program requirements dated May 1, 2019 (Rev. 07). The lot owner shall meet this requirement by providing a compliance certificate from an approved verifier to the design reviewer and to Summit County. A Certificate of Occupancy will not be granted until a compliance certificate from an approved verifier has been issued (either Prescriptive Path or Performance Path). This requirement shall be accompanied by a plat note on the Pinnacle Subdivision Plat.

The maximum height limit of any residence proposed for construction in the Pinnacle is 32’ from existing grade. However, any residence that breaks the natural ridgeline when viewed from identified locations on US Highway 40, Interstate 80, Highway 248 or the Brown’s Canyon Road shall be limited to a maximum height of 28’ from existing grade. The County or the Design Reviewer may require special studies to assure that any proposed structure either does not break the ridgeline or does not exceed the 28’ height. Based on studies by the Developer, Lots 2, 3, 4, 15, 16, 17, 18, 19, 20, 34, 35, and 36 are deemed

Promontory Development Agreement Amendment – Home Size – July 31, 2019
ridgeline lots, homes on these lots shall be limited to 28 feet in height. It is the sole responsibility of each lot owner to ensure that a residence on the owner’s lot is in compliance with this Subsection. This requirement shall be accompanied by a plat note on the Pinnacle Subdivision Plat.

d. Section 10-2-4(F) of the Eastern Summit County Development Code prohibits development on natural grade slopes in excess of thirty percent (30%). All disturbance shall be contained within the designated “building envelopes,” with the exception of County approved driveways and utility corridors. Site disturbance within “building envelopes” is prohibited on natural grade slopes in excess of thirty percent (30%). Certain lots within the Pinnacle subdivision include natural grade slopes in excess of thirty percent (30%) within the identified “building envelopes” according to flown topography available to the developer. The owner of each lot shall be required to demonstrate to the design reviewer and to Summit County that no site disturbance will occur on slopes exceeding 30% anywhere on the lot including within the building disturbance area. This requirement shall be accompanied by a plat note on the Pinnacle Subdivision Plat.

e. An amenity building and related structures may be built on Parcel A of the Pinnacle Subdivision, which may consist of open space, landscaping, trails, a building, pool, and parking. The entirety of Parcel A, including all constructed amenities, shall be Limited Common Area for the exclusive use or primary benefit of Owners and occupants within the Pinnacle Subdivision, including all phases. The amenity building shall meet the height requirements identified in Subsection “d”, meet slope standards in Subsection “e”, shall be a maximum of 7,000 gross square feet gross floor area, and shall be accessed from Pinnacle Sky Loop.

2. The Floor Area requirements for each lot shall be designated on the subdivision plat.

3. Estate Lots for detached, single-family homes less than one (1) acre in size may be permitted by the Summit County Manager upon finding that the smaller lot sizes cluster development, reduce site disturbance, preserve vegetation, complies with all requisite Eastern Summit County Development Code (as modified by this Development Agreement), Design Guideline and Supplemental Design Guideline requirements, and is approved by the Promontory Architectural Review Committee.

4. All structures constructed within retention and ridgeline viewsheds, as defined in Section 1.52 and as designated on Exhibit E, shall:

   a. comply with the Design Guidelines and Supplemental Design Guidelines for Retention and Ridgeline Areas shown in Exhibit C, and

   b. comply with the ridgeline requirements in Section 4.8.6.1.6 of this Agreement or as otherwise indicated on the recorded plat (whichever is more restrictive).
May 2, 2019 Planning Commission Discussion

During the May 2, 2019 Planning Commission meeting, the Planning Commission had seven major items of discussion;

1. Is the Planning Commission acceptable of the proposed square foot limitation to increase from 10,000 sq. ft. to 22,000 sq. ft. for homes located on Lots 1-36 in the Pinnacle Subdivision?

   **Analysis:** During the May 2, 2019 Planning Commission discussion, the Planning Commission found that the Eastern Summit County Development Code does not have size restrictions for single family homes. The Planning Commission had a consensus that they were acceptable of the 22,000 sq. ft. home size limitation for the Promontory Development.

2. Is the Planning Commission acceptable of allowing Accessory Dwelling Units for homes located on Lots 1-36 in the Pinnacle Subdivision?

   **Analysis:** During the May 2, 2019 meeting, Staff clarified that the Accessory Dwelling Unit density would come out of the overall 22,000 gross sq. ft. allowance for Lots 1-36 of the Pinnacle Subdivision. The Planning Commission had a consensus that they were acceptable of the Accessory Dwelling Units being allowed on Lots 1-36 of the Pinnacle Subdivision.

3. Is the Planning Commission acceptable that some units may ridgeline as defined in the Promontory Development Agreement and Eastern Summit County Development Code?

   **Analysis:** During the May 2, 2019 meeting, the Planning Commission performed a general Promontory Specially Planned Area site visit which included the Pinnacle Subdivision. During the May 2, 2019 Planning Commission meeting, the developer proposed to limit heights to 28 feet for any structure that may ridgeline. Staff also included an additional ridgeline analysis based on the Eastern Summit County Development Code. The 1.5/5 mile ridgeline method (the donut method) identified a portion of I-80 (from Eastbound Silver Creek Canyon entry to the Tollgate/Promontory Exit). The “donut method” showed that the only portion of the “donut” that touched the Pinnacle Subdivision was in Silver Creek Canyon from where the Pinnacle Subdivision would not be visible. Staff also found that the nearest vantage point as designated in the Promontory Development Agreement is approximately 2 miles away from the nearest Pinnacle Subdivision lot. Due to the aforementioned factors, the Planning Commission had a consensus that they were acceptable of the proposed lot locations and height restrictions.

4. What information will the Planning Commission require for the Pinnacle Subdivision Amenity site, prior to deciding on the proposed Development Agreement Amendment?
**Analysis:** During the May 2, 2019 meeting, the Planning Commission directed Staff and the applicant to include a more measurable note which explains the amenity use and size. The applicant has included revised language which limits the uses and size of the proposed amenity for the Pinnacle Subdivision.

5. What is the acceptable Energy Efficiency standard for homes over 10,000 sq. ft.?

**Analysis:** During the May 2, 2019 meeting, the Planning Commission directed Staff and the applicant to return to the May 16, 2019 meeting with a finalized energy efficiency program for the Pinnacle Subdivision homes over 10,000 sq. ft.

Per the revised amendment language, the Development Agreement and Pinnacle Subdivision Plat will require homes over 10,000 sq. ft. in size to be Zero Energy Ready Homes (ZERH).

6. Can the Planning Commission find an exception to areas that appeared to be encroaching slopes over 30%?

**Analysis:** The average lot size for the Pinnacle Subdivision is 2.627 acres (114,451 sq. ft.). The average building envelope and potential disturbance area for Lots 1-36 in the Pinnacle Subdivision is 42,667 sq. ft.

The Planning Commission was unable to find a mechanism in which development on natural slopes over 30% would be allowed. Since the May 2, 2019 meeting, the applicant has revised the lot and road layout of the Pinnacle Subdivision in order to avoid slopes over 30%.

The applicant has also included waterfall language which states; *Site disturbance within “building envelopes” is prohibited on natural grade slopes in excess of thirty percent (30%).* Further, the Pinnacle Subdivision has not yet been processed and a certified topographical survey is required as part of the Final Subdivision Plat application. Staff and the Planning Commission will perform a final verification of slopes during the Pinnacle Final Subdivision Plat process.

The revised general layout allows for suitable development areas on the proposed lots.

Majority of the proposed road has been graded as part of a secondary access road improvement for the Wapiti Canyon Subdivision. The road improvement which included slopes over 30% was approved in October of 2001 by the County Engineer. The proposed improvements would bring this secondary road to a primary road standard which will result in 31,145 cubic yards of cut and 41,225 cubic yards of fill for a net fill of 10,080 cubic yards. The further improvement of the Wapiti road would have less impact than the construction of a brand-new road. The Planning Commission found this to be an acceptable proposal.
7. Can the Planning Commission conclude that Criteria 1 and 2 to amend a Development Agreement are being met?

**Analysis:** During the May 2, 2019 meeting, the Planning Commission stated that their final conclusions would be based on compliance with the aforementioned items 1 through 6. Staff has included draft conclusions in the recommendation below.

On May 16, 2019, the Planning Commission directed Staff to return on June 6, 2019 with positive Findings of Fact, Conclusions of Law, and Conditions of Approval.

**Criteria**

On June 14, 2017 the Specially Planned Area process was repealed and replaced by a Master Planned Development process which is meant to be a more predictable process for developers and the public. Staff is using the amendment criteria from the previous development code as a measuring tool for approval.

In order to forward a positive recommendation to the County Council, the applicant must demonstrate that the proposal does not negatively affect public health, safety, and welfare and that the following criteria be met;

**Criterion 1:**
Circumstances relevant to the request have changed since, or were unknown at the time, the original specially planned area plan was approved.

The applicant has stated the following:

--*Promontory was created as a high-end luxury second-home community in 2001. This was at the beginning of the steady expansion of interest in the Park City area for vacations and second homes. The family that buys a home in this type of community has certain requirements for the type of home that is desired and these requirements have changed over time in this market segment. A very small piece of this market segment has been trending toward larger homes, privacy, exclusivity and guest homes (casitas) ever since the DA was adopted 18 years ago. To respond to this very small specific market segment the Developer proposes to use 36 of the 1600+ lots allotted within the SPA to create an exclusive gated enclave where this particular buyer has the option to build a very large home and if desired, a casita. This type of exclusive community is a new niche in the real estate market for resort destinations that did not exist in Park City in 2001.*

During the May 16, 2019 meeting, several Planning Commissioners stated that since the time of the original Promontory SPA approval, other luxury home communities in Summit County have developed, offering a product that is in excess even of the 22,000 square feet that Promontory seeks for a limited number of their lots. The Planning Commission further stated that the Eastern Summit County Development Code does not limit home sizes which suggests that circumstances have changed since the original approval.
Criterion 2:
The modification is generally consistent with the efficient development and preservation of the entire specially planned area plan and does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question, and that the public health, safety, and general welfare are not adversely impaired by the modification.

The applicant has stated the following:
--The modification in square footage for the proposed Pinnacle subdivision is consistent with the efficient development and preservation of the Promontory SPA because: 1) There is already differentiation from subdivision to subdivision within the SPA. Some areas have a 3,500 square foot maximum, others 6,000, others 8,000, others 10,000, some have an option to increase to 15,000. The requested change is a differentiator for 36 of the 64 lots within the proposed Pinnacle subdivision. 2) The 36 lots affected by the change are already within the heart of a high-end luxury second-home community. 3) Promontory's current DA allows a maximum square footage of 15,000 net square feet when an owner combines two lots in all of the subdivisions immediately surrounding the proposed Pinnacle subdivision. The county has requested a change to gross square footage for purposes of calculating the size on these 36 lots which is more restrictive and would include all space measured from the outside of the exterior walls (including all garage space, mechanical, unconditioned storage, and wall space) such that the amount of actual additional square footage is limited. The public health, safety, and general welfare are not adversely impacted by this very limited area within the SPA.

Promontory Development Agreement Section 4.4.4.1 Maximum Dwelling Unit Size Exception states; Up to 15,000 square feet may be allowed if a lot owner first acquires an adjacent vacant lot and causes the two lots to be combined under rules to be established in the Master Declaration, which rules shall establish the prohibition of any additional structure from being built on that lot through deed restriction or otherwise, or, at Developer's option, a lot owner first acquires a vacant estate type lot in the Retention Area (viewshed) and causes the prohibition of any structure from being built on that lot through deed restriction or otherwise.

During the May 16, 2019 meeting stated that while the proposed amendment increases the square footage of a limited number of lots, it does not affect that overall schematic of the development which includes, but is not limited to the open space, and trails requirement, affordable housing fees, and agriculture preservation fees.

Recommendation

Staff recommends that the Summit County Council evaluate the proposed Development Agreement amendment to increase the home size from 8,000 sq. ft. to 22,000 sq. ft. on Lots 1-36 of the Pinnacle Subdivision.

The Eastern Summit County Planning Commission recommends that the Summit County Council review the proposed Development Agreement Amendment to increase the home size from 8,000 sq. ft. to 22,000 sq. ft. on Lots 1-36 of the Pinnacle Subdivision and vote to approve the
proposal pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval found in this Staff Report.

Findings of Fact:

1. Promontory Specially Planned Area is owned by Promontory Investments LLC, Promontory Development LLC, and South Point Utah LLC.
2. Parcels NS-1 (250.27 acres), NS-2 (298.83 acres), NS-3 (199.05 acres), and SS-23 (363.30 acres) are part of the overall Promontory Specially Planned Area.
3. The proposed amendments include increasing the home size from 8,000 sq. ft. to 22,000 sq. ft. on Lots 1-36 of the Pinnacle Subdivision, located in Pods 88, 89, 90, and 91.
4. The proposal also includes allowance of Accessory Dwelling Units which was previously prohibited by the Promontory Design Guidelines.
5. The Pinnacle Subdivision is a pending application and has not yet been approved.
6. The proposed Development Agreement Amendment and the Pinnacle Subdivision are interdependent of each other and will both need to be approved in order for this amendment to take effect.
7. The existing Development Agreement language states; Section 4.4.4 Base Residential Density. 885 high end, second home, estate-type single family detached dwelling units, which have a minimum Floor Area of 3,500 square feet of Floor Area, and sit on lots at least one acre in size. The Board of County Commissioners may, at its discretion, allow estate lots that are smaller than one acre. There shall be a maximum dwelling unit size of 10,000 square feet of Floor Area. A plat note shall be required to set forth these minimum and maximum building requirements. All structures which are built within the retention and ridgeline viewsheds, defined in Section 1.52 and as designated on Exhibit E, shall comply with the Design Guidelines and the Supplemental Design Guidelines for Retention and Ridgeline Areas in Exhibit C. Additionally, all residential units located within Ridgeline Areas shown on Exhibit E must comply with the ridgeline requirements of Section 4.8.6.1.6.
8. The Existing Development Agreement Homestead Restrictions Language states;
3.19 Homeste Statements: Except for compounds which result from the combined development of two (2) or more Homesteads, no more than one (1) residence may be constructed on any Homestead. Other outbuildings (i.e. detached garages) may be constructed, but only if they are a visual extension of the main residence. Such complexes are always subject to Committee pre-approval.
9. The Existing Development Agreement Guest House or Servant's Quarter Language states;
4.1 Building Size...While separate guest houses or servant's quarters are not permitted on Homesteads at Promontory under the Community's zoning requirements, the Committee may require and/or allow a particular Owner who submits plans for a large residence to reduce the consolidated massing of his/her proposed home by separating the home into two (2) or more building structures. For example, a separate garage mass, which is attached to the main building mass by a covered walkway, could incorporate a separate living area above it. Similarly, a main residence mass could be connected by a covered walkway to a ground-level guest suite...

Promontory Development Agreement Amendment – Home Size – July 31, 2019
10. Promontory Development Agreement Section 4.4.4.1 Maximum Dwelling Unit Size Exception states; *Up to 15,000 square feet may be allowed if a lot owner first acquires an adjacent vacant lot and causes the two lots to be combined under rules to be established in the Master Declaration, which rules shall establish the prohibition of any additional structure from being built on that lot through deed restriction or otherwise, or, at Developer’s option, a lot owner first acquires a vacant estate type lot in the Retention Area (viewshed) and causes the prohibition of any structure from being built on that lot through deed restriction or otherwise.*

11. The Planning Commission held a Work Session on March 21, 2019 for the proposed Development Agreement Amendment to amend the home size and allow for accessory dwelling units for Lots 1-36 in the Pinnacle Subdivision.

12. During the March 21, 2019 Work Session, the Planning Commission expressed support for the proposed amendments and directed the Staff and the Applicant to finalize the amendment language and also directed the applicant to return with a thorough ridgeline analysis to ensure that the future subdivision lots and structures on them would not break the ridgeline.

13. On May 2, 2019, the Planning Commission performed a general site visit of the Promontory Specially Planned Area. During the visit, the Planning Commission visited the major neighborhoods and amenities.

14. As part of the visit, the Planning Commission visited the Pinnacle Subdivision site.

15. Following the site visit, the Planning Commission held a public hearing for the proposed Development Agreement Amendment to amend the home size and allow for accessory dwelling units for Lots 1-36 in the Pinnacle Subdivision.

16. The applicant included a ridgeline analysis which showed a number of lots that would not break the ridgeline.

17. During the May 2, 2019 meeting, the Planning Commission discussed seven major items which included; 22,000 sq. ft. home size limitation, Accessory Dwelling Units, Ridgeline, Amenity, Energy Efficiency, Slopes, and Criteria 1 & 2 for Development Agreement Amendments.

18. The Planning Commission was generally acceptable of the size, accessory dwelling, ridgeline (primarily due to the distance between ridgeline analysis corridors and the Pinnacle Subdivision), and the amenity.

19. The Planning Commission was unable to find a mechanism to allow for development on slopes over 30%.

20. The Planning Commission directed Staff and the Applicant to return with an acceptable Energy Efficiency program for homes that were over 10,000 sq. ft. in size and to redesign the layout which avoided natural slopes over 30%.

21. The May 2, 2019 meeting (public hearing) was continued to May 16, 2019.

22. Since the May 2, 2019 meeting the applicant has revised the lot and road layout to generally avoid natural slopes over 30% and has implemented language that requires homes over 10,000 sq. ft. in size to be Zero Energy Ready Homes (ZERH).

23. During the May 2, 2019 Planning Commission discussion, the Planning Commission found that the Eastern Summit County Development Code does not have size restrictions for single family homes.

24. The Planning Commission had a consensus that they were acceptable of the 22,000 sq. ft. home size limitation for the Promontory Development.
25. During the May 2, 2019 meeting, Staff clarified that the Accessory Dwelling Unit density would come out of the overall 22,000 gross sq. ft. allowance for Lots 1-36 of the Pinnacle Subdivision.

26. The Planning Commission had a consensus that they were acceptable of the Accessory Dwelling Units being allowed on Lots 1-36 of the Pinnacle Subdivision.

27. During the May 2, 2019 meeting, the Planning Commission performed a general Promontory Specially Planned Area site visit which included the Pinnacle Subdivision.

28. During the May 2, 2019 Planning Commission meeting, the developer proposed to limit heights to 28 feet for any structure that may ridgeline.

29. Staff included an additional ridgeline analysis based on the Eastern Summit County Development Code (1.5/.5-mile ridgeline method a.k.a. the donut method).

30. The 1.5/.5-mile ridgeline method (the donut method) identified a portion of I-80 (from Eastbound Silver Creek Canyon entry to the Tollgate/Promontory Exit).

31. The “donut method” showed that the only portion of the “donut” that touched the Pinnacle Subdivision was in Silver Creek Canyon from where the Pinnacle Subdivision would not be visible.

32. Staff also found that the nearest vantage point as designated in the Promontory Development Agreement is approximately 2 miles away from the nearest Pinnacle Subdivision lot.

33. Due to the aforementioned factors, the Planning Commission had a consensus that they were acceptable of the proposed lot locations and height restrictions.

34. During the May 2, 2019 meeting, the Planning Commission directed Staff and the applicant to include a more measurable note which explains the amenity use and size.

35. The applicant has included revised language which limits the uses and size of the proposed amenity for the Pinnacle Subdivision.

36. During the May 2, 2019 meeting, the Planning Commission directed Staff and the applicant to return to the May 16, 2019 meeting with a finalized energy efficiency program for the Pinnacle Subdivision homes over 10,000 sq. ft.

37. Per the revised amendment language, the Development Agreement and Pinnacle Subdivision Plat will require homes over 10,000 sq. ft. in size to be Zero Energy Ready Homes (ZERH).

38. The average lot size for the Pinnacle Subdivision is 2.627 acres (114,451 sq. ft.). The average building envelope and potential disturbance area for Lots 1-36 in the Pinnacle Subdivision is 42,667 sq. ft.

39. The Planning Commission was unable to find a mechanism in which development on natural slopes over 30% would be allowed. Since the May 2, 2019 meeting, the applicant has revised the lot and road layout of the Pinnacle Subdivision in order to avoid slopes over 30%.

40. The applicant has also included waterfall language which states; Site disturbance within "building envelopes" is prohibited on natural grade slopes in excess of thirty percent (30%). Further, the Pinnacle Subdivision has not yet been processed and a certified topographical survey is required as part of the Final Subdivision Plat application.

41. Staff and the Planning Commission will perform a final verification of slopes during the Pinnacle Final Subdivision Plat process.

42. The revised general layout allows for suitable development areas on the proposed lots.
43. Majority of the proposed road has been graded as part of a secondary access road improvement for the Wapiti Canyon Subdivision. The road improvement which included slopes over 30% was approved in October of 2001 by the County Engineer.

44. The proposed improvements would bring this secondary road to a primary road standard which will result in 31,145 cubic yards of cut and 41,225 cubic yards of fill for a net fill of 10,080 cubic yards.

45. The further improvement of the Wapiti road would have less impact than the construction of a brand-new road and the Planning Commission found this to be an acceptable proposal.

46. During the May 2, 2019 meeting, the Planning Commission stated that their final conclusions would be based on compliance with the six discussion points they directed Staff and the Applicant to finalize.

47. The Proposed Home Size and Accessory Dwelling Language (revised based on the May 2, 2019 Planning Commission Comments) states;

   *Section 4.4.4 Base Residential Density: Base Residential Density consists of 735 high end, second home, estate-type detached, single-family homes permitted by this Agreement on Estate Lots.*

   Home Size and Accessory Dwelling Language states;

   1. A detached, single-family home may be constructed on an Estate Lot which is one (1) acre in size or greater and has a Floor Area no less than 3,500 square feet and no more than 10,000 feet, with the following exceptions only:

      a. For the purposes of this Subsections “a” through “f”, “gross floor area” shall be measured from the outside face of exterior walls and includes basements, garages, mechanical rooms, and any conditioned or unconditioned spaces. Lots 1-36 of the Pinnacle Subdivision shall have a minimum floor area of 6,000 and a maximum gross floor area of 22,000 square feet. The floor area requirements for each lot shall be designated on the subdivision plat.

      b. Lots 1-36 of the Pinnacle Subdivision which have been allowed maximum gross floor area of 22,000 square feet are permitted to construct a 1,500 square foot gross floor area accessory dwelling. The accessory dwelling unit is required to be connected to the primary dwelling via a shared wall. The accessory dwelling unit may not project into the sky (ridgeline) and may not be developed on sensitive lands. The gross 1,500 square feet for the accessory dwelling unit will be counted within the overall 22,000 square foot maximum gross floor area.

      c. Any residence proposed for construction on Lots 1-36 of the Pinnacle Subdivision that exceeds 10,000 gross square feet shall comply with the requirements of the DOE Zero Energy Ready Home National Program requirements dated May 1, 2019 (Rev. 07). The lot owner shall meet this requirement by providing a compliance certificate from an approved verifier.
to the design reviewer and to Summit County. A Certificate of Occupancy will not be granted until a compliance certificate from an approved verifier has been issued (either Prescriptive Path or Performance Path). This requirement shall be accompanied by a plat note on the Pinnacle Subdivision Plat.

d. The maximum height limit of any residence proposed for construction in the Pinnacle is 32’ from existing grade. However, any residence that breaks the natural ridgeline when viewed from identified locations on US Highway 40, Interstate 80, Highway 248 or the Brown’s Canyon Road shall be limited to a maximum height of 28’ from existing grade. The County or the Design Reviewer may require special studies to assure that any proposed structure either does not break the ridgeline or does not exceed the 28’ height. Based on studies by the Developer, Lots 2, 3, 4, 15, 16, 17, 18, 19, 20, 34, 35, and 36 are deemed ridgeline lots, homes on these lots shall be limited to 28 feet in height. It is the sole responsibility of each lot owner to ensure that a residence on the owner’s lot is in compliance with this Subsection. This requirement shall be accompanied by a plat note on the Pinnacle Subdivision Plat.

e. Section 10-2-4(F) of the Eastern Summit County Development Code prohibits development on natural grade slopes in excess of thirty percent (30%). All disturbance shall be contained within the designated “building envelopes,” with the exception of County approved driveways and utility corridors. Site disturbance within “building envelopes” is prohibited on natural grade slopes in excess of thirty percent (30%). Certain lots within the Pinnacle subdivision include natural grade slopes in excess of thirty percent (30%) within the identified “building envelopes” according to flown topography available to the developer. The owner of each lot shall be required to demonstrate to the design reviewer and to Summit County that no site disturbance will occur on slopes exceeding 30% anywhere on the lot including within the building disturbance area. This requirement shall be accompanied by a plat note on the Pinnacle Subdivision Plat.

f. An amenity building and related structures may be built on Parcel A of the Pinnacle Subdivision, which may consist of open space, landscaping, trails, a building, pool, and parking. The entirety of Parcel A, including all constructed amenities, shall be Limited Common Area for the exclusive use or primary benefit of Owners and occupants within the Pinnacle Subdivision, including all phases. The amenity building shall meet the height requirements identified in Subsection “d”, meet slope standards in Subsection “e”, shall be a maximum of 7,000 gross square feet gross floor area, and shall be accessed from Pinnacle Sky Loop.

2. The Floor Area requirements for each lot shall be designated on the subdivision plat.
3. Estate Lots for detached, single-family homes less than one (1) acre in size may be permitted by the Summit County Manager upon finding that the smaller lot sizes cluster development, reduce site disturbance, preserve vegetation, complies with all requisite Eastern Summit County Development Code (as modified by this Development Agreement), Design Guideline and Supplemental Design Guideline requirements, and is approved by the Promontory Architectural Review Committee.

4. All structures constructed within retention and ridgeline viewsheds, as defined in Section 1.52 and as designated on Exhibit E, shall:
   a. comply with the Design Guidelines and Supplemental Design Guidelines for Retention and Ridgeline Areas shown in Exhibit C, and
   b. comply with the ridgeline requirements in Section 4.8.6.1.6 of this Agreement or as otherwise indicated on the recorded plat (whichever is more restrictive).

48. The Planning Commission held and closed a public hearing on May 16, 2019.
49. During the May 16, 2019 meeting, several Planning Commissioners stated that since the time of the original Promontory SPA approval, other luxury home communities in Summit County have developed, offering a product that is in excess even of the 22,000 square feet that Promontory seeks for a limited number of their lots.
50. During the May 16, 2019 meeting, the Planning Commission further stated that the Eastern Summit County Development Code does not limit home sizes which suggests that circumstances have changes since the original approval.
51. During the May 16, 2019 meeting stated that while the proposed amendment increases the square footage of a limited number of lots, it does not affect that overall schematic of the development which includes, but is not limited to the open space, and trails requirement, affordable housing fees, and agriculture preservation fees.
52. During the May 16, 2019 meeting, the Planning Commission directed Staff to return to the June 6, 2019 meeting with positive Findings of Fact, Conclusions of Law and Conditions of approval.
53. The Planning Commission finds that no harm is created by this amendment.
54. The Planning Commission finds that since the Eastern Summit County Development Code and General Plan do not have size limitations on single family homes, the proposed amendment complies with both the Development Code and General Plan.
55. The Planning Commission finds that the proposed amendment will allow construction in Eastern Summit County that is already allowed in other parts of the county or in other Specially Planned Areas.
56. The Planning Commission finds that the proposed amendment increasing the home sizes on Lots 1-36 of the Pinnacle Subdivision does not affect in a substantially adverse manner the enjoyment of abutting land and the general vicinity of the property as the abutting lands are other lots within the Promontory development.
57. The Planning Commission finds that Section 4.1 of the Development Agreement Design Guidelines already permits an Owner to separate a home into two or more building structures, thus allowing accessory dwellings is in keeping with this Section 4.1.
58. On June 6, 2019, the Planning Commission forwarded a positive recommendation for the proposed Development Agreement Amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in this Staff Report.

Conclusions of Law:

1. Circumstances relevant to the request have changed since, or were unknown at the time, the original specially planned area plan was approved.
2. The modification is generally consistent with the efficient development and preservation of the entire specially planned area plan and does not affect in a substantially adverse manner either the enjoyment of land abutting upon or in the general vicinity of the property in question, and that the public health, safety, and general welfare are not adversely impaired by the modification.

Conditions of Approval (if applicable):

1. This approval is limited to the Pinnacle Subdivision (Lots 1-36), located in Pods 88, 89, 90, and 91.
2. Nothing in this approval shall supersede the requirements set forth in the Promontory Development Agreement and the Eastern Summit County Development Code.
3. The proposed Development Agreement Amendment language shall be reflected on the Pinnacle Subdivision plat notes in its entirety.
4. This approval shall take effect upon the recordation of the Pinnacle Subdivision Plats.
5. The Pinnacle Subdivision shall meet all applicable Promontory Development Agreement and Eastern Summit County Development Code requirements and shall be recorded.
6. All service provider requirements shall be met.
7. Prior to final recordation of the proposed Development Agreement Amendment, the Summit County Attorney’s Office shall review and approve the amendments for consistency with the conditions of approval and terms of the Promontory Development Agreement.

Public Notice, Meetings and Comments

The public hearing was closed on June 26, 2019, however this is a public meeting. This item was publicly noticed as possible action by the Summit County Council.

As of the date of this report, a number of negative public comments have been received (Exhibit H).

Attachments

Exhibit A – Promontory Request Letter
Exhibit B – Promontory Pods Map
Exhibit C – Exhibit E of the Promontory Development Agreement
Exhibit D – Subdivision Plan for Pod 91
Exhibit E – Ridgeline and Visual Analysis
The applicants, Francis Najafi, Robin Milne, Shawn Potter, and Mike Coopman were present.

Mr. Najafi thanked staff for the time and work to bring this item before the Council. He reviewed the following information.

PROMONTORY

PROMONTORY'S IMPACT TO SUMMIT COUNTY SINCE 2001 = $1.072 BILLION DOLLARS

1. Annually, Promontory contributes $14 million dollars in property tax revenues.

2. Nearly $116 million dollars in property tax revenue has benefited the Summit County community since 2001.

3. Over $155 million dollars in construction projects are currently underway at Promontory supporting local building professionals and small businesses.

4. Did you know 60% of Promontory is designated open space? We also protect viewsheds and ridgelines from development.

5. Jobs for Locals! $99 million dollars in employee wages have been earned by Promontory staff.

6. Promontory protects the resident wildlife and open space. Promontory does not allow ATVs on trails. Promontory is suitable for grazing and since 2001, have paid agriculture preservation fees of over $3 million dollars.

7. $100 million dollars in real estate commissions paid to Park City Realtors.

8. Nearly $3 million dollars in sales tax has been generated by Promontory's amenities.

9. Promontory Foundation has granted $1.6 million dollars to over 30 local non-profits with required matching grants for a $4.2 million dollar community impact.

10. Affordable Housing – Promontory has contributed $415,000 dollars to be used by Summit County for affordable housing.

11. Contributed $1 million dollars for the construction of a new fire station and donated an ambulance.

12. Promontory aided in development of water resources to Summit County and Park City by annexing into Mountain Regional Water Special Service District and bonding for infrastructure.

13. Trails! Promontory boasts over 30 miles of trails with incredible views - Three-Mile Canyon Trail; Princess Di Trail; South Canyon Trail; Rail Trail.

14. Promontory members and their guests enjoy Park City's expansive recreational, cultural, and dining opportunities, impacting every aspect of the local economy.

15. Promontory requires restoration of native vegetation within building disturbance areas following the construction of any structure.
Mr. Najafi feels they have done everything required and have contributed significantly to county priorities. They are willing to work with the County on affordable housing issues and have been in the process for the past three years hoping this request will come to a conclusion tonight. He agrees with the staff report and asked for a decision.

Council Member Robinson recognized members of the public and asked if they were here to comment. Acting Chair Clyde allowed them to address the Council.

Tom Fuller is with the Wapiti residents group. He agrees with what was said. They have asked for no inside gates and expressed concern about safety if gates are closed, the other concern is road cuts.

Clay Heckler is concerned about redesign and location of house pads. They have had no feedback or communication.

Dave Showell feels Promontory a wonderful facility. He feels there has been efforts to resolve community concerns but there has been no communication of final action. He likes to preserve the natural habitat.

Council Member Carson asked about the affordable housing requirement, stating this type of development requires a demand for services that will come from the Snyderville Basin area. Her other important concern is water, conservation, and usage.

Council Member Wright agreed with Member Carson’s comments. He is happy with the energy commitment, but would like to see the applicant provide employee housing for their workforce.

Council Member Robinson stated his question is the impacts to neighbors. There does not seem to be many in opposition. Some options have been discussed regarding the affordable housing requirement, but he does not know what the right number should be.

Chair Clyde feels the affordable housing issue should be finalized before voting on the request.

Mr. Najafi suggested some ways he was willing to discuss to resolve the affordable housing issues.

The Council agreed that no decision be made tonight and directed that Council Members Robinson and Clyde work with the applicant and staff to resolve the concerns stated and return in two weeks for a decision.

Council Member Wright made a motion to continue the matter to August 14, 2019. Council Member Robinson seconded the motion and all voted in favor, 4-0.

Public Input

There was no public input.

The Council meeting adjourned at 7:00 p.m.