



STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner
Date of Meeting: April 27, 2022
Type of Item: Code Amendment – Public Hearing, Possible Recommendation
Process: Legislative Review

RECOMMENDATION: Staff recommends that the Summit County Council review the proposed amendments to the Snyderville Basin Development Code, conduct a public hearing, and approve it per the findings of fact, conclusions of law and conditions of approval in this staff report.

Proposal

The proposed amendments will remove all reference to the County Assessor as it relates to signatures on Mylars and will replace it with the County Treasurer.

Background

The County Assessor has requested that the Eastern Summit County Development Code be amended to require that the County Treasurer replace the County Assessor as a signee on mylars prior to recordation of a subdivision plat and final site plan. The reason for the change is the Assessor is required to ensure that taxes have been paid prior to signing, however ensuring that taxes have been paid is the Treasurer's job, hence the proposed change.

Proposed Changes are below:

1. Section 10-3-14.B.q Final Subdivision Plat.
 - q. Signature blocks prepared for the dated signatures of the chairpersons of the commission and the county manager, and of the county recorder, county engineer, county attorney, Rocky Mountain Power, Questar Gas (when applicable), Snyderville Basin special recreation district, Park City fire district, Snyderville Basin water reclamation district, and the applicable water service provider. A signature block

shall also be provided for the ~~county assessor indicating that all taxes, interest and penalties owing to the land have been paid.~~ County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid The signature of service providers on a final subdivision plat signifies such service provider's obligation to provide such services to the subdivision lots consistent with its rules, regulations, policies and procedures.

2. Section 10-3-15.B.8 Site Plan Contents

Signature blocks prepared for the dated signatures of the chairpersons of the commission and of the county manager, and of the county recorder, county engineer, county attorney, Rocky Mountain Power, Questar Gas (when applicable), Snyderville Basin special recreation district, Park City fire district, and Snyderville Basin water reclamation district. A signature block shall also be provided for the ~~county assessor indicating that all taxes, interest and penalties owing to the land have been paid~~ County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid. The signature of a service provider on a final site plan signifies such service provider's obligation to provide such services to the property consistent with its rules, regulations, policies and procedures.

3. 10-3-18.G.1 General Criteria

Upon approval of the plat amendment the following signatures are required on the final plat: land use authority, chief executive officer (only required for plat amendments that alter a private road shown on a subdivision plat), legislative body (only required for plat amendments that alter a public road shown on a subdivision plat), county recorder, county engineer, county attorney, and ~~county assessor~~ County Treasurer. A "certificate of consent" from any and all mortgagors, lienholders, or others with a real property interest in the affected parcels is also required.

Analysis

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

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

Analysis: Chapter 2 of the Snyderville Basin General Plan States:

“Policy 2.5: Eliminate advisory language from the Code and include clear, predictable, and measurable standards.”

The proposed amendment reassigns signature requirements from the Assessor to the Treasurer. The reason is that the Treasurer is the person responsible for ensuring taxes are paid, so it would be reasonable to have the Treasurer affirm that taxes have been paid on the mylar.

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

Analysis: The purpose of the amendments is to make land use decisions more consistent with uses on properties nearby. The proposed change will not create any inconsistencies between uses on any land in the Snyderville Basin.

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

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

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

Analysis: No existing restrictions will be removed.

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

Analysis: Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner.

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

Analysis: The proposed regulation will remedy an ongoing problem and place signature duties in the appropriate hands. Staff finds this will promote the health, safety, and welfare much better than before.

Recommendation

Staff recommends that the Snyderville Basin Planning Commission review the proposed amendments to the Snyderville Basin Development Code, conduct a public hearing, and forward a positive recommendation to the County Council per the findings of fact, conclusions of law and conditions of approval in this staff report.

Findings of Fact

1. The County Treasurer is responsible for ensuring that people pay property taxes.
2. Currently the County Assessor is required to ensure that taxes are paid prior to signing a subdivision or final site plan mylar.
3. The proposed amendment reassigns signature requirements from the Assessor to the Treasurer.

Conclusions of Law:

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

Exhibits

Exhibit A. Proposed Ordinance

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN
DEVELOPMENT CODE SECTIONS SECTION 10-3-14.B.q FINAL SUBDIVISION PLAT,
SECTION 10-3-15.B.8 SITE PLAN CONTENTS, and 10-3-18.G.1 GENERAL CRITERIA
PREAMBLE**

WHEREAS, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, signatures on final site plans and plats; and,

WHEREAS policy 5 of Chapter 2 of the Snyderville Basin General Plan is Eliminate advisory language from the Code and include clear, predictable, and measurable standards; and

WHEREAS, In furtherance of this goal, §10-1-1 of the Snyderville Basin Development Code provides that The Snyderville Basin General Plan was developed to was developed “to ensure that the resort and mountain character of the basin is to be embraced and protected, while suburban development patterns, which erode the unique character of the basin, is discouraged and, to the extent possible, prohibited.” and,

WHEREAS it is necessary to reassigns signature requirements from the Assessor to the Treasurer because the Treasurer is the person responsible for ensuring taxes are paid; and

WHEREAS the Snyderville Basin Planning Commission held a public hearing on March 22, 2022; and

WHEREAS the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on March 22, 2022; and

WHEREAS the Summit County Council held a public hearing on April 27, 2022 and,

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

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

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

Enacted this ____ day of _____, 2022.

ATTEST:

SUMMIT COUNTY COUNCIL

Evelyn Furse
Summit County Clerk

Chris Robinson, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

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

EXHIBIT A
PROPOSED AMENDMENTS

Section 10-3-14.B.q Final Subdivision Plat.

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10-3-18.G.1 General Criteria

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