

MINUTES

SUMMIT COUNTY  
BOARD OF COUNTY COUNCIL  
WEDNESDAY, AUGUST 29, 2018  
SUMMIT COUNTY COURTHOUSE  
COALVILLE, UTAH

**PRESENT:**

**Kim Carson, Council Chair**  
**Doug Clyde, Council Member**  
**Chris Robinson, Council Member**

**Tom Fisher, Manager**  
**Janna Young, Deputy Manager**  
**Dave Thomas, Chief Civil Deputy**  
**Margaret Olson, Attorney**  
**Kellie Robinson, Chief Deputy Clerk**

Council Members Armstrong and Wright were excused from the meeting today. The Council was called to order at 3:25 p.m.

**Closed Session – Property Acquisition**

**Council Member Clyde made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member Robinson and passed unanimously, 3 to 0.**

The Summit County Council met in closed session from 3:30 p.m. to 4:50 p.m. to discuss property acquisition. Those in attendance were:

**Kim Carson, Council Chair**  
**Doug Clyde, Council Member**  
**Chris Robinson, Council Member**

**Tom Fisher, Manager**  
**Janna Young, Deputy Manager**  
**Dave Thomas, Chief Civil Deputy**  
**Margaret Olson, Attorney**  
**Annette Singleton, Executive Assistant**  
**Derrick Radke, Public Works Director**  
**Brian Hanton, SBSRD**  
**Melissa O'Brien, SBSRD**

**Council Member Clyde made a motion to dismiss from closed session to discuss property acquisition and convene in open session. Council Member Robinson seconded with all voting in favor, 3-0.**

**Convene as the Board of Equalization**

Council Member Clyde made a motion to convene as the Board of Equalization. Council Member Robinson seconded, all voted in favor, 3-0.

**Discussion and possible approval of 2018 stipulations: Kathryn Rockhill and Steve Martin**

Steve Martin, County Assessor, presented the following 2018 stipulations for consideration of approval.

**2018 BOE Adjustments**

Account #	Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value	Taxable Difference	County Tax Dollar Difference	Old Tax Estimate	% Difference	Explanation for adjustment
0469158	AFS-2	\$ 74,000.00	\$ 74,000.00	\$ -	\$ 74,000.00	\$ 100.00	\$ 73,900.00	\$ 61.41	\$ 0.84	73900.00%	Remove FAA (Greenbelt)
0200754	RC-13	\$ 1,418,542.00	\$ 1,418,542.00	\$ -	\$ 1,418,542.00	\$ 780,198.00	\$ 638,344.00	\$ 530.48	\$ 6,422.59	81.82%	Non Primary Residence
0310270	WRS-A-3	\$ 1,711,489.00	\$ 1,711,489.00	\$ -	\$ 941,318.00	\$ 1,711,489.00	\$ (770,171.00)	\$ (840.01)	\$ 14,088.98	-45.00%	Primary Residence
0489226	SO-4B-1AM	\$ 727,000.00	\$ 900,000.00	\$ (173,000.00)	\$ 727,000.00	\$ 900,000.00	\$ (173,000.00)	\$ (43.78)	\$ 7,408.90	-19.22%	Adjusted Value to reflect Comparable sales.
0381321	CERK-I-33	\$ 225,000.00	\$ -	\$ 225,000.00	\$ 225,000.00	\$ 123,750.00	\$ 101,250.00	\$ 84.14	\$ 696.21	81.82%	Non Primary Residence
0276678	WR-I-39	\$ 1,468,763.00	\$ 1,468,763.00	\$ -	\$ 806,719.00	\$ 1,468,763.00	\$ (660,044.00)	\$ (548.50)	\$ 12,074.39	-45.00%	Primary Residence
0273072	WR-24	\$ 2,923,689.00	\$ 2,923,689.00	\$ -	\$ 2,923,689.00	\$ 1,608,029.00	\$ 1,315,660.00	\$ 1,093.31	\$ 13,237.29	81.82%	Non Primary Residence
0486924	PCH-1-T10	\$ 348,900.00	\$ 381,444.00	\$ (32,544.00)	\$ 348,900.00	\$ 361,444.00	\$ (12,544.00)	\$ (140.44)	\$ 3,050.59	-46.76%	Low Income Housing Adjust value and Primary
0489398	SSP-75-1AM	\$ 575,000.00	\$ -	\$ 575,000.00	\$ 575,000.00	\$ -	\$ 575,000.00	\$ 477.83	\$ -	100.00%	Property assessment added for 2018 tax year
3694597	WHL-S-3	\$ 2,347,186.00	\$ 2,589,571.00	\$ (242,385.00)	\$ 2,347,186.00	\$ 2,589,571.00	\$ (242,385.00)	\$ (201.42)	\$ 24,740.78	-9.36%	Adjusted Value to reflect Comparable sales.
0229470	PCL-1-S-23	\$ 1,200,000.00	\$ 1,250,000.00	\$ (50,000.00)	\$ 1,200,000.00	\$ 1,250,000.00	\$ (50,000.00)	\$ (41.55)	\$ 10,290.00	-4.00%	Adjusted Value to reflect Comparable sales.
0050108	RC-3-101	\$ 620,000.00	\$ 620,000.00	\$ -	\$ 341,000.00	\$ 341,000.00	\$ -	\$ -	\$ 2,807.11	0.00%	No Change
0336848	CEM-1-33	\$ 1,370,000.00	\$ 1,850,000.00	\$ (480,000.00)	\$ 1,370,000.00	\$ 1,850,000.00	\$ (480,000.00)	\$ (398.88)	\$ 15,228.20	-25.95%	Adjusted Value to reflect Comparable sales.
0030712	SNC-1062	\$ 208,000.00	\$ 305,000.00	\$ (97,000.00)	\$ 114,400.00	\$ 187,750.00	\$ (73,350.00)	\$ (44.33)	\$ 1,380.82	-31.80%	Adjusted Value to reflect Comparable sales.
0453436	NS-4B-LLA-3	\$ 143,958.00	\$ 188,140.00	\$ (44,182.00)	\$ 79,829.00	\$ 93,113.00	\$ (13,284.00)	\$ (11.04)	\$ 756.08	-14.27%	Adjusted Value to reflect Comparable sales.
0485087	PCH-1-1	\$ 375,179.00	\$ 612,218.00	\$ (237,039.00)	\$ 375,179.00	\$ 612,218.00	\$ (237,039.00)	\$ (337.28)	\$ 5,217.93	-66.30%	Low Income Housing Adjust value and Primary
0270730	MR-20	\$ 914,151.00	\$ 914,151.00	\$ -	\$ 914,151.00	\$ 502,783.00	\$ 411,368.00	\$ 341.85	\$ 4,138.91	81.82%	Non Primary Residence
1197700	PM-1-59	\$ 163,677.00	\$ 163,677.00	\$ -	\$ 60,022.00	\$ 163,677.00	\$ (73,655.00)	\$ (61.21)	\$ 1,367.35	-45.00%	Primary Residence
0485094	PCH-1-2	\$ 375,179.00	\$ 625,438.00	\$ (250,257.00)	\$ 206,348.00	\$ 625,438.00	\$ (419,090.00)	\$ (348.28)	\$ 5,330.59	-87.01%	Low Income Housing and Primary residence
0383300	DC-17	\$ 2,925,000.00	\$ 2,925,000.00	\$ -	\$ 1,608,975.00	\$ 2,925,000.00	\$ (1,316,025.00)	\$ (1,093.62)	\$ 26,994.83	-44.99%	Primary Residence
<b>Totals for 08/29/2018</b>		<b>20,113,743.00</b>	<b>21,104,120.00</b>	<b>(990,377.00)</b>	<b>18,361,972.00</b>	<b>18,072,321.00</b>	<b>(289,651.00)</b>	<b>(1,421.30)</b>	<b>(55,847.00)</b>		
<b>Totals for 02/29/2018</b>		<b>187,573,155.00</b>	<b>192,865,259.00</b>	<b>(5,292,114.00)</b>	<b>130,941,375.00</b>	<b>173,085,304.00</b>	<b>(42,143,929.00)</b>	<b>(38,123,929.00)</b>	<b>(69,246.39)</b>		
<b>Running Total</b>		<b>207,686,888.00</b>	<b>213,769,379.00</b>	<b>(6,082,491.00)</b>	<b>149,303,347.00</b>	<b>191,167,625.00</b>	<b>(41,864,278.00)</b>	<b>(39,545,249.00)</b>			

The Market value decrease for 2018 is (\$6,082,491) is of 08/29/2018

The Taxable Value decrease for 2018 is (\$40,834,278) As of 08/29/2018

The County Tax dollar Difference for 2018 is (\$58,2638) As of 08/29/2018

The county Tax dollar differences are the County General and County Municipal tax rates.

Council Member Robinson made a motion to approve the 2018 stipulations as presented with Council Member Clyde seconding, all voted in favor, 3-0.

**Dismiss as the Board of Equalization**

Council Member Clyde made a motion to dismiss as the Board of Equalization and reconvene as the Board of County Council. Council Member Robinson seconded, all voted in favor, 3-0.

**Consideration of approval**

**Pledge of Allegiance**

**Consideration and possible adoption of First Amendment to the Central Wasatch Commission Interlocal Agreement Between Park City Municipal Corporation and Summit County: Janna Young**

Janna Young, Deputy Manager, and Chief Civil Deputy Attorney, Dave Thomas reviewed the following staff report regarding the Central Wasatch Commission. Ms. Young recommended the Council adopt the amendment to the Interlocal Agreement (ILA) with Park City Municipal Corporation regarding the Wasatch Back representative to the Central Wasatch Commission (CWC) and officially nominate a Summit County Council Member to serve as the Wasatch Back Commissioner.



## **STAFF REPORT**

To: Summit County Council  
From: Janna Young, Deputy County Manager  
Date of Meeting: August 29, 2018  
Type of Item: Consideration and possible adoption of First Amendment to the Central Wasatch Commission Interlocal Agreement Between Park City Municipal Corporation and Summit County  
Process: Regular Session

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### **Staff Recommendation/Requested Council Action**

- (1) Vote to approve the amendment to the Interlocal Agreement (ILA) with Park City Municipal Corporation regarding the Wasatch Back representative to the Central Wasatch Commission (CWC); and
- (2) Officially nominate a Summit County Councilmember to serve as the Wasatch Back Commissioner.

### **Background**

In February 2014, the Mountain Accord was established to bring together different interests in a collaborative manner to settle decades of conflict over land use and other issues, and create a sustainable plan for the preservation of the Central Wasatch Mountains. This collaboration included representatives from federal, state and local government, environmental advocacy groups, and private interests.

As an outcome of this two-year process, an agreement (the "Accord") was established and signed by all the parties on August 3, 2014, officially forming a lasting plan to address issues such as transportation, environmental impacts, and trails and infrastructure in the Central Wasatch.

Summit County was an active participant in the stakeholder group working on the Accord. Councilmember Chris Robinson represented Summit County on the Mountain Accord's Executive Committee, which signed the final agreement.

In 2017, the Central Wasatch Commission, an interlocal agency and political subdivision of the State, was formed to implement the actions outlined in the Accord and to continue the Mountain Accord's public engagement, transparency and consensus building. Originally, the Commission had a six-member board, which included Salt Lake City, Salt Lake County, Sandy City, City of Cottonwood Heights, and individuals representing UDOT and the Wasatch Back, respectively. It

was left to Summit County and Park City to determine a process for choosing the Wasatch Back representative.

On August 2, 2017, the Summit County Council adopted an ILA with Park City Municipal Corporation to set up the process whereby Park City and Summit County could nominate a Wasatch Back Commissioner (defined in the Interlocal Agreement) to the Commission. Both entities appointed Mayor Andy Beerman to serve first in this role.

In 2018, the CWC Board received interest from the Town of Alta to join the Board. This triggered a discussion among Summit County and Park City about asking for a separate seat independent of the Wasatch Back representative. As a result, Park City applied for its own seat. In order to address these requests, the CWC adopted a policy and criteria for considering and approving additional members to the Board.

In August 2018, Park City's application, along with applications from the Towns of Alta and Millcreek, were formally approved by the CWC Board and the legislative bodies of the four original members (Salt Lake City, Salt Lake County, Sandy City, and Cottonwood Heights). With approval of Park City's seat, it was decided that Summit County should have exclusive right to nominating the Wasatch Back Commissioner provided Park City's seat remains independent and they continue to have a separate vote on the Commission.

As Mayor Beerman will most likely become the Park City Commissioner, Summit County will also need to officially nominate a representative to serve as the Wasatch Back Commissioner.

The CWC hopes to have all the new members formally seated on the Board by the September 2018 Commission meeting, which is why the County Council is being asked to take these two actions at the August 29 Council meeting.

### **Summary of the ILA Amendment**

The ILA amendment (attached) before the Council today would give Summit County the exclusive right to nominate the Wasatch Back Commissioner with the caveat that the ILA will revert back to the original agreement whereby Summit County and Park City alternate every two years in nominating a representative to serve as the Wasatch Back Commissioner should Park City no longer have an independent seat or voice on the Commission.

The Park City Council will also need to adopt this amendment to the ILA.

**FIRST AMENDMENT TO THE CENTRAL WASATCH COMMISSION INTERLOCAL AGREEMENT BETWEEN PARK CITY MUNICIPAL CORPORATION AND SUMMIT COUNTY**

THIS FIRST AMENDMENT (the "Amendment") is made and entered into this 29<sup>th</sup> day of August, 2018 (the "Effective Date"), by and between **PARK CITY MUNICIPAL CORPORATION**, a municipal corporation of the State of Utah, whose address is 445 Marsac Avenue, Post Office Box 1480, Park City, Utah (hereinafter "Park City") and **SUMMIT COUNTY**, a political subdivision of the State of Utah, whose address is 60 N. Main Street, P.O. Box 128, Coalville, Utah 84017, (hereinafter "Summit County"). Each is individually referred to as a "Party" and collectively as the "Parties."

**RECITALS**

**WHEREAS**, Park City and Summit County entered into that certain Central Wasatch Commission Interlocal Agreement Between Park City Municipal Corporation and Summit County, dated August 2017 (the "Interlocal Agreement"); and,

**WHEREAS**, the Central Wasatch Commission (the "Commission") was formed to implement the principles of the Mountain Accord (defined in the Interlocal Agreement); and,

**WHEREAS**, the purpose of the Interlocal Agreement was to set up the process whereby Park City and Summit County could nominate a Wasatch Back Commissioner (defined in the Interlocal Agreement) to the Commission; and,

**WHEREAS**, Park City has become a Member of the Commission and will have a Member Commissioner to represent Park City's interests on the Commission Board; and,

**WHEREAS**, the Parties now desire to amend the Interlocal Agreement to reflect the changes necessitated by the admission of Park City as a Member of the Commission.

**NOW THEREFORE, BE IT RESOLVED**, that Summit County and Park City enter into this Amendment under the provisions of the *Interlocal Cooperation Act*, Utah Code Ann. ("UCA") §11-13-101, et. seq. to foster the legitimate interests of the Parties actively working together with respect to the implementation of the Mountain Accord by the Commission. The Parties recognize that decisions and actions of the Commission transcend political jurisdictional boundaries, and intergovernmental coordination is essential for protecting the greater Park City resort community. The Parties hereby amend the Interlocal Agreement as follows:

1. For so long as Park City is a Member of the Commission: (a) Summit County shall have the exclusive right to nominate a Wasatch Back Commissioner and, to the extent required, Park City shall notify the Commission of its concurrence and support for Summit County's nominee, and (b) Sections 3 and 4 of the Interlocal Agreement are suspended and of no effect. At such time, if ever, that Park City ceases to be Member of the Commission, this Amendment

shall automatically terminate and the Interlocal Agreement as originally written shall remain in full force and effect.

2. Except as modified by this Amendment, the Interlocal Agreement remains in full force and effect.

IN WITNESS WHEREOF the Parties hereto have caused this Amendment to be executed the day and year first hereinabove written.

**PARK CITY MUNICIPAL CORPORATION**



Andy Beerman  
Andy Beerman, Mayor

Attest:

Michelle Kelly  
City Recorder

Approved as to Form:

Mark D. Harrington  
Mark D. Harrington  
City Attorney

**SUMMIT COUNTY**

Kim Carson  
Kim Carson  
County Council Chair

Attest:

Kent Jones  
Kent Jones  
County Clerk



Approved as to Form:

David L. Thomas  
David L. Thomas  
Chief Civil Deputy

**Council Member Clyde made a motion to adopt the First Amendment to the Central Wasatch Commission Interlocal Agreement Between Park City Municipal Corporation and Summit County as recommended. Council Member Robinson seconded, all voted in favor, 3-0.**

**Consideration and possible nomination of Christopher Robinson to serve as the Wasatch Back Commissioner on the Central Wasatch Commission: Janna Young**

**Council Member Clyde made a motion to appoint Christopher Robinson to serve as the Wasatch Back Commissioner on the Central Wasatch Commission. Council Member Robinson seconded, all voted in favor, 3-0.**

**Council did consult with the county attorneys regarding the appropriateness of Council Member Robinson voting for himself. It was deemed acceptable.**

**Discussion and approval of Proclamation 2018-12, a Proclamation Recognizing Jan Brown for 17 years of Public Service to the Citizens of Summit County, Utah**

**Council Member Robinson made a motion to approve Proclamation 2018-12, a Proclamation Recognizing Jan Brown for 17 years of Public Service to the Citizens of Summit County, Utah. Council Member Clyde seconded with all voting in favor, 3-0.**



Proclamation No. 2018-12

**PROCLAMATION RECOGNIZING  
Jan D. Brown  
FOR 17 YEARS OF PUBLIC SERVICE TO THE CITIZENS OF  
SUMMIT COUNTY, UTAH**

Whereas, Jan Brown is a life-long resident of Summit County, being born as a twin and raised in Henefer Utah, into a family of nine including four brothers and two sisters; and

Whereas, Jan is a proud graduate from North Summit High School; and

Whereas, Jan became acquainted with John Brown, who trained horses for Ordell Stephens, her father, on the family farm; and

Whereas, Jan and John fell in love, were married, and raised two daughters: Jodie and Jessie and are the proud grandparents of a granddaughter and a grandson; and

Whereas, Jan worked side-by-side with her husband shearing sheep, cutting hay, and firewood; and

Whereas, Jan loves to cook and is an avid reader; and

Whereas, Jan enjoys taking trips to Wyoming and Idaho where she spends time visiting with her family, relaxing, and playing with her grandchildren; and

Whereas, Jan started working part-time in the Facilities Department in 2001 and agreed to work full-time in 2006 when it was determined there was a greater need; and

Whereas, Jan served the public behind the scenes, arriving at 4:00 a.m. most mornings to clean the County facilities in the North Summit County area including: the library, health department, USU, animal control, and public works; and

Whereas, Jan was noted for her friendly banter with the public and her co-workers, always willing to share a kind word or story; and


Whereas, Jan will officially retire on September 1, 2018.

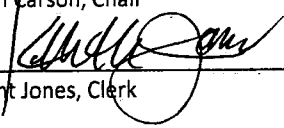
Now, therefore, be it resolved that the Summit County Council does hereby recognize the retirement of Jan Brown and thanks her for her contributions to the County, for her continued support of employees and her commitment to making Summit County an all-around better place for those who live in and visit here.

APPROVED AND ADOPTED this 29<sup>th</sup> day of August, 2018.

SUMMIT COUNTY COUNCIL



  
\_\_\_\_\_  
Kim Carson, Chair

  
\_\_\_\_\_  
Kent Jones, Clerk



### Council Comments

- Chair Carson attended the Summit Land Conservancy fund raiser; she heard discussions on projects that were already funded and also future projects
- She has received an invite for the council to attend the Get the Scoop on CTE (Career and Technology Education) on Sept 24<sup>th</sup> from 5:00-8:00 pm in Lehi
- Chair Carson asked about the possibility of canceling a meeting in October. After discussion it was tentatively decided to cancel October 17<sup>th</sup>
  
- Council Member Clyde stated he and Council Member Robinson attended a dinner held by the Peace House to honor those people that have contributed to the funds for construction. Bill White Farms generously donated the meal. State, county, city and private funds made it possible. It was an incredible community effort to make the Peace House happen
  
- Council Member Robinson said he would be attending a meeting at the capital with the Governor and Congressman Bishop tomorrow in regards to wildland fire

### Manager Comments

- Manager Fisher reminded the council of City Tour next week.

### Council Minutes dated August 1, 2018

**Council Member Clyde made a motion to approve the minutes of August 1, 2018 with corrections. Council Member Robinson seconding the motion with all voting in favor, 3-0.**

### Public Input

There was no public input.

### **Public Hearing and possible adoption of Ordinance 885, an Ordinance Amending the Snyderville Basin Development Code Section 10-8 Creating Language for the Regulation of Mobile Food Businesses and Mobile Food Courts, Amending Chapter 10-11-1 Definitions and Amending Chapter 10-2-10 Use Table: Ray Milliner**

Ray Milliner, County Planner, reviewed the following staff report and recommended a public hearing be held prior to consideration of approval of proposed language to regulate Mobile Food Trucks and Mobile Food Courts in the Snyderville Basin.



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner, County Planner  
**Date of Meeting:** August 29, 2018  
**Type of Item:** Code Amendment – Public Hearing  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposed language to regulate Mobile Food Trucks and Mobile Food Courts in the Snyderville Basin, conduct a public hearing and consider approving the attached ordinance per the findings of fact and conclusions of law written in this staff report.

### Proposal

The purpose of the amendments is to create regulations to allow for the operation of Mobile Food Trucks and Mobile Food Courts in certain areas of the Snyderville Basin.

### Background

On November 14, 2017 and March 13, 2018 the Planning Commission reviewed draft amendments to the Code to allow Mobile Food Businesses and Mobile Food Courts in commercial zones. On July 10, 2018 the Planning Commission conducted a public hearing and forwarded a positive recommendation to the County Council.

There are two components proposed:

1. **Mobile Food Business.** This language is designed to regulate individual mobile food businesses.
2. **Mobile Food Court.** This language is designed to regulate a gathering of 2 or more food trucks in the same location.

### 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 1 of the Snyderville Basin General Plan States:

“The Basin’s changing demographics have created an economy no longer solely dependent on seasonal mountain resort business. Social and economic diversity and its associated demands are encouraged for the long term health of the Basin. Accordingly, this Plan and Code form a foundation for the complex, long range use of land through managed growth--balanced between competing demands of residential and commercial interests and preservation of ample and continuous natural areas and open spaces.”

The proposed amendments to the Snyderville Basin Development Code will allow a new use in the Basin. Qualifying provisions and criteria included in the proposed language are designed to ensure that the food trucks are compatible with surrounding uses, and are respectful to the natural and built environment.

Individuals have reported that mobile food businesses are important contributors to a community’s social scene, as they become impromptu gathering spaces. Food is generally cooked to order, so it takes a few minutes for the food to come out. This encourages people to interact socially. Currently there are very few community gathering areas in the Basin.

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

**Analysis:** Criteria and qualifying provisions will mitigate negative impacts of mobile food businesses and mobile food courts on surrounding land uses. As with all other uses in the Development Code, in cases where a mobile food business violates the proposed Code provisions, County Code Enforcement (or possibly the County Health Department) will address the problem through the normal process.

**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:** The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners. Although mobile food business and mobile food courts are new uses in the Development Code, provisions have been inserted into the language designed to prevent undue harm on other properties (qualifying provisions, mobile food court is a CUP etc.).

**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:** Food trucks are small business and are generally local. Small business has proven to be an important component in Summit County's local economy. Staff discussions with owners of retail stores in other jurisdictions indicates that it is a benefit when food trucks park near them, because the patrons that the trucks attract also shop in their stores. Additionally, staff has found that food trucks have often partnered with local business including bars and coffee shops to attract business. Therefore, staff finds that mobile food business and mobile food courts will be an economic benefit to Summit County.

## **Recommendation**

Staff recommends that the Summit County Council review the proposed language to regulate Mobile Food Trucks and Mobile Food Courts in the Snyderville Basin, conduct a public hearing and consider approving the attached ordinance per the findings of fact and conclusions of law written in this staff report.

## **Findings of Fact**

1. Chapter 1 of the Snyderville Basin General Plan notes that social and economic diversity and its associated demands are encouraged for the long term health of the Basin.
2. In furtherance of this goal, §10-1-1(D) of the Summit County Code ("Code") provides that within the Snyderville Basin Planning Area tightly knit, neighbor friendly, town, village and resort centers shall be permitted in designated locations. These centers shall be designed to maintain and renew a sense of place and foster a feeling of belonging.

3. Individuals have reported that mobile food businesses are important contributors to a community's social scene, as they become impromptu gathering spaces.
4. Qualifying provisions and criteria included in the proposed language are designed to ensure that the food trucks are compatible with surrounding uses, and are respectful to the natural and built environment.
5. The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners.
6. Food trucks are small business and are generally local.
7. Small business has proven to be an important component in Summit County's local economy.
8. As currently drafted, the Summit County Code does not set forth specific criteria or a process for the regulation of Mobile Food Businesses or Mobile Food Courts.

#### **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 Language |
| Exhibit B. | Photos, Examples  |
| Exhibit C. | Public Comment    |

The meeting was opened for public comment.

Penny Kinsey said she was concerned about how the sales tax was collected. She felt it was unfair that food trucks did not have to pay sales tax for what jurisdiction they were in. Summit County and Park City are losing out on revenue. She also felt they were taking away from brick and mortar locations.

Hearing no other comments, the public hearing was closed.

**The discussion regarding Regulation of Mobile Food Businesses and Mobile Food Courts was tabled.**

**Public Hearing and possible approval of Ordinance 886, an Ordinance Amending the Eastern Summit County Development Code Sections 11-2-3: Natural Resources, Adequate Water: Ray Milliner**

Ray Milliner then reviewed the following staff report for a code amendment of the Eastern Summit County Development Code regarding Natural Resources and adequate water. He recommended a public hearing be conducted and consideration of approval of Ordinance 886.



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner, County Planner  
**Date of Meeting:** August 29, 2018  
**Type of Item:** Code Amendment – Public Hearing Possible Action  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposal to amend Chapter 11-2-3 of the Eastern Summit County Development Code, conduct a public hearing and approve the attached ordinance.

### Proposal

Chapter 11-2-3 of the Development Code regulates water and sewer in new subdivisions and other developments in Eastern Summit County. It places requirements on when, where and how a developer must provide water and sewer in her development.

The purpose of the amendment is to bring water and sewer language in Chapter 11-2-3 of the Eastern Summit County Development Code into conformance with recent amendments in Chapter 4.

### Background

On June 14, 2017 the Summit County Council adopted an ordinance significantly rewriting Chapter 4 of the Eastern Summit County Development Code. At the time of said approval, it was acknowledged that from time to time amendments to the Code may be necessary to correct scrivener's errors or inconsistencies created by the amendments.

One of the changes in chapter 4 was the replacement of the "minor subdivision" process with a process for "Subdivisions Consisting of Three or Less Lots". This process was designed by the Eastern Summit County Planning Commission and adopted by the County Council as an administrative process that would give property owners the ability to navigate the subdivision process quickly and efficiently.

One of the specific requirements of Chapter 11-2-3 of the Code is that a developer must demonstrate that "water of an adequate quantity" is available on site prior to the approval of any subdivision with the exception of a *minor subdivision*, which must demonstrate water is available prior to the issuance of a building permit.

Because "minor subdivision" was not replaced with "Subdivision Consisting of Three or Less Lots" in Chapter 2 the determination was made that all subdivisions must provide water in an adequate quantity prior to the approval of a subdivision plat. The purpose of this proposal is to replace all references to a minor subdivision in Chapter 2 with subdivision consisting of three or less lots.

## **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 Subdivisions Consisting of Three or Less Lots process was created by the Planning Commission and County Council as a simple and quick way for people in Eastern Summit County to subdivide land. The current language is not clear and references a process that no longer exists. The proposed changes will make Chapters 2 and 4 consistent and predictable.

## **Recommendation**

Staff recommends that the Summit County Council review the proposal to amend Chapter 11-2-3 of the Eastern Summit County Development Code, conduct a public hearing and approve the attached ordinance per the findings of fact and conclusions of law written below.

## **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. Chapter 11-2-3 of the Development Code regulates water and sewer in new subdivisions and other developments in Eastern Summit County.
4. One of the specific requirements of Chapter 11-2-3 of the Code is that a developer must demonstrate that “water of an adequate quantity” is available on site prior to the approval of any subdivision with the exception of a *minor subdivision*, which must demonstrate water is available prior to the issuance of a building permit.
5. On June 14, 2017 the Summit County Council adopted an ordinance significantly rewriting Chapter 4 of the Eastern Summit County Development Code.
6. One of the changes in chapter 4 was the replacement of the “minor subdivision” process with a process for “Subdivisions Consisting of Three or Less Lots”.
7. “Minor subdivision” was not replaced with “Subdivision Consisting of Three or Less Lots” in Chapter 2.
8. All subdivisions must provide water in an adequate quantity prior to the approval of a subdivision plat.
9. The Subdivisions Consisting of Three or Less Lots process was created by the Planning Commission and County Council as a simple and quick way for people in Eastern Summit County to subdivide land.
10. The current language is not clear and references a process that no longer exists.
11. The proposed changes will make Chapters 2 and 4 consistent and predictable.

**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.

The meeting was opened for public comment.

Hearing no comments, the public hearing was closed.

**Council Member Robinson made a motion to approve Ordinance 886, an Ordinance Amending the Eastern Summit County Development Code Sections 11-2-3: Natural Resources, Adequate Water subject to the approved corrections. Council Member Clyde seconded the motion with all voting in favor, 3-0.**

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. \_886\_**

**AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY  
DEVELOPMENT CODE SECTIONS 11-2-3: NATURAL RESOURCES, ADEQUATE WATER**

**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, water quality; 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**, on June 6, 2017 the Summit County Council adopted an ordinance significantly rewriting Chapter 11-4 of the Eastern Summit County Development Code; and,

**WHEREAS**, one of the changes in chapter 11-4 was the replacement of the “minor subdivision” process with a process for “Subdivisions Consisting of Three or Less Lots”; and,

**WHEREAS**, “Minor subdivision” was not replaced with “Subdivision Consisting of Three or Less Lots” in Chapter 11-2-3; and,

**WHEREAS**, chapter 11-2-3 of the Development Code regulates water and sewer in new subdivisions and other developments in Eastern Summit County; and,

**WHEREAS**, the current language is not clear and references a process that no longer exists and the proposed changes will make Chapters 11-2-3 and 11-4 consistent and predictable.

**WHEREAS**, the Eastern Summit County Planning Commission held a public hearing and forwarded a positive recommendation to the County Council on July 19, 2018; and

**WHEREAS**, the Eastern Summit County Planning Commission recommended adoption of the amended sections of the Eastern Summit County Development Code on July 19, 2018; and

WHEREAS, the Summit County Council held a public hearing on August 29, 2018; and,

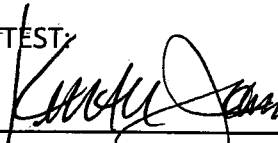
NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1.** EASTERN SUMMIT COUNTY DEVELOPMENT CODE 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 29<sup>th</sup> day of August, 2018.

ATTEST:


  
\_\_\_\_\_  
Kent Jones  
Summit County Clerk



SUMMIT COUNTY COUNCIL

  
\_\_\_\_\_  
Kim Carson, Chair

APPROVED AS TO FORM

  
\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson	__aye__
Councilmember Robinson	__aye__
Councilmember Wright	__absent__
Councilmember Armstrong	__absent__
Councilmember Clyde	__aye__

# EXHIBIT A

## PROPOSED AMENDMENTS TO CHAPTER 2

### 11-2-3: WATER AND SEWAGE:

- A. ~~Memorandum Of Decision~~ Order of State Engineer Required: New residential, commercial and industrial development shall not be approved in accordance with the provisions of chapter 4 of this title, nor shall a building permit be issued on a previously platted lot, without evidence of a memorandum of decision from the state engineer demonstrating that water rights of adequate quantity is are available on the site and that water pursuant to such water rights ~~on the site~~ can be used on the site by the applicant to serve the proposed uses/lots, or a commitment from a municipality or private service company to provide water of adequate quantity and quality to serve the proposed use/lot. However, lots within all ~~minor subdivisions~~ Subdivisions Consisting Of Three Or Less Lots shall not be required to have a memorandum of decision from the state engineer nor commitment from a municipality or private service company for each lot. The applicant shall submit documentation indicating what type of water system shall be utilized within the ~~minor subdivision~~ Subdivision Consisting Of Three Or Less Lots, i.e., private wells, municipality or private service company. A note shall be included on the subdivision plat that indicates:

*It shall be the responsibility of each lot owner to demonstrate that water rights of adequate quantity is are available for each lot prior to the issuance of a building permit. This shall be accomplished ~~with a memorandum of decision from the state engineer~~ by an order of the State Engineer demonstrating water rights for a private well or a written commitment from a municipality or private service company.*

- B. Capacity And Capability: No new development or building permit for a previously platted lot, for which water and/or sewer service will be provided by a private service provider, will be approved until the service provider has submitted documentation demonstrating that it has the capacity and capability to serve the development/lot and that it is committed to providing the service.
- C. Sewage Collection: New residential, commercial and industrial development shall not be approved in the vicinity of existing well and spring protection zones, which are used for domestic consumption purposes, without a contained sewage collection and disposal system. The impact on protection zones shall be determined based on distance, soil conditions, slope and drainage patterns, or in compliance with state law. Individual septic disposal systems will not be allowed when these zones can be impacted.

D. Sewage Treatment: No development shall be approved without suitable sewage treatment capacity point of discharge, and dependability for the specific use proposed.

E. Adequate Water: No ~~subdivision~~ building permit, low impact use, conditional use or commercial or industrial development shall be approved without adequate water quantity, quality, pressure and dependability to support the use intended and to provide for protection from fire.


1. Applicability: With the exception of ~~minor subdivisions~~ Subdivisions Consisting Of Three Or Less Lots and low impact uses, the standards for adequate water rights to serve a project shall be satisfied prior to the approval of a final subdivision plat or final site plan for the proposed development.

~~Water standards for cluster bonus/agricultural preservation minor subdivisions of three (3) or more lots shall be satisfied prior to the recordation of the final plat. Water standards for minor subdivisions~~

~~of one to two (2) lots~~ Subdivisions Consisting Of Three Or Less Lots and low impact uses shall be satisfied prior to the issuance of a building permit.

The Council meeting adjourned at 7:25 p.m.

  
\_\_\_\_\_  
Kim Carson, *Chair*

  
\_\_\_\_\_  
Kellie Robinson, *Chief Deputy Clerk*