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STAFF REPORT

To: Summit County Council
From: Ray Milliner, County Planner & Helen Strachan, Deputy County Attorney
Date of Meeting: August 7, 2019
Type of Item: Code Amendment - Public Hearing
Process: Legislative

RECOMMENDATION: Staff recommends that the Summit County Council (the “Council”) review the proposals to amend Chapters 11-4-5 and 11-4-12 of the Eastern Summit County Development Code (“the Code”), conduct a public hearing and approve the attached ordinance.

BACKGROUND: As the Council is aware, County Staff is in the process of recommending restructuring of the Eastern Summit County Waster Conservancy Special Service District (“the District”). Earlier this year, Staff had a work session with the Council to brief them on the fact that the District, as it currently exists, is not really in a position to take on private wastewater systems. We also briefed them on the fact that we will likely be receiving more and more Master Planned Development or “MPD” applications. Staff’s recommendation to the Council was to make some amendments to the Title 2, Chapter 20 of the Code so that the District could be a full-fledged special service district. The Council will be seeing proposed changes to Title 2, Chapter 20 of the Summit County Code later this month. In the meantime, Staff is proposing some minor changes to the subdivision and MPD approval processes (Chapters 11-4-5 and 11-4-12 of the Eastern Summit County Development Code).

In addition, during Council deliberations on Chapter 4 of the Code, it was decided to amend the applicability language in the MPD Section. The recommendation from the Eastern Summit County Planning Commission was to require an MPD for any subdivision with ten or more lots. The Council elected to change the number to four. The number was changed in Section

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11-4-12.B.2 but not in 11-4-5.C.1.a. The purpose of this amendment is to bring the existing language into conformance with 11-4-12.b.2.

The Eastern Summit County Planning Commission held a public hearing on the proposed changes in July and forwarded a positive recommendation to the Council.

PROPOSED CHANGES: The proposed changes are as follows:

- We have added language that requires the signature block of the District (if necessary). Currently, Title 2, Chapter 20 of the Summit County Code states the District is the final approval of all wastewater systems in unincorporated Summit County, however, we have never added them as a required signature block on subdivision plats. We are proposing language to add them as a signature to plats. However, as the Council will see soon with the changes we are proposing to Title 2, Chapter 20, Staff is recommending that proposed wastewater systems that serve three or less lots/parcels will be reviewed by the Summit County Health Department, which is consistent with prior practice. In the past, not only would these proposed systems be reviewed by the Health Department, but the District would make a separate recommendation as well, thus duplicating the efforts of the Health Department. We are suggesting we do away with District review for subdivisions of three lots or less, which is why the language we are proposing states the signature block of the District is required, *if necessary*.
- We are proposing removing the requirement of a “positive recommendation from the Eastern Summit County Water Conservation Special Service District” and instead simply state that the application needs a positive *approval* from either the Health Department or the District, depending on the subdivision’s type of approved wastewater system. This is applicable to all subdivisions and MPD applications.
- We are proposing a minor change to when the MPD process is triggered, requiring it for any application to subdivide at base density resulting in four or more lots (rather than ten or more lots) in order to be consistent with the MPD language of 11-4-12, which states that the MPD process is required for “any application to subdivide at base density resulting in four (4) or more lots or parcels.”

Staff recommends that the Council review the proposals to amend the Code, conduct a public hearing and approve the attached ordinance.