



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 Action
Process: Legislative

RECOMMENDATION: Staff requests that the Summit County Council review the proposed amendment to Sections 11-4-5 (5) Subdivisions, Condominiums, Subdivision Plat Amendments, Parcel Boundary Adjustments and Divisions of Land for Non-Development Purposes and 11-4-6-8 Final Site Plans of the Eastern Summit County Development Code and adopt the attached ordinance per the findings and conclusions in this staff report.

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. 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.

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.

Proposed Amendment

11-4-5-E.3.9a(5) Subdivisions, Condominiums, Subdivision Plat Amendments, Parcel Boundary Adjustments and Divisions of Land for Non-Development Purposes

(5) Other Signatures: The signatures of the County Recorder, County Engineer, County Attorney, and ~~County Assessor~~ are required. A signature block shall also be provided for the County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid. A Certificate of Consent from any and all mortgagors, lien holders, or others with a real property interest in the affected parcels is also required.

11-4-6 Final Site Plans

8. Signature blocks prepared for the dated signatures of the Planning Commission, County Manager, County Recorder, County Engineer, County Attorney, electrical and gas utilities (when applicable) and applicable fire 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.~~ A signature block shall also be provided for the County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid.

Analysis

Section 11-5-3 of the Eastern Summit County Development Code establishes a process for amendments to the text of the Code; it states that whenever an amendment to the Code is initiated, 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, can approve, approve with modifications, or deny the amendment. There is no criterion.

The Eastern Summit County General Plan has specific goals related to future amendments.

Goal 2.1. States:

“Develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.”

Goal 2.1.i States:

“Create appropriate and predictable development procedures in the Development Code to ensure that all land use and development is adequately reviewed and determined to be consistent with the goals of this Plan before any approvals are granted.”

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.

Recommendation

Staff requests that the Summit County Council review the proposed amendment to Sections 11-4-5 (5) Subdivisions, Condominiums, Subdivision Plat Amendments, Parcel Boundary Adjustments and Divisions of Land for Non-Development Purposes and 11-4-6-8 Final Site Plans of the Eastern Summit County Development Code and adopt the attached ordinance per the findings and conclusions in this staff report.

Findings of Fact

1. The goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights.
2. In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural, and small-town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper, and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.”
3. The County Treasurer is responsible for ensuring that people pay property taxes.
4. Currently the County Assessor is required to ensure that taxes are paid prior to signing a subdivision or final site plan mylar.
5. 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 is consistent with the requirements established in chapter 5 of the Eastern Summit County Development Code.
3. The proposed amendment is not detrimental to public health, safety, and welfare.

Exhibits

Exhibit A. Proposed Ordinance

**SUMMIT COUNTY, UTAH
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY
DEVELOPMENT CODE SECTIONS 11-4-5-E.3.9a(5) SUBDIVISIONS, CONDOMINIUMS,
SUBDIVISION PLAT AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS AND DIVISIONS OF
LAND FOR NON-DEVELOPMENT PURPOSES AND 11-4-6-B.8 FINAL SITE PLANS**

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 Plats; and,

WHEREAS, the goal of Chapter 2 of the Eastern Summit County General Plan is to develop land use codes which balance the diversity of desires of Eastern Summit County residents, including private property rights; and

WHEREAS, In furtherance of this goal, §11-1-1 of the Eastern Summit County Code provides that “The eastern Summit County general plan was developed to ensure that the rural, agricultural and small town character of the eastern portion of the county shall remain, even in the presence of growth and change. The intention of the county is to assure the managed, proper and sensitive development of land to protect and enhance these desired qualities and the lifestyle that exists.” and,

WHEREAS, The County Treasurer is responsible for ensuring that people pay property taxes; and,

WHEREAS, Currently the County Assessor is required to ensure that taxes are paid prior to signing a subdivision or final site plan mylar; and,

WHEREAS, the Eastern Summit County Planning Commission held a public hearing and recommended adoption of the amended sections of the Eastern Summit County Development Code on March 17, 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. The Eastern Summit County 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.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

by _____
Chris Robinson, Chair

| | |
|-------------------------------|-------|
| Councilmember Robinson voted | _____ |
| Councilmember Clyde voted | _____ |
| Councilmember Armstrong voted | _____ |
| Councilmember Wright voted | _____ |
| Councilmember Stevens voted | _____ |

ATTEST:

Evelyn Furst, County Clerk, Summit County, Utah

EXHIBIT A

11-4-5-E.3.9a(5) Subdivisions, Condominiums, Subdivision Plat Amendments, Parcel Boundary Adjustments and Divisions of Land for Non-Development Purposes

(5) Other Signatures: The signatures of the County Recorder, County Engineer, County Attorney, and ~~County Assessor~~ are required. A signature block shall also be provided for the County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid. A Certificate of Consent from any and all mortgagors, lien holders, or others with a real property interest in the affected parcels is also required.

11-4-6-B.8 Final Site Plans

8. Signature blocks prepared for the dated signatures of the Planning Commission, County Manager, County Recorder, County Engineer, County Attorney, electrical and gas utilities (when applicable) and applicable fire 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.~~ A signature block shall also be provided for the County Treasurer indicating that all taxes, tax notice charges, interest and penalties charged to the property have been paid.