
MINUTES

**SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, JUNE 15, 2016
SUMMIT COUNTY COURTHOUSE
COALVILLE, UTAH**

PRESENT:

Roger Armstrong, Council Chair
Chris Robinson, Council Vice Chair
Kim Carson, Council Member
Claudia McMullin, Council Member
Tal Adair, Council Member

Tom Fisher, Manager
Anita Lewis, Assistant Manager
Robert Hilder, Attorney
Kent Jones, Clerk
Brandy Harris, Secretary

CLOSED SESSION

Council Member Adair made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing property acquisition from 12:40 p.m. to 1:40 p.m. Those in attendance were:

Roger Armstrong, Council Chair
Chris Robinson, Council Vice Chair
Kim Carson, Council Member
Claudia McMullin, Council Member
Talbot Adair, Council Member
Tom Fisher, Manager
Anita Lewis, Assistant Manager
Robert Hilder, Attorney
Dave Thomas, Deputy Attorney
Patrick Putt, Community Development Director
Ray Milliner, County Planner
Peter Barnes, Planning and Zoning Administrator

Howard Sorensen
Tom Smart
Doug Evans
Wade Woolstenhulme, Mayor
Tami Stevenson, Oakley Planner
Cheryl Fox, Summit Land Cons.
Kate Settlemeir

Vice Chair Robinson made a motion to dismiss from closed session to discuss property acquisition and convene in closed session to discuss litigation. The motion was seconded by Council Member Adair and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing litigation from 1:40 p.m. to 3:35 p.m. Those in attendance were:

Roger Armstrong, Council Chair
Chris Robinson, Council Vice Chair
Kim Carson, Council Member
Claudia McMullin, Council Member
Talbot Adair, Council Member

Tom Fisher, Manager
Anita Lewis, Assistant Manager
Robert Hilder, Attorney
David Thomas, Deputy Attorney

Vice Chair Robinson made a motion to dismiss from closed session and convene in work session. The motion was seconded by Council Member Adair and passed unanimously, 5 to 0.

CONSIDERATION OF APPROVAL

- Pledge of Allegiance

COUNCIL COMMENTS

Council Member McMullin stated the news about Summit Community Power and the Georgetown Prize is somewhat disturbing because the credit is being given to Park City when it was a joint effort and the county has a lot of staff time devoted to it.

MANAGER COMMENTS

Manager Tom Fisher stated in response to Council Member Carson's request last week about transgender or gender non-specific signage and facilities, staff is reviewing that. Mr. Fisher stated Brian Bellamy, Mike Crystal, and Jami Brackin from the county attorney's office are working on it and they'll get a response for the Council shortly.

Discussion and possible adoption of Resolution 2016-09, a Resolution of the Summit County Council Authorizing the Filing of Cross-Appeals to 2016 Appeals Filed by Taxpayers Subject to Central Assessment; Dave Thomas

Helen Strachan stated in 2015 Senate Bill 165 passed which changed the way in which counties can have standing with regards to centrally assessed cases where as before there was automatic standing. This senate bill made it more difficult and added some layers with regard to the county's ability to have standing in those centrally assessed cases. It requires that counties who now wish to have standing appeals with regard to evaluations of centrally assessed cases, such as pipelines, telecommunications, and so forth, in order to have standing the county has to pass a resolution first allowing the Attorney's Office to file appeals with regards to those cases. Once those appeals are filed then that allows them the ability to have standing with respect to those cases.

Deputy Attorney Dave Thomas has added language to Resolution 2016-09 that gives the attorney's office discretion in the event that there are some new appeals that come up after the fact to assess those cases, and in their discretion decide whether or not to bring those appeals. The senate bill states that once a petitioner files an appeal, the attorney's office then has 30 days to then file an appeal as well. Ms. Strachan stated she is preparing those appeals in the event the Council chooses to adopt this resolution.

Council Member McMullin made a motion to adopt Resolution 2016-09, a resolution of the Summit County Council authorizing the filing of Cross-Appeals to 2016 Appeals filed by taxpayers subject to Central Assessment. The motion was seconded by Council Member Adair and passed unanimously, 4 to 0. Chair Armstrong was not present for the vote.

**A RESOLUTION OF THE SUMMIT COUNTY COUNCIL
AUTHORIZING THE FILING OF CROSS-APPEALS
TO 2016 APPEALS FILED BY TAXPAYERS SUBJECT
TO CENTRAL ASSESSMENT**

WHEREAS, Utah Code Annotated (“UCA”) §59-2-1007(1)(a) allows a county to object to an assessment and request a hearing with the Utah State Tax Commission (“Cross-appeal”) within thirty days from when an owner of a centrally assessed property objects and requests a hearing (“Appeal”); and,

WHEREAS, on or about May 1, 2016, the Utah State Tax Commission issued its annual original assessments for centrally assessed property owners/taxpayers; and,

WHEREAS, the following owners with centrally assessed property in Summit County have filed an appeal with the Utah State Tax Commission contesting their 2016 assessment:

1. AT&T Communications
2. AT&T Mobility, LLC
3. Cellco Partnership dba Verizon Wireless
4. T-Mobile US, Inc.
5. Sprint Corporation
6. PacifiCorp, Inc.
7. SLC Pipeline, LLC
8. Chevron Pipe Line Company
9. Mid America Pipeline Company, LLC
10. Level 3 Communications
11. Enerquest Operating, LLC; and,

WHEREAS, it is in the best interest of Summit County (“County”) that it file a Cross-appeal(s) so that the County can fully participate in the proceedings initiated by the owner(s), including subsequent appeals to the District Court or Utah Supreme Court arising from such proceedings, with the purpose of protecting the County’s financial interests and the equality of the tax burdens of taxpayers within its jurisdiction.

NOW THEREFORE, BE IT RESOLVED, by the Summit County Council (“Council”), acting as the governing body of Summit County, Utah, as follows:

Section 1. That Cross-appeals should be filed by the County Attorney pursuant to UCA §59-2-1007 and pursued in response to the appeals initiated by the following owners:

- a. AT&T Communications
- b. AT&T Mobility, LLC

- c. Celco Partnership dba Verizon Wireless
- d. T-Mobile US, Inc.
- e. Sprint Corporation
- f. PacifiCorp, Inc.
- g. SLC Pipeline, LLC
- h. Chevron Pipe Line Company
- i. Mid America Pipeline Company, LLC
- j. Level 3 Communications
- k. Enerquest Operating, LLC

Section 2. That the County Manager direct the prosecution of the Cross-appeal(s) under the advice of the County Attorney.

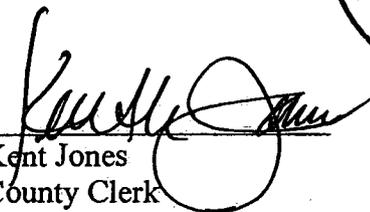
Section 3. That in the event an appeal by an owner not identified above is subsequently discovered, the County Attorney is authorized to file a Cross-appeal using his or her discretion to ensure timeliness, but such Cross-appeal must be subsequently brought before the Council as soon as possible for ratification.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this 15th day of June, 2016.

COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

ATTEST:

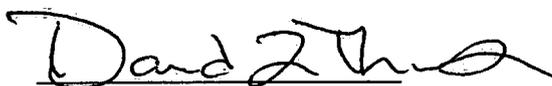



Kent Jones
County Clerk

By:


Roger Armstrong
Chair

APPROVED AS TO FORM:


David L. Thomas
Chief Civil Deputy

Hearing and possible decision regarding second appeal of an administrative decision of the Engineering Department to deny the driveway as currently constructed at 3003 Wedge Circle, Park City; Dave and Renee Went, Applicants; Michael Kendell, Engineer II

County Engineer Gary Horton summarized the staff report and stated from staff's point of view, it's a fairly simple issue in the fact that they received plans, they were submitted, they were reviewed, and they were approved at the time because they met the ordinance. The average grade was roughly 7.7% on the driveway with the steepest part of the driveway being less than 9%. Mr. Horton stated he was not with the county during that time frame so he was reiterating from the facts that he's been able to find in regards to this issue. There was an inspection called for and when county engineers went out to the property it was identified that the pre-surface inspection was skipped. When they performed the inspection it was found that there were slopes in excess of 14% grade. Due to those findings they failed the inspection and thus the driveway associated with it. It's important to note that in county ordinances it states that any modifications to the plans should be submitted for approval before those are constructed. In the county ordinance they have an average that they talk about when they calculate the grades on a driveway. For an average to be calculated you have to have two points. County's standard practice that has been used in Summit County Engineering is a 20-foot distance. It's longer than an average car but it's shorter than if you have a truck and are towing something. That's the purpose behind that 20-foot average grade that they use. Mr. Horton stated they could use a shorter or greater distance, but both could be detrimental in different manners. Mr. Horton stated those are facts behind why they have failed the driveway and why they feel it's not in compliance with county ordinance.



STAFF REPORT

To: Summit County Council
From: Mike Kendell, Summit County Engineering
Date of Meeting: June 15, 2016
Type of Item: Appeal of an Administrative Decision

Project Description:

Project Name: Residence at 3003 Wedge Circle
Applicant(s)/Property Owner(s): Dave and Renee Wentz
Location: 3003 Wedge Circle, Park City UT
Permit #: 14-E-22



Figure 1: Vicinity Map

Background:

On September 24, 2015, Jorgensen Construction contacted Summit County Engineering Department to request a Pre-Surfacing Inspection. On September 25, 2015, Staff arrived onsite and discovered that the concrete driveway was already poured. Staff completed an inspection of the completed driveway and

P.O. Box 128 • Coalville, UT 84017

Coalville: (435) 336-3250 • Kamas: (435) 783-4351 ext. 3250 • Park City (435) 615-3250

Fax: (435) 336-3043 • Park City Fax (435) 615-3043

delivered a FAILED Inspection Report (Exhibit B) to Anthony Jorgensen. Later that day George Jorgenson, Anthony's supervisor, called Summit County Engineering Department and wanted to discuss why the driveway failed. Staff informed George that in accordance with Ordinance 181 the driveway was constructed exceeding the maximum allowed slope. George asked if there could have been an error in the inspection. Staff agreed to meet he and his surveyor onsite to double check the elevation with their equipment. George asked Staff to arrange the appointment with Anthony because he was the onsite point of contact. When Staff contacted Anthony to set up the meeting, Anthony said that he wasn't disputing that the driveway was over 12% and out of compliance. The meeting did not take place and the issue moved to an appeal of Administrative decision to see if Summit County Engineering Department administered the Ordinance correctly.

On December 9, 2015, this matter came before the Summit County Council ("Council") on an appeal by David and Renee Wentz ("Appellants") of a decision by the Summit County Engineering Department ("Department") denying approval of the driveway constructed at the Wentz residence, 3003 Wedge Circle, Summit County.

Mr. and Ms. Wentz, and their contractor, Jorgensen Construction, were represented by Randy B. Coke, Esq. of Nygaard Coke & Vincent. The Engineering Department was represented by Michael Kendell, P.E. The Council was represented by Robert K. Hilder, County Attorney.

Evidence and materials were presented through testimony, statements, documents and a memorandum prepared by Mr. Kendell for consideration by the Council. Having considered the evidence presented by all interested parties and the entire record relating to this appeal, the Council rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on December 9, 2015, adopting a motion to DENY the appeal. The Council vote was unanimous.

After the December 9th appeal hearing, the Appellant submitted some concerns surrounding the driveway appeal hearing. Mr. Dave Thomas conducted a factual investigation, and although he was not in full accord with the Appellant, the County offered the Appellant an option for a new hearing. The Appellant's witnesses, evidence and arguments consist of Exhibit I.

Standard of Review:

Appeals of Decisions made by the County Engineer (or designee) must be made to the County Council within ten (calendar) days of the decision by the County Engineer (or designee). On appeal, the County Council shall review the matter de novo that is, reviewing the facts and evidence "a new", and shall determine the correctness of the County Engineer's (or designee) decision in its interpretation and application of Ordinance 181.

FINDINGS OF FACT

1. In May 2014 the Appellants received approval of their submitted plan for the driveway at 3003 Wedge Circle that met Summit County Ordinance 181 (Exhibit A). The average grade on the approved plans was 7.7% with the steepest grade being less than 9%. With the permit that was issued it displays the required inspections.
2. On September 24, 2015, Appellants' contractor requested the Engineering Department to conduct a pre-surfacing inspection of the driveway at 3003 Wedge Circle.
3. The inspection was promptly carried out on September 25, 2015, at which time the Department learned for the first time that the pre-surfacing inspection had been skipped, and the driveway

P.O. Box 128 • Coalville, UT 84017
Coalville: (435) 336-3250 • Kamas: (435) 783-4351 ext. 3250 • Park City (435) 615-3250
Fax: (435) 336-3043 • Park City Fax (435) 615-3043

was in fact poured and completed.

4. The Department inspector determined that the driveway as constructed had an average grade of 11.3%, with segments of the driveway exceeding the maximum allowed slope of 12% (See Exhibit B).
5. Staff recognizes that there are some disputes about the precise slopes at different points on the driveway, but the disputes are not material, because the parties agree that there are in fact segments of the driveway that equal or exceed a 14% grade.
6. Specifically, the Taylor Geotechnical (by Alanson O. Taylor, P.E.) submission to the Engineering Department, dated October 22, 2015, on behalf of the contractor, Jorgensen Construction, establishes the minimum deviation from the standards as a 14% grade at twenty to forty feet from the top back of the road curb.
7. The Taylor Geotechnical determination of grades from zero to ninety feet, starting at the access road/Wedge Circle, is as follows:
 1. From 0 to 20 feet = 3%.
 2. From 20 to 40 feet = 14%.
 3. From 40 to 60 feet = 10%.
 4. From 60 to 80 feet = 6%.
 5. From 80 to 90 feet = 3%.
8. The Taylor Geotechnical submission also concludes that "the driveway was not constructed as per the approved plans (Exhibit C) and not in compliance with [County] Ordinance 181-D." Staff finds that this determination is supported by the evidence and adopts it as a finding herein.
9. Ordinance 181-D, specifically including Appendix "B", Section 3, (2), provides: "The maximum average grade of any driveway shall not exceed ten (10) percent. Up to twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District."

To determine an average grade two points must be defined. The Ordinance does not specifically define that distance. Summit County Engineering's standard practice for plan reviews and field inspection is to use 20' increments. This same standard was applied in this situation for the plan review and field inspection. While any length could be applied, 20' is the standard practice because:

- The first 20 feet of the access in the ordinance is required to be 5% or less.
 - Too short of distances would not allow for field variations (See findings of Fact #10)
 - Too long of a distance may not consider steep grades or grade breaks thus not meeting the intent of Ordinance 181-D.
10. Staff finds that there is precedent and a basis for the Engineering Department to allow up to a 1% variance beyond the 12% maximum allowed by Ordinance 181-D and Appendix "B". The 1% variance allows for inherent changes and variances in the construction industry. Even

accepting a 1% tolerance; however, the maximum grade allowed is 13%, not 14%. There is no basis in either regulation or practice for such an expansion of the 1% tolerance.

11. Appellants also argue that the driveway was designed and built to best function with the existing conditions and the layout of the residence. Even if that case could be made, it is not available as a defense to non-compliance, because Staff finds that Appellants made no effort to advise the County Engineering Department of departures from both the plans and the County requirements, and no effort was made to seek approval for any variance beyond the 1% allowed by the Department as stated above. See, e.g. Ordinance 181-D, Section 6, Driveway Encroachment Permit Application Review, Sub-paragraph 2), provides: "Any proposed change which is made to the driveway encroachment after the Driveway Encroachment Permit is issued, must be reviewed and approved prior to making the change."
12. The driveway length is 184 feet. Over a distance of about twenty feet, the grade reaches or exceeds 14%. The Park City Fire District inspected the driveway and general fire related features (e.g. fire alarms, sprinklers, smoke detectors and address visibility from the street) on September 22, 2015, two days before the contractor requested an inspection by the Engineering Department. The inspector "[r]ecommended approval for occupancy," but the report is silent on the issue of driveway grades.
13. Appellants allege that they did not understand that driveway inspections were performed by the Engineering Department, and not by the Building Department. Staff finds that based on their numerous interactions with the County over more than one year of construction, and the checklists/inspection table (Exhibit D) provided and information available, the appellants either knew or should have known that driveways were under the supervision of the Engineering Department. See, e.g. Ordinance 181-D, Section 8, Supervision and Inspection, Sub-paragraphs 1) and 2), identifying the Engineering Department as the contact for driveway inspection. On May 7, 2014 the Contractor requested the Engineering Department to perform a Staking Inspection. On May 8, 2014, the Engineering Department completed the Staking Inspection.(Exhibit E). On May 12, 2014, the Contractor requested the Engineering Department to perform a Rough Grade Inspection. On May 13, 2014, the Engineering Department completed the Rough Grade Inspection and delivered a copy of the Inspection Form to Anthony Jorgensen. (Exhibit F). In addition to the Inspection table, there are two additional notices informing the Contractor that driveway inspections are required and that they are performed by the Engineering Department. First, on the permit application (Exhibit G) there are four places where the contractor verified his commitment to the required driveway inspections. Second is the Summit County Building Permit (Exhibit H), which was posted onsite, states "Engineering Inspections – Rough Grade & Driveways" and then list phone numbers and names(s) to call.
14. Appellants also allege that a contractor's representative spoke by telephone to a man in the Building Department about driveway inspection, and was advised that the contractor "had nothing to worry about." Staff finds that there is insufficient evidence to determine whether the conversation occurred and, if it did, what was said.
15. Even if the alleged conversation occurred as reported, Staff finds that based on the clear and available standards for inspection and driveway grades, the Contractor/Appellants could not have reasonably relied on any such statement and that acceptance of the driveway would come from the Engineering Department.

P.O. Box 128 • Coalville, UT 84017

Coalville: (435) 336-3250 • Kamas: (435) 783-4351 ext. 3250 • Park City (435) 615-3250

Fax: (435) 336-3043 • Park City Fax (435) 615-3043

Staff does not agree with all the initial documentation supplied by the Appellants. Staff would like to dispute three (3) specific items that the Appellants have provided.

First item pertains to the **maximum average grade**. The appellants submitted a report from Taylor Geotechnical which contains copied sections of Ordinance 181, which Staff has highlighted showing that the maximum average grade shall not exceed the (10) percent (see Figure 2). Shortly after the copied section of Ordinance 181, Taylor Geotechnical states that "the code [Ordinance] indicated up to 12 percent average grade..." Ordinance 181 does not indicate or mention up to 12% average grade. It states **maximum average grade "shall not exceed ten (10) percent."**

The maximum average grade of any driveway beyond the first twenty feet shall not exceed ten (10) percent. Up to twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Driveway grades shall be measured along the center line between the following points to determine compliance with this section.

1) Difference in Elevation between edge of road/top of curb break (E1) and at 20 feet (E2) from edge of road divided by 20 feet $((E1 - E2) \div 20 \times 100 = \quad \%)$

2) Difference in Elevation between a point at 20 feet from the road (E2) and the grade break outside of the garage (E3) divided by the distance (D) between the two points $((E2 - E3) \div D \times 100 = \quad \%)$

Pinebrook Consent Agreement allow for driveway Grades at a maximum of 15%. Use $((E1 - E3) \div D(\text{total Distance of Driveway}) \times 100 = \quad \%)$

Given the equations in the ordinance, the first 20 feet of the driveway is at 3% and complies with equation one. The maximum average grade between the top break in slope and bottom of slope is 11.0%. The code indicated up to 12 percent average grade for short distances with a maximum short distance of 250 feet but no minimum short distance. Short is relative and is not

Figure 2: Taylor Geotechnical Report - p. 2

Second is the **maximum allowable grade**. This is similar to the first item. The report from Taylor Geotechnical contains copied sections of Ordinance 181 which Staff has highlighted showing that the up to twelve (12) percent grades may be allowed for short distances when approved by local Fire District (see Figure 3). Shortly after the copied section of Ordinance 181, the report states that grades may exceed 12%. Ordinance 181 states "UP TO", not "MAY EXCEED."

The maximum average grade of any driveway beyond the first twenty feet shall not exceed ten (10) percent. Up to twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Driveway grades shall be measured along the center line between the following points to determine compliance with this section.

1) Difference in Elevation between edge of road/top of curb break (E1) and at 20 feet (E2) from edge of road divided by 20 feet $((E1 - E2) \div 20 \times 100 = \quad \%)$

2) Difference in Elevation between a point at 20 feet from the road (E2) and the grade

6. Mr. Kendell is incorrectly interpreting the Ordinance. The Ordinance indicates an maximum average of 12% over a short distance, with the minimum distance not defined. Over a short distance of 62 feet, the average slope does not exceed 12%. The Ordinance is not intended to define grades on a 4 foot or 20 foot increment basis that was used by Mr. Kendell. For example, for a 1000 foot driveway the maximum average grade is 10%. For a maximum short distance of 250 feet, the maximum average grade is 12% such that grades within the 250 feet distance may exceed 12%. The same principal

Figure 3: Taylor Geotechnical Report - p. 2 & 3

The third item that Staff is disputing is in the Affidavit of George Pine Jorgensen II, where he states "I inquired about how the numerous other driveways in Summit County including those in the vicinity of the subject residence could have obtained their certificate of occupancy with driveway's average sloping in excess of the subject residence including those between 16% and 25% of slope. That at this time, the Summit County Engineering Department and in particular Mike Kendell responded to my inquiry stating that "it depends on the contractor".

For a number of reasons this is a misrepresentation of the facts and not a factual statement.

- At the time of this event, Mr. Kendell had been employed by the County for only a few months. He had not worked on any of the subject residences mentioned or with the contractors associated with those residences.
- Mr. Kendell does not recall making that comment, nor any comment that would resemble that.
- As a professional engineer with years of field experience Mr. Kendell has worked with numerous contractors in various situations and understands that all contractors can make mistakes and that because of their name it does not guarantee the product a contractor would provide.

CONCLUSIONS OF LAW

1. The driveway as constructed does not follow the approved plan permitted nor comply with the maximum grade allowances provided by Summit County Ordinance 181-D and its Appendices.
2. Appellants have not established any applicable exceptions to the standards identified herein, neither have they established any legal or factual basis for the County to disregard those standards.
3. Appellants' argument that they reasonably relied on a statement of assurance by an unidentified employee of the Building Department is not supported by either the evidence or the law.

P.O. Box 128 • Coalville, UT 84017
Coalville: (435) 336-3250 • Kamas: (435) 783-4351 ext. 3250 • Park City (435) 615-3250
Fax: (435) 336-3043 • Park City Fax (435) 615-3043

Recommendation:

Staff recommends that the Summit County Council review the proposed driveway as described in this report, and vote to uphold the determination of law of the Engineering Department to deny the driveway as currently constructed.

Attachments:

- Exhibit A – Ordinance 181 – Appendix B
- Exhibit B – Failed Inspection Form
- Exhibit C – Approved Construction Plan
- Exhibit D – Inspection Table
- Exhibit E – Staking Inspection Form
- Exhibit F – Rough Grade Inspection Form
- Exhibit G – Permit Application Form
- Exhibit H – Summit County Building Permit
- Exhibit I – Appellant's documentation

ORDINANCE NO. 181-D

AN ORDINANCE CONCERNING USES OF COUNTY ROADS AND RIGHTS-OF-WAY, REGULATING EXCAVATIONS ENCROACHMENTS, AND STRUCTURES WITHIN RIGHTS-OF-WAY, PROVIDING PENALTIES FOR VIOLATION AND REPEALING OF SUMMIT COUNTY ORDINANCE NO. 95, 96, 96A, 99, 99-A, 171, 181, 181-A, AND 181-B, AND 181-C.

WHEREAS, Summit County adopted Ordinance No. 181-A on April 25, 1994, and Ordinance No. 181-B on May 5, 1997, and,

WHEREAS, The Summit County Engineer's Office has been administering the Permitting required under Ordinance No. 181-A and Ordinance No. 181-B and,

WHEREAS, Ordinance No. 181-A and Ordinance No. 181-B has some inconsistencies with current Construction Standards; and,

WHEREAS, it is in the best interests of Summit County and the health, safety, and general welfare of its citizens to adopt this Ordinance in order to amend Ordinance No. 181-A, and Ordinance No. 181-B, Ordinance No. 181-C,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1. Permits Required for Excavations, Driveways, Encroachments, and structures.

(a) It shall be unlawful for any person, firm, public utility or corporation to place, make, enlarge or change any excavation, driveway, encroachment or structure within the right-of-way for any County Road without complying with the provisions of this Ordinance and obtaining a permit as provided for herein.

(b) It shall be unlawful, and punishable as provided for herein, to make any excavation or to place any encroachment or structure in any County right-of-way not described in the approved permit application or which exceeds in size the dimensions or which does not conform to the conditions described in said application.

(c) A permit shall not be required for the replacement of existing structures provided a similar structure is placed in the same location.

Section 2. Emergency Conditions

Emergency excavations and encroachments may be made without prior permit if the reason for the excavation or encroachment is to prevent loss of life or damage to property

which appears to be imminent if the action is delayed by waiting to secure said permits. In such emergency situations, those making the excavation or encroachment MUST contact the County Engineer's Office at the earliest possible time, but in no case later than the first

working day following the emergency work in order to secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for the prior permit requirement.

Section 3. Winter Season

No permits for road excavations or other excavations within 5 feet of the edge of a County road shall be issued during the winter season except in emergency situations. For the purposes of this Section, "winter season" begins October 15 each year and ends May 1st of the succeeding year.

Section 4. Applications

Applications shall be made by the person, firm, public utility or corporation actually doing the work. Applications for all permits shall be made to the County Engineer's Office as provided and shall describe the excavation or encroachment and shall have a drawing of the location of the intended excavation, encroachment or structure, the pertinent dimensions thereof, the purpose therefor, the person, firm, public utility, or corporation doing the actual work and the name of the person, firm, public utility, or corporation for whom or by which the work is being done and shall contain an agreement that the applicant will comply with all ordinance and laws of Summit County and the State of Utah relating to the work to be done. A Traffic Control Plan, conforming to the Manual of Uniform Traffic Control Devices (MUTCD) shall be submitted with all applications which involve excavations within the

County Road right-of-way. The application shall also provide for an agreement that the applicant shall indemnify the County for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or constructing any such excavation, encroachment or structure.

Section 5. Permits

All permits issued pursuant to this ordinance shall be valid for a period of 60 days except that no permit shall extend into the winter season as outlined in Section 3. A copy of the permit issued shall be available at all times when work is under way.

Section 6. Fees

A review fee, in the current amount as set by resolution of the Board of County Commissioners, shall accompany each application for a permit. Fees must accompany the application unless other fee payment arrangements have been approved by the County Engineer.

Section 7. Completion Bond

Applicants shall file a completion bond with the County Engineer in the amount as set by resolution of the Board of County Commissioners at the time the permit is approved. This may be cash, a letter of credit from an F.D.I.C. Insured Financial Institution, or a corporate surety bond. The bond shall be valid for a period of two years from the date of the construction inspection to guarantee that the conditions of any permit together with any restorative works is completed properly. The bond will be released upon recommendation of the County Engineer and/or the County Road Inspector.

Applicants for permits may request permission from the Board of County Commissioners to secure a continual annual bond in lieu of separate bonds for each excavation. Applications for continual bonds shall be made before December 31st of each year and shall be valid for the next calendar year or as determined by the Board of County Commissioners.

Those public entities which are regulated by the State of Utah Public Service Commission, the Mountain Regional Water District and the Snyderville Basin Sewer Improvement District are exempt from the bonding requirements of this Chapter, but shall still be required to obtain a road excavation permit prior to making excavation.

Section 8. Supervision and Inspection

The County Engineer or Road Inspector shall from time to time inspect or cause to be inspected, all work done pursuant to permits to insure the enforcement of the provisions of this title. Notification shall be given to the County Engineer or Road Inspector at least 24 hours prior to the commencement of any work. The Completion Bond shall not be released without an inspection made to determine satisfaction of all applicable provisions of this Ordinance.

Driveway Encroachments require the following inspections to insure compliance with the standards set out in this ordinance:

1) Staking Inspection. A stake or marker shall be placed at each corner of the Encroachment as it intersects the road or street, and at each intersection of the driveway as it crosses the right-of-way or easement line. The front property corners shall also be set and marked with stakes. This inspection is required prior to the Encroachment Permit being approved. The County Engineer's Office must receive at least 24 hours notice prior to requested inspection.

2) Rough Grade Inspection. An inspection of the rough grade driveway is required prior to receiving a footing inspection by the Building Department. The driveway must be graded to a point that the inspector can determine compliance with this ordinance and the Development Code. The footing elevation/garage floor elevation must be established prior to requesting an inspection. The County Engineer's Office must receive at least 24 hours notice prior to requested inspections.

3) Pre-Surfacing Inspection. An inspection of the driveway is required prior to surfacing (soft or hard) the driveway to determine compliance with this ordinance and the development code. In no case can a Certificate of Occupancy be issued

without the pre-surfacing inspection, and the driveway being in compliance with this ordinance and the Development Code.

Section 9. Failure to Comply

In the event of failure on the part of any person, firm, public utility, or corporation to comply fully with the provisions of this Ordinance, law enforcement authorities of Summit County are authorized to:

- (1) Initiate action by citation or information under Section 10 of this Ordinance and/or proceed to forfeit bond, or
- (2) Remove such installation from the right-of-way or require such person, firm, or corporation to remove the same; or,
- (3) Give written notice to such person, firm, public utility, or corporation to remove such installation from the right-of-way. Such notice may be served either by personal service or by mailing the notice to the person, firm, public utility, or corporation by registered mail and posting a copy thereof on such installation for a period for 10 days. If such installation is not removed within 10 days after the notice is complete, said authorities may remove the same at the expense of the person, firm, or corporation and recover costs and expenses, and also the sum of \$100.00 for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or,
- (4) If such person, firm, public utility, or corporation disputes or denies the existence of such installation, or refuses to remove or permit its removal, said authorities may bring an action to abate the same as a nuisance, and if judgment is recovered by said authorities, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of \$100.00 for every day such nuisance remained within the right-of-way after notice was given for its removal in the manner provided in Subsection (2) of this Section. (UCA 27-12-135).

Section 10. Penalty

Any person who violates the provisions of this Ordinance is guilty of a Class "C" Misdemeanor. Each day a continuing violation shall be deemed a separate offense.

Section 11. Repeal of Ordinance No. 95, 96, 96A, 99, 99-A, 171, and 181

Summit County Ordinances 95, 96, 96A, 99, 99-A, 171, 181, and 181-A, 181-B and 181-C are hereby repealed.

Section 12. Specific Requirements

Specific engineering standards and requirements for the enforcement of this Ordinance are attached as Appendices "A", "B", "C", and "D" which are made a part of this Ordinance by

reference.

Section 13. Severability

Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Section 14. Effective Date

This Ordinance shall become effective after publication of such in accordance with applicable State Law.

PASSED AND ADOPTED by the Board of County Commissioners of Summit County,
Utah, this ___ day of _____, 1999.

SUMMIT COUNTY BOARD COMMISSIONERS

PATRICK D. CONE, CHAIRMAN

ERIC D. SCHIFFBRLI

SHELDON D. RICHINS

ATTEST:

KENT JONES
Summit County Clerk

APPROVED AS TO FORM:

DAVID L. THOMAS
Deputy Summit County Attorney

COMMISSIONER VOTED:

CONE _____
(AYE OR NAY)

SCHIFFERLI _____
(AYE OR NAY)

RICHINS _____
(AYE OR NAY)

APPENDIX B

DRIVEWAY AND ENCROACHMENT REQUIREMENTS AND SPECIFICATIONS

Section 1. Existing Driveways or Encroachments

Access to County roads by means of driveways or encroachments in existence at the time of the effective date of this Ordinance may continue to the same extent and degree as before; any change in the driveway or the degree of use shall first require a permit and compliance with the terms of this Ordinance.

Section 2. Notification of Potential condemnation Right-of-Way Required

Except as otherwise provided in Subsection (1) b. of this Appendix, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no encroachment permit shall be issued therefore on any lot or parcel of land which abuts a County road or other public street which does not conform to current County width standards, unless the portion of such lot or parcel within the standard right-of-way width has been dedicated to the County or the developer or applicant has been notified and has acknowledged that such portion may be condemned for public use at some future time.

(1) Exception to Right-of Way Notification Dedication Requirement

(a) The maximum area to be dedicated shall not exceed 10 percent of any lot or parcel which was of record on the effective date of this Ordinance in the Summit County Recorder's Office. In determining the amount of area for dedication for purposes of this exception, any highway area which previously has been dedicated to the public through public use shall not be included.

(b) Neither notice, acknowledgment nor dedication is required for remodeling, additions and accessory buildings incidental to a single-family dwelling used as a residence, existing on the lot as of the effective date of this Ordinance, provided that no additional dwelling units are created.

(2) Dedication Procedure

(a) Any person or other entity desiring to dedicate land under the provisions of this Ordinance shall execute an offer to dedicate and a warranty deed or other deed form acceptable to the County properly executed by all parties of interest. At the request of said person or entity, the offer to dedicate and deed shall be prepared by the Summit County Attorney's Office in such terms as to be binding on the owner, his heirs, assigns, or successors in interest.

The dedication shall be complete when the deed is recorded in the office of the

County Recorder after its acceptance by the County Commission.

(b) Summit County shall provide survey information, as required, in order to establish proper boundary lines.

(c) For the purpose of this Section, dedication shall be considered as satisfactorily assured when the County Attorney's Office approves the offer to dedicate and deed as described herein.

(d) Encroachment Permit Issuance. When the provisions of this Section have been completed or assured as provided herein, an encroachment permit may be issued.

(3) Lots Affected by Dedication

On a lot affected by a dedication, acknowledgment, or notification under the provisions of this Section, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines created by dedication or future right-of-way potential. However, in applying all other provisions of the Development Code of Summit County and the Snyderville Basin Code, such lot shall be considered in area as that which existed immediately prior to dedication.

(4) Appeal of Notice, Acknowledgment of Dedication Provisions

Any person may appeal any determination in connection with the administration, enforcement and other provisions of this Section as set forth below to the Summit County Board of Adjustment.

The Board of Adjustment may make modification in the requirements of this chapter as necessary to prevent undue hardship or an unreasonable burden under the facts of each individual case. However, no such modification shall be granted unless it is in conformity with the spirit and intent of this Section.

Section 3. Driveway Encroachments

(1) Spacing

Access driveways or encroachments shall be spaced according to the following:

<u>Street Type</u>	<u>Minimum Spacing</u>	<u>Minimum Distance from Intersections</u>
Local (Residential)	Sideyard Setback (Max. dist. 10')***	50 feet
Local (Rural)	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials	75 feet apart	115 feet

*** Driveway to be setback from side property line (minimum distance required) the same distance as that required on the official subdivision plat for building setbacks. A minimum distance of 10 feet is required if the subdivision plat requires sideyard setbacks greater than 10 feet.

The minimum spacing of driveway encroachments in residential subdivisions shall be measured at the intersection of the front and side yard property lines. In no case shall a driveway encroachment cross an imaginary line which is projected along the sideyard property line to it's intersection with the edge of the County Road.

The minimum spacing of all other driveway encroachments shall be measured from nearest edge of driveway to nearest of driveway. In no case shall a driveway encroachment cross an imaginary line which is projected along the side yard property lines to it's intersection with the edge of the County Road.

The minimum distance from intersections shall be measured from the edge of the County Road to the nearest edge of the driveway.

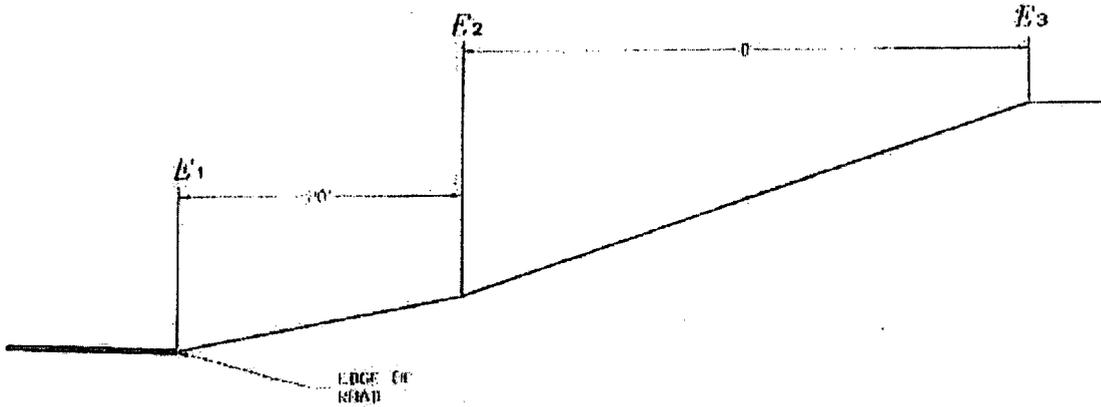
(2) Driveway Grades

All individual driveway access locations shall be designed to function well with the existing conditions and layout of each residential building. The maximum average grade of the first twenty feet of a driveway which has a total length greater than 100 feet shall not exceed five (5) percent. The maximum average grade of a driveway which has a total length of 100 feet or less, shall not exceed then (10) percent.

The maximum average grade of any driveway shall not exceed ten (10) percent. Up to Twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Driveway grades shall be measured along the center line between the following points to determine compliance with this section.

- 1) Difference in Elevation between edge of road/top of curb break (E_1) and at 20 feet (E_2) from edge of road divided by 20 feet ($(E_1 - E_2) \div 20 \times 100 = \underline{\hspace{2cm}}\%$)
- 2) Difference in Elevation between a point at 20 feet from the road (E_2) and the grade break outside of the garage (E_3) divided by the distance (D) between the two points ($(E_2 - E_3) \div D \times 100 = \underline{\hspace{2cm}}\%$)



TYPICAL DRIVEWAY PROFILE
 (SAME PRINCIPLE CAN BE USED FOR DOWNHILL LOTS)

The driveway shall be graded

such that water draining off the driveway does not flow onto the County Road and is diverted into a roadside ditch or gutter.

(3) Driveway Widths

The minimum width of a driveway which lie within the County Road right-of-way shall be as follows:

<u>Street Type</u>	<u>Minimum Width</u>		<u>Minimum Flare (Each Side)</u>
Local (Residential)	12 Feet	+	2 Feet
Local (Rural)	12 Feet	+	2 Feet
Collector	12 Feet	+	4 Feet
Arterials	14 Feet	+	8 Feet

The maximum driveway width is 25% of street frontage, or as may be required by the applicable Development Code.

(4) Driveway Alignments

All driveways shall be within 20 degrees of being perpendicular to the centerline alignment of the County Road for the first 20 feet from the edge of road.

(5) Drainage

All driveways shall be graded such that water draining off the driveway does not flow onto the County Road and is diverted into a roadside ditch or gutter. Driveways which cross roadside ditches or other drainages shall be required to provide drainage facilities in the form of culverts or bridges. These facilities shall be designed as per Summit County Engineering Standards and Specifications. The minimum diameter of culverts shall be 12 inches.

Section 6. Driveway Encroachment Permit Application Review

Driveway encroachment permit applications must be accompanied by a drawing or sketch which shows property lines, the County Road, horizontal alignment, and grade. For sites or lots which have natural grades which exceed 10%, or which in the opinion of the County Engineer will require detailed design in order to show compliance with this ordinance, the applicant must also provide a topographic contour map with 2 foot (maximum) contours. For new residential or commercial buildings, this information should be included on the site plan submitted with the Building Permit Application.

Any proposed change which is made to the driveway encroachment after the Driveway Encroachment Permit is issued, must be reviewed and approved prior to making the change. Final Certificates of Occupancy shall not be issued the Summit County Building Department until the Driveway Encroachment is in compliance with this Ordinance.

Section 7. Hazards and Sight Distances

Driveway encroachments shall not create hazardous driving conditions. Curves in the roadway and the crests of hills shall be avoided, where possible, as driveway locations.

All driveways shall be located such that the minimum stopping sight distances listed in the following table are complied with:

<u>Design Speed (mph)</u>	<u>Assumed Speed for Condition (mph)</u>	<u>Stopping Sight Distance (Rounded for Design) (ft)</u>
20	20-20	125-125
25	24-25	150-150
30	28-30	200-200
35	32-35	225-250
40	36-40	275-325
45	40-45	325-400
50	44-50	400-475
55	48-55	450-550
60	52-60	525-650

If in the opinion of the County Engineer, the sight distances do not comply with this section, the applicant shall have an Engineer, registered in the State of Utah, prepare an sight distance analysis for review by County Engineer.



Summit County Engineering Division
 Driveway Encroachment - SWP3 and ECP Permit Inspection Check Sheet
 60 North Main - P.O. Box 128
 Coalville, UT 84017

Coalville (435) 336-3250 - Kamas (435) 783-4351 x 3250 - Park City (435) 615-3250 - Fax (435) 336-3043

Exhibit B - Failed Inspection Report

Plan Check # 14-ABH Eng. Permit # 14-E-22 Building Permit # _____

Applicant _____ Phone # _____

Contractor GEORGE JORGENSEN Phone # _____

Project Address 3003 WEDGE CIR. Parcel # BM-R-3-77 Subdivision _____

Inspection Form

Delivered to: _____ Called: _____ E-Mail to: _____

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Required Components	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction	Fabric <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Access	Gravel <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Perimeter Controls	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Re-vegetation:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> Within 1' of finished <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Pre-Surfacing Inspection Requested on: 9/24/15 Completed on: 9/25/15 Completed by: ROPER

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Final Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Re-vegetated	<input type="checkbox"/> Yes <input type="checkbox"/> No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	SWP3/ECP	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Completion	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Weed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Notes: NO PRE SURFACE INSPECTION - SKIPPED - ACTUALLY FINAL

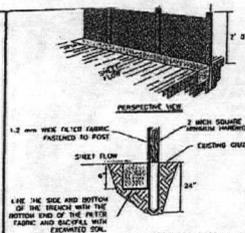
DRIVEWAY EXCEEDS MAXIMUM ALLOW SLOPE OF 12%

AVERAGE GRADE 11.3%

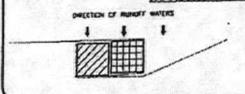
- FAIL -

Grade: 1" 20' _____ Remaining Grades _____ Overall Grade _____

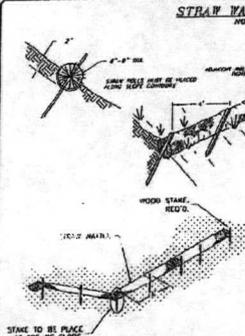
Exhibit D - Inspection Table



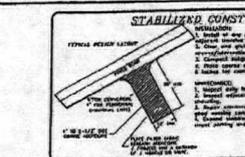
- to 10 feet
1. Slope the fence along the contour or close to grade.
 2. When excavating the trench, use machinery that will produce no more than the desired direction.
 3. Place posts 8 feet on center along contour (or use pre-assembled unit) and after 2 feet (min.) into ground. Concrete on center length (8 inches wide and 8 inches deep) immediately up-gradient of posts.
 4. Lay fabric to required width, extend along length of trench and across over barrier. Secure fabric to posts with staples, or similar, with leading edge extending into trench trench.
 5. Stretch trench over fabric to fabric in trench.
- MAINTENANCE:**
1. Inspect immediately after any rainfall and of best daily during prolonged rainfall.
 2. Look for raveling, heaving, or other signs of failure or deterioration (repair immediately).
 3. Repair or replace damaged areas of the fence and remove accumulated sediment.
 4. No-silt fence is necessary to prevent siltation.
 5. Remove accumulated sediment when it reaches 1/2 the height of the fence.



1. PLACE THE END POST OF THE SECOND FENCE AT THE END POST OF THE FIRST FENCE.
2. REMOVE SOIL FROM AT LEAST THE BOTTOM OF THE TRENCH TO A DEPTH OF 1 FOOT.
3. COVER THE TRENCH WITH A 24 INCH WIDE MAT.
4. COVER BOTH POSTS ABOUT 24 INCHES FROM THE CENTER AND ONLY POST.



- NOTE:**
1. WATTLE STAKES SHALL BE 1 1/2" x 1 1/2" x 12" (MINIMUM) PLACED ON CENTER AND STAKES AT 1' ON CENTER AND AT ONE END TO ALLOW CORRECT WATTLE SPACING.
 2. NO SLOTTING SHOULD BE MADE UNDER THE WATTLE DURING INSTALLATION.
 3. WATTLE SHOULD BE MADE USING THE METHOD OF TWISTING, NOT BY CUTTING STRAW INTO STRIPS.
 4. WATTLE SHOULD BE MADE USING THE METHOD OF TWISTING, NOT BY CUTTING STRAW INTO STRIPS.
 5. WATTLE SHOULD BE MADE USING THE METHOD OF TWISTING, NOT BY CUTTING STRAW INTO STRIPS.



- STABILIZED CONSTRUCTION ENTRANCE.**
- DESCRIPTION:**
1. Located at any point of ingress or egress of a construction site where erosion control is required.
 2. Check and adjust when any change in ground slope occurs the stability of the structure.
 3. Compact material and place over the top of the structure.
 4. Place over the structure, and a minimum depth of 2 inches of compacted material, and a minimum depth of 2 inches of compacted material, and a minimum depth of 2 inches of compacted material.
- MAINTENANCE:**
1. Inspect after the first or second or subsequent rainfall.
 2. Inspect after the first or second or subsequent rainfall.
 3. Inspect after the first or second or subsequent rainfall.
 4. Inspect after the first or second or subsequent rainfall.

Inspection	Description/Requirements	Contact
Universal Site Safety	Required prior to issuance of a Building Permit. Local make the driveway at the street end at the road right of way property line and locate/ditch all property corners with a 4 foot steel fire post.	Engineering
Rough Grading	Required prior to scheduling a Flooding Inspection. Site Erosion Control measures must be installed and approved by the local Fire District.	Engineering
Footings	Schedule after steel is in place and before the concrete is poured.	Building
Foundation	Schedule after steel is in place in the forms and before concrete is placed.	Building
Under Slab Plumbing & Heating	Before concrete is poured or plumbing has been backfilled.	Building
Certificate of Elevation and/or Survey	Performed by a licensed surveyor. Required prior to scheduling a Floor Finishing Inspection. See requirements below.	Building
Floor Framing Inspection	Required prior to placing floor sheathing and includes Flooding, Details Inspection.	Building
Shear Wall	After the building is up to "the square" and all shear walls have been casted and all the tie-downs and shear wall connections have been installed.	Building
Fire Sprinklers	Required prior to four-way inspection, when required by the local Fire District.	Building
Four-Way	This inspection is performed after all rough electrical, plumbing, and mechanical has been installed. All framing is complete, shear walls previously inspected, and specs specifications are on the job for the inspector to read. Plumbing shall have either an air or water pressure test on them when the inspector arrives.	Building
Weather Barrier/Shear Lath	Weather barrier shall be inspected prior to applying veneer. Approved specs (C.C. approach) apply on site.	Building
Gas Meter Set	Required before gas meter clearance is given to Owner.	Building
Masonry wall/Window Beam Installation	Steel in masonry and before construction is poured.	Building
Driveway Paving	Five Shearwall foundation certificate required.	Building
Roofs to Flood	This is done before drywall is uped.	Building
Roofing and/or Siding	Building must be up with permanent roof installed.	Building
Final Occupancy and Site Inspection	Weather barrier shall be inspected prior to applying veneer. Approved specs (C.C. approach) apply on site.	Engineering
Flood Plain Elevation Certificate	Required prior to Certificate of Occupancy and/or Bond Release. Delivery must be surfaced and all must be revegetated (inspections may be schedule separately). If the site is not revegetated, the erosion control measures must be in place and installed correctly.	Engineering
Final	FEMA Elevation Certificate (if applicable) required prior to Certificate of Occupancy. Form must be filed with FEMA and a copy provided to the Engineering Department.	Engineering
Certificate of Occupancy	All work is DONE and building complete. Final clearances from the waste water district for sewer, County Health Department for septic, and fire district for spillable systems must be on the project for this inspection. Required by Certificate of Occupancy.	Building
BCP Bond Release Inspection	Required prior to approve occupying the structure. A Certificate of Occupancy will be issued once the final clearances have been obtained by the builder and brought to the Building Department's office in Coalville. 1) Shepherdville Basin Reclamation: Final from Building Department, Final from Engineering Department, Final letter from Shepherdville Basin Water Reclamation District, Final water conveyance letter from appropriate water company, Final from Park Clay Fire District (as required subdivisions). 2) Eastern Summit County: Final from Building Department, Final from Engineering Department, Final from Fire District and Final from Health Department.	Building
BCP Bond Release Inspection	Required to verify that the site has been fully stabilized (revegetated). Inspection is required prior to applicant receiving a release of their Erosion Control Bond. Applicant must provide a written request for the release of the bond.	Engineering

- Construction Mitigation Plan Notes**
- Show location for dumpster, portable toilets, materials storage, parking
 - Construction parking/traffic may not block the street without a permit (available from the Engineering Division)
 - Must tracked out onto the street must be cleaned prior to the end of the work day
 - The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.
 - Roadside parking is not allowed from November 1st to April 1st



SUMMIT COUNTY, UTAH
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING

SUMMIT COUNTY
STANDARD DRAWING
RESIDENTIAL EROSION CONTROL PLAN



Summit County Engineering Division
 Driveway Encroachment - SWP3 and ECP Permit Inspection Check Sheet
 60 North Main ~ P.O. Box 128
 Coalville, UT 84017

Coalville (435) 336-3250 ~ Kamas (435) 783-4351 x 3250 ~ Park City (435) 615-3250 ~ Fax (435) 336-3043

Plan Check # 14-ABH Permit # 14-E-22 Building Permit # _____

Applicant _____ Phone # _____

Contractor Anthony Phone # 801 4505544

Project Address 3003 Wedg Cr. Parcel # 77 Subdivision Back run

Inspection Form

Delivered to: _____ Called: _____ E-Mail to: _____

Staking Inspection Requested on: 5-7-14 Completed on: 5-8-14 Completed by: [Signature]

Intersection Offset (50' min.)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Required Components	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction	Fabric <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Access	Gravel <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate) <input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input checked="" type="checkbox"/> Steep		Perimeter Controls	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Re-vegetation:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No			

Pre-Surfacing Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No			

Final Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		Re-vegetated	<input type="checkbox"/> Yes <input type="checkbox"/> No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	SWP3/BCP	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Completion	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Weed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Notes: Passed

Grade: 1" 20' _____ Remaining Grades _____ Overall Grade _____

Questions? Please contact _____ @ _____

Exhibit E - Staking Inspection Form



Summit County Engineering Division
 Driveway Encroachment - SWP3 and ECP Permit Application
 60 North Main ~ P.O. Box 128, Coalville, UT 84017
 Coalville (435) 336-3250 ~ Kamas (435) 783-4351 x 3250 ~ Park City (435) 615-3250
 Fax (435) 336-3043 ~ www.summitcounty.org/engineering

Exhibit G - Permit Application

Engineering Permit # 14-E-22 Plan Check # 14-ABH N.O.I # _____

Applicant / Owner	<u>David Wentz</u>
Phone #	
Fax #	
email	
Mailing Address	<u>9230 sandtrap Court</u>
City	<u>Park City</u> Zip <u>84098</u>

Contractor	<u>G.P. Jorgensen Construction</u>
Phone #	<u>801-263-1501 or 801-450-5549</u>
Fax #	<u>801-288-8920</u>
email	<u>Anthony.P.Jorgensen@bmc</u>
Mailing Address	<u>365 east Georgia Circle</u>
City	<u>Salt Lake City Utah</u> Zip <u>84115</u>

Project Address 3003 Wedge Circle Parcel # BN-B-3-77

- * The applicant shall be the party responsible for the work and to whom all communications are to be directed.
- * Driveway encroachment permits and the SWP3 & ECP permits are valid for a period of 180 days from the date the building permit
- * SWP3 and ECP Requirements: (Refer to Ordinance 381-A, Appendix A, B, and C for Requirements and Specifications)
- * Driveway encroachment must comply with minimum County standards prior to receiving Certificate of Occupancy from the Building Department. (Refer to Ordinance 181-D, Appendix 'B' for Requirements and Specifications)
- * 24 hour notice must be given prior to all inspections.

Permit Fee \$100.00	\$ <u>100-</u>
Snyderville Basin Transportation Impact Fee	\$ <u>171.00</u>
Encroachment Bond	\$ <u>2,000 + 70,000.00</u>
ECP & SWP3 Bond	\$ <u>855 -</u> <i>see Jm permit.</i>
Total Due	\$ _____
Amt Paid	\$ <u>100-</u>
Balance	\$ <u>4,102.1</u>

Required Inspections: Please initial to verify commitment

- AS * Staking - prior to building permit issuance
- AS * Rough Grade - prior to footings inspection
- AS * Pre-Surface - prior to hard surface of driveway
- AS * Final - required for certificate of occupancy

Flood Zone: A Shaded X

By applying for this permit I acknowledge that I have confirmed that I will be complying with all federal, state and local laws concerning this property and that any permit issued pursuant to my application does not grant to me the right to develop my property under any existing land use and zoning laws, nor does it supersede any federal, state or local law which prevent the grading activity for which I am applying, in the event a permit is issued erroneously. This permit is not a grant of easement or other similar interest. Applicant shall acquire easements from affected fee owners as required.

Applicant / Owner Signature: [Signature] Date 4/22/19
 Engineering Reviewed By: _____ Date _____
 Engineering Approved By: _____ Date _____

Bond Money Posted	ENC <u>2000.00 + 70,000.00</u>	Date Released	_____
ECP/SWP3	<u>855.00</u>	_____	_____
Temp Comp	_____	_____	_____

EXHIBIT A

ROBERT K. HILDER
COUNTY ATTORNEY



Criminal Division

MATTHEW D. BATES
Chief Prosecutor

JOY NATALE
Prosecuting Attorney

RYAN P. C. STACK
Prosecuting Attorney

IVY TELLES
Prosecuting Attorney

Summit County Courthouse 560 N. Main & P.O. Box 128 & Coalville, Utah 84017
Telephone (435) 336-3206 Facsimile (435) 326-3287
email: (first initial)(last name)@summitcounty.org

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

January 8, 2016

Randy B. Coke, Esq.
Nygard Coke & Vincent
RandyBCoke@aol.com

Re: Wentz Driveway Appeal

Dear Randy:

Since you advised me of your concerns surrounding the driveway hearing appeal for the Wentz residence, Dave Thomas and I met with the County Council and shared your issues. Mr. Thomas has also conducted a factual investigation of what was done or said by County personnel. Needless to say, what you share and what Mr. Thomas learned are not in full accord. Regardless, we do not purport to have determined facts conclusively. Because the Council, and my office, are committed to a fair process, the Council has instructed me to offer you and your clients a new hearing. The hearing will be essentially de novo, and you will be free to introduce any relevant witnesses, evidence, or arguments you wish.

Because your email reached me just minutes after the Council chair signed the Findings and Conclusions, but before they were approved by the Clerk or me, or recorded, I have now destroyed the original. Accordingly, there is no appeal clock running, but it is in everyone's interest to move this matter forward as soon as possible.

Please advise whether your clients wish to proceed with a new hearing. If that is their decision, let's talk about a date soon.

Sincerely,

A handwritten signature in cursive script that reads "Robert".

Robert K. Hilder
County Attorney

cc. Roger Armstrong, Gary Horton, PE, Mike Kendall, PE, Derrick Radke, PE

EXHIBIT B



Summit County Engineering Division
 Driveway Encroachment - SWP3 and ECP Permit Inspection Check Sheet
 60 North Main ~ P.O. Box 128
 Coalville, UT 84017

Coalville (435) 336-3250 ~ Kamas (435) 783-4351 x 3250 ~ Park City (435) 615-3250 ~ Fax (435) 336-3043

Plan Check # 14-ABH Eng. Permit # 14-E-22 Building Permit # _____

Applicant _____ Phone # _____

Contractor GEORGE JORGENSEN Phone # _____

Project Address 3003 WEDGE CIR. Parcel # BN-B-3-77 Subdivision _____

Inspection Form

Delivered to: _____ Called: _____ E-Mail to: _____

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Required Components	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction	Fabric <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Access	Gravel <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Perimeter Controls	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Re-vegetation:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> Within 1' of finished <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Pre-Surfacing Inspection Requested on: 9/24/15 Completed on: 9/25/15 Completed by: ROPER

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Final Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Re-vegetated	<input type="checkbox"/> Yes <input type="checkbox"/> No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	SWP3/ECP	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Completion	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Weed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Notes: NO PRE SURFACE INSPECTION - SKIPPED - ACTUALLY FINAL

DRIVEWAY EXCEEDS MAXIMUM ALLOW SLOPE OF 12%

AVERAGE GRADE 11.3%

- FAIL -

Grade: 1st 20' _____ Remaining Grades _____ Overall Grade _____

EXHIBIT C



Park City Fire District			
Time: 1:39 PM		Date: 9/22/15	
Name/Lot#: Jeremy Ranch - Lots 76 & 77			
Address: 3003 Wedge Circle			
Contractor: Delta Fire			
<input checked="" type="checkbox"/> Requested <input type="checkbox"/> Routine <input type="checkbox"/> Annual <input type="checkbox"/> Complaint	<input type="checkbox"/> Shell <input type="checkbox"/> Four-Way <input checked="" type="checkbox"/> Final <input type="checkbox"/> Temporary	Project Stage: <input type="checkbox"/> Partial <input checked="" type="checkbox"/> Complete	Occupancy Type: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Other
Inspection Type: <input checked="" type="checkbox"/> Fire Sprinkler <input checked="" type="checkbox"/> Fire Alarm System <input type="checkbox"/> Hood System <input checked="" type="checkbox"/> Life Safety System <input type="checkbox"/> Haz-Materials <input type="checkbox"/> Special Event		Inspection Findings: <input checked="" type="checkbox"/> Work Approved <input type="checkbox"/> Make Corrections <input type="checkbox"/> Work in Vilation <input type="checkbox"/> Stop Work Order Issued	
		<input type="checkbox"/> Hydrostatic - AG <input type="checkbox"/> Hydrostatic - BG <input type="checkbox"/> Overhead Piping <input type="checkbox"/> Underground Piping <input type="checkbox"/> Underground Flush <input type="checkbox"/> Other	
		<input type="checkbox"/> Need Approved Plans <input type="checkbox"/> Need Revised Plans Approved <input type="checkbox"/> Need Proper Permits <input type="checkbox"/> Prior Violations Not Corrected <input type="checkbox"/> Unable to Inspect	

Comments:

Address Visible From the Street: Pass

Fire Alarm

Activation Time: 24 Seconds
 Inside Notification: Pass
 Outside Notification: Pass

Smoke Detectors: Pass

Notes:

Checked sprinkler coverage

Inspected mechanical room sprinklers and ensured they were in place
 Recommended approval for occupancy

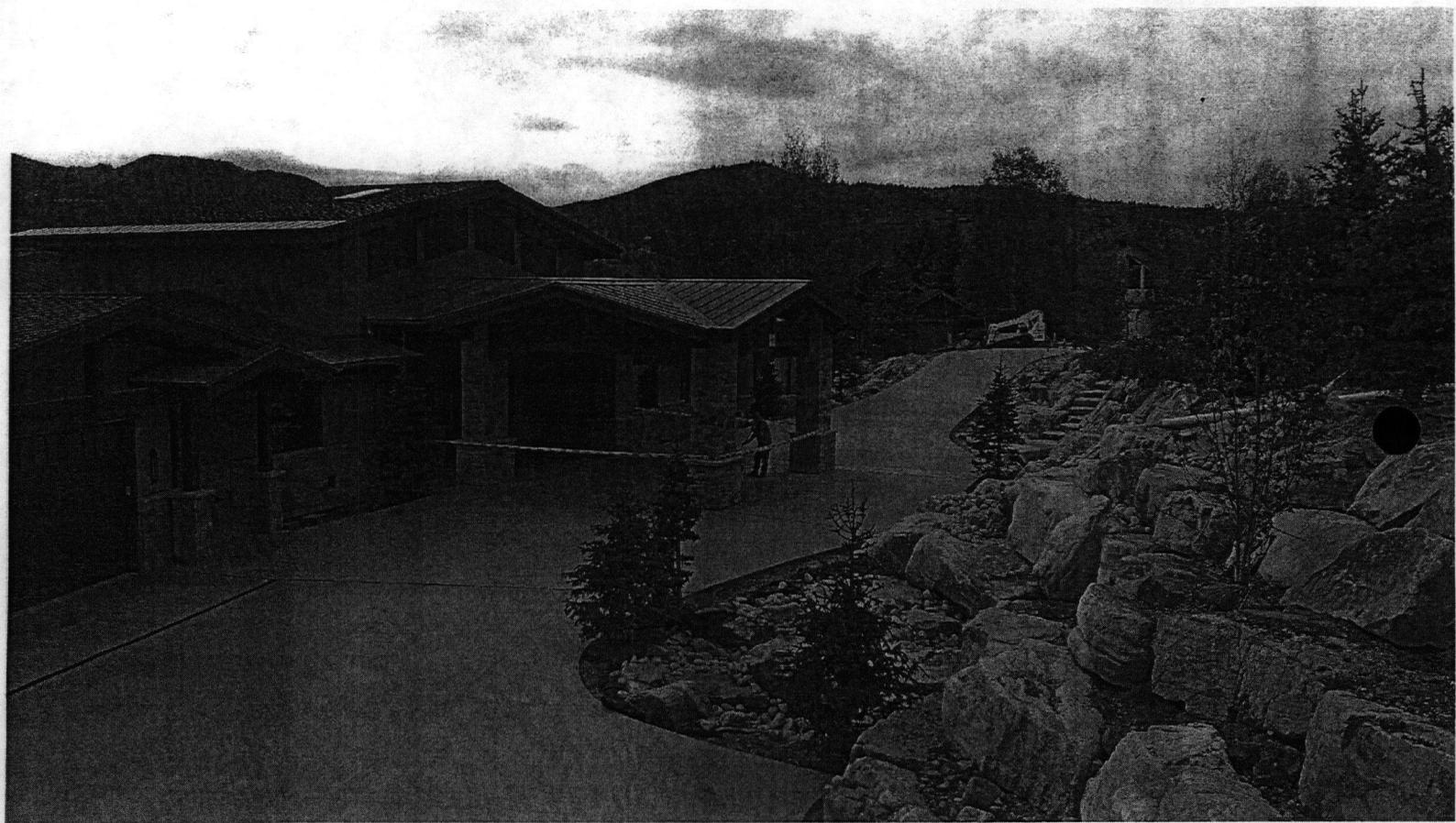
Fire Sprinkler System

Sprinkler Head Location: Pass
 Extra Head Box: N/A
 Placard: Pass
 Design Pressure: 68 GPM at 58 PSI
 Residual Pressure: 130 PSI
 Static Pressure: 138 PSI

Inspector: Stephen Oveson

To Reschedule / Make Inspection - Contact Fire Prevention Bureau - (435) 940-2532

EXHIBIT D



CHRISTIAN

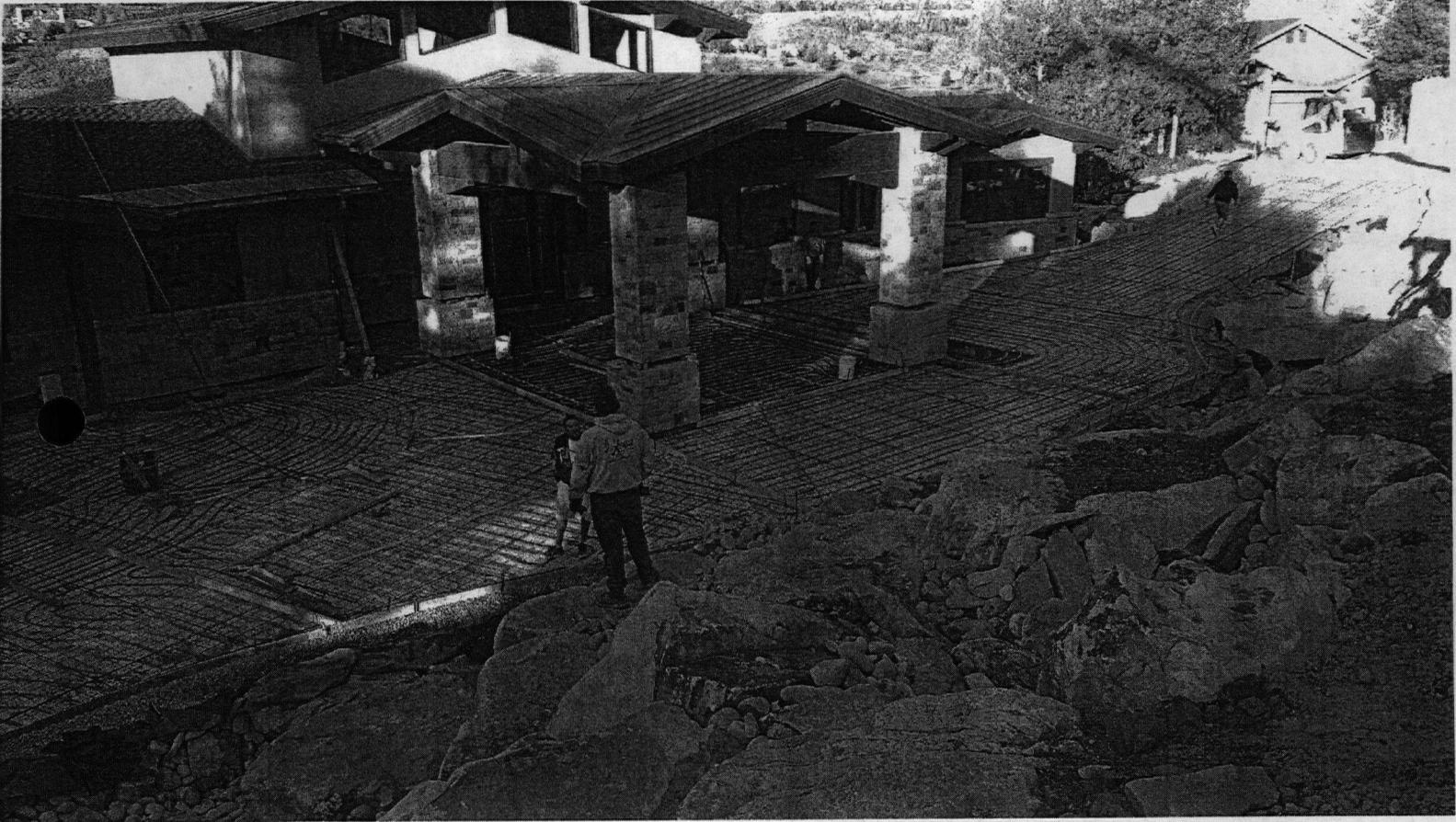


EXHIBIT E

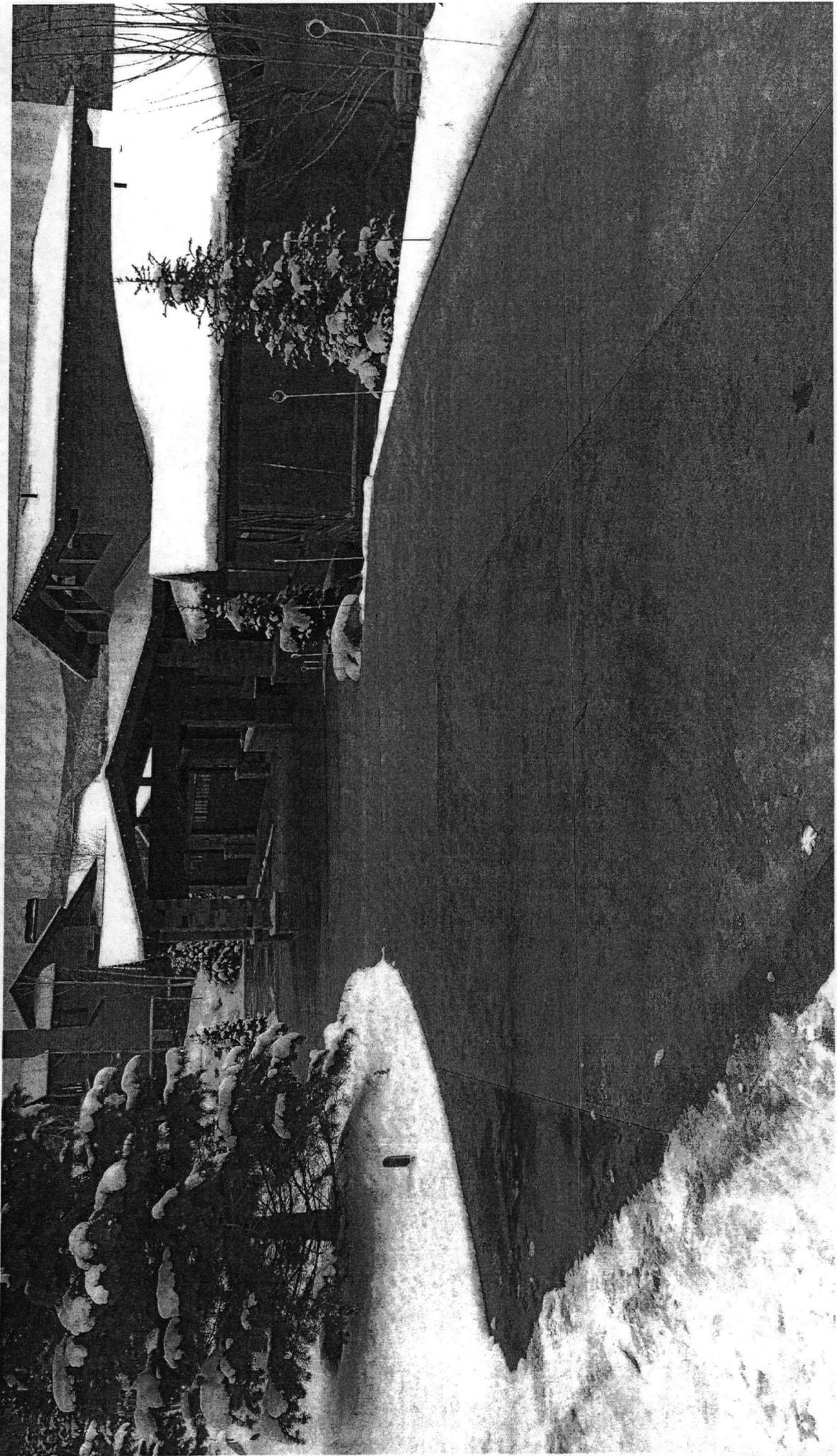


EXHIBIT F



"The Builders Builder"

GP Jorgensen Construction
365 Georgia Cir
Salt Lake City, UT 84115
(801)263-1501 FAX (801)288-8920
License# 5646522-5501

Re: Driveway at 3003 Wedge Circle Park City, UT 84098
To: Summit County Engineer Department

This letter is in regards to the driveway located at 3003 Wedge Circle in Park City, UT. This was the first New Home Construction GP Jorgensen has built in Summit County since 2006. The home is approximately 14,000 square feet with 5,000 square feet of heated driveway. The driveway is 184 feet long. 70 feet of the driveway is in front of the garage and the average slope of the entire driveway is 4.7%. 10 feet away from the front of the garage is a strip drain running parallel with the garage. The first 20 feet of the driveway coming off the street is fairly flat with a 3-4 percent slope. This 20 feet of driveway serves a couple of purposes. One, it creates a safe viewing area for the users as they come up the slope to safely view the street before entering, secondly it allows homeowners to pull into the driveway without rubbing the curb. The next section of driveway slopes towards the porte-cochere, it is seventy feet in length. The average grade of this portion of driveway is 9.7%. The porte-cochere is a covered section of the driveway covered by a roof supported by four massive post. This area is also the roof of the theater that sits below the driveway. It is constructed of 8 inches of span deck "structural concrete", 4 inches of a topping slab with rebar and concrete and then sand set pavers over the waterproofing. The waterproofing in this area, being under the driveway, was applied twice to ensure that any water coming down the sloped area of driveway would not infiltrate and cause problems with water damage. Having 92 feet of driveway all slopping to this area we also installed a strip drain running parallel with the porte-cochere to catch most of the water, as it runs down the slope towards the house.

During the grading portion of this driveway construction, my father put a call into Summit County Building Department, and we asked if we needed to be aware of any grade restrictions and the gentlemen on the phone said, "we had nothing to worry about." No mention at all of any inspections required by Summit County Engineer. We then proceeded to install approximately 5000 square feet of 1½" rigid foam insulation, wire mesh, ¾" tubing on 9" centers, to heat the entire driveway area. We then called for an inspection knowing that the building official would like to see an air test on the radiant tubing and also the boiler placement inside the mechanical room inside the home. We passed our

inspection and was told by the building official we were ok to pour.

We proceeded to pour concrete in three separate pours spanning over a 2 week period, to provide the best possible finished product. To complete this driveway we had a 10 man crew to manage the concrete as it was pumped into place with a 42 meter pump. The total cost of the driveway is in excess of \$150,000. I would have never poured this driveway knowing that I missed an inspection. To do so would be an irresponsible act that could potentially put me out of business. When a gentleman from summit county engineering department came to the jobsite with a four foot digital level to inspect the average grade of the driveway I found it a bit odd. Reading the code and its analysis of how to find average grades it would require different equipment. I do in fact question the interpretation of the code by summit county's engineering department. The ordinance clearly states the formula in which to use to find percentage of slope. I have used the formula to find the percentages I have used in this letter. I have also drove around the back nine of Jeremy ranch and have personally observed many driveways that don't meet these guidelines. If in fact this ordinance is twenty years old it does not appear to be enforced on a consistent basis. This driveway more than meets the standards set forth in the ordinance in question. The safety and welfare of the owners, visitors, and any emergency responders is not an issue. The slope in question is both comfortable to walk up and drive up and in many ways is much safer than a good number of driveways in summit county.

Thank you for your time.



Anthony Jorgensen

Owner of GP Jorgensen Construction

EXHIBIT G

AFFIDAVIT OF GEORGE PINE JORGENSEN II

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

I, George Pine Jorgensen II, being first duly sworn upon oath, do hereby state as follows:

1. That I am over the age of eighteen (18) years and any attestation of this affidavit is based upon first hand knowledge.

2. That I am competent to testify and that if called to testify my testimony would be consistent with the substance of this Affidavit.

3. That I am a licensed general contractor in the State of Utah, having been licensed for over 40 years.

4. That my contractor's license is listed in serving as the "qualifier" for the entity GP Jorgensen Construction, LC ("GP").

5. That the other owner of GP is my son, Anthony Pine Jorgensen, who is also a general contractor and has been for approximately twenty years.

6. That as licensed contractors, Anthony and me have over approximately sixty years of construction experience and GP constructed the home at 3003 Wedge Circle in Jeremy Ranch the "residence or home" for its owners Dave and Renee Wentz "owners".

7. That during the grading portion of the subject driveway for the residence I inquired of the Summit County Building Department if anything further was needed or necessary regarding grading of the driveway or other restrictions and was told "we had nothing to worry about."

8. That GP was also told by the assigned building inspector (Richard Butz) that the

residency should have “no problems” obtaining its certificate of occupancy due to any slope restrictions on the driveway.

9. While seeking the certificate of occupancy from Summit County, GP was then informed that a pre-surface driveway inspection was now needed to obtain the final certificate of occupancy.

10. That at the time of requesting the certificate of occupancy, neither I or GP realized Summit County Engineering needed to conduct another “pre-surface inspection” although they had conducted previous grade inspections along with inspections of the underlying driveways heating system. We also deemed the communications of the Building Department and inspector as accurate and that each had authority to address the matter.

11. That upon further inquiry of the Summit County Engineering office in late September or early October 2015, I inquired about how the numerous other driveways in Summit County including those in the vicinity of the subject residence could have obtained their certificate of occupancy with driveway’s average sloping in excess of the subject residence including those between 16% and 25% of slope. That at this time, the Summit County Engineering Department and in particular Mike Kendell responded to my inquiry stating that “it depends on the contractor”.

12. That I again inquired of the Summit County Engineering Department about the numerous driveways sloping in excess of the subject residence and was told on site at the residence by representatives of Summit County Engineering Department that the driveway had failed to comply with Ordinance 181-D.

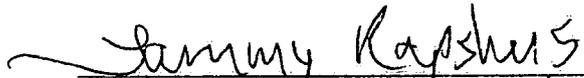
13. That at some time after the initiation of this administration process, I was informed by the engineer that provided Engineering services on this residence, Mr. Allen Taylor,

was "instructed that he better not mention the various non conforming driveways in Jeremy Ranch and Summit County that did not comply with the Summit County's driveway slope restrictions when formally contesting this matter with the Summit County Council through the Summit County Engineering Department.

FURTHER, AFFIANTS SAYETH NAUGHT.


George Pine Jorgensen II

SUBSCRIBED AND SWORN TO before me, a notary public, on this 19th day of February, 2016.


Notary Public
Residing at Salt Lake County
My Commission Expires: 3/20/19

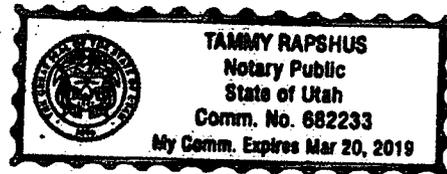


EXHIBIT H

AFFIDAVIT OF ANTHONY JORGENSEN

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

I, Anthony Jorgensen, being first duly sworn upon oath, do hereby state as follows:

1. That I am over the age of eighteen (18) years and any attestation of this affidavit is based upon first hand knowledge.
2. That I am competent to testify and that if called to testify my testimony would be consistent with the substance of this Affidavit.
3. That I am a licensed general contractor in the State of Utah, having been licensed for over 20 years.
4. That the other owner of GP is my father, George Pine Jorgensen, II, who is also a general contractor and has been for approximately 40 years.
5. That as licensed contractors, GP has over sixty years of construction experience and GP constructed the home at 3003 Wedge Circle in Jeremy Ranch the "residence or home" for its owners Dave and Renee Wentz ("Owners").
6. That when seeking the certificate of occupancy from Summit County for the residence, I was informed by Richard Butz, the main building inspector on the residence that we should have "no problem" obtaining the certificate of occupancy due to any issue, including but not limited to the average grade of the driveway.
7. That GP had been informed from Summit County Building Department that no

further inspections were needed to obtain the certificate of occupancy for the residence in late August 2015.

8. That I and GP had the understanding that no further or other driveway inspections were necessary after the driveway sub-grade inspections and inspections of the underlying heating system installed under the driveway.

9. That when the Summit County Engineering Department came to the residence on October 9, 2015, they informed me that the subject driveway violated Ordinance 181-D and that the average slope was 11.3%.

10. That I was ultimately informed by Alan Taylor, the engineer owning Taylor Geotechnical that provided engineering services on the subject residence, that he was specifically instructed by the Summit County Engineering Department "not to address or mention the various non conforming and excessive slope driveways in the Jeremy Ranch subdivision and other areas of Summit County" when appealing this decision to the Summit County Council.

11. That I was also ultimately told by our day to day Summit County Building Inspector Richard Butz, that many driveways in Summit County exceed 13% of average slope and still received their certificate of occupancy without enforcement of a slope restriction.

12. That the entire 186 foot driveway of this residence is heated via a double boiler system that is not only automatic in nature (automatically turning on when temperature fall below 40 degrees) that contains the fail safe back up system of generators that would still heat the entire driveway in case of a power failure or otherwise.

13. That the approximate cost to alter a portion of the driveway at this residence would not only destroy the driveway but the underlying heating system at an expense of easily up

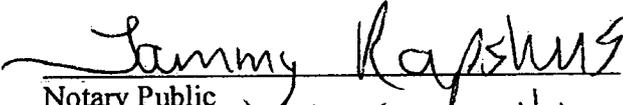
to \$100,000.00 and potentially leave the company I own with my father, George Pine Jorgensen, II,
in financial peril.

FURTHER, AFFIANTS SAYETH NAUGHT.



Anthony Jorgensen

SUBSCRIBED AND SWORN TO before me, a notary public, on this 19th day of
February, 2016.



Notary Public
Residing at Salt Lake County
My Commission Expires: 3/20/19

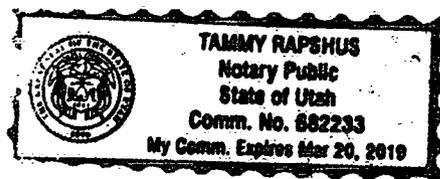


EXHIBIT I



REVISED RETAINING WALL DESIGN CALCULATIONS

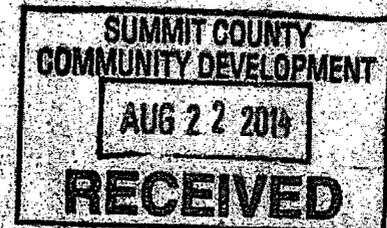
Wentz Residence
3003 West Wedge Circle
Park City, Utah

PREPARED FOR:

Mr. Anthony Jorgensen
Jorgensen Construction
365 East Georgia Circle
Salt Lake City, Utah 84115

August 21, 2014

Project No. 14041



2650 NORTH 180 EAST
TELEPHONE NUMBER 801-766-3246

LEHI, UTAH 84043
FAX NUMBER 801-769-3336



2650 North 180 East
Lehi, Utah 84043
O. 801-766-3246
F. 801-769-3336

August 21, 2014

Mr. Anthony Jorgensen
Jorgensen Construction
365 East Georgia Circle
Salt Lake City, Utah 84115

Subject: Revised Retaining Wall Design Calculations
Wentz Residence
3003 West Wedge Circle
Park City, Utah
TG Project No. 14041

Dear Mr. Jorgensen:

At your request, Taylor Geotechnical (TG) has completed the design of a various retaining walls proposed for the front, sides and rear yards of the subject residence. The purpose of the retaining walls is to expand the size of the front and rear yards, and provide aesthetically pleasing landscape.

SITE CONDITIONS

The subject lot is located on the south side of West Wedge Circle. The general topography of the lot consists of a steeply sloping surface downward to the south at 30 to 40 percent. TG visited the subject lot May 19, 2014 and observed the excavation for the proposed residential structure, obtained soil samples for laboratory testing and to observed surface conditions in the proposed wall locations. The home excavation extended 5 to 15 feet below existing grade and consisted of excavation into sandy clay and fractured sandstone. South of the home excavation, the surface consisted of native weeds and brush. Water was observed seeping from the hillside just below the home excavation but the home excavation did not contain ground water.

SOILS

Based on the experience of the design engineer and the results of laboratory tests, the following table summarizes the soil parameters used in this analysis.

Soil Properties	Native Sandy Clay	Compacted Clayey Sand	Sandstone	Concrete Wall
Moist Density (pcf)	129	125	145	150
Friction Angle (deg)	34	38	40	45
Cohesion (psf)	0	150	1500	5000
Factored Bearing Resistance (psf)	NA	3000	3000	NA

SEISMIC

Ground motion used for the seismic analyses was based on a seismic ground acceleration response spectrum having a 2 percent chance of exceedance within 50-year period (return period of 2500 years). The peak bedrock ground acceleration (PGA) for the site is 0.29g. For design purposes, the PGA was reduced by ½ to 0.15g in accordance with industry standards.

ANALYSIS

The internal analyses of the rockery were completed in accordance with Mark (2006): FHWA, - CFL/TD-06-006, "*Rockery Design and Construction Guidelines*." The analysis is based on gravity moment equilibrium design methodologies. MSEW 3.0 was utilized where geogrid was required for stability of the walls.

The external global stability analyses were completed based on Bishop Simplified Method of Slices utilizing a computer program called GSTABL7. The analysis considered a failure planes below the wall and failure through the wall face. For the analyses through the wall face, the cohesion of the rock wall was reduced to 0 psf. The results of the global analyses have been provided graphically in Appendix I.

The sizes of the rocks were changed until results of the internal and external stability calculations indicated factors of safety equal to or greater than:

- 1.5 for base sliding and internal shear.
- 2.0 for overturning.
- 2.5 for bearing capacity.
- 1.5 for global stability
- 1.1 for seismic conditions
- 1.1 for global stability near the wall under seismic conditions

RECOMMENDATIONS

Based on findings of the investigation, TG recommends:

1. The owner retains the engineer of record to inspect the wall during construction.
2. The wall is constructed in general accordance with the Associated Rockery Contractors or the FHWA rockery manual, Mack (2006).
3. Rocks are placed in such a manner as to have the widest portion of the rock placed against the cut and have a top surface tilted into the cut a minimum 5 degrees below the horizon.
4. The height dimension of the stones should not be greater than the width dimension.
5. All rocks bear on at least two contact points.
6. All fill shall be compacted in accordance with the construction drawings specifications.
7. That no bearing point be more than 6-inches from the face of the rock.
8. The top rock weigh at least 200 pounds.
9. Project specifications as outlined in the construction drawings are followed during construction.
10. The back drains are constructed as shown on the construction plans since the retained soils are poor draining.

INSPECTION

The subject retaining wall has been designed with the understanding that retaining wall will be inspected by Taylor Geotechnical during construction. Taylor Geotechnical will not be responsible for the performance of the retaining wall if not afforded the opportunity to perform inspection services during construction. Performance of the wall is based upon the following:

1. Proper preparation of the subgrade for the base course of rocks including placement on undisturbed or recompacted subgrade.
2. Proper installation of the filter fabric, perforated pipe and drain rock including outlet provisions.

3. Proper placement of second and successive courses of rocks to ensure contact points and back tilt.
4. Compaction testing should be completed in accordance with the construction drawings. Successive lifts of fill should not be placed where failing density tests are recorded until the area has been scarified and recompacted. TG should be provided all results of testing for review.

CONCLUSIONS AND RECOMMENDATIONS

Based on the results of our analysis, we conclude and recommend the following:

1. The subject retaining walls may be constructed in accordance to the attached construction drawings in Appendix II.
2. Compaction testing of fill soil placed directly behind the walls is required.
3. Taylor Geotechnical will not be responsible for the performance of the retaining walls if not retained to provide inspections during the course of construction as indicated in the construction drawings.

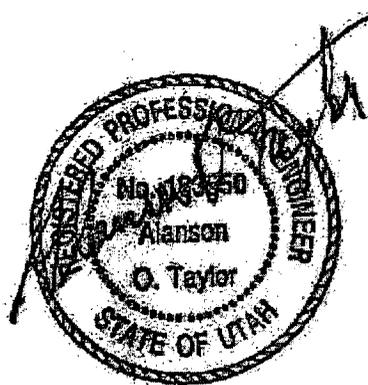
CLOSURE

All services performed by Taylor Geo-Engineering for this design were provided for the exclusive use and benefit of Mr. Anthony Jorgensen of Jorgensen Construction in Salt Lake City Hills, Utah. No other person or entity is entitled to use or rely upon any of the information or reports generated by Taylor Geotechnical for this subject wall without written consent and payment of applicable fees.

If you have any questions, please feel free to contact the undersigned. The opportunity to be of service to you is appreciated.

Respectfully submitted,
Taylor Geotechnical

Alanson O. Taylor, P.E.
Principal



August 21, 2014

Taylor Geotechnical

Project No. 14041

APPENDIX I
ENGINEERING CALCULATIONS



ROCKERY DESIGN

FHWA-CFL/TD-06-006

August 19, 2014

Project: Wentz Residence
 Project No.: 14041
 Location: 3003 West Wedge Circle
 Description: Square cut stone for Front Yard Walls
 Station: All
 Description of Wall: 1.5 feet Exposed, 2.1:1 Back Slope, Top Tier

Soil Information:

Retained

γ_r = 140 pcf
 ϕ_r = 34 degrees
 c_r = 0 psf
 Is there wall friction? = Y (Y or N)
 Interface Friction Angle, δ = 34.0 degrees

Foundation

γ_f = 135 pcf
 ϕ_f = 34 degrees
 c_f = 150 psf
 Angle of Active Wedge = 62 degrees
 Note: Angle of Active Wedge is Measured from the Horizontal.
 Base Friction Factor, μ = 0.80

Rock Properties

γ_{rock} = 150 pcf
 Interrock friction angle, ϕ_i = 45 degrees
 Inter-rock Friction Factor = 0.67
 Adjustment for Irregularities = 0.96
 Adjusted Unit Weight = 144
 Outermost Bearing Point = 6 inches

Wall Geometry

Frontslope, H:V = 10 : 1
 Frontslope = 6 degrees
 Backslope, H:V = 2.1 : 1

Backslope, β = 25 degrees
 Embedment = 1 ft.
 Exposed Height, H = 0.5 ft.
 Total Height, Ht = 1.5 ft.

Rockery Batter, V:H = 12 : 1
 Rockery Batter, ω = 4.8 degrees
 Back of Wall Inclination, ψ = 4.76 degrees from vertical.

Manual Override = N (Y or N)
 Manual Input = 0 degrees
 Note: If Back of Wall Inclination more than 28 degrees, then internal analysis is not required.

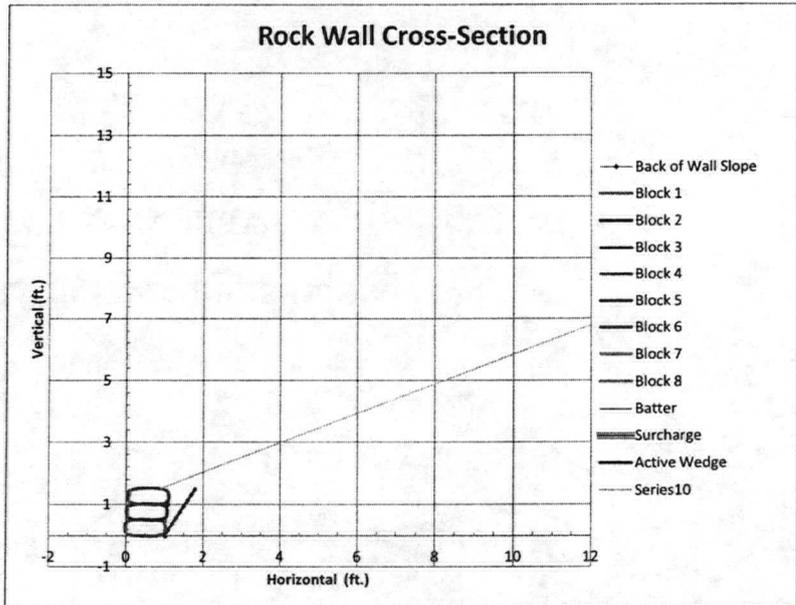
Surcharge = 0 psf
 Location of Surcharge = 4 ft.
 Location of Surcharge as measured from back of top rock.
 Width of Surcharge = 0 ft.

Seismic Parameters

PGA = 0.3 g
 Seismic Earth Coefficient, k_h = 0.15
 k_v = 0
 θ = 8.53

Earth Pressure Coefficients

Active, K_a = 0.344
 K_{AE} = 0.939
 ΔK_{AE} = 0.595



Location	Horizontal Diameter (ft.)	B/H Ratio	Height to Width Ratio	Vertical Diameter (ft.)	Vertical Diameter (in.)
Base Rock, A	1	2.00	0.5	0.5	6
Rock B	1	2.00	0.5	0.5	6
Rock C	1	2.00	0.5	0.5	6
Rock D	0	0.00	0.5	0	
Rock E	0	0.00	0.5	0	
Rock F	0	0.00	0.65	0	
Rock G	0	0.00	0.65	0	
Rock H	0	0.00	0.5	0	

Total Height = 1.50 ft.

Hinge Height = 12.0 ft.

ANALYSIS RESULTS

Project No. : 14041

Station: All

Location		Horizontal Diameter (ft.)	Height to Width Ratio	Vertical Diameter (ft.)	Cumulative Height (ft.)	Reverse Cumulative (ft.)	Area per stone (sq. ft.)	Weight per layer (lb.)	Accum. Weight (lb.)
Base Rock, A	=	1	0.5	0.5	1.5	0.5	0.48	72.00	216.00
Rock B	=	1	0.5	0.5	1	1.00	0.48	72.00	144.00
Rock C	=	1	0.5	0.5	0.5	1.50	0.48	72.00	72.00
Rock D	=	0	0.5	0	0		0.00	0.00	0.00
Rock E	=	0	0.5	0	0		0.00	0.00	0.00
Rock F	=	0	0.65	0	0	0.00	0.00	0.00	0.00
Rock G	=	0	0.65	0	0	0.00	0.00	0.00	0.00
Rock H	=	0	0.5	0	0	0.00	0.00	0.00	0.00
Total Height =				1.5	Total Area =		1.44		

Static Conditions

Location		Horizontal Force, F_{H1}	Sliding Resistance (lb./ft.)	FS Sliding (1.5)	M_{OD}	M_{OR}	FS Overturning (2.0)
Base Rock, A	=	47.33	194.00	4.10	23.67	108.60	4.59
Rock B	=	21.04	103.85	4.94	7.01	51.10	7.29
Rock C	=	5.26	49.96	9.50	0.88	2.98	3.40
Rock D	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock E	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock F	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock G	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock H	=	0.00	0.00	0.00	0.00	0.00	0.00

Seismic Conditions

Location		F_{AE} (lb./ft.)	ΔF_{AE} (lb./ft.)	Horizontal Driving Force (lb./ft.)	Sliding Resistance (lb./ft.)	FS Sliding (1.1)	M_{OD}	M_{OR}	FS Overturning (1.1)
Base Rock, A	=	147.92	100.58	167.51	233.30	1.39	126.96	161.41	1.27
Rock B	=	65.74	44.70	81.65	126.63	1.55	41.22	74.03	1.80
Rock C	=	16.44	11.18	25.81	55.66	2.16	6.50	8.58	1.32
Rock D	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock E	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock F	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock G	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock H	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Bearing Capacity

Surcharge Loads = 0

Bearing Capacity Factors

N_q = 36.5

N_c = 52.6

N_{γ} = 39.6

Bearing Capacity = 15496.22 psf

Static Eccentricity = 0.15 ft.

In Middle 1/3 = YES

Max Bearing Stress = 460.39 psf

Factor of Safety = 33.66

Seismic Eccentricity = 0.5 ft.

Max Bearing Stress = 1152.98 psf

Seismic Bearing FS = 13.44



NCMA DESIGN METHOD 3003 West Wedge Circle

MSEW(3.0): Update # 14.4

PROJECT IDENTIFICATION

Title: 3003 West Wedge Circle
Project Number: 14041
Client: Jorgenson Construction
Designer: AT
Station Number:

Description:

4 ft. Stone Wall - SRW 3 Geogrid.

Company's information:

Name: Taylor Geotechnical
Street: 2650 North 180 East

Lehi, Ut 84043

Telephone #: 801-400-9784
Fax #: 801-766-3246
E-Mail: alan@taylorgeotech.com

Original file path and name: C:\Users\Alan's PC\Documents\Taylor Geotechnical\14041
.....alls\4 ft. Stone.BEN

Original date and time of creating this file: Wed Aug 20 15:34:25 2014

PROGRAM MODE:

ANALYSIS
of a SIMPLE STRUCTURE
using GEOGRID as reinforcing material.

SOIL DATA

REINFORCED SOIL

Unit weight, γ 135.0 lb/ft³
Design value of internal angle of friction, ϕ 40.0°

RETAINED SOIL

Unit weight, γ 135.0 lb/ft³
Design value of internal angle of friction, ϕ 36.0°

FOUNDATION SOIL (Considered as an equivalent uniform soil)

Equivalent unit weight, γ_{equiv} 135.0 lb/ft³
Equivalent internal angle of friction, ϕ_{equiv} 36.0°
Equivalent cohesion, c_{equiv} 150.0 lb/ft²

Water table does not affect bearing capacity

LATERAL EARTH PRESSURE COEFFICIENTS

K_a (internal stability) = 0.1738
Inclination of internal slip plane, $\psi = 60.37^\circ$.
 K_a (external stability) = 0.2116

BEARING CAPACITY

Bearing capacity coefficients (calculated by MSEW): $N_c = 50.59$ $N_\gamma = 56.31$

SEISMICITY

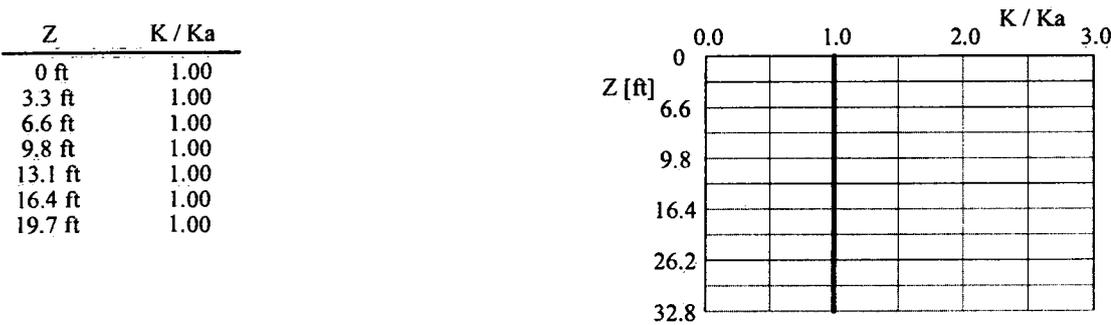
Maximum ground acceleration coefficient, $A = 0.300$

$K_{ae} (K_h > 0) = 0.3137$ $K_{ae} (K_h = 0) = 0.2116$ $\Delta K_{ae} = 0.1022$
Seismic soil-geogrid friction coefficient, F^* is 100.0% of its specified static value.

**INPUT DATA: Geogrids
(Analysis)**

D A T A	Geogrid type #1	Geogrid type #2	Geogrid type #3	Geogrid type #4	Geogrid type #5
Tult [lb/ft]	1940.0				
Durability reduction factor, RFd	1.10				
Installation-damage reduction factor, RFid	1.10				
Creep reduction factor, RFc	1.54	N/A	N/A	N/A	N/A
Fs-overall for strength	N/A				
Coverage ratio, Rc	1.000				
Cds = tan(ro) / tan(Phi.reinforced)	0.80				
Ci	0.80	N/A	N/A	N/A	N/A

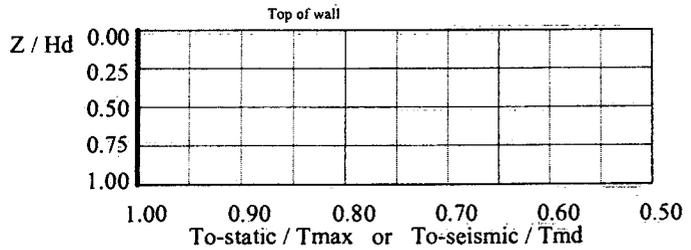
Variation of Lateral Earth Pressure Coefficient With Depth



INPUT DATA: Facia and Connection (according to revised Demo 82)
(Analysis)

ACIA type: Facing enabling frictional connection of reinforcement (e.g., modular concrete blocks, gabions)
 Depth/height of block is 1.00/0.50 ft. Horizontal distance to Center of Gravity of block is 0.50 ft.
 Average unit weight of block is $\gamma_f = 140.00 \text{ lb/ft}^3$

Z / Hd	To-static / Tmax or To-seismic / Tmd
0.00	1.00
0.25	1.00
0.50	1.00
0.75	1.00
1.00	1.00



Peak Strength Criterion

Geogrid Type #1		Geogrid Type #2		Geogrid Type #3		Geogrid Type #4		Geogrid Type #5	
Weight of blocks	Tultconn								
0.0	355.00								
1200.0	967.00	N/A		N/A		N/A		N/A	

Service Strength Criterion @ 3/4"

Geogrid Type #1		Geogrid Type #2		Geogrid Type #3		Geogrid Type #4		Geogrid Type #5	
Weight of blocks	Tconn @ 3/4"								
0.0	310.00								
1200.0	829.00	N/A		N/A		N/A		N/A	

Ultimate Strength Criterion

Weight of blocks	Vu ⁽⁴⁾
0.0	85.00
1500.0	1131.00

Service Strength Criterion

Weight of blocks	Vu' ⁽⁵⁾
0.0	85.00
1500.0	1131.00

(1)(2)(3)(4)(5) Weight of blocks, Tultconn., Tconn@3/4", Vu and Vu' are in [lb/ft]

In seismic analysis, long term strength is reduced to 80% of its static value.

D A T A (for connection only)	Type #1	Type #2	Type #3	Type #4	Type #5
Product Name	SRW 3	N/A	N/A	N/A	N/A
Connection strength reduction factor, RFd	1.00	N/A	N/A	N/A	N/A
Creep reduction factor, RFc	1.00	N/A	N/A	N/A	N/A

ANALYSIS: CALCULATED FACTORS (Static conditions)

Bearing capacity, $F_s = 33.11$, Meyerhof stress = 638 lb/ft².

Foundation Interface: Direct sliding, $F_s = 6.312$, Eccentricity, $e/L = 0.0181$, F_s -overturning = 8.25

GEOGRID				CONNECTION			Geogrid strength F_s	Pullout resistance F_s	Direct sliding F_s	Eccentricity e/L	Product name
#	Elevation [ft]	Length [ft]	Type #	F_s @ 3/4" [service criterion]	F_s -peak [failure criterion]	F_s -overall [geogrid strength]					
1	1.00	3.00	1	4.29	4.97	8.55	8.550	7.817	7.152	0.0075	SRW 3
2	2.00	3.00	1	8.53	9.86	19.24	19.237	8.383	10.333	0.0034	SRW 3
3	3.00	3.00	1	9.26	10.67	24.05	24.046	3.161	18.470	0.0059	SRW 3

ANALYSIS: CALCULATED FACTORS (Seismic conditions)

Bearing capacity, $F_s = 22.20$, Meyerhof stress = 835 lb/ft².

Foundation Interface: Direct sliding, $F_s = 3.019$, Eccentricity, $e/L = 0.1317$, F_s -overturning = 3.05

GEOGRID				CONNECTION			Geogrid strength F_s	Pullout resistance F_s	Direct sliding F_s	Eccentricity e/L	Product name
#	Elevation [ft]	Length [ft]	Type #	F_s @ 3/4" [service criterion]	F_s -peak [failure criterion]	F_s -overall [geogrid strength]					
1	1.00	3.00	1	1.98	2.29	6.07	6.075	3.606	2.926	0.0975	SRW 3
2	2.00	3.00	1	2.75	3.19	9.57	9.573	2.709	3.355	0.0689	SRW 3
3	3.00	3.00	1	1.30	1.50	5.22	5.219	0.446	4.047	0.0459	SRW 3



ROCKERY DESIGN

FHWA-CFL/TD-06-006

August 19, 2014

Project: Wentz Residence
 Project No. : 14041
 Location: 3003 West Wedge Circle
 Description: For Terraced Rockery on South Side of Home
 Station: All

Description of Wall: 4 feet Exposed, Level Front and Back Slope, Top and Mid Tiers

Soil Information:

Retained

γ_r = 140 pcf
 ϕ_r = 34 degrees
 c_r = 0 psf
 Is there wall friction? = Y (Y or N)
 Interface Friction Angle, δ = 34.0 degrees

Foundation

γ_f = 135 pcf
 ϕ_f = 34 degrees
 c_f = 150 psf
 Angle of Active Wedge = 62 degrees
 Note: Angle of Active Wedge is Measured from the Horizontal.
 Base Friction Factor, μ = 0.80

Rock Properties

γ_{rock} = 150 pcf
 Interrock friction angle, ϕ_i = 45 degrees
 Inter-rock Friction Factor = 0.67
 Adjustment for Irregularities = 0.96
 Adjusted Unit Weight = 144
 Outermost Bearing Point = 6 inches

Wall Geometry

Frontslope, H:V = 10 :1
 Frontslope = 6 degrees
 Backslope, H:V = 20 :1

Backslope, β = 3 degrees
 Embedment = 1 ft.
 Exposed Height, H = 3.5125 ft.
 Total Height, Ht = 4.5125 ft.

Rockery Batter, V:H = 4 :1
 Rockery Batter, ω = 14.0 degrees
 Back of Wall Inclination, ψ = 9.75 degrees from vertical.
 Manuel Override = N (Y or N)
 Manuel Input = 0 degrees

Note: If Back of Wall Inclination more than 28 degrees, then internal analysis is not required.

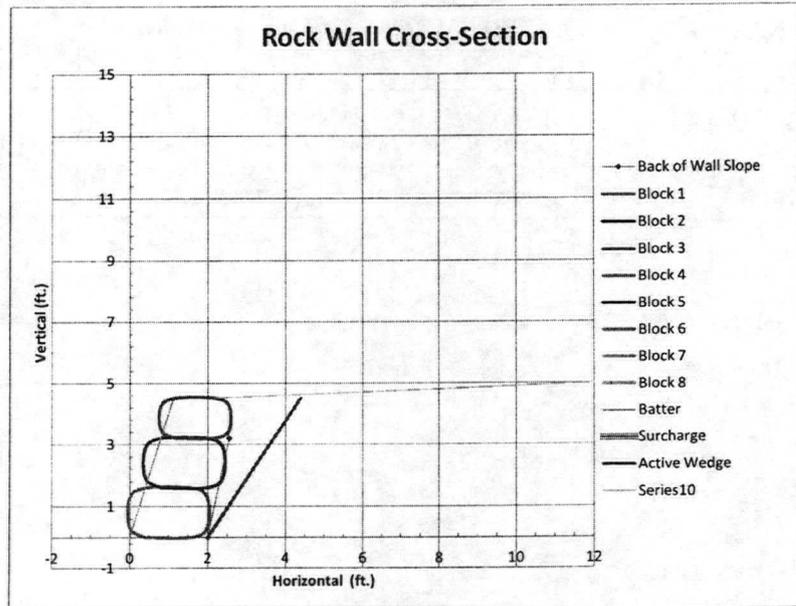
Surcharge = 160 psf
 Location of Surcharge = 4 ft.
 Location of Surcharge as measured from back of top rock.
 Width of Surcharge = 0 ft.

Seismic Parameters

PGA = 0.3 g
 Seismic Earth Coefficient, k_h = 0.15
 k_v = 0
 θ = 8.53

Earth Pressure Coefficients

Active, K_a = 0.196
 K_{AE} = 0.300
 ΔK_{AE} = 0.104



Location	Horizontal Diameter (ft.)	B/H Ratio	Height to Width Ratio	Vertical Diameter (ft.)	Vertical Diameter (in.)
Base Rock, A	2	0.57	0.8	1.6	19.2
Rock B	2	0.57	0.8	1.6	19.2
Rock C	1.75	0.50	0.75	1.3125	15.75
Rock D	0	0.00	0.4	0	
Rock E	0	0.00	0.5	0	
Rock F	0	0.00	0.65	0	
Rock G	0	0.00	0.65	0	
Rock H	0	0.00	0.5	0	

Total Height = 4.51 ft.

Hinge Height = 9.1 ft.

ANALYSIS RESULTS

Project No. : 14041

Station: All

Location	Horizontal Diameter (ft.)	Height to Width Ratio	Vertical Diameter (ft.)	Cumulative Height (ft.)	Reverse Cumulative (ft.)	Area per stone (sq. ft.)	Weight per layer (lb.)	Accum. Weight (lb.)	
Base Rock, A	= 2	0.8	1.6	4.5125	1.6	3.07	460.80	1252.35	
Rock B	= 2	0.8	1.6	2.9125	3.20	3.07	460.80	791.55	
Rock C	= 1.75	0.75	1.3125	1.3125	4.51	2.21	330.75	330.75	
Rock D	= 0	0.4	0	0		0.00	0.00	0.00	
Rock E	= 0	0.5	0	0		0.00	0.00	0.00	
Rock F	= 0	0.65	0	0	0.00	0.00	0.00	0.00	
Rock G	= 0	0.65	0	0	0.00	0.00	0.00	0.00	
Rock H	= 0	0.5	0	0	0.00	0.00	0.00	0.00	
Total Height =			4.5125	Total Area =			8.35		

Static Conditions

Location	Horizontal Force, F _H	Sliding Resistance (lb./ft.)	FS Sliding (1.5)	M _{OP}	M _{OR}	FS Overturning (2.0)
Base Rock, A	= 396.10	1093.64	2.76	702.20	1688.57	2.40
Rock B	= 197.38	559.55	2.83	235.95	755.64	3.20
Rock C	= 62.69	226.97	3.62	36.43	141.74	3.89
Rock D	= 0.00	0.00	0.00	0.00	0.00	0.00
Rock E	= 0.00	0.00	0.00	0.00	0.00	0.00
Rock F	= 0.00	0.00	0.00	0.00	0.00	0.00
Rock G	= 0.00	0.00	0.00	0.00	0.00	0.00
Rock H	= 0.00	0.00	0.00	0.00	0.00	0.00

Seismic Conditions

Location	F _{AE} (lb./ft.)	ΔF _{AE} (lb./ft.)	Horizontal Driving Force (lb./ft.)	Sliding Resistance (lb./ft.)	FS Sliding (1.1)	M _{OP}	M _{OR}	FS Overturning (1.1)
Base Rock, A	= 427.91	31.81	612.96	1104.09	1.80	1195.15	1720.77	1.44
Rock B	= 178.26	-19.12	298.68	600.03	2.01	374.54	737.57	1.97
Rock C	= 36.20	-26.49	88.15	229.00	2.60	49.97	121.23	2.43
Rock D	= 0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock E	= 0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock F	= 0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock G	= 0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock H	= 0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Bearing Capacity

Surcharge Loads = 141.4625847

Bearing Capacity Factors

N_q = 36.5

N_c = 52.6

Ngamma = 39.6

Bearing Capacity = 18168.73 psf

Static Eccentricity = 0.28 ft.

In Middle 1/3 = YES

Max Bearing Stress = 1254.53 psf

Factor of Safety = 14.48

Seismic Eccentricity = 1 ft.

Max Bearing Stress = 2856.17 psf

Seismic Bearing FS = 6.36



ROCKERY DESIGN

FHWA-CFL/TD-06-006

August 19, 2014

Project: Wentz Residence
 Project No. : 14041
 Location: 3003 West Wedge Circle
 Description: For Terraced Rockery on South Side of Home
 Station: All
 Description of Wall: 5 feet Exposed, 2:1 Front and Back Slope, Top and Mid Tiers

Soil Information:

Retained

γ_r = 140 pcf
 ϕ_r = 34 degrees
 c_r = 0 psf
 Is there wall friction? = Y (Y or N)
 Interface Friction Angle, δ = 34.0 degrees

Foundation

γ_f = 135 pcf
 α_f = 34 degrees
 c_f = 150 psf
 Angle of Active Wedge = 62 degrees
 Note: Angle of Active Wedge is Measured from the Horizontal.
 Base Friction Factor, μ = 0.80

Rock Properties

γ_{rock} = 150 pcf
 Interrock friction angle, ϕ_i = 45 degrees
 Inter-rock Friction Factor = 0.67
 Adjustment for Irregularities = 0.96
 Adjusted Unit Weight = 144
 Outermost Bearing Point = 6 inches

Wall Geometry

Frontslope, H:V = 10 :1
 Frontslope = 6 degrees
 Backslope, H:V = 20 :1

Backslope, β = 3 degrees
 Embedment = 1 ft.
 Exposed Height, H = 6.175 ft.
 Total Height, Ht = 7.175 ft.

Rockery Batter, V:H = 4 :1
 Rockery Batter, ω = 14.0 degrees
 Back of Wall Inclination, ψ = 4.39 degrees from vertical.
 Manuel Override = N (Y or N)
 Manuel Input = 0 degrees
 Note: If Back of Wall Inclination more than 28 degrees, then internal analysis is not required.

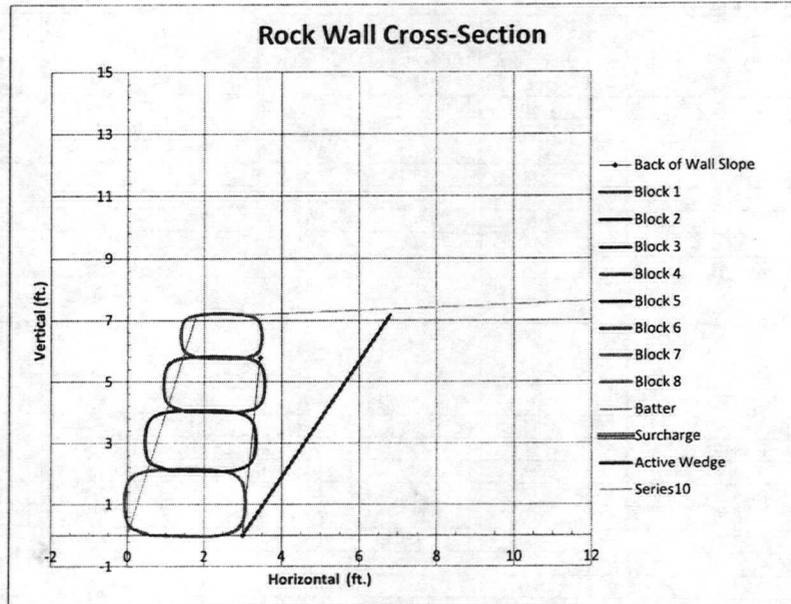
Surcharge = 160 psf
 Location of Surcharge = 4 ft.
 Location of Surcharge as measured from back of top rock.
 Width of Surcharge = 0 ft.

Seismic Parameters

PGA = 0.3 g
 Seismic Earth Coefficient, k_h = 0.15
 k_v = 0
 θ = 8.53

Earth Pressure Coefficients

Active, K_a = 0.233
 K_{AE} = 0.346
 ΔK_{AE} = 0.113



Location	Horizontal Diameter (ft.)	B/H Ratio	Height to Width Ratio	Vertical Diameter (ft.)	Vertical Diameter (in.)
Base Rock, A	3	0.49	0.7	2.1	25.2
Rock B	2.75	0.45	0.7	1.925	23.1
Rock C	2.5	0.40	0.7	1.75	21
Rock D	2	0.32	0.7	1.4	16.8
Rock E	0	0.00	0.5	0	
Rock F	0	0.00	0.65	0	
Rock G	0	0.00	0.65	0	
Rock H	0	0.00	0.5	0	

Total Height = 7.18 ft.

Hinge Height = 15.7 ft.

ANALYSIS RESULTS

Project No. : 14041

Station: All

Location		Horizontal Diameter (ft.)	Height to Width Ratio	Vertical Diameter (ft.)	Cumulative Height (ft.)	Reverse Cumulative (ft.)	Area per stone (sq. ft.)	Weight per layer (lb.)	Accum. Weight (lb.)
Base Rock, A	=	3	0.7	2.1	7.175	2.1	6.05	907.20	2702.70
Rock B	=	2.75	0.7	1.925	5.075	4.03	5.08	762.30	1795.50
Rock C	=	2.5	0.7	1.75	3.15	5.78	4.20	630.00	1033.20
Rock D	=	2	0.7	1.4	1.4	7.18	2.69	403.20	403.20
Rock E	=	0	0.5	0	0		0.00	0.00	0.00
Rock F	=	0	0.65	0	0	0.00	0.00	0.00	0.00
Rock G	=	0	0.65	0	0	0.00	0.00	0.00	0.00
Rock H	=	0	0.5	0	0	0.00	0.00	0.00	0.00
		Total Height =		7.175	Total Area =		18.02		

Static Conditions

Location		Horizontal Force, F _H	Sliding Resistance (lb./ft.)	FS Sliding (1.5)	M _{OD}	M _{OR}	FS Overturning (2.0)
Base Rock, A	=	998.53	2494.35	2.50	2708.36	5890.32	2.17
Rock B	=	555.00	1335.50	2.41	1099.06	3129.64	2.85
Rock C	=	258.40	742.16	2.87	333.04	1258.64	3.78
Rock D	=	80.07	279.34	3.49	49.56	233.79	4.72
Rock E	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock F	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock G	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock H	=	0.00	0.00	0.00	0.00	0.00	0.00

Seismic Conditions

Location		F _{AE} (lb./ft.)	ΔF _{AE} (lb./ft.)	Horizontal Driving Force (lb./ft.)	Sliding Resistance (lb./ft.)	FS Sliding (1.1)	M _{OD}	M _{OR}	FS Overturning (1.1)
Base Rock, A	=	1247.91	249.38	1620.76	2592.91	1.60	4999.20	6300.68	1.26
Rock B	=	624.33	69.33	884.60	1500.17	1.70	1930.06	3231.85	1.67
Rock C	=	240.53	-17.88	397.84	790.91	1.99	538.71	1235.28	2.29
Rock D	=	47.51	-32.56	112.24	279.41	2.49	68.11	200.58	2.94
Rock E	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock F	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock G	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock H	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Bearing Capacity

Surcharge Loads = 267.7585823

Bearing Capacity Factors

N_q = 36.5
 N_c = 52.6
 N_{gamma} = 39.6

Bearing Capacity = 20841.24 psf

Static Eccentricity = 0.48 ft.
 In Middle 1/3 = YES
 Max Bearing Stress = 2035.95 psf
 Factor of Safety = 10.24

Seismic Eccentricity = 1.5 ft.
 Max Bearing Stress = 4425.61 psf
 Seismic Bearing FS = 4.71



ROCKERY DESIGN

FHWA-CFLTD-06-006

August 19, 2014

Project: Wentz Residence
 Project No. : 14041
 Location: 3003 West Wedge Circle
 Description: For Terraced Rockery on South Side of Home
 Station: All
 Description of Wall: 8 feet Exposed, 2:1 Front and Back Slope, Top and Mid Tiers

Soil Information:

Retained

γ_r = 140 pcf
 ϕ_r = 34 degrees
 c_r = 0 psf
 Is there wall friction? = Y (Y or N)
 Interface Friction Angle, δ = 34.0 degrees

Foundation

γ_r = 135 pcf
 ϕ_r = 34 degrees
 c_r = 150 psf
 Angle of Active Wedge = 62 degrees
 Note: Angle of Active Wedge is Measured from the Horizontal.
 Base Friction Factor, μ = 0.80

Rock Properties

γ_{rock} = 150 pcf
 Interrock friction angle, ϕ_i = 45 degrees
 Inter-rock Friction Factor = 0.67
 Adjustment for Irregularities = 0.96
 Adjusted Unit Weight = 144
 Outermost Bearing Point = 6 inches

Wall Geometry

Frontslope, H:V = 10 :1
 Frontslope = 6 degrees
 Backslope, H:V = 20 :1

Backslope, β = 3 degrees
 Embedment = 1 ft.
 Exposed Height, H = 7.625 ft.
 Total Height, Ht = 8.625 ft.

Rockery Batter, V:H = 4 :1
 Rockery Batter, ω = 14.0 degrees
 Back of Wall Inclination, ψ = 7.91 degrees from vertical.
 Manual Override = N (Y or N)
 Manual Input = 0 degrees
 Note: If Back of Wall Inclination more than 28 degrees, then internal analysis is not required.

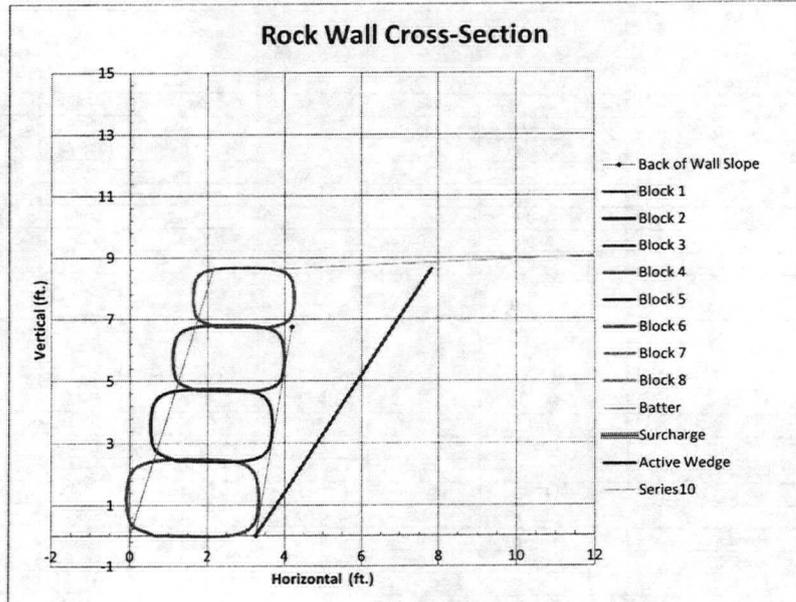
Surcharge = 160 psf
 Location of Surcharge = 4 ft.
 Location of Surcharge as measured from back of top rock.
 Width of Surcharge = 0 ft.

Seismic Parameters

PGA = 0.3 g
 Seismic Earth Coefficient, k_h = 0.15
 k_v = 0
 θ = 8.53

Earth Pressure Coefficients

Active, K_a = 0.208
 K_{AE} = 0.315
 ΔK_{AE} = 0.107



Location	Horizontal Diameter (ft.)	B/H Ratio	Height to Width Ratio	Vertical Diameter (ft.)	Vertical Diameter (in.)
Base Rock, A	3.25	0.43	0.75	2.4375	29.25
Rock B	3	0.39	0.75	2.25	27
Rock C	2.75	0.36	0.75	2.0625	24.75
Rock D	2.5	0.33	0.75	1.875	22.5
Rock E	0	0.00	0.7	0	
Rock F	0	0.00	0.65	0	
Rock G	0	0.00	0.65	0	
Rock H	0	0.00	0.5	0	

Total Height = 8.63 ft.

Hinge Height = 14.8 ft.

ANALYSIS RESULTS

Project No. : 14041

Station: All

Location		Horizontal Diameter (ft.)	Height to Width Ratio	Vertical Diameter (ft.)	Cumulative Height (ft.)	Reverse Cumulative (ft.)	Area per stone (sq. ft.)	Weight per layer (lb.)	Accum. Weight (lb.)
Base Rock, A	=	3.25	0.75	2.4375	8.625	2.4375	7.61	1140.75	3604.50
Rock B	=	3	0.75	2.25	6.1875	4.69	6.48	972.00	2463.75
Rock C	=	2.75	0.75	2.0625	3.9375	6.75	5.45	816.75	1491.75
Rock D	=	2.5	0.75	1.875	1.875	8.63	4.50	675.00	675.00
Rock E	=	0	0.7	0	0	0	0.00	0.00	0.00
Rock F	=	0	0.65	0	0	0.00	0.00	0.00	0.00
Rock G	=	0	0.65	0	0	0.00	0.00	0.00	0.00
Rock H	=	0	0.5	0	0	0.00	0.00	0.00	0.00
Total Height =				8.625	Total Area =		24.03		

Static Conditions

Location		Horizontal Force, F _H	Sliding Resistance (lb./ft.)	FS Sliding (1.5)	M _{OD}	M _{OR}	FS Overturning (2.0)
Base Rock, A	=	1261.65	3265.28	2.59	4040.48	8758.01	2.17
Rock B	=	707.59	1806.19	2.55	1672.07	4932.89	2.95
Rock C	=	334.27	1060.79	3.17	524.85	2198.02	4.19
Rock D	=	108.53	465.03	4.28	87.36	564.57	6.46
Rock E	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock F	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock G	=	0.00	0.00	0.00	0.00	0.00	0.00
Rock H	=	0.00	0.00	0.00	0.00	0.00	0.00

Seismic Conditions

Location		F _{AE} (lb./ft.)	ΔF _{AE} (lb./ft.)	Horizontal Driving Force (lb./ft.)	Sliding Resistance (lb./ft.)	FS Sliding (1.1)	M _{OD}	M _{OR}	FS Overturning (1.1)
Base Rock, A	=	1642.65	381.00	2144.50	3399.34	1.59	8041.50	9423.08	1.17
Rock B	=	845.39	137.80	1200.91	2055.08	1.71	3240.21	5145.97	1.59
Rock C	=	342.35	8.08	565.29	1147.58	2.03	975.54	2208.96	2.26
Rock D	=	77.63	-30.90	182.03	475.11	2.61	151.06	528.47	3.50
Rock E	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock F	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock G	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rock H	=	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Bearing Capacity

Surcharge Loads = 287.4664203

Bearing Capacity Factors

N_q = 36.5
 N_c = 52.6
 Ngamma = 39.6

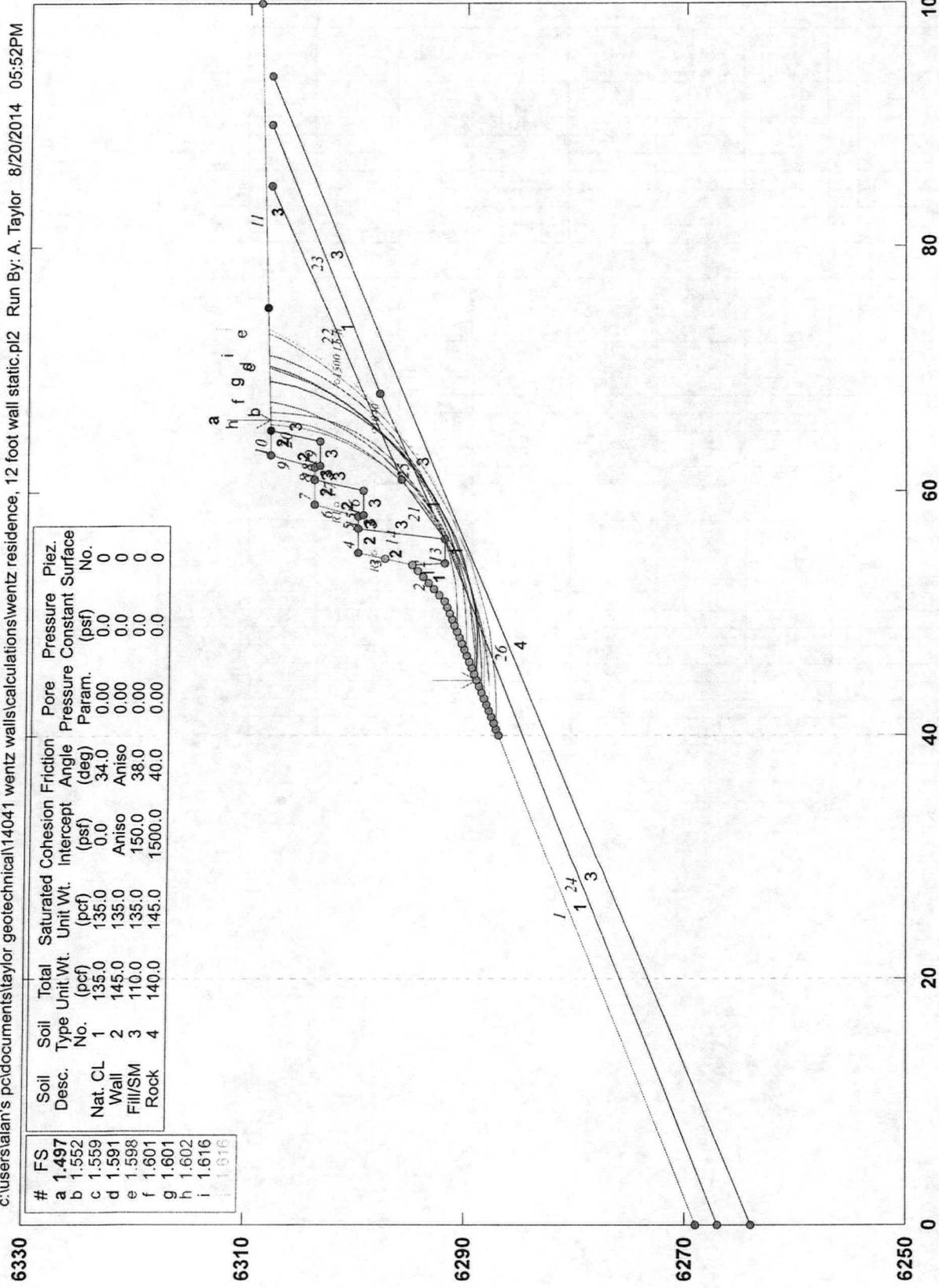
Bearing Capacity = 21509.37 psf

Static Eccentricity = 0.47 ft.
 In Middle 1/3 = YES
 Max Bearing Stress = 2343.72 psf
 Factor of Safety = 9.18

Seismic Eccentricity = 1.625 ft.
 Max Bearing Stress = 5325.52 psf
 Seismic Bearing FS = 4.04

Wentz Residence 12 ft. Wall 3 Tiered Wall - Static

c:\users\alan's pc\documents\taylor\geotechnical\14041 wentz walls\calculations\wentz residence, 12 foot wall static.pl2 Run By: A. Taylor 8/20/2014 05:52PM



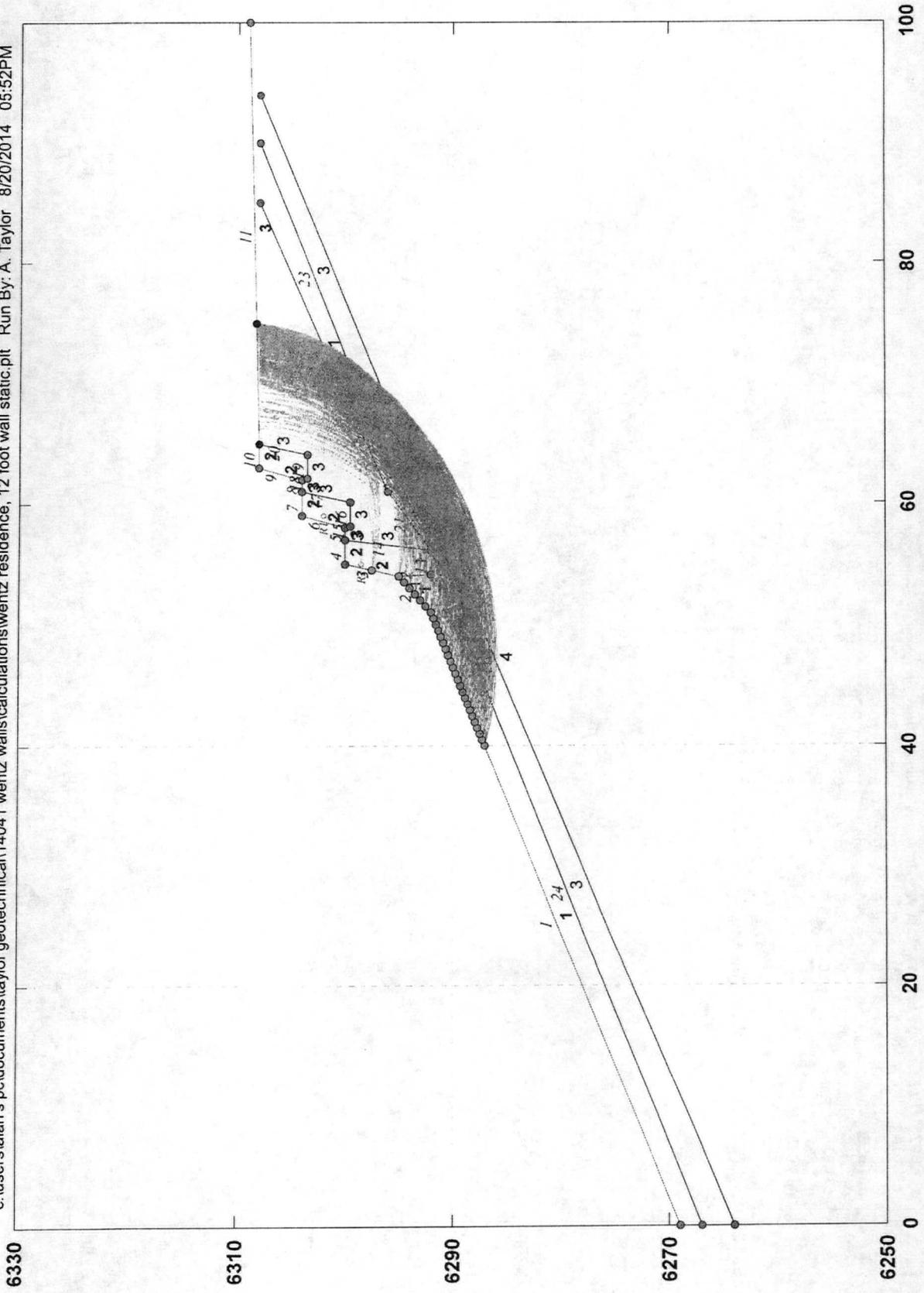
Soil Desc.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Intercept (psf)	Cohesion (psf)	Friction Angle (deg)	Pore Pressure Param.	Piez. Constant (psf)	Piez. Surface No.
Nat. CL	1	135.0	135.0	0.0	0.0	34.0	0.00	0.0	0
Wall	2	145.0	135.0	Aniso	Aniso	38.0	0.00	0.0	0
Fill/SM	3	110.0	135.0	1500.0	1500.0	40.0	0.00	0.0	0
Rock	4	140.0	145.0				0.00	0.0	0

#	FS
a	1.497
b	1.552
c	1.559
d	1.591
e	1.598
f	1.601
g	1.601
h	1.602
i	1.616

GSTABL7 v.2 FSmin=1.497
Safety Factors Are Calculated By The Modified Bishop Method

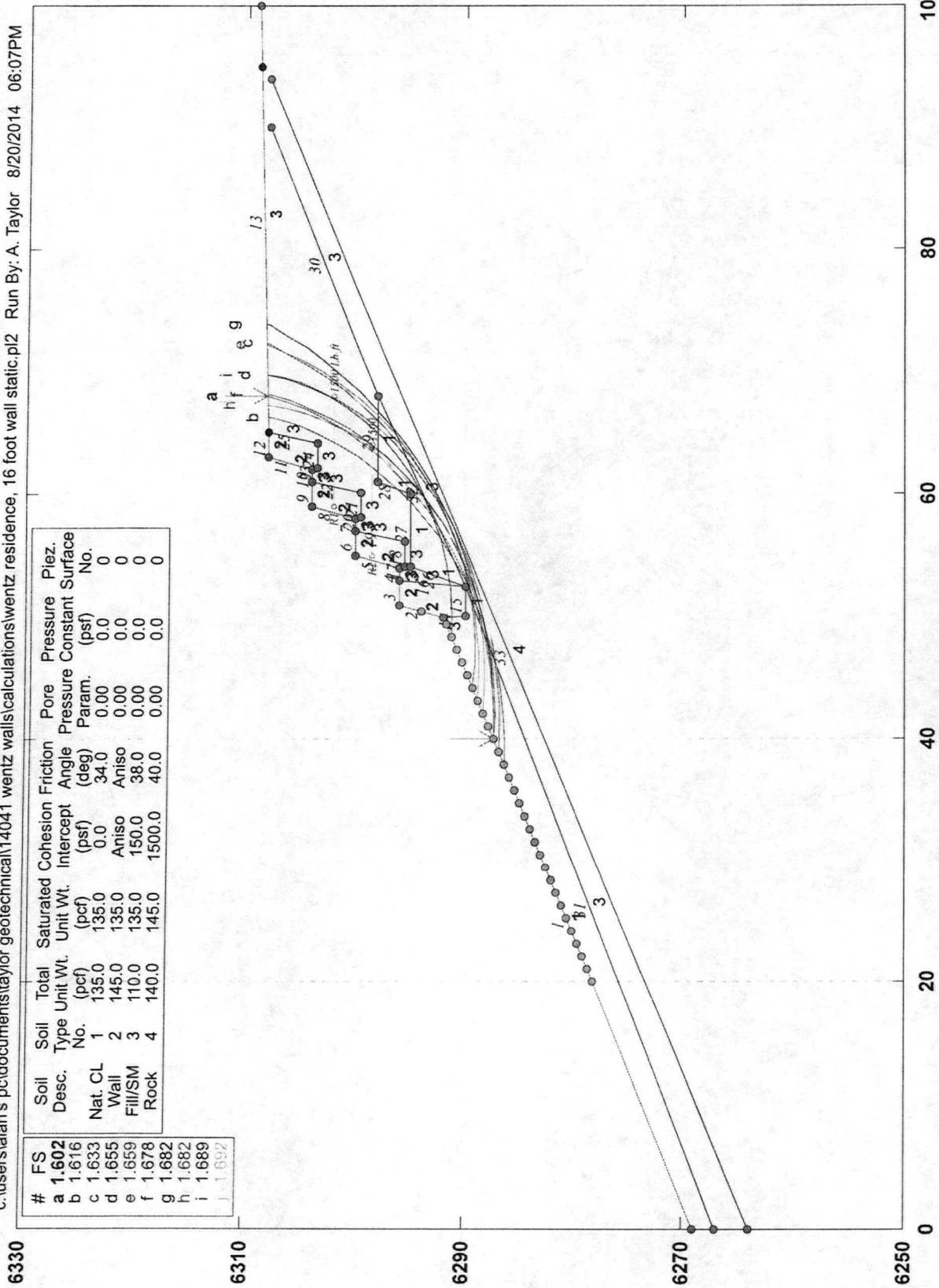
Wentz Residence 12 ft. Wall 3 Tiered Wall - Seismic

c:\users\alan's pc\documents\taylor geotechnical\taylor\14041 wentz walls\calculations\wentz residence, 12 foot wall static.plt Run By: A. Taylor 8/20/2014 05:52PM



Wentz Residence 16 ft. Wall 4 Tiered Wall - Static

c:\users\slan's pc\documents\taylor\geotechnical\14041 wentz walls\calculations\wentz residence, 16 foot wall static.pl2 Run By: A. Taylor 8/20/2014 06:07PM

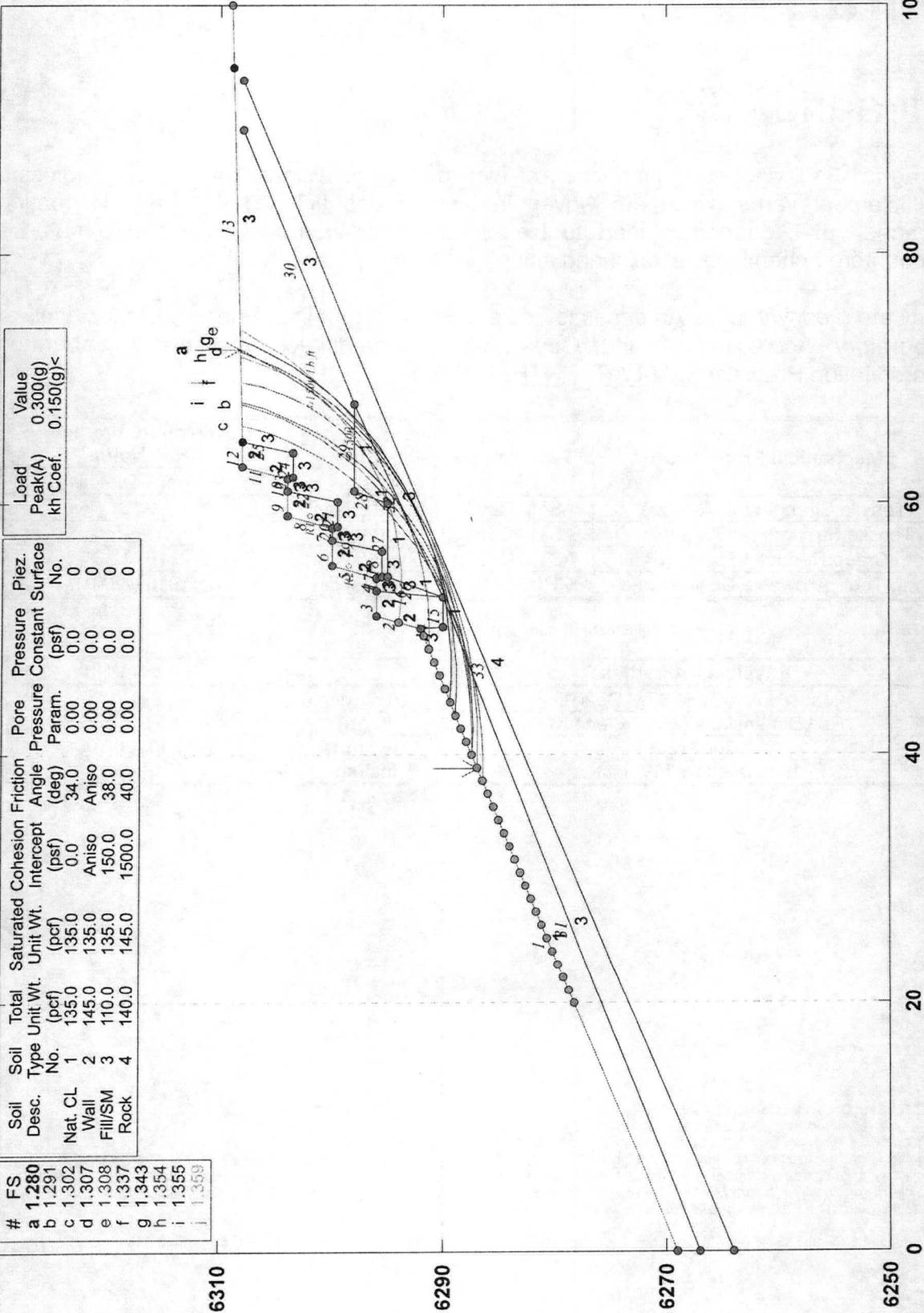


#	FS	Soil Desc.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Intercept (psf)	Friction Angle (deg)	Cohesion (psf)	Pore Pressure Param. (psf)	Pressure Constant (psf)	Piez. No.
a	1.602	Nat. CL	1	135.0	135.0	0.0	34.0	0.0	0.0	0.0	0
b	1.616	Wall	2	145.0	135.0	0.0	Aniso	0.0	0.0	0.0	0
c	1.633	Fill/SM	3	110.0	135.0	150.0	38.0	0.0	0.0	0.0	0
d	1.655	Rock	4	140.0	145.0	1500.0	40.0	0.0	0.0	0.0	0
e	1.659										
f	1.678										
g	1.682										
h	1.682										
i	1.689										
j	1.692										

GSTABL7 v.2 FSmin=1.602
Safety Factors Are Calculated By The Modified Bishop Method

Wentz Residence 16 ft. Wall 4 Tiered Wall - Seismic

c:\users\alan's pc\documents\taylor\geotechnical\14041 wentz walls\calculations\wentz residence, 16 foot wall static.pl2 Run By: A. Taylor 8/20/2014 06:08PM



#	FS	Soil Desc.	Soil Type No.	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param. (psf)	Pressure Constant (psf)	Piez. Surface No.
a	1.280	Nat. CL	1	135.0	135.0	0.0	34.0	0.00	0.0	0
b	1.291	Wall	2	145.0	135.0	Aniso	Aniso	0.00	0.0	0
c	1.302	Fill/SM	3	110.0	135.0	150.0	38.0	0.00	0.0	0
d	1.307	Rock	4	140.0	145.0	1500.0	40.0	0.00	0.0	0
e	1.308									
f	1.337									
g	1.343									
h	1.354									
i	1.355									
j	1.359									

Load Peak(A)	Value
kh Coef.	0.300(g)
	0.150(g)<

GSTABL7 v.2 FSmin=1.280
Safety Factors Are Calculated By The Modified Bishop Method

Miragrid® 3XT



Miragrid® 3XT geogrid is composed of high molecular weight, high tenacity polyester multifilament yarns which are woven in tension and finished with a PVC coating. Miragrid® 3XT geogrid is inert to biological degradation and resistant to naturally encountered chemicals, alkalis, and acids.

TenCate Geosynthetics Americas is accredited by a2La (The American Association for Laboratory Accreditation) and Geosynthetic Accreditation Institute – Laboratory Accreditation Program (GAI-LAP). NTPEP test data.

Mechanical Properties	Test Method	Unit	Minimum Average Roll Value
			Machine Direction
Tensile Strength (at ultimate)	ASTM D6637	lbs/ft (kN/m)	3500 (51.1)
Tensile Strength (at 5% strain)	ASTM D6637	lbs/ft (kN/m)	1056 (15.4)
Creep Reduced Strength	ASTM D5262	lbs/ft (kN/m)	2215 (32.3)
Long Term Allowable Design Load ¹	GRI GG-4(b)	lbs/ft (kN/m)	1918 (28.0)

¹ NOTE: Allowable Long Term Strength values are for sand, silt and clay

Physical Properties	Unit	Typical Value
Mass/Unit Area (ASTM D5261)	oz/yd ² (g/m ²)	8.2 (278)
Roll Dimensions (width x length)	ft (m)	12 x 150 (3.6 x 46)
Roll Area	yd ² (m ²)	200 (165)
Estimated Roll Weight	lbs (kg)	119 (54)

© 2012 TenCate Geosynthetics Americas
Miragrid® is a registered trademark of Nicolon Corporation

Disclaimer: TenCate assumes no liability for the accuracy or completeness of this information or for the ultimate use by the purchaser. TenCate disclaims any and all express, implied, or statutory standards, warranties or guarantees, including without limitation any implied warranty as to merchantability or fitness for a particular purpose or arising from a course of dealing or usage of trade as to any equipment, materials, or information furnished herewith. This document should not be construed as engineering advice.

Creep Reduced Strength (ASTM D5262), and Long Term Allowable Design Load (GRI GG-4(b)) is not covered by our current A2LA accreditation.



365 South Holland Drive
Pendergrass, GA 30567

Tel 706 693 2226
Tel 888 795 0808

Fax 706 693 4400
www.tencate.com

FGS000005
ETQR23



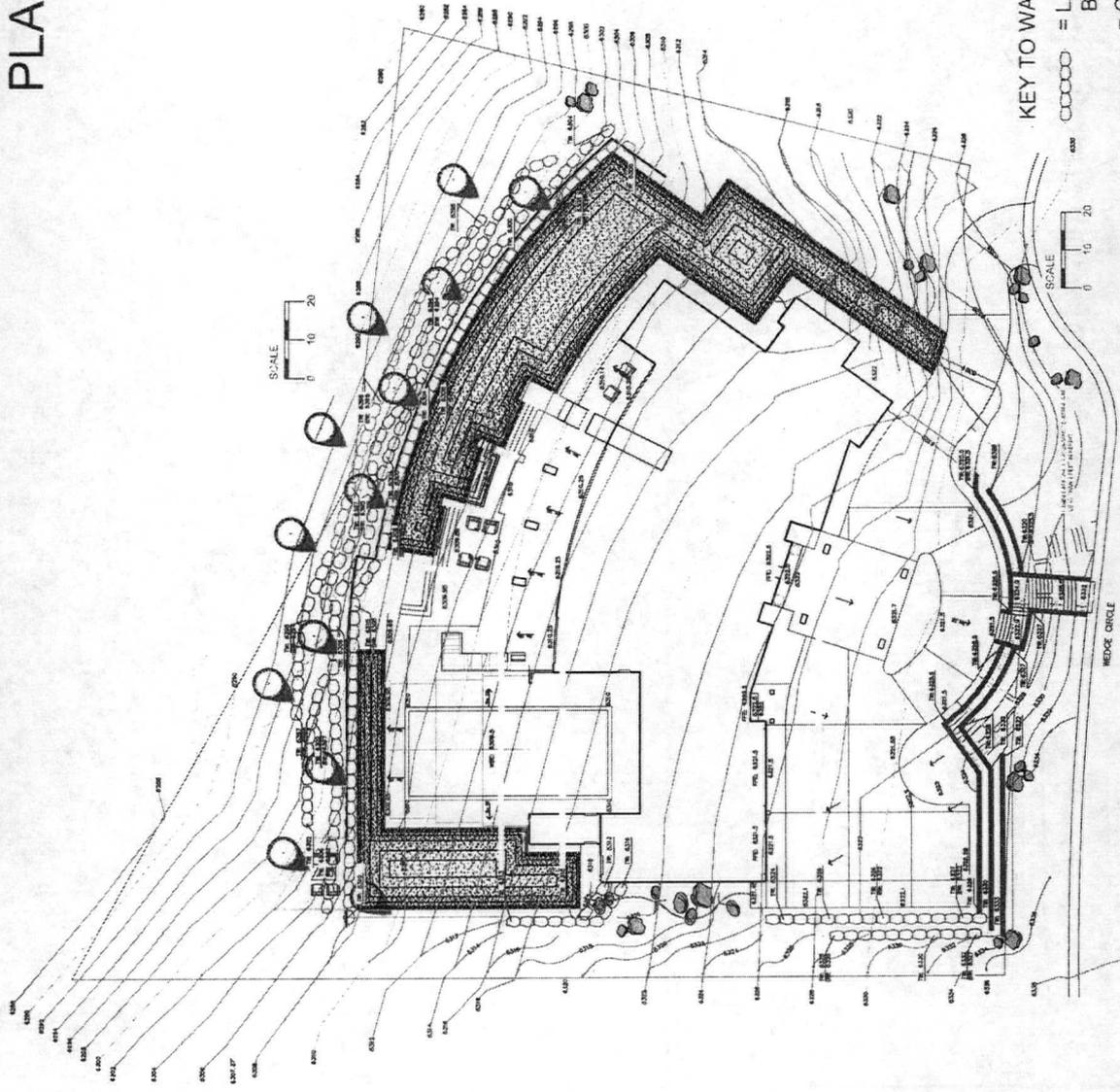
August 21, 2014

Taylor Geotechnical

TG Project No. 14041

APPENDIX II
CONSTRUCTION DRAWINGS

PLAN VIEW



KEY TO WALL DETAILS
 ○○○○○○ = LARGE DIAMETER BOULDER WALL
 ——— = CUT STONE WALL

DATE	REV	DESCRIPTION
	P	



2650 North 180 East
 Lehi, Utah 84043
 801-766-3246



WENTZ RESIDENCE RETAINING WALLS
 3003 WEST WEDGE CIRCLE
 PARK CITY, UTAH

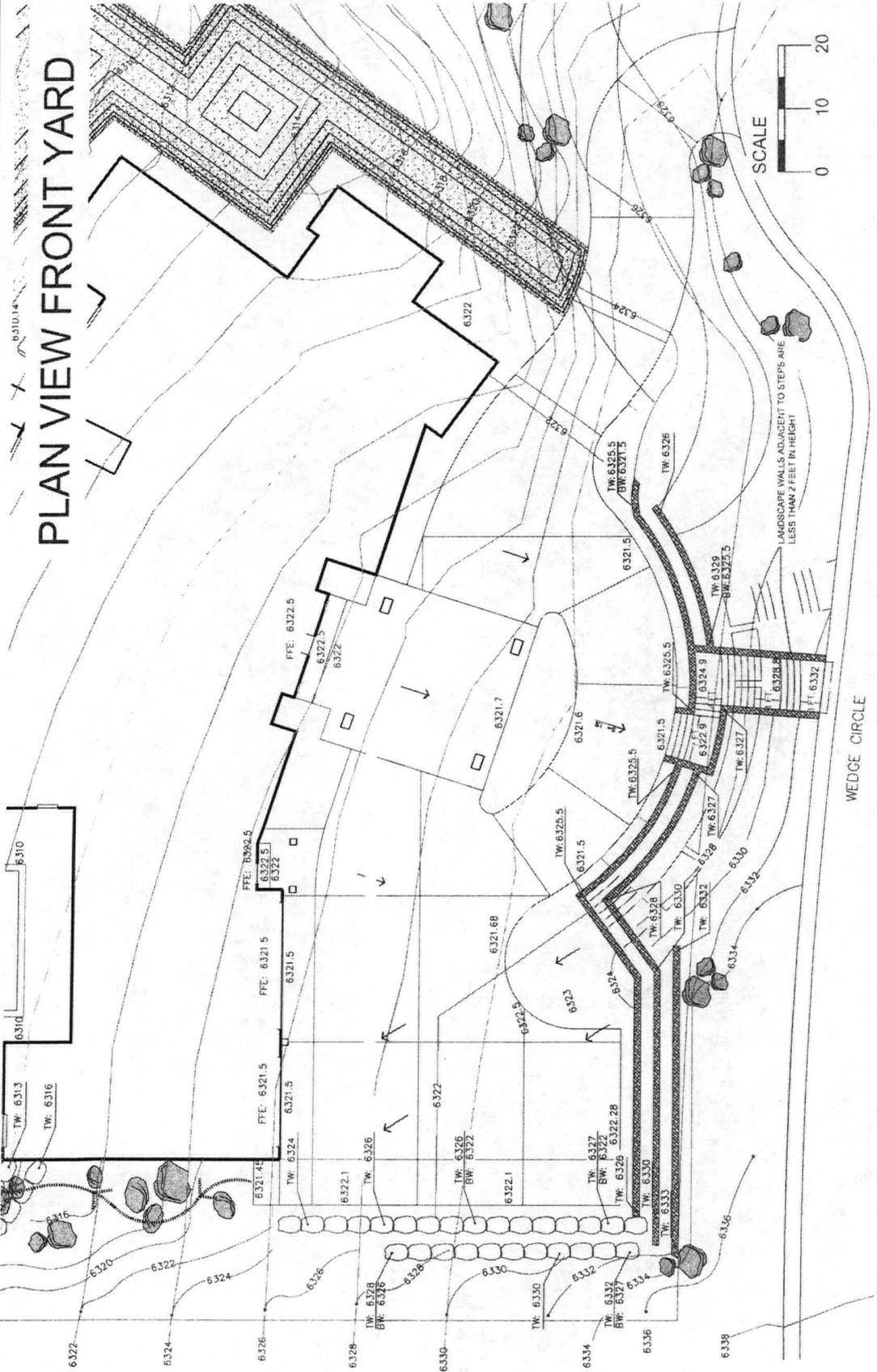
DATE: 8/20/2014
 DESIGN BY: A. Taylor
 DRAWN BY: A. Taylor
 CHECKED BY:
 SHEET NUMBER:

2

OF 9 SHEETS
 PROJECT # 14041

DATE	REV	DESCRIPTION

PLAN VIEW FRONT YARD



2650 North 180 East
Lehi, Utah 84043
801-766-3246



WENTZ RESIDENCE RETAINING WALLS
3003 WEST WEDGE CIRCLE
PARK CITY, UTAH

DATE: 8/20/2014
DESIGN BY: A. Taylor
DRAWN BY: A. Taylor
CHECKED BY:
SHEET NUMBER:

3

OF 9 SHEETS
PROJECT # 14041

PROJECT SPECIFICATIONS

1.0 GENERAL

- 1.1 A Professional Engineer, with experience in Geotechnical Engineering and the design and construction of Mechanically Stabilized Earth (MSE) retaining walls and rock retaining walls shall provide field observation during construction. Inspections should take place at the start of the foundation course, midway through construction, and at completion of construction.
- 1.2 The walls shall be constructed in accordance with the grades and dimensions shown on the site construction drawings.
- 1.4 The rockeries shall be constructed with the batter as that shown in the construction drawings.
- 1.5 The Contractor shall verify all dimensions and report discrepancies to the Engineer.

2.0 QUALITY ASSURANCE

- 2.1 Installer Qualifications: Firm with documented experience of at least five projects of similar construction and scope. Include brief description of each project and name and phone number of owner's representative knowledgeable in each listed project.
- 2.2 Pre-construction Meeting: Prior to construction of retaining wall, conduct a meeting at the site with the retaining wall installer, and the Contractor to review the retaining wall requirements.

3.0 DELIVERY, STORAGE, AND HANDLING OF GEOGRID

- 3.1 Store products in manufacturer's unopened packaging until ready for installation.
- 3.2 Prevent excessive mud, fluid concrete, epoxy, or other deleterious materials from coming in contact with and affixing to retaining wall materials.
- 3.3 Polymeric Materials: Store at temperatures above minus 20 degrees F (minus 29 degrees C); rolled materials may be laid flat or stood on end.

4.0 PROTECT CONDITIONS

- 4.1 Do not place backfill when subgrade is wet or frozen.
- 4.2 Do not place backfill during wet or freezing weather that prevents conformance with specified compaction requirements.

5.0 MANUFACTURER

- 5.1 Acceptable Manufacturer: Manfrid Structural Geogrids.
- 5.2 Requests for substitutions will be considered upon written request to the design engineer and approval by the design engineer.

6.0 MATERIALS

- 6.1 Structural Geogrid: Manfrid 3XT, PVC coated high strength polyester yarns that allow interlocking with surrounding soil, rock, or earth; functions primarily as reinforcement.
 1. Ultimate Tensile Strength: 3500 pounds per linear foot, minimum average roll value, when tested in accordance with ASTM D 6637.
 2. Long Term Design Strength: 1918 pounds per linear foot.
- 6.2 Reinforced Backfill: On-site or import borrow. Import granular fill with a pH range of 7 to 12, when tested in accordance with AASHTO T 289, and graded as follows:
 1. 100 to 75 percent passing a 2-inch (50 mm) sieve.
 2. 100 to 75 percent passing a 3/4-inch (19 mm) sieve.
 3. 80 to 20 percent passing a No. 4 sieve (4.75 mm).
 4. 0 to 30 percent passing a No. 40 sieve (0.425 mm).
 5. 0 to 15 percent passing a No. 200 sieve (0.075 mm).
- 6.3 Drainage Backfill: Clear 1" minus crushed stone or gravel meeting the following gradation as follows:
 1. 100 to 75 percent passing a 1 1/2-inch (38 mm) sieve.
 2. 100 to 75 percent passing a 3/4-inch (19 mm) sieve.
 3. 0 to 10 percent passing a No. 40 sieve (4.75 mm).
 4. 0 to 5 percent passing a No. 40 sieve (0.425 mm).
- 6.4 Rocks shall be angular, durable and non-weathering. Prior to delivery of rocks to the site, the undersigned engineer shall inspect the material for competency.

7.0 PREPARATION

- 7.1 Do not begin retaining wall construction until excavation to foundation elevation has been completed and the foundation for the reinforced fill has been properly prepared and inspected by the design engineer. Design engineer shall be notified one week prior to start of construction. Do not begin work until subsurface preparation is unsatisfactory, do not begin work until unsatisfactory conditions have been rectified.
- 7.2 Excavation:
 1. Excavate subgrade vertically to plan elevation and horizontally to designed geogrid lengths.
 2. Design Engineer will inspect foundation area to ensure proper bearing strength.
 3. Remove soils not meeting required strength and replace with Design Engineer-approved materials.
 4. Banching of native slopes required prior to placement of fill.

8.0 CONSTRUCTION

- 8.1 Construct retaining walls in accordance with details shown on construction drawings.
- 8.3 Base stone of walls on slopes should be placed on dense sand below the clay soil layer.
- 8.2 Geogrid Placement for MSE rock faced wall:
 1. Unroll the structural geogrid on the compacted backfill and cut to the length indicated on the drawings. Unroll geogrid perpendicular to wall.
 2. Stake or pin the geogrid near the ends as required to maintain alignment and tension during filling.
 3. Place a minimum of 3 inches (75 mm) of fill between any overlapping layers of geogrid where overlapping occurs behind corners.
 4. Rubber tired vehicles may travel on the geogrid at low speeds, less than 5 miles per hour (10 km/hr). Turning of vehicles should be avoided to prevent dislocation or damage to the geogrid and the connected wall facing units.
 5. Tracked vehicles shall not be operated directly on the geogrid. A minimum of 8 inches (200 mm) of fill cover over the geogrid is required for operation of tracked construction vehicles in the reinforced zone.

8.3 Fill:

1. Place reinforced backfill material and compact to a maximum 9 inches deep lifts. Compact to minimum of 90 percent Modified Proctor Dry Density in accordance with ASTM D 1557 within 3 feet of the wall face. Compact the near-face zone using a minimum of three passes.
2. Compact fill materials to a minimum of 95 percent modified Proctor Dry Density in accordance with ASTM D 1557 where fill supports structures or concrete flatwork and 90 percent in landscape areas.
3. Retained soils outside reinforced soil zone may consist of on-site soils or other approved by design engineer.
4. Use only hand operated compaction equipment within 3 feet of the slope face.
5. Place and compact subsequent lifts of fill to the level of the next layer of geogrid reinforcement. Smooth and level (or slope as shown on drawings) to ensure geogrid lays flat.

8.4 Rock Retaining Walls

1. Lower tier shall have a depth of embedment as indicated on profile drawing or into dense sand, whichever is deeper.
2. Rocks shall be placed so that there are no continuous joint planes in either the vertical or lateral direction. Where possible, each rock shall bear on at least two rocks below it. The Associated of Rockery Contractors (ARC) guidelines may be referenced if needed.
3. Place rocks so that their height dimension is not greater than their width. The longest dimension of the base rocks is perpendicular to the face of rockery.
4. The top surface of each rock in each course shall be sloped back away from the slope face. The next course of rocks shall be placed to maintain a surface inclination towards the retained soils of 5 degrees (measured from horizontal).
5. Rocks shall be placed in a manner to provide a secure interconnection with adjacent rocks. Chinking voids between the large size rocks (boulders) with small cobble size material should be completed during construction. Chinking shall not include placement of the grain material within rock joints.

REVISIONS

DATE	REV #	DESCRIPTION



WENTZ RESIDENCE RETAINING WALLS
 3000 WEST WEDGE CIRCLE
 PARK CITY, UTAH
 2650 North 180 East
 Lehi, Utah 84043
 801-766-3246



DATE: 8/20/2014
 DESIGN BY: A. Taylor
 DRAWN BY: A. Taylor
 CHECKED BY:
 SHEET NUMBER:

5
 OF 9 SHEETS
 PROJECT # 1401

6. Rocks shall bear on at least two rocks. Bearing points shall not be more than 6-feet from the face.
7. A 6-inch to 12-inch wide gravel drain shall be located on the backside of the rocks to provide adequate drainage that could develop from spring water or existing groundwater. The gravel drain should include a 4-inch perforated pipe at the base of the wall. The pipe should daylight to an approved pipe outlet.
8. Top stone shall have a minimum weight of 200 pounds.
9. The Contractor shall verify all dimensions and report discrepancies to the Engineer.
10. Daylight drainage pipe every 50 feet where the base of the wall is level and at the low point in areas that the wall base slopes in one direction.

9.0 FIELD QUALITY CONTROL

- 9.1 Notify design engineer 7 days in advance of foundation excavation.
- 9.2 Testing and Inspection Services. Notify the Engineer 72 hours in advance of testing.
- 9.3 Perform laboratory material tests in accordance with ASTM D 1557.
- 9.5 Perform in place compaction tests in accordance with the following:
 1. Density Tests: ASTM D 1556, ASTM D 2167, or ASTM D 2922 as appropriate for material tested.
 2. Moisture Tests: ASTM D 3017.
- 9.6 Frequency of Tests:
 1. Subgrade Soil: Compact four passes with 1000 lb. vibratory plate compactor under visual observation of Design Engineer. Soil spots to be removed and recompact in 9-inch lifts.
 2. Reinforced Backfill: Provide one test for every 50 linear feet per every other lift and for first and final lift.

10.0 PROTECTION

- 10.1 Protect installed products until completion of project.
- 10.2 Touch-up, repair or replace damaged products before Substantial Completion.

PRECAUTIONARY NOTES

1. Retaining walls are higher than 4 feet. Therefore, fencing at the top of the retaining walls should be considered.
2. Taylor Geotechnical will not be responsible for the performance of the retaining wall if Taylor Geotechnical does not inspect the retaining wall during construction to verify that our recommendations have been followed.

EXHIBIT J

Summary of Driveway Design Requirements form Ordinance 181-D

(1) Spacing - Access driveways or encroachments shall be spaced according to the following:

<u>Street Type</u>	<u>Minimum Spacing</u>	<u>Minimum Distance from Intersections</u>
Local (Residential)	Sideyard Setback (Max. dist.10')***	50 feet
Local (Rural)	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials	75 feet apart	115 feet

*** Driveway to be setback from side property line (minimum distance required) the same distance as that required on the official subdivision plat for building setbacks. A minimum distance of 10 feet is required if the subdivision plat requires sideyard setbacks greater than 10 feet.

The minimum spacing of driveway encroachments in residential subdivisions shall be measured at the intersection of the front and side yard property lines. In no case shall a driveway encroachment cross an imaginary line which is projected along the sideyard property line to it's intersection with the edge of the County Road.

The minimum spacing of all other driveway encroachments shall be measured from nearest edge of driveway to nearest of driveway. In no case shall a driveway encroachment cross an imaginary line which is projected along the side yard property lines to it's intersection with the edge of the County Road.

The minimum distance from intersections shall be measured from the edge of the County Road to the nearest edge of the driveway.

(2) Driveway Alignments

All driveways shall be within 20 degrees of being perpendicular to the centerline alignment of the County Road for the first 20 feet from the edge of road.

(3) Driveway Grades (Applies to all areas of the County except Pinebrook. See Standards below)

The maximum average grade of the first twenty feet of a driveway which has a total length **greater than 100 feet** shall not exceed **five (5) percent**. The maximum average grade of a driveway which has a total length of **100 feet or less**, shall not exceed **ten (10) percent**.

The maximum average grade of any driveway beyond the first twenty feet shall not exceed ten (10) percent. Up to twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Driveway grades shall be measured along the center line between the following points to determine compliance with this section.

- 1) Difference in Elevation between edge of road/top of curb break (E_1) and at 20 feet (E_2) from edge of road divided by 20 feet ($(E_1 - E_2) \div 20 \times 100 = \underline{\hspace{2cm}}\%$)
- 2) Difference in Elevation between a point at 20 feet from the road (E_2) and the grade break outside of the garage (E_3) divided by the distance (D) between the two points ($(E_2 - E_3) \div D \times 100 = \underline{\hspace{2cm}}\%$)

Pinebrook Consent Agreement allow for driveway Grades at a maximum of 15%.

Use $(E_1 - E_3) \div D_{(total\ Distance\ od\ Driveway)} \times 100 = \underline{\hspace{2cm}}\%$

ORDINANCE NO. 181-D

AN ORDINANCE CONCERNING USES OF COUNTY ROADS AND RIGHTS-OF-WAY, REGULATING EXCAVATIONS ENCROACHMENTS, AND STRUCTURES WITHIN RIGHTS-OF-WAY, PROVIDING PENALTIES FOR VIOLATION AND REPEALING OF SUMMIT COUNTY ORDINANCE NO. 95, 96, 96A, 99, 99-A, 171, 181, 181-A, AND 181-B, AND 181-C.

WHEREAS, Summit County adopted Ordinance No. 181-A on April 25, 1994, and Ordinance No. 181-B on May 5, 1997, and,

WHEREAS, The Summit County Engineer's Office has been administering the Permitting required under Ordinance No. 181-A and Ordinance No. 181-B and,

WHEREAS, Ordinance No. 181-A and Ordinance No. 181-B has some inconsistencies with current Construction Standards; and,

WHEREAS, it is in the best interests of Summit County and the health, safety, and general welfare of its citizens to adopt this Ordinance in order to amend Ordinance No. 181-A, and Ordinance No. 181-B, Ordinance No. 181-C,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1. Permits Required for Excavations, Driveways, Encroachments, and structures.

(a) It shall be unlawful for any person, firm, public utility or corporation to place, make, enlarge or change any excavation, driveway, encroachment or structure within the right-of-way for any County Road without complying with the provisions of this Ordinance and obtaining a permit as provided for herein.

(b) It shall be unlawful, and punishable as provided for herein, to make any excavation or to place any encroachment or structure in any County right-of-way not described in the approved permit application or which exceeds in size the dimensions or which does not conform to the conditions described in said application.

(c) A permit shall not be required for the replacement of existing structures provided a similar structure is placed in the same location.

Section 2. Emergency Conditions

Emergency excavations and encroachments may be made without prior permit if the reason for the excavation or encroachment is to prevent loss of life or damage to property

which appears to be imminent if the action is delayed by waiting to secure said permits. In such emergency situations, those making the excavation or encroachment MUST contact the County Engineer's Office at the earliest possible time, but in no case later than the first

working day following the emergency work in order to secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for the prior permit requirement.

Section 3. Winter Season

No permits for road excavations or other excavations within 5 feet of the edge of a County road shall be issued during the winter season except in emergency situations. For the purposes of this Section, "winter season" begins October 15 each year and ends May 1st of the succeeding year.

Section 4. Applications

Applications shall be made by the person, firm, public utility or corporation actually doing the work. Applications for all permits shall be made to the County Engineer's Office as provided and shall describe the excavation or encroachment and shall have a drawing of the location of the intended excavation, encroachment or structure, the pertinent dimensions thereof, the purpose therefor, the person, firm, public utility, or corporation doing the actual work and the name of the person, firm, public utility, or corporation for whom or by which the work is being done and shall contain an agreement that the applicant will comply with all ordinance and laws of Summit County and the State of Utah relating to the work to be done. A Traffic Control Plan, conforming to the Manual of Uniform Traffic Control Devices (MUTCD) shall be submitted with all applications which involve excavations within the

County Road right-of-way. The application shall also provide for an agreement that the applicant shall indemnify the County for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or constructing any such excavation, encroachment or structure.

Section 5. Permits

All permits issued pursuant to this ordinance shall be valid for a period of 60 days except that no permit shall extend into the winter season as outlined in Section 3. A copy of the permit issued shall be available at all times when work is under way.

Section 6. Fees

A review fee, in the current amount as set by resolution of the Board of County Commissioners, shall accompany each application for a permit. Fees must accompany the application unless other fee payment arrangements have been approved by the County Engineer.

Section 7. Completion Bond

Applicants shall file a completion bond with the County Engineer in the amount as set by resolution of the Board of County Commissioners at the time the permit is approved. This may be cash, a letter of credit from an F.D.I.C. Insured Financial Institution, or a corporate surety bond. The bond shall be valid for a period of two years from the date of the construction inspection to guarantee that the conditions of any permit together with any restorative works is completed properly. The bond will be released upon recommendation of the County Engineer and/or the County Road Inspector.

Applicants for permits may request permission from the Board of County Commissioners to secure a continual annual bond in lieu of separate bonds for each excavation. Applications for continual bonds shall be made before December 31st of each year and shall be valid for the next calendar year or as determined by the Board of County Commissioners.

Those public entities which are regulated by the State of Utah Public Service Commission, the Mountain Regional Water District and the Snyderville Basin Sewer Improvement District are exempt from the bonding requirements of this Chapter, but shall still be required to obtain a road excavation permit prior to making excavation.

Section 8. Supervision and Inspection

The County Engineer or Road Inspector shall from time to time inspect or cause to be inspected, all work done pursuant to permits to insure the enforcement of the provisions of this title. Notification shall be given to the County Engineer or Road Inspector at least 24 hours prior to the commencement of any work. The Completion Bond shall not be released without an inspection made to determine satisfaction of all applicable provisions of this Ordinance.

Driveway Encroachments require the following inspections to insure compliance with the standards set out in this ordinance:

1) Staking Inspection. A stake or marker shall be placed at each corner of the Encroachment as it intersects the road or street, and at each intersection of the driveway as it crosses the right-of-way or easement line. The front property corners shall also be set and marked with stakes. This inspection is required prior to the Encroachment Permit being approved. The County Engineer's Office must receive at least 24 hours notice prior to requested inspection.

2) Rough Grade Inspection. An inspection of the rough grade driveway is required prior to receiving a footing inspection by the Building Department. The driveway must be graded to a point that the inspector can determine compliance with this ordinance and the Development Code. The footing elevation/garage floor elevation must be established prior to requesting an inspection. The County Engineer's Office must receive at least 24 hours notice prior to requested inspections.

3) Pre-Surfacing Inspection. An inspection of the driveway is required prior to surfacing (soft or hard) the driveway to determine compliance with this ordinance and the development code. In no case can a Certificate of Occupancy be issued

without the pre-surfacing inspection, and the driveway being in compliance with this ordinance and the Development Code.

Section 9. Failure to Comply

In the event of failure on the part of any person, firm, public utility, or corporation to comply fully with the provisions of this Ordinance, law enforcement authorities of Summit County are authorized to:

- (1) Initiate action by citation or information under Section 10 of this Ordinance and/or proceed to forfeit bond, or
- (2) Remove such installation from the right-of-way or require such person, firm, or corporation to remove the same; or,
- (3) Give written notice to such person, firm, public utility, or corporation to remove such installation from the right-of-way. Such notice may be served either by personal service or by mailing the notice to the person, firm, public utility, or corporation by registered mail and posting a copy thereof on such installation for a period for 10 days. If such installation is not removed within 10 days after the notice is complete, said authorities may remove the same at the expense of the person, firm, or corporation and recover costs and expenses, and also the sum of \$100.00 for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or,
- (4) If such person, firm, public utility, or corporation disputes or denies the existence of such installation, or refuses to remove or permit its removal, said authorities may bring an action to abate the same as a nuisance, and if judgment is recovered by said authorities, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of \$100.00 for every day such nuisance remained within the right-of-way after notice was given for its removal in the manner provided in Subsection (2) of this Section. (UCA 27-12-135).

Section 10. Penalty

Any person who violates the provisions of this Ordinance is guilty of a Class "C" Misdemeanor. Each day a continuing violation shall be deemed a separate offense.

Section 11. Repeal of Ordinance No. 95, 96, 96A, 99, 99-A, 171, and 181

Summit County Ordinances 95, 96, 96A, 99, 99-A, 171, 181, and 181-A, 181-B and 181-C are hereby repealed.

Section 12. Specific Requirements

Specific engineering standards and requirements for the enforcement of this Ordinance are attached as Appendices "A", "B", "C", and "D" which are made a part of this Ordinance by

reference.

Section 13. Severability

Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Section 14. Effective Date

This Ordinance shall become effective after publication of such in accordance with applicable State Law.

PASSED AND ADOPTED by the Board of County Commissioners of Summit County,
Utah, this ___ day of _____, 1999.

SUMMIT COUNTY BOARD COMMISSIONERS

PATRICK D. CONE, CHAIRMAN

ERIC D. SCHIFFERLI

SHELDON D. RICHINS

ATTEST:

KENT JONES
Summit County Clerk

APPROVED AS TO FORM:

DAVID L. THOMAS
Deputy Summit County Attorney

COMMISSIONER VOTED:

CONE _____
(AYE OR NAY)

SCHIFFERLI _____
(AYE OR NAY)

RICHINS _____
(AYE OR NAY)

APPENDIX A

EXCAVATION REQUIREMENTS AND SPECIFICATIONS

Section 1. Boring Preferred in Paved Rights-of-Way

Boring is the preferred method for crossing paved County Roads. Excavations shall not be approved unless it can be demonstrated that boring is infeasible or impractical as an alternative. The County Engineer may grant excavation of a paved County road which is in disrepair on a case by case basis.

Longitudinal excavations of paved County roads shall not be approved unless it can be demonstrated that all other alternatives are infeasible or impractical. Approval will be on a case by case basis upon a recommendation of the County Engineer.

Section 2. Minimum Depths for Buried Cables and Lines

All cables, conduits, or pipelines to be buried in County rights-of-way for utility purposes shall be a minimum of 24" below final surface grade.

Section 3. Manner of Excavation

(1) General

Steel tracks of equipment used for excavation and backfill shall not make direct contact with paved surfaces. Any other damage to the paved surfaces shall be repaired to the satisfaction of the County Engineer at the applicant's expense.

All excavation shall be unclassified. The applicant shall perform all excavation of every description and of whatever substances encountered, to the depth specified on the plans and/or required to accomplish the work. During the excavation operations the material which might be found suitable for use in backfilling shall be piled in an orderly manner a sufficient distance from the banks of the trench for convenience in operating equipment, to avoid embankment overloading, and to prevent slides and cave-ins. All excavated materials not required or not suitable for backfilling shall be promptly removed from the site of the work and wasted in an area to be provided by the applicant with the approval of the inspector.

Grading shall be performed as may be necessary to prevent surface water from flowing into trenches or other excavations, and any water accumulated therein shall be promptly removed by pumping or by other approved method.

The operation of steel tracked equipment or the placement of steel outriggers/stabilizers in direct contact with the pavement surface shall be prohibited. The applicant shall take precautions to prevent damage to the pavement surface at all times.

(2) Safety

All excavated materials shall be piled in such a manner as will cause a minimum of inconvenience to public travel, and provisions shall be made for urgent traffic as necessary.

The applicant will be responsible for providing barricades at all excavation sites while open

trenches are present. Barricades must be lighted if open trenches are left overnight. Free access shall be provided to all fire hydrants, water valves and meters, and clearance shall be left to enable free flow of storm water in all gutters, conduits, and natural water courses. The applicant shall utilize appropriate traffic signs, markers, and procedures in all construction activities as defined on the approved traffic control plan and in the Federal "Manual of Uniform Traffic Control Devices".

(3) Methods

Excavations which are approved as open cuts shall conform to the back sloping requirements of OSHA. No more than 100 feet of trench may be open during daylight hours, and no more than 20 feet of trench may be open during nighttime hours.

Short sections of the trench may be tunneled under existing structures if the pipe or utility can be safely and properly installed in such tunneled sections. In those areas where the utility is to be installed under existing curbs and gutters and/or sidewalks, the applicant has the option whether to tunnel and use flowable fill to backfill or to cut and remove the curb, gutter, or sidewalk. In the latter case, the applicant shall, at their expense, replace the curb, gutter, or sidewalk to match the existing structure in line, grade, and type of construction.

Prior to trench excavation, any bituminous or concrete pavement to be removed shall be cut with a saw or pneumatic tool to provide a straight, neat construction line. Pavement removed during excavation shall be disposed of off site and not used in backfilling the trench.

Prior to placing the asphalt concrete mix patch, the existing pavement shall be saw cut an additional 6" to 12" back from the edge of the excavated trench. Care shall be taken to remove the additional pavement without disturbing the existing untreated base course.

Exceptions to the methods of excavation shall be reviewed by the County Engineer on a case by case basis.

Section 4. Backfill

(1) Class A Backfill

This class of backfill shall be used in areas where open cut of a County road is approved. The trench above the pipe zone or utility shall be backfilled with a cementitious flowable fill, untreated base course, and asphaltic concrete mix as follows:

Flowable Fill - A cement treated aggregate conforming to Section 845 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction shall be placed between the bottom of the trench and the untreated base course. A layer of compacted pipe zone backfill may be placed above the pipe if required by the pipe or other utility conduit manufacturer. The flowable fill shall be allowed to cure for a period of 24 to 48 hours prior to placing untreated base course. Provisions shall be made to allow for traffic to

cross the trench at all times.

Untreated Base Course - A 3/4" or 1" (max) untreated crushed aggregate conforming to Section 301 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction shall be placed between the flowable fill and the asphalt concrete mix surface. The untreated base course shall be placed to the pre-existing depth, but to a maximum depth of 8 inches and a minimum depth of 5 inches. The material shall be within 2% of optimum moisture content and be compacted to a minimum of 96% of the materials maximum dry density as determined by AASHTO's T-180 Method D.

Asphalt Concrete Mix - A 3/4" (max) asphaltic concrete mix conforming to Section 402 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction shall be placed above the untreated base course. The asphalt concrete mix shall be replaced to the pre-existing depth, but not less than 4 inches. The material shall be compacted to 96% of it's Marshall design. The surface shall be finished 1/2" to 1/4" higher than the existing road surface to account for future settlement.

All compaction efforts shall be verified by a Certified Laboratory Technician and copies of the testing performed forwarded to the County Engineer's Office within 5 days of completion of the trench restoration. The one year warranty period will begin upon receipt of test results. A minimum of two moisture/density tests will be required per lift of material placed.

If an open cut of a County Road is permitted, and the County Road has been sealed with an oil flush or chip-seal, restoration by the applicant shall include re-application of the existing surface seal within 30 days of completing the asphalt concrete mix patch.

Seal Coat Materials used shall be as follows:

- 1) Asphalt Seal Coat Material shall be LMCRS-2H.
- 2) Cover Coat shall be Geneva Steal Slag, 3/8" x #4, Type C Chips.

Seal Coat Operations shall conform to Section 405 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction, 1992. Prior to placement of Seal Coat (if required) and prior to the final release of Bond (s), the seams of the pavement repair (patch) shall be crack sealed. Asphalt Crack Seal Materials used shall conform to UDOT's 402S special provision and specification.

Minor variations to the trench backfill requirements may be approved upon submittal and review by the County Engineer.

(2) Class B Backfill

This class of backfill shall be used in areas where thorough compaction and

immediate completion of the trench backfill is required (those areas excavated within 5 feet of the edge of pavement or back of curb). The trench above the pipe zone or utility shall be backfilled with suitable and approved material placed in layers consistent with the type of compaction equipment to be used, but shall not exceed 18 inches. Each layer shall be sprinkled and thoroughly compacted by means of hand-operated or mechanically-operated tampers. Backfilling and compaction shall be done to the satisfaction of the inspector and shall be continued on each layer of backfill until a compaction of 95 percent of maximum dry is obtained as determined by AASHTO T-180 Method D. The final one foot of backfill is to be compacted to 96 percent of maximum dry density. The moisture content of the backfill shall be within 2% of optimum as determined by AASHTO T-180 Method D.

All compaction efforts shall be verified by a Certified Laboratory Technician and copies of the testing performed forwarded to the County Engineer within 5 days of completion of the trench restoration. A minimum of one moisture/density test will be required per lift per 200 feet of trench randomly selected.

(3) Class C Backfill

This class of backfill shall be used with the approval for the inspector, in trenches in those areas where subsequent trench settlement must be held to a minimum (areas beyond 5 feet of the pavement or back of curb). Any subsequent settlement of the trench during the applicant's guarantee period shall be considered to be the result of improper Class B C backfilling and shall be corrected at the applicant's expense.

Suitable backfill material shall be placed in the trench in layers consistent with the type of compaction equipment to be used, but shall not exceed 18 inches. Each layer shall be sprinkled and thoroughly compacted by means of a hand-operated or mechanically-operated tamper.

Minimum compaction of 92 percent of maximum dry density as determined by AASHTO T-180 Method D is required.

Top soil must be removed and replaced to existing depths and finished to pre-excavation contours.

In areas where lawn sod, shrubs, topsoil, fences and other items must be removed during the trench excavation and backfill operation, coordination with adjacent property owners on their subsequent replacement is required by the applicant.

Section 5. Restoring Surface

Restoration shall be commenced as soon as possible following excavation. Complete restoration shall be diligently pursued until complete. Unless specifically authorized by the

County Engineer or Road Inspector, restoration shall be complete within five working days of initial excavation of the total area impacted by the excavation.

APPENDIX B

DRIVEWAY AND ENCROACHMENT REQUIREMENTS AND SPECIFICATIONS

Section 1. Existing Driveways or Encroachments

Access to County roads by means of driveways or encroachments in existence at the time of the effective date of this Ordinance may continue to the same extent and degree as before; any change in the driveway or the degree of use shall first require a permit and compliance with the terms of this Ordinance.

Section 2. Notification of Potential condemnation Right-of-Way Required

Except as otherwise provided in Subsection (1) b. of this Appendix, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no encroachment permit shall be issued therefore on any lot or parcel of land which abuts a County road or other public street which does not conform to current County width standards, unless the portion of such lot or parcel within the standard right-of-way width has been dedicated to the County or the developer or applicant has been notified and has acknowledged that such portion may be condemned for public use at some future time.

(1) Exception to Right-of Way Notification Dedication Requirement

(a) The maximum area to be dedicated shall not exceed 10 percent of any lot or parcel which was of record on the effective date of this Ordinance in the Summit County Recorder's Office. In determining the amount of area for dedication for purposes of this exception, any highway area which previously has been dedicated to the public through public use shall not be included.

(b) Neither notice, acknowledgment nor dedication is required for remodeling, additions and accessory buildings incidental to a single-family dwelling used as a residence, existing on the lot as of the effective date of this Ordinance, provided that no additional dwelling units are created.

(2) Dedication Procedure

(a) Any person or other entity desiring to dedicate land under the provisions of this Ordinance shall execute an offer to dedicate and a warranty deed or other deed form acceptable to the County properly executed by all parties of interest. At the request of said person or entity, the offer to dedicate and deed shall be prepared by the Summit County Attorney's Office in such terms as to be binding on the owner, his heirs, assigns, or successors in interest.

The dedication shall be complete when the deed is recorded in the office of the

County Recorder after its acceptance by the County Commission.

(b) Summit County shall provide survey information, as required, in order to establish proper boundary lines.

(c) For the purpose of this Section, dedication shall be considered as satisfactorily assured when the County Attorney's Office approves the offer to dedicate and deed as described herein.

(d) Encroachment Permit Issuance. When the provisions of this Section have been completed or assured as provided herein, an encroachment permit may be issued.

(3) Lots Affected by Dedication

On a lot affected by a dedication, acknowledgment, or notification under the provisions of this Section, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines created by dedication or future right-of-way potential. However, in applying all other provisions of the Development Code of Summit County and the Snyderville Basin Code, such lot shall be considered in area as that which existed immediately prior to dedication.

(4) Appeal of Notice, Acknowledgment of Dedication Provisions

Any person may appeal any determination in connection with the administration, enforcement and other provisions of this Section as set forth below to the Summit County Board of Adjustment.

The Board of Adjustment may make modification in the requirements of this chapter as necessary to prevent undue hardship or an unreasonable burden under the facts of each individual case. However, no such modification shall be granted unless it is in conformity with the spirit and intent of this Section.

Section 3. Driveway Encroachments

(1) Spacing

Access driveways or encroachments shall be spaced according to the following:

<u>Street Type</u>	<u>Minimum Spacing</u>	<u>Minimum Distance from Intersections</u>
Local (Residential)	Sideyard Setback (Max. dist.10')***	50 feet
Local (Rural)	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials	75 feet apart	115 feet

*** Driveway to be setback from side property line (minimum distance required) the same distance as that required on the official subdivision plat for building setbacks. A minimum distance of 10 feet is required if the subdivision plat requires sideyard setbacks greater than 10 feet.

The minimum spacing of driveway encroachments in residential subdivisions shall be measured at the intersection of the front and side yard property lines. In no case shall a driveway encroachment cross an imaginary line which is projected along the sideyard property line to it's intersection with the edge of the County Road.

The minimum spacing of all other driveway encroachments shall be measured from nearest edge of driveway to nearest of driveway. In no case shall a driveway encroachment cross an imaginary line which is projected along the side yard property lines to it's intersection with the edge of the County Road.

The minimum distance from intersections shall be measured from the edge of the County Road to the nearest edge of the driveway.

(2) Driveway Grades

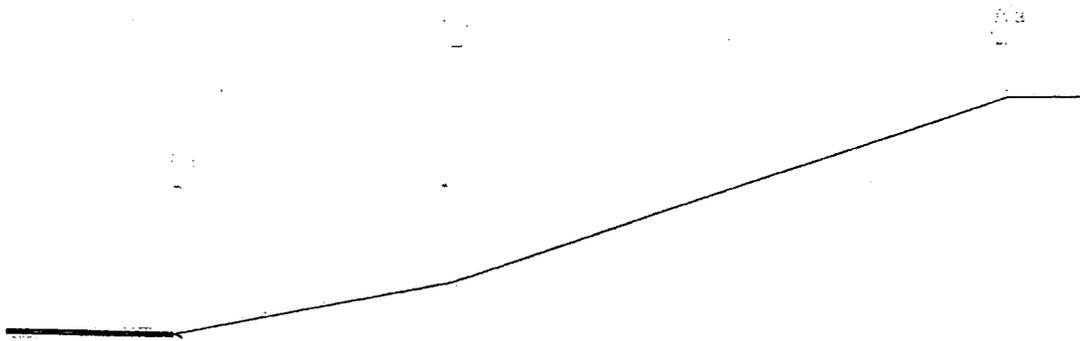
All individual driveway access locations shall be designed to function well with the existing conditions and layout of each residential building. The maximum average grade of the first twenty feet of a driveway which has a total length greater than 100 feet shall not exceed five (5) percent. The maximum average grade of a driveway which has a total length of 100 feet or less, shall not exceed then (10) percent.

The maximum average grade of any driveway shall not exceed ten (10) percent. Up to Twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Driveway grades shall be measured along the center line between the following points to determine compliance with this section.

1) Difference in Elevation between edge of road/top of curb break (E_1) and at 20 feet (E_2) from edge of road divided by 20 feet ($(E_1 - E_2) \div 20 \times 100 = \underline{\hspace{2cm}}\%$)

2) Difference in Elevation between a point at 20 feet from the road (E_2) and the grade break outside of the garage (E_3) divided by the distance (D) between the two points ($(E_2 - E_3) \div D \times 100 = \underline{\hspace{2cm}}\%$)



TYPICAL DRIVEWAY PROFILE
 (SAME PRINCIPLE CAN BE USED FOR DOWNHILL LOTS)

The driveway shall be graded

such that water draining off the driveway does not flow onto the County Road and is diverted into a roadside ditch or gutter.

(3) Driveway Widths

The minimum width of a driveway which lie within the County Road right-of-way shall be as follows:

<u>Street Type</u>	<u>Minimum Width</u>		<u>Minimum Flare (Each Side)</u>
Local (Residential)	12 Feet	+	2 Feet
Local (Rural)	12 Feet	+	2 Feet
Collector	12 Feet	+	4 Feet
Arterials	14 Feet	+	8 Feet

The maximum driveway width is 25% of street frontage, or as may be required by the applicable Development Code.

(4) Driveway Alignments

All driveways shall be within 20 degrees of being perpendicular to the centerline alignment of the County Road for the first 20 feet from the edge of road.

(5) Drainage

All driveways shall be graded such that water draining off the driveway does not flow onto the County Road and is diverted into a roadside ditch or gutter. Driveways which cross roadside ditches or other drainages shall be required to provide drainage facilities in the form of culverts or bridges. These facilities shall be designed as per Summit County Engineering Standards and Specifications. The minimum diameter of culverts shall be 12 inches.

Section 6. Driveway Encroachment Permit Application Review

Driveway encroachment permit applications must be accompanied by a drawing or sketch which shows property lines, the County Road, horizontal alignment, and grade. For sites or lots which have natural grades which exceed 10%, or which in the opinion of the County Engineer will require detailed design in order to show compliance with this ordinance, the applicant must also provide a topographic contour map with 2 foot (maximum) contours. For new residential or commercial buildings, this information should be included on the site plan submitted with the Building Permit Application.

Any proposed change which is made to the driveway encroachment after the Driveway Encroachment Permit is issued, must be reviewed and approved prior to making the change. Final Certificates of Occupancy shall not be issued the Summit County Building Department until the Driveway Encroachment is in compliance with this Ordinance.

Section 7. Hazards and Sight Distances

Driveway encroachments shall not create hazardous driving conditions. Curves in the roadway and the crests of hills shall be avoided, where possible, as driveway locations.

All driveways shall be located such that the minimum stopping sight distances listed in the following table are complied with:

Design Speed (mph)	Assumed Speed for Condition (mph)	Stopping Sight Distance (Rounded for Design) (ft)
20	20-20	125-125
25	24-25	150-150
30	28-30	200-200
35	32-35	225-250
40	36-40	275-325
45	40-45	325-400
50	44-50	400-475
55	48-55	450-550
60	52-60	525-650

If in the opinion of the County Engineer, the sight distances do not comply with this section, the applicant shall have an Engineer, registered in the State of Utah, prepare an sight distance analysis for review by County Engineer.

**APPENDIX C
STRUCTURE ENCROACHMENTS**

Section 1. General

For reasons of safety and snow removal operations, no trees, structures, retaining wall, wall, landscape burms, utility poles, utility box, fire hydrant or other obstacle (all to be referred to as structures) shall be placed in the right-of-way of a County Road without the necessary permit. A property owner may at their own risk, plant grass, flowers, low shrubs, etc. in the County right-of-way without a permit. Summit County shall not be responsible for damage during normal maintenance activities to any landscaping or structures placed within the right-of-way.

In no case shall a non-yielding structure be placed closer than those distances shown in the following table:

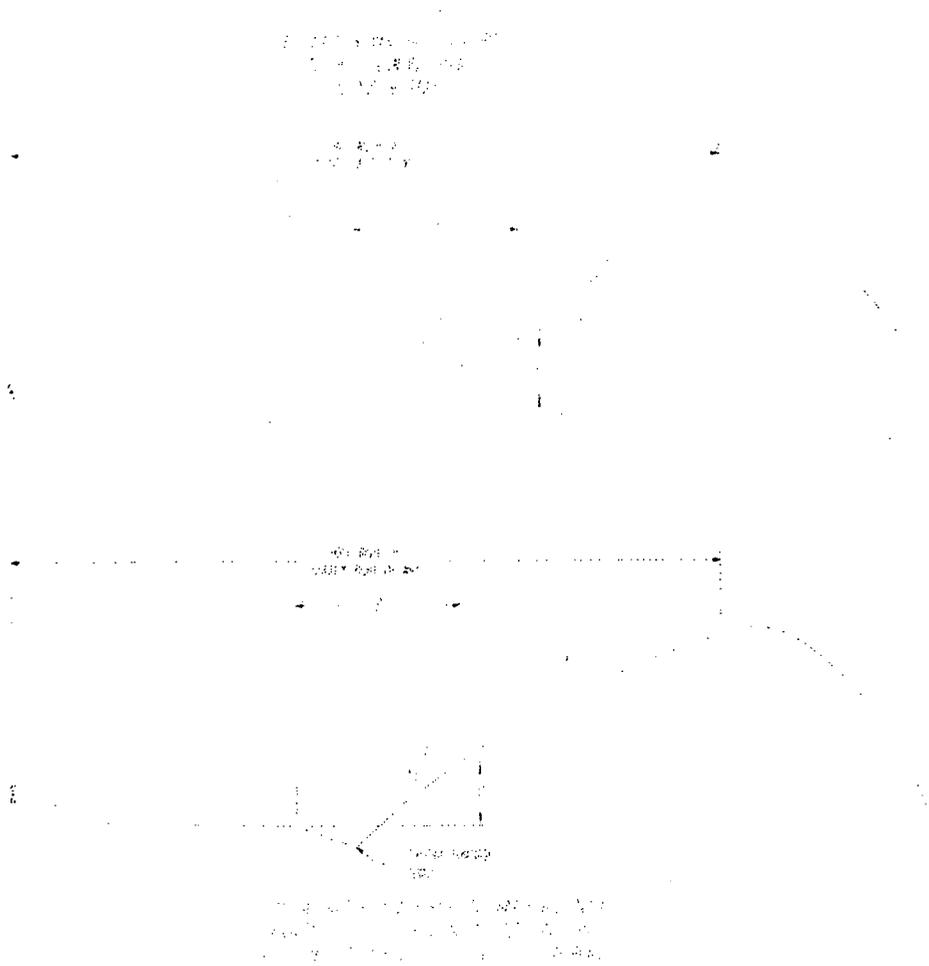
Clear Zone Distances (In feet from edge of driving lane)

Posted Speed	ADT	FILL SLOPES (FT)			CUT SLOPES (CUT)		
		6:1 or	5:1 to 4:1	3:1	3:1	4:1 to 5:1	6:1 or flatter
40 MPH or Less	Under 750	7-10	7-10	**	7-10	7-10	7-10
	750-1500	10-12	12-14	**	10-12	10-12	10-12
	1500-1600	12-14	12-16	**	12-14	12-14	12-14
	Over 6000	14-16	16-18	**	14-16	14-16	14-16
45-50 MPH	750-1500	12-14	16-20	**	10-12	12-14	14-16
	1500-6000	16-18	20-26	**	12-14	14-16	16-18
	Over 6000	18-20	24-28	**	14-16	18-20	20-22

** Structure shall be placed on the right-of-way line.

*ADT = Average Daily Traffic

All structures placed within the right-of-way of a County Road shall be flagged with a minimum of a six (6) foot pole with a red or black flag attached to the top during the winter



season. The winter season shall be defined as November 15th to April 15th of the following year. In known areas of deep drifting, the height of the pole shall be extended to eight (8) feet.

Section 2. Structure Encroachment Permit Application Review

Structure encroachment permit applications must be accompanied by a drawing or sketch which shows the structure location, right-of-way lines and existing conditions and topography.

APPENDIX D

BLOCKAGE OF COUNTY RIGHT-OF-WAY

Section 1. Temporary Facilities

No temporary facilities such as dumpsters, portable toilets, construction equipment, or construction materials shall be placed in the right-of-way of a County Road.

Section 2. Parking

Vehicles shall not be parked on a County road in such a manner as to obstruct the flow of traffic. Two-way traffic shall be maintained at all times unless prior arrangements are made with the County Engineer in writing.

Section 3. Fences

Fences shall not be located within the right-of-way of a County Road.

ORDINANCE NO. 181-G

AN ORDINANCE AMENDING ORDINANCE NO. 181-F TO PROVIDE CRITERIA FOR ISSUANCE OF PERMITS ALLOWING THE USE OF COUNTY/PUBLIC ROADS AND RIGHTS-OF-WAY WHERE THE BOARD OF COMMISSIONERS IS THE HIGHWAY AUTHORITY.

PREAMBLE

Whereas Summit County has a limited number of Class B Roads, Class D public Thoroughfares, and other public rights-of-way in the county (collectively, "County Rights-of-Way"); and,

Whereas, such County Rights-of-Way are difficult to acquire because of the difficulty in locating such rights-of-way in narrow mountain valleys within Summit County where most of the population and arterial roadways are situated, and the costs of condemnation; and,

Whereas, such existing County Rights-of-Way may be crowded by utilities that seek placement within the County rights-of-Way; and,

Whereas, such existing County Rights-of-way may become crowded to the point that vital public utilities cannot be located within those rights-of-way; and,

Whereas Summit County desires to establish a non-discriminatory policy for granting use of County Rights-of-Way:

NOW THEREFORE, the Board of County Commissioners of the County of Summit, State of Utah, "Board", ordains as follows:

Section 1. Legislative Finding.

It is the specific finding of Summit County that all "County Rights-of Way" where the "Board" is the Highway Authority, are and were acquired for the purposes of:

- a. Transporting people and animals through Summit County.
- b. Conveying transmission facilities of public utilities, "Utilities", (governmental service districts, water companies or utilities regulated by the Public Service Commission of Utah) to developed or developing areas within Summit County.

Section 2. Legislative Policy

The board hereby declares that it is the official policy of Summit County that any entity identified in section 1(b), desiring to use "County Rights-of-Way" for the purposes defined in Section 1, must comply with the criteria set forth in Section 3, herein.

The board hereby declares that it is the official policy of Summit County that any entity not identified in section 1(b), desiring to use "County Rights-of-Way" for the purposes defined in Section 1, must comply with the criteria set forth in Section 4, herein.

Section 3. Criteria, Public Utilities

"Utilities" seeking to utilize a "County Right-of-Way" for the purposes defined in Section 1, must do the following as a prerequisite to the granting of an excavation permit:

- a. Have evidence on file with Summit County that it is a Public Utility as defined in section 1(b).
- b. Complete and submit the standard form of an excavation permit as provided by Summit County.
- c. Provide a written statement showing that granting of the requested excavation permit will further a public purpose.
- d. Provide evidence in the form of a guarantee or bond that work will be completed in a professional manner, and that any damage to roadway or roadbed will be repaired in a timely manner and said repairs will be guaranteed for a period of two years.

Section 4. Criteria, Others

All other entities seeking to utilize a "County Right-of-Way" for the purposes defined in Section 1 must do the following as a prerequisite to the granting of an excavation permit:

- a. Provide evidence that the granting of an excavation permit shall further a public purpose.
- b. Provide evidence that the applicant has attempted in good faith to acquire easements from private property owners to avoid the use of the County Right-of-Way,
- c. Provide evidence that the County Right-of-Way, which is the subject of the application, has adequate capacity.
- d. Complete and submit the standard form of an excavation permit as provided by Summit County.
- e. Provide evidence in the form of a guarantee or bond that work will be completed in a professional manner, and that any damage to roadway or roadbed will be repaired in a timely manner and said repairs will be guaranteed for a period of two years.

Section 5. Excavation Permit Approvals.

The "Board" has delegated the County Engineer as the authority to approve, deny, or approve with conditions any and all excavation permits on County Rights-of-Way. The County Engineer shall have wide discretionary power to grant or deny permits as deemed to be in the best interests of the County. Such decisions may be appealed to the "Board", whose decision shall be final.

Upon receipt of a properly completed excavation permit application, the County engineer shall:

- a. Review the application for completeness.
- b. Review the area to be excavated to determine that adequate capacity is available, and that the placement of facilities applied for will not jeopardize any higher or more necessary uses known to the County.
- c. Issue a timely response to the applicant in the form of an approved permit, approved permit with conditions, or permit denial.

Section 6. Administrative Fee Schedule

The "Board" shall periodically set administrative fees for the use of the County Rights-of-Way, as allowed in Utah Code.

Section 7. Ordinance 181-F Repealed

Ordinance 181-F is hereby repealed.

Section 8. Effective Date

This Ordinance will become effective upon passage and publication.

APPROVED, ADOPTED AND PASSED, and ordered published by the Summit County Board of Commissioners, this ____ day of _____, 2003.

BOARD OF COUNTY COMMISSIONERS
SUMMIT COUNTY, STATE OF UTAH

By: _____
Shauna L. Kerr, Chair

Commissioner Richer Voted: _____

Commissioner Woolstenhulme Voted: _____

Commissioner Kerr Voted: _____

ATTEST:

Sue Follet
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy

EXHIBIT K



2650 North 180 East
Lehi, Utah 84043
P. 801-766-3246
F. 801-769-3336

February 17, 2016

Mr. Derrick Radke
Summit County Engineering Department
1755 S. Hoytsville Road
Coalville, UT 84017

Subject: **Appeal of Administrative Decision**
Wentz Residence Driveway
3003 West Wedge Circle
Park City, Utah
TG Project No. 14041

Dear Mr. Radke:

On behalf of Jorgensen Construction, (located at 365 East Georgia Circle, Salt Lake City, Utah, 84115), Taylor Geotechnical (TG) has been asked to provide a written appeal of administrative decision in regards to an as-built driveway on the subject property.

BACKGROUND

In the month of September 2015, Jorgensen Construction built a concrete driveway with the ability to be heated. The driveway is 184 feet long as measured along the centerline of the driveway from the top back of curb to the garage. The driveway was constructed with the following average grades starting from the top back of curb. Grades are downward to the house.

At Top Back of Curb: Elevation is 6330.0 ft.
At 20 feet from Curb: Elevation is 6329.38 ft.
At 82 feet from Curb: Elevation is 6322.51 ft.
Elevation of Middle of Porte-cochere is 6322.59 ft.

Average Grade from 20 feet to 82 feet = 11.0%

At 90 feet from the curb is a drain perpendicular to the drive to prevent melting water from entering the Porte-cochere. The balance of the driveway has a 2% gradient to the garage.

Ordinance 181-D in regards to driveway grades states .

Driveway Grades (Applies to all areas of the County except Pinebrook. See Standards below)

The maximum average grade of the first twenty feet of a driveway which has a total length greater than 100 feet shall not exceed five (5) percent. The maximum average grade of a driveway which has a total length of 100 feet or less, shall not exceed ten (10) percent.

The maximum average grade of any driveway beyond the first twenty feet shall not exceed ten (10) percent. Up to twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Driveway grades shall be measured along the center line between the following points to determine compliance with this section.

1) Difference in Elevation between edge of road/top of curb break (E1) and at 20 feet (E2) from edge of road divided by 20 feet ($(E1 - E2) \div 20 \times 100 =$ %)

2) Difference in Elevation between a point at 20 feet from the road (E2) and the grade break outside of the garage (E3) divided by the distance (D) between the two points ($(E2 - E3) \div D \times 100 =$ %)

Pinebrook Consent Agreement allow for driveway Grades at a maximum of 15%. Use ($(E1 - E3) \div D(\text{total Distance of Driveway}) \times 100 =$ %)

Given the equations in the ordinance, the first 20 feet of the driveway is at 3% and complies with equation one. The maximum average grade between the top break in slope and bottom of slope is 11.0%. The code indicated up to 12 percent average grade for short distances with a maximum short distance of 250 feet but no minimum short distance. Short is relative and is not defined. If the distance is 60 feet, which is short considering the full length of the driveway, then the as-built driveway meets the requirements of the Ordinance.

REASON FOR APPEAL

Jorgensen Construction is seeking an Appeal to Administrative Decision for the following reasons.

1. On September 25, 2015, Jorgensen sought an approval of the driveway in order to receive a certificate of occupancy but the engineering department failed the inspection on the basis that a pre-surface inspection was not completed and that the driveway exceeds 12 percent grade. The pre-surface inspection was not completed by the engineering

department but an inspection by the building department was completed of driveway with an approval to place concrete by the official of Summit County. Jorgensen Construction thought they met the intent of the pre-surface inspection since a building official approved the placement of concrete.

2. Jorgensen construction thought the observation of the driveway prior to placement of concrete by the building official was an inspection since they commented that everything looked good. If the building department had informed Jorgensen Construction at that time that a separate inspection was required, they would have scheduled one.
3. Jorgensen construction should not be penalized for what appears to be a flaw in the inspection process. Having two separate departments over a single construction element is confusing. Summit County may want to consider working with the building department to prevent inspections of a construction element that requires engineering approval.
4. In order to provide a more functional driveway, Jorgensen Construction built the driveway with a slight vertical sag (parabolic shape) rather than sharp transitions so that:
 - a. The driveway is more functional with a vertical sag at the base of the slope.
 - b. The vertical sag at the base of the slope in the driveway is safer to public health, safety and welfare than if the driveway had a constant 11% percent grade transitioning to a fairly flat grade at the porte-cochere.
 - c. The vertical sag at the base of the slope in the driveway decreases the velocity of the runoff down the driveway so as to be intercepted by the cross drain at the porte-cochere.
 - d. The construction of the vertical sag causes a portion of the driveway to exceed 12 percent tangential grade but not the average grade for the short distance.
5. Exceedance of 12% grade was noted by the engineering department. Rather than remove a portion the as-built driveway since it contains heating pipes, the engineering department indicated that Jorgensen Construction could appeal the failed inspection by the engineering department with the County Council. Mike Kendell verbally communicated to Mr. Taylor with Taylor Geotechnical that it did not matter to him if the County Council agreed with the appeal but that he was bound to fail the inspection in accordance with the ordinance.
6. Mr. Kendell is incorrectly interpreting the Ordinance. The Ordinance indicates an maximum average of 12% over a short distance, with the minimum distance not defined. Over a short distance of 62 feet, the average slope does not exceed 12%. The Ordinance is not intended to define grades on a 4 foot or 20 foot increment basis that was used by Mr. Kendell. For example, for a 1000 foot driveway, the maximum average grade is 10%. For a maximum short distance of 250 feet, the maximum average grade is 12% such that grades within the 250 feet distance may exceed 12%. The same principal

applied to the subject residence is basis that the requirements of the Ordinance have been satisfied.

7. The grade of the driveway closely follows the surface grades as shown on a set of approved grading plans submitted for retaining walls at the site. Taylor Geotechnical, Jorgenson Construction, and representatives of the building department and engineering department conducted two meetings in 2014 presenting different grading plans until engineering approved grades and wall locations as presented by Taylor Geotechnical in a plan set dated August 20, 2014 and permitted by the County on August 22, 2014. (Site Plan of Approved Construction Drawings Attached)
8. In the last appeal with the county council, Mike Kendell indicated that the approved site plan showed the surface grade of the driveway sloping to the middle of the porte-cochere. No documentation could be found to confirm that the approved grade break was in the middle of the porte-cochere. Additionally, driveways below a porte-cochere are not constructed with a surface gradient beyond 2%. Since the front door is in the middle of the south side of the porte-cochere, a driveway with a surface grade above half the base elevation of the front door is not practical, sensible or common construction practice.
9. It is not normal practice for engineering departments of municipalities to inspect construction elements for a home outside the public right-of-way. Jorgensen Construction met with good intent to have the driveway inspected prior to placement of concrete and thought they had received approval for placement of concrete since the driveway had been inspected and approved by an official of the County.
10. The initial 20 feet of the driveway provides adequate area to park vehicles off the street if the heating system for the driveway is not turned on or fails to operate in the winter.



Photo Exhibit 1, Top of Driveway Looking South.

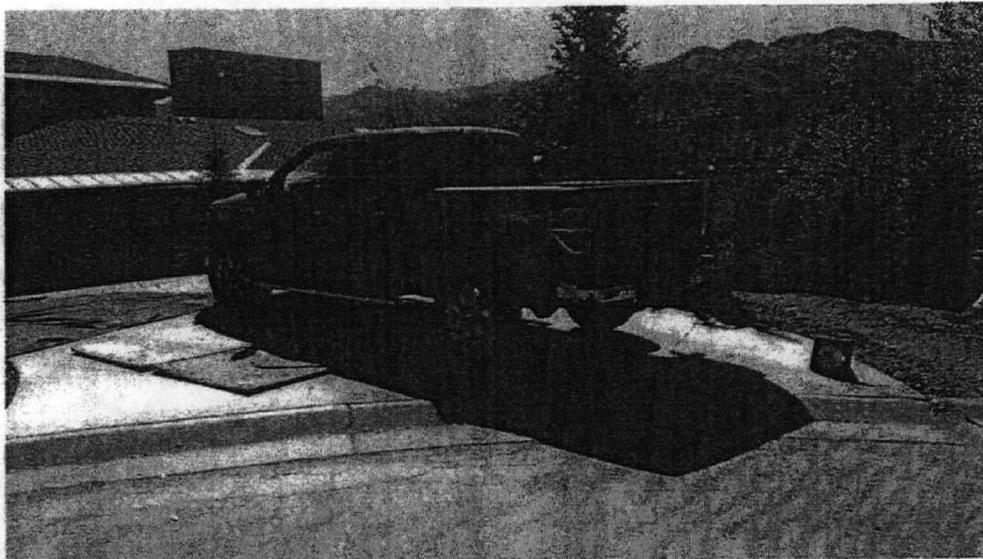


Photo Exhibit 2, Top of Driveway Looking Southeast.

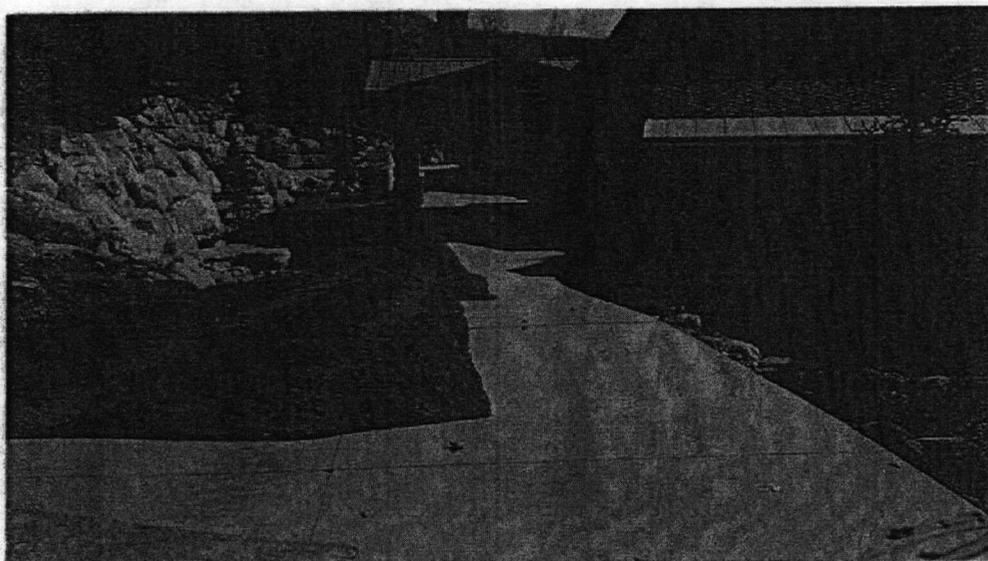


Photo Exhibit 3 Driveway Looking East Towards Home.

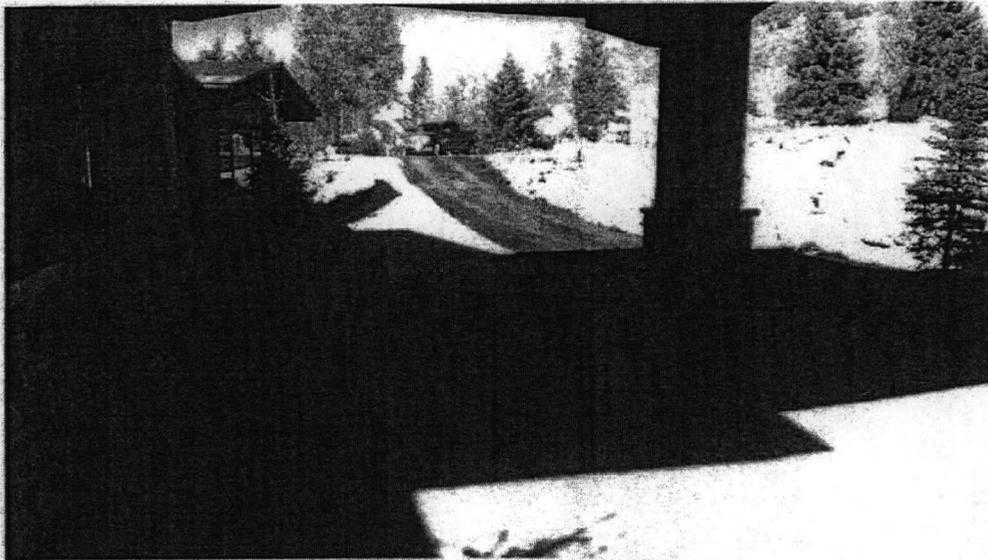


Photo Exhibit 4 Driveway Looking West Towards Street.

11. Enforcement of the County Council to require the driveway to be reconstructed would cause an unreasonable hardship and burden for the builder that is not necessary for the concerns for public health, safety and welfare which is the basis and intent for engineering standards of governing bodies.
12. The maximum average grade of 12 percent as presented in the Ordinance is arbitrary and capricious since the reason for the limitation is not substantiated. If the limitation was due to public health, safety and welfare, then Pinebrook's limitation to 15% grade should not have been approved. Additionally recent County records show that Mr. Steven Taylor, Summit County's Code Enforcement Office has completed a staff report dated January 28, 2016, requesting a variance for an applicant at 1687 Heather Lane, to allow a driveway with a 17% grade.

If you have any questions, please feel free to contact the undersigned.

Respectfully submitted,
Taylor Geotechnical

Alanson O. Taylor, P.E.
Principal

EXHIBIT L

AFFIDAVIT OF BRIAN BALLS

STATE OF UTAH)
 :SS.
COUNTY OF SUMMIT)

I, Brian Balls, being first duly sworn upon oath, do hereby state as follows:

1. That I am over the age of eighteen (18) years and any attestation of this affidavit is based upon first hand knowledge.
2. That I am competent to testify and that if called to testify my testimony would be consistent with the substance of this Affidavit.
3. That I am a civil engineer practicing out of Summit Engineering in Heber, Utah.
4. That as a civil engineer I am constantly reading, reviewing, and applying various ordinances including those in Summit County and other counties in the state of Utah and elsewhere.
5. That I am familiar and have reviewed Summit County Ordinance 181-D addressing driveway slopes and the proper interpretation for Ordinance 181-D is to calculate the “average slope” pursuant to the formulas set forth in the Ordinance.
6. That the use of a 4 foot level cannot in anyway accurately measure the average slope of a 184 foot driveway.
7. That I have reviewed the elevations and other particulars on the driveway at 3003 Wedge Circle (“Wentz Property”) and concur with engineer Mr. Alan Taylor that the average slope of the subject driveway is 11% and fully compliant with the proper interpretation and application of Summit County Ordinance 181-D.

FURTHER, AFFIANTS SAYETH NAUGHT.

Brian Balls

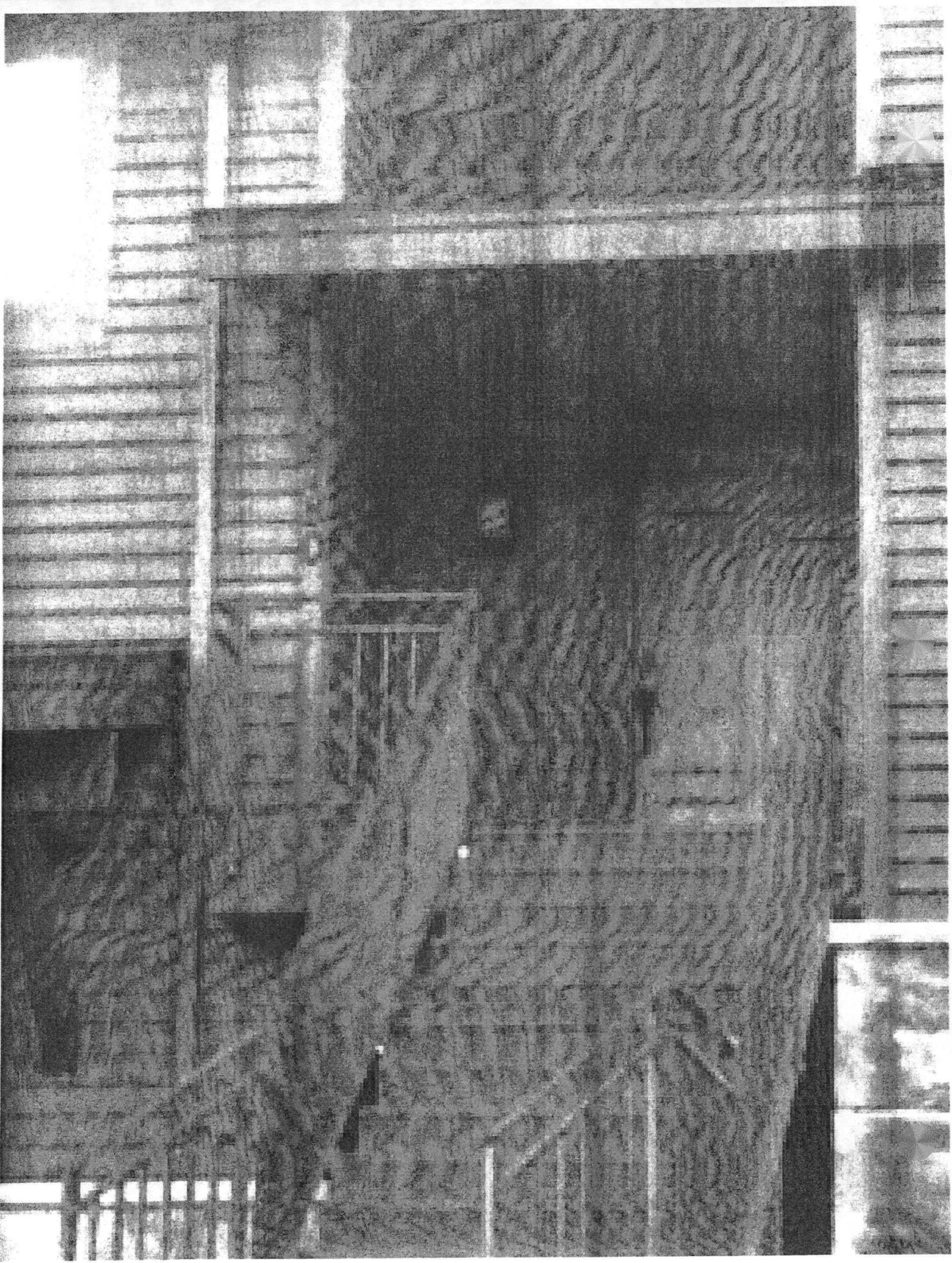
SUBSCRIBED AND SWORN TO before me, a notary public, on this _____ day of
February, 2016.

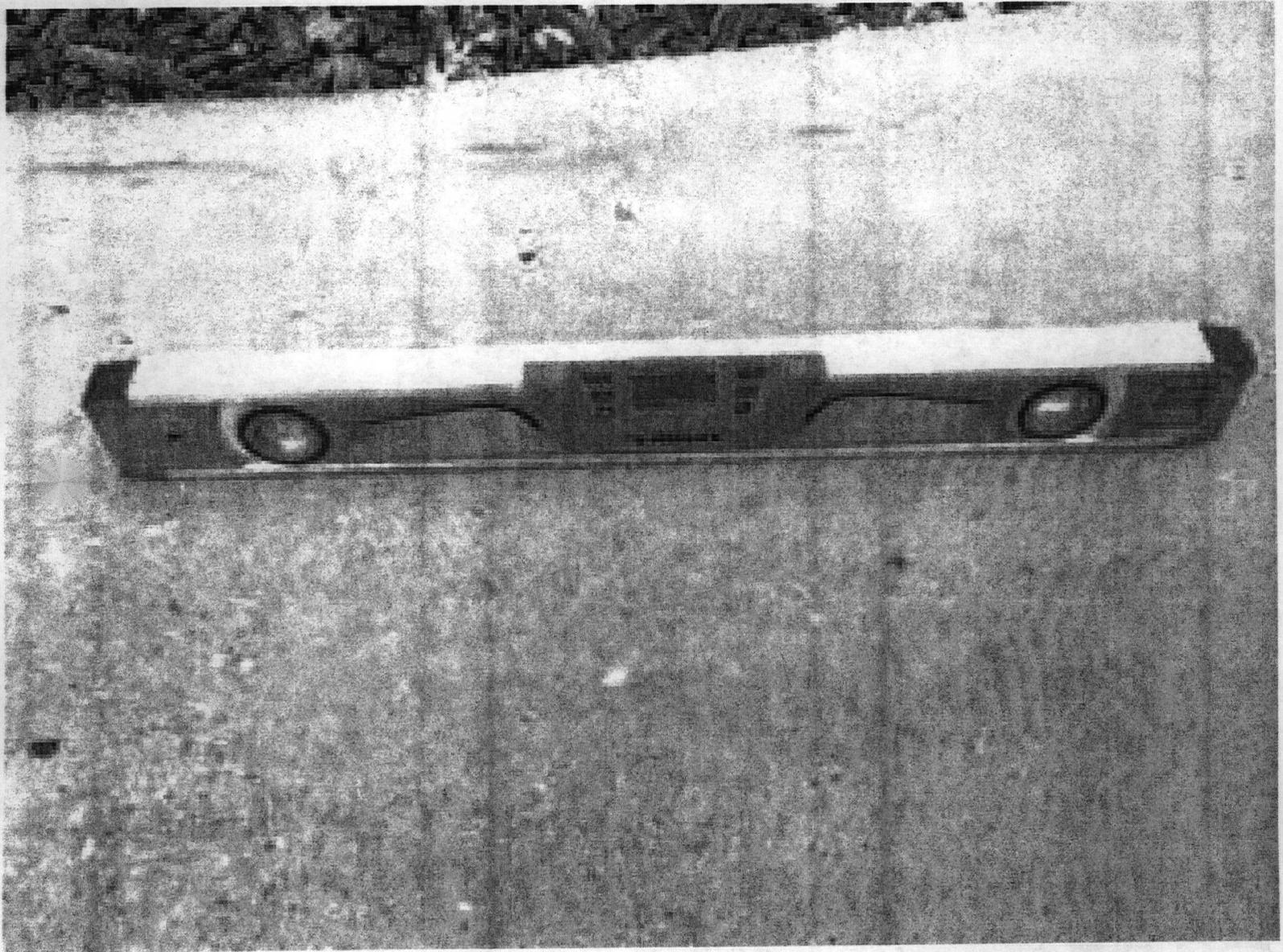
Notary Public

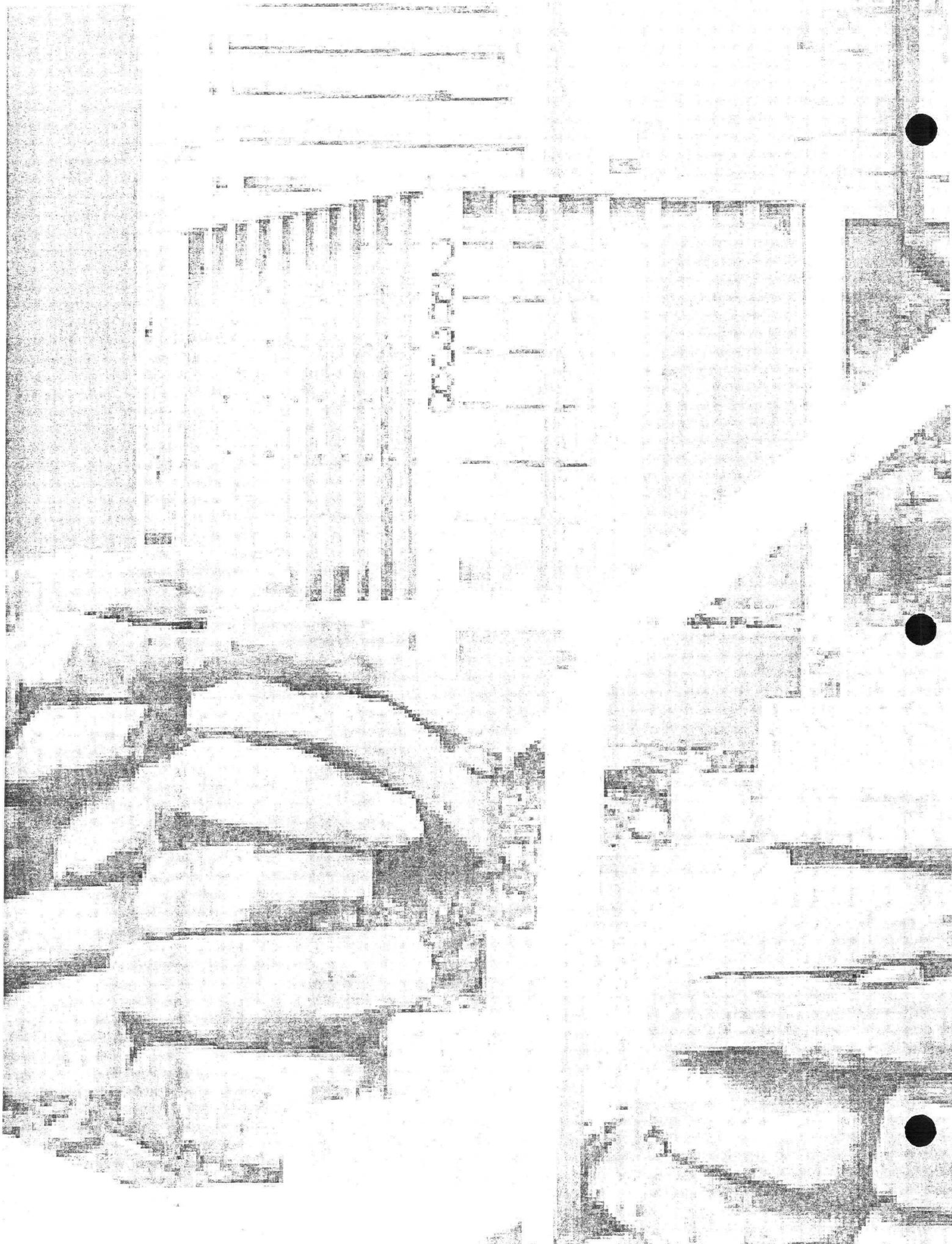
Residing at _____

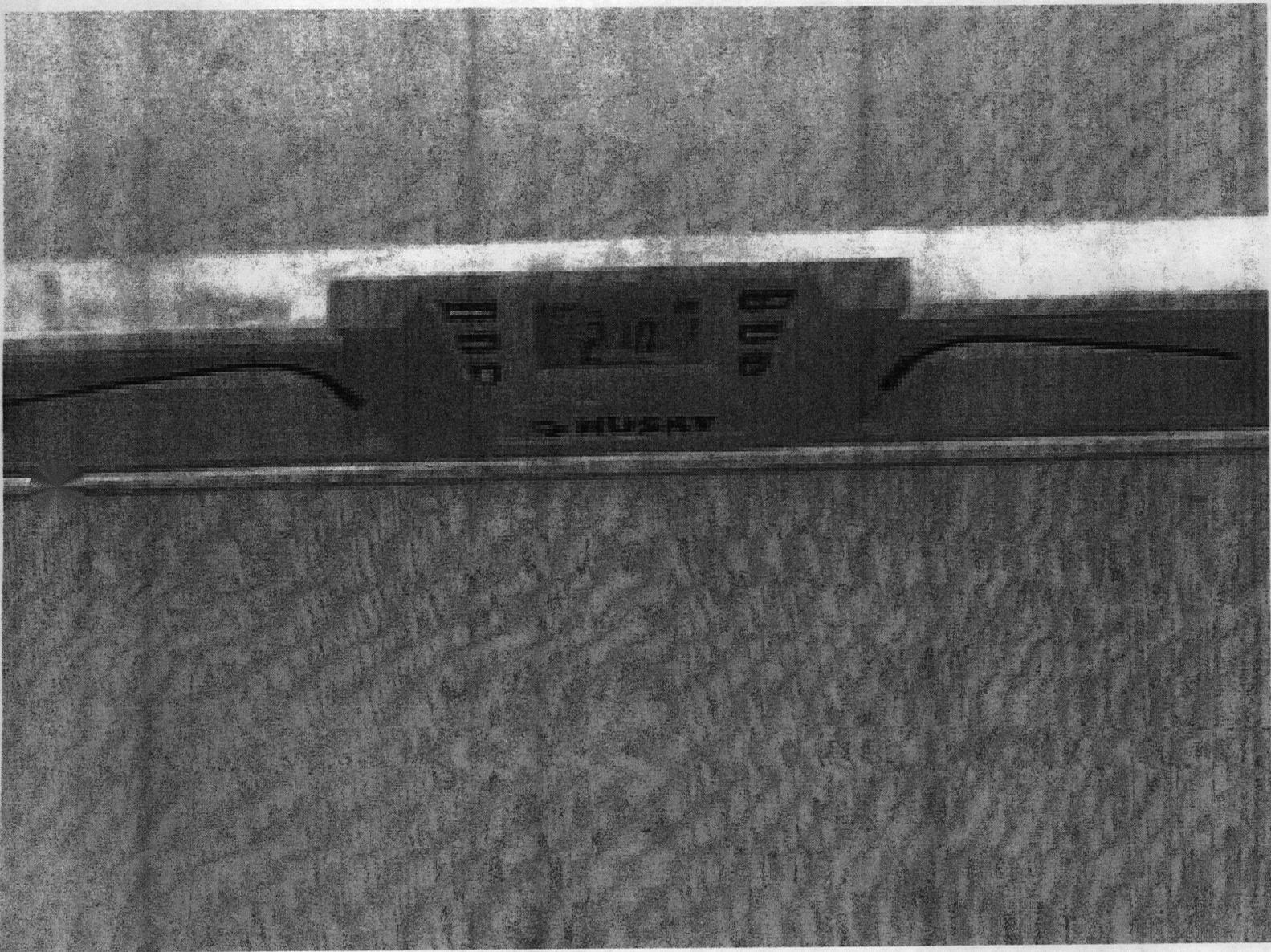
My Commission Expires: _____

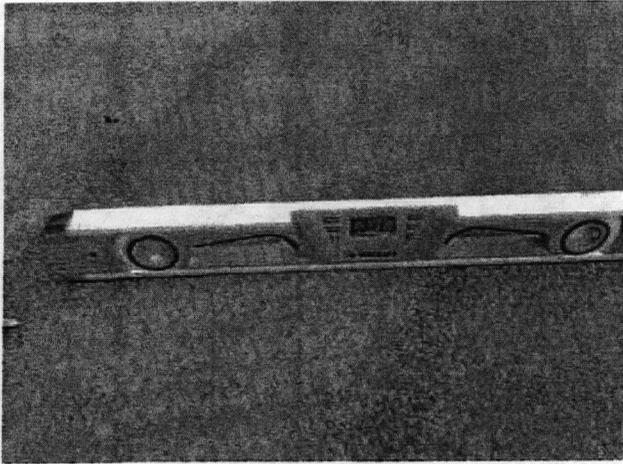
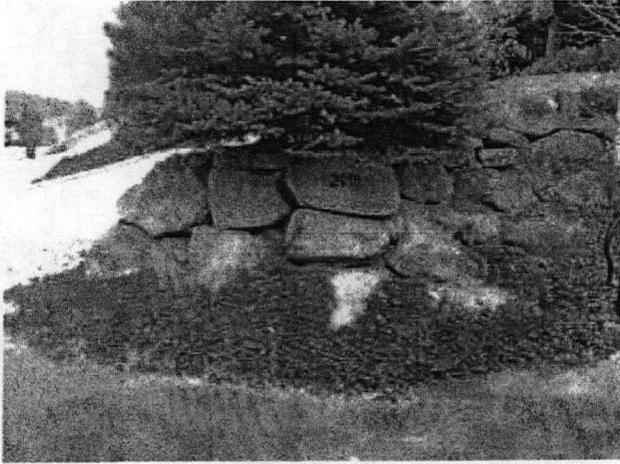
EXHIBIT M



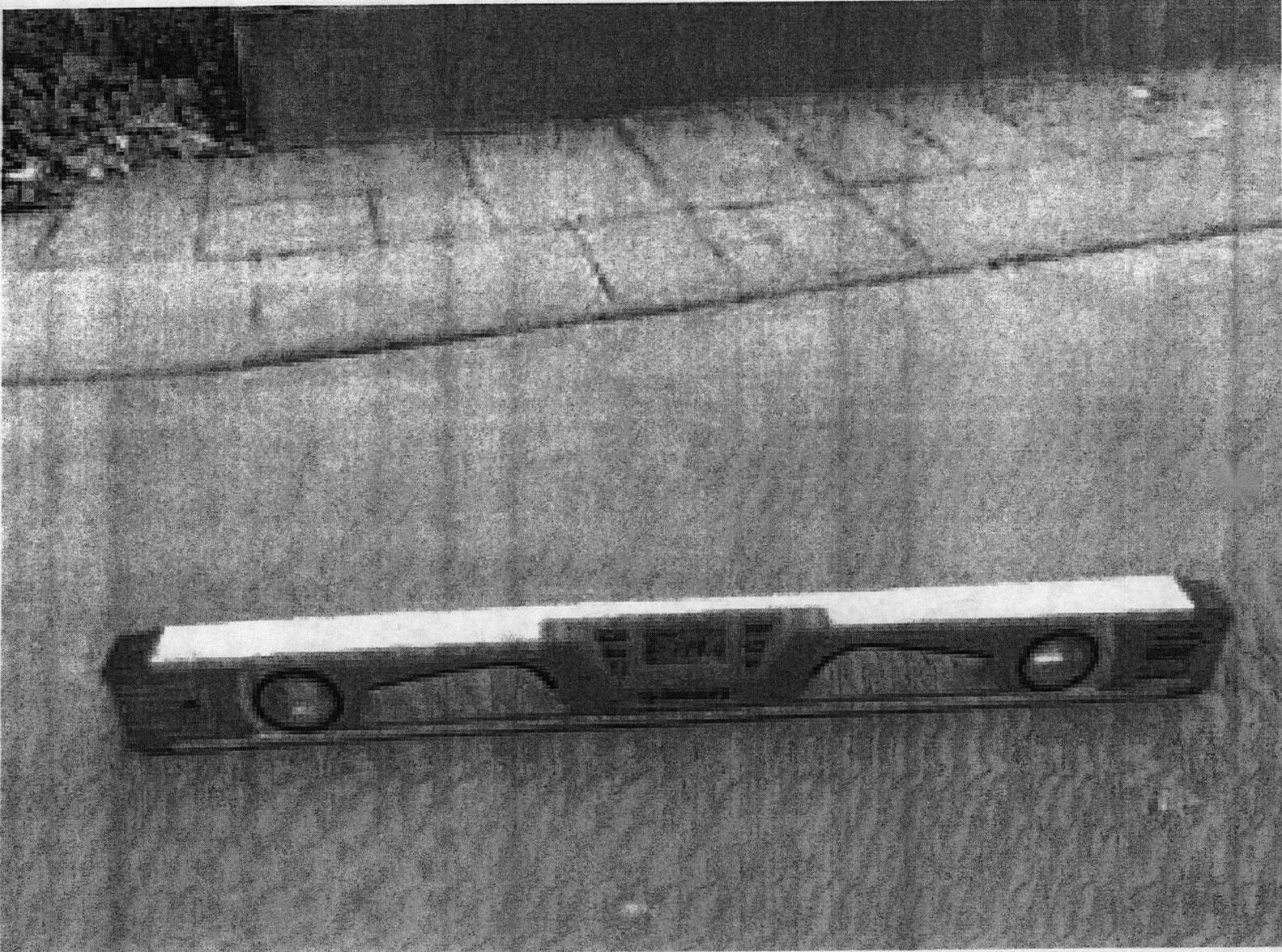


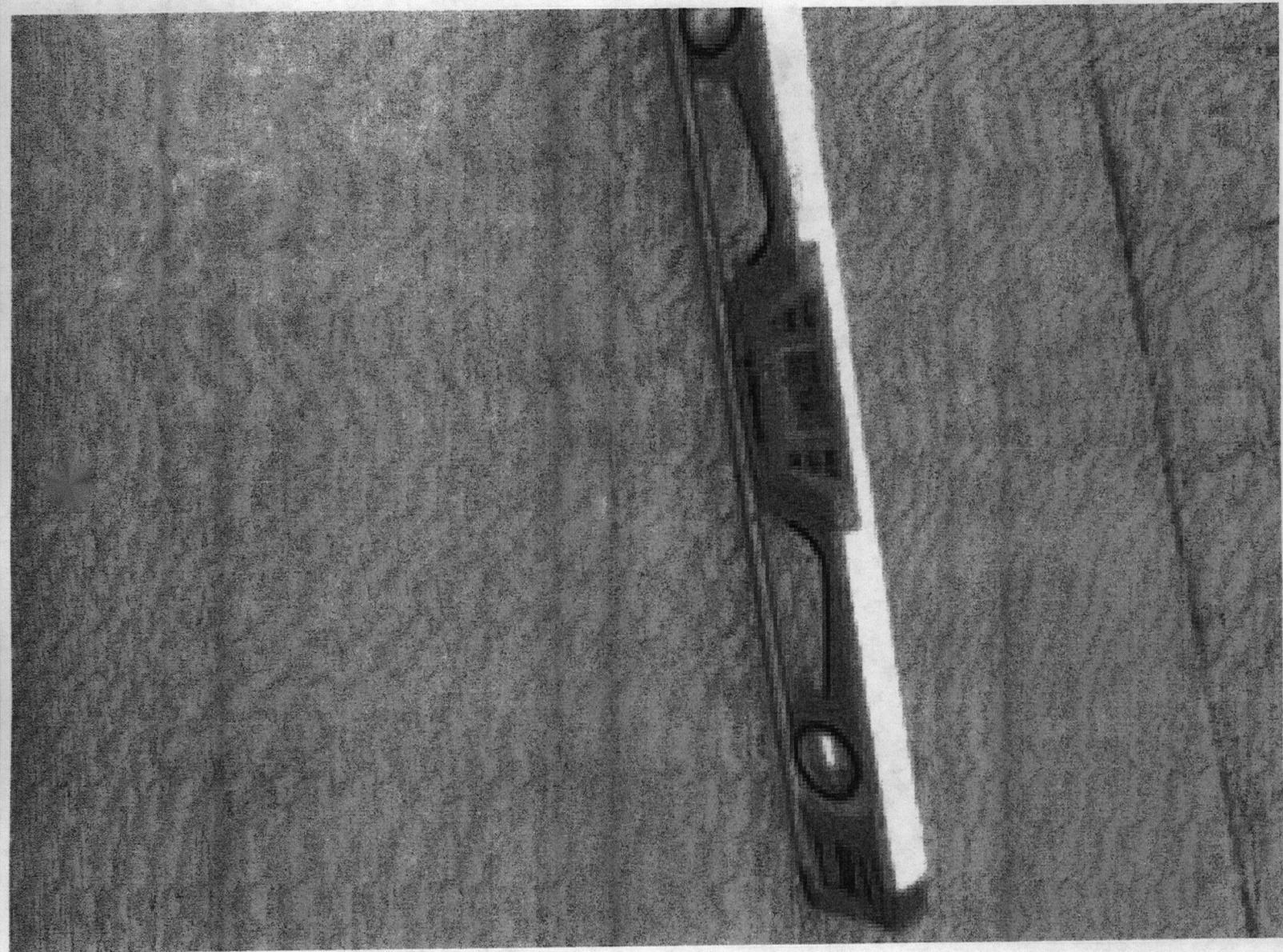




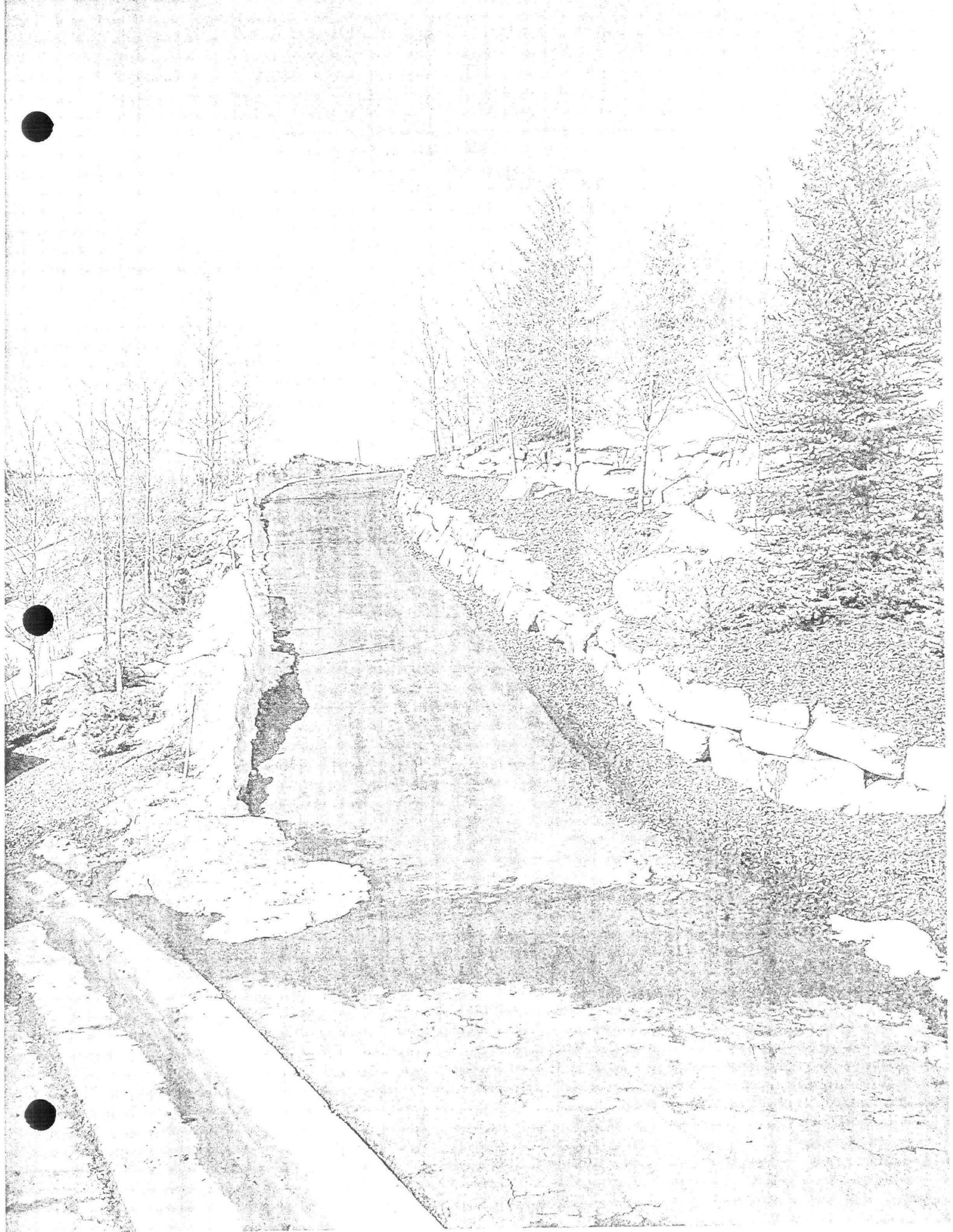












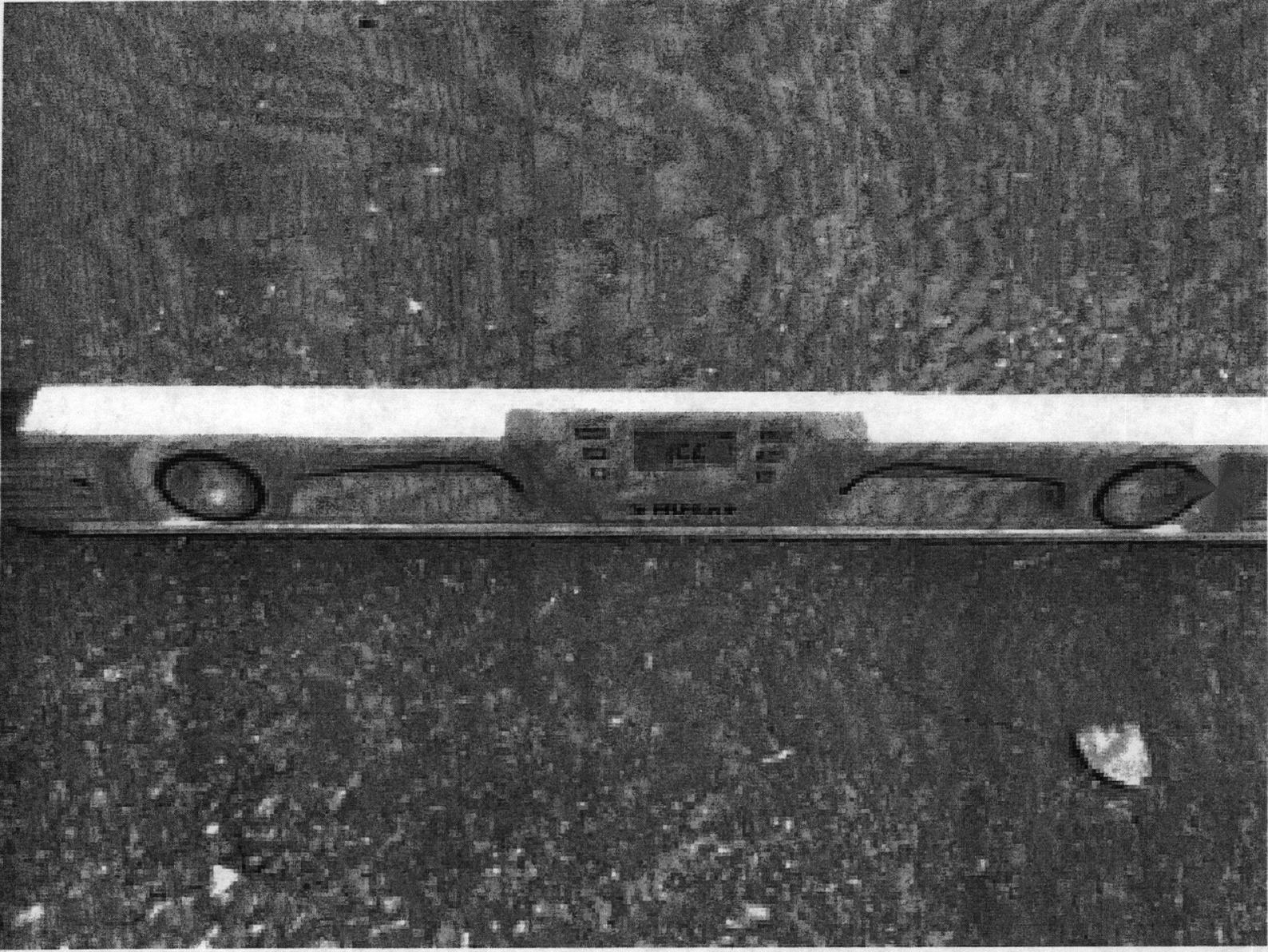


EXHIBIT N



- International Residential Code for One- and Two-Family Dwellings
 - [2012 (Second Printing)]
 - Chapter 1 - Scope and Administration
 - SECTION R101 GENERAL

R101.1 Title.

R101.2 Scope.

R101.3 Intent.

R101.1 Title.

R101.2 Scope.

R101.3 Intent.

Top Previous Section Next Section To view the next subsection please select the Next Section option.

SECTION R101 GENERAL

R101.1 Title.

These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of [NAME OF JURISDICTION], and shall be cited as such and will be referred to herein as "this code."

R101.2 Scope.

The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

Exceptions:

1. Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-family Dwellings* when equipped with a fire sprinkler system in accordance with Section P2904.

R101.3 Intent.

The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Top Previous Section Next Section To view the next subsection please select the Next Section option.

COPYRIGHT 2007 by INTERNATIONAL CODE COUNCIL



- o [\[2012 \(Second Printing\) \]](#)
 - [Preface](#)
- [International Residential Code for One- and Two-Family Dwellings](#)

Preface

[Top](#) [Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.

Introduction

Internationally, code officials recognize the need for a modern, up-to-date residential code addressing the design and construction of one- and two-family dwellings and townhouses. The *International Residential Code*[®], in this 2012 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small.

This comprehensive, stand-alone residential code establishes minimum regulations for one- and two-family dwellings and townhouses using prescriptive provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs. This 2012 edition is fully compatible with all of the *International Codes*[®] (I-Codes[®]) published by the International Code Council[®] (ICC)[®], including the *International Building Code*[®], *International Energy Conservation Code*[®], *International Existing Building Code*[®], *International Fire Code*[®], *International Fuel Gas Code*[®], *International Green Construction Code*[™] (to be available March 2012), *International Mechanical Code*[®], *ICC Performance Code*[®], *International Plumbing Code*[®], *International Private Sewage Disposal Code*[®], *International Property Maintenance Code*[®], *International Swimming Pool and Spa Code*[™] (to be available March 2012), *International Wildland-Urban Interface Code*[®] and *International Zoning Code*[®].

The *International Residential Code* provisions provide many benefits, among which is the model code development process that offers an international forum for residential construction professionals to discuss prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Residential Code* (2000) was the culmination of an effort initiated in 1996 by ICC and consisting of representatives from the three statutory members of the International Code Council at the time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI), and representatives from the National Association of Home Builders (NAHB). The intent was to draft a stand-alone residential code consistent with and inclusive of the scope of the existing model codes. Technical content of the 1998 *International One- and Two-Family Dwelling Code* and the latest model codes promulgated by BOCA, ICBO, SBCCI and ICC was used as the basis for the development, followed by public hearings in 1998 and 1999 to consider proposed changes. This 2012 edition represents the code as originally issued, with changes reflected in the 2009 edition, and further changes developed through the ICC Code Development Process through 2010. Residential electrical

provisions are based on the 2011 *National Electrical Code*[®] (NFPA 70). A new edition such as this is promulgated every three years.

Energy provisions in Chapter 11 are duplicated from the *International Energy Conservation Code*[®]—Residential Provisions applicable to residential buildings which fall under the scope of this code.

Fuel gas provisions have been included through an agreement with the American Gas Association (AGA). Electrical provisions have been included through an agreement with the National Fire Protection Association (NFPA).

This code is founded on principles intended to establish provisions consistent with the scope of a residential code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Residential Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page xvii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Residential Code* is kept up-to-date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

The maintenance process for the fuel gas provisions is based upon the process used to maintain the *International Fuel Gas Code*, in conjunction with the American Gas Association. The maintenance process for the electrical provisions is undertaken by the National Fire Protection Association.

While the development procedure of the *International Residential Code* assures the highest degree of care, ICC, the founding members of ICC, its members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC and its founding members do not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Code Development Committee Responsibilities

In each code development cycle, proposed changes to the code are considered at the Code Development

Hearings by the applicable International Code Development Committee as follows:

[RB] = IRC—Building Code Development Committee

[RE] = Residential Energy Code Development Committee

[RMP] = IRC—Mechanical/Plumbing Code Development Committee

The [RE] committee is also responsible for the IECC—Residential Provisions.

Note that, for the development of the 2015 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years. The groupings are as follows:

Group A Codes (Heard in 2012, Code Change Proposals Deadline: January 3, 2012)	Group B Codes (Heard in 2013, Code Change Proposals Deadline: January 3, 2013)
International Building Code	Administrative Provisions (Chapter 1 all codes except the IECC, IRC and ICCPC, administrative updates to currently referenced standards, and designated definitions)
International Fuel Gas Code	International Energy Conservation Code
International Mechanical Code	International Existing Building Code
International Plumbing Code	International Fire Code
International Private Sewage Disposal Code	International Green Construction Code
	ICC Performance Code
	International Property Maintenance Code
	International Residential Code
	International Swimming Pool and Spa Code
	International Wildland-Urban Interface Code
	International Zoning Code

The International Residential Code is included in the Group B Codes. Therefore, any code change proposals to the IRC will be heard in the 2013 code cycle. The deadline for proposed changes to the IRC is January 3, 2013.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2009 edition. Deletion indicators in the form of an arrow (



) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

A single asterisk [*] placed in the margin indicates that text or a table has been relocated within the code. A double asterisk [**] placed in the margin indicates that the text or table immediately following it has been relocated there from elsewhere in the code. The following table indicates such relocations in the 2012 Edition of the *International Residential Code*.

2012 LOCATION	2009 LOCATION
R312.2	R612.2
R507	R502.2.2
R602.3.5	R602.10.1.2.1
R602.10.6.5	R602.12
R702.7	R601.3

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

[Top](#) [Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.
 COPYRIGHT 2007 by INTERNATIONAL CODE COUNCIL

LAW OFFICES
NYGAARD, COKE & VINCENT, L.C.

RANDY B. COKE
JOHN W. CALL

June 7, 2016

6465 SOUTH 3000 EAST, SUITE 103
SALT LAKE CITY, UTAH 84121-6983
TELEPHONE (801) 438-2512
FACSIMILE (801) 438-2517
attorneys@ncvlaw.com

CRAIG T. VINCENT
OF COUNSEL

HENRY S. NYGAARD
(Retired)
BRUCE E. COKE
(Retired)

Mike Kendell
Derrick Radke
Summit County Engineering Division
Driveway Encroachment
60 North Main
PO Box 128
Coalville, UT 84017

*Via US Mail and
Email mkendell@summitcounty.org*

**RE: Engineering/Review de novo/Appeal of Owner's Driveway Citing Average Slope
Greater than or Equal to 12% (13% when including 1% Construction Variance
Pursuant to Ordinance 181-D)
3003 Wedge Circle - Parcel BN-B-3-77**

Dear Summit County Engineering Division:

In advance of the Summit County Council Meeting scheduled for June 15, 2016, I have enclosed an additional Exhibit O1 through O8. I've also enclosed a signed copy of the Affidavit of Brian Balls, previously submitted as Exhibit L to the February 9, 2016 Review de novo/Appeal.

Please insure they are a part of the submittal and "record" before the County Council hearing set for 6/15/16.

Respectfully submitted,

NYGAARD, COKE & VINCENT



RANDY B. COKE for
Dave and Renee Wentz
GP Jorgensen, LC

RBC/jw
Enc.

cc: Annette Singleton (via email with exhibits; asingleton@summitcounty.org)

EXHIBIT L

AFFIDAVIT OF BRIAN BALLS

STATE OF UTAH)
 :SS.
COUNTY OF SUMMIT)

I, Brian Balls, being first duly sworn upon oath, do hereby state as follows:

1. That I am over the age of eighteen (18) years and any attestation of this affidavit is based upon first hand knowledge.
2. That I am competent to testify and that if called to testify my testimony would be consistent with the substance of this Affidavit.
3. That I am a civil engineer practicing out of Summit Engineering in Heber, Utah.
4. That as a civil engineer I am constantly reading, reviewing, and applying various ordinances including those in Summit County and other counties in the state of Utah and elsewhere.
5. That I am familiar and have reviewed Summit County Ordinance 181-D addressing driveway slopes and the proper interpretation for Ordinance 181-D is to calculate the "average slope" pursuant to the formulas set forth in the Ordinance.
6. That the use of a 4 foot level cannot in anyway accurately measure the average slope of a 184 foot driveway.
7. That I have reviewed the elevations and other particulars on the driveway at 3003 Wedge Circle ("Wentz Property") and concur with engineer Mr. Alan Taylor that the average slope of the subject driveway is 11% and fully compliant with the proper interpretation and application of Summit County Ordinance 181-D.

FURTHER, AFFIANTS SAYETH NAUGHT.

B Balls

Brian Balls

SUBSCRIBED AND SWORN TO before me, a notary public, on this 19 day of February, 2016.

Tammy Rapskus

Notary Public

Residing at St. County

My Commission Expires: 3/20/19

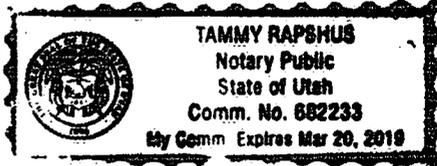


EXHIBIT 01



Summit County Engineering Division
 Driveway Encroachment - SWP3 and ECP Permit Inspection Check Sheet
 60 North Main ~ P.O. Box 128
 Coalville, UT 84017

Coalville (435) 336-3250 ~ Kamas (435) 783-4351 x 3250 ~ Park City (435) 615-3250 ~ Fax (435) 336-3043

Plan Check # 14-ALR Eng. Permit # 14-E-209 Building Permit # 14877
 Applicant COLIN PRICE Phone # _____
 Contractor JASON (IRONWOOD) Phone # 435-669-6503
 Project Address 2838 DAYBREAKER DRIVE Parcel # _____ Subdivision _____

Inspection Form

Delivered to: _____ Called: _____ E-Mail to: _____

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Required Components	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction	Fabric <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Access	Gravel <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Perimeter Controls	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Re-vegetation:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below) <input type="checkbox"/> Within 1' of finished	<input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Pre-Surfacing Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Final Inspection Requested on: 8-31-15 Completed on: 9-1-15 Completed by: CRAIG

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Re-vegetated	<input type="checkbox"/> Yes <input type="checkbox"/> No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	SWP3/ECP	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Completion	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Weed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Notes: DID NOT HAVE PRE-SURFACE

FAILED - AVERAGE GRADE - OVER 10%

MAX SLOPE - OVER 12%

Grade: 1" 20' _____ Remaining Grades _____ Overall Grade _____

EXHIBIT 02

UES
9/11/15



Summit County Engineering Division
Driveway Encroachment - SWP3 and BCP Permit Inspection Check Sheet
60 North Main ~ P.O. Box 128
Coalville, UT 84017

Coalville (435) 336-3250 ~ Kamas (435) 783-4351 x 3250 ~ Park City (435) 615-3250 ~ Fax (435) 336-3043

Plan Check # 14-ALR Eng. Permit # 14-E-209 Building Permit # 14847

Applicant COURT PRICE Phone # _____

Contractor JASON (FRAN WOOD) Phone # 435-669-6503

Project Address 2838 DAYBREAKER DRIVE Parcel # _____ Subdivision _____

Inspection Form

Delivered to: _____ Called: JASON E-Mail to: _____

Stading Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	<u>Required Components</u>	Fabric	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction	Gravel	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Access	Perimeter Controls	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate)	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Re-vegetation:		<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No			

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below) <input type="checkbox"/> Within 1' of finished	<input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Pre-Surfacing Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No		

Final Inspection Requested on: 9/11/15 Completed on: 9/11/15 Completed by: [Signature]

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Drainage installed (swale or culvert)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Re-vegetated	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	SWP3/BCP	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Completion	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Weed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Notes: DID NOT HAVE PRE-SURFACE

Pass (Calculations on back of paper)
7.65% Average
Permit required

Remaining Grades _____ Overall Grade _____

Cub

0 5%

10' 7.6%

20' 11.3%

30' 10.1%

40' 6.8%

50' 5.8%

60' 6%

65' 6.0%

garage door

EXHIBIT 03



5-05-09

Coalville (435) 336-3250 - Hama (435) 763-4351 - 3250 - Park City (435) 615-3250 - Fax (435) 336-3043

Plan Check # _____ Permit # 05-E-137 Building Permit # _____
 Applicant _____ Phone # _____
 Contractor _____ Phone # _____
 Project Address: 81043 N Trails Parcel # TJR-4 Subdivision _____

Inspection Form
 Delivered to: _____ Faxed to: _____ Mailed to: _____

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____
 Intersection Offset (50' min.) N/A Yes No Required Components
 Side Yard Offset (10' min. Other _____) Yes No Stabilized Construction Fabric N/A Yes No
 Alignment (20° of Perpendicular max.) Yes No Access Gravel N/A Yes No
 Lot Grade (approximate) Flat Moderate Steep Perimeter Controls N/A Yes No
 Drainage required (swell or culvert) Yes No Re-vegetation: N/A Yes No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____
 Intersection Offset (50' min.) N/A Yes No Fabric Installed N/A Yes No
 Side Yard Offset (10' min. Other _____) Yes No Gravel Installed N/A Yes No
 Alignment (20° of Perpendicular max.) Yes No Perimeter Control Installed N/A Yes No
 Lot Grade (approx. or see below) Flat Moderate Steep Sediment Tracking N/A Yes No
 Grade (see below) N/A Yes No

Pre-Surfacing Inspection Requested on: _____ Completed on: _____ Completed by: _____
 Intersection Offset (50' min.) N/A Yes No Fabric Installed N/A Yes No
 Side Yard Offset (10' min. Other _____) Yes No Gravel Installed N/A Yes No
 Alignment (20° of Perpendicular max.) Yes No Perimeter Control Installed N/A Yes No
 Grade (see below) N/A Yes No Sediment Tracking N/A Yes No
 Drainage installed (swell or culvert) N/A Yes No

Final Inspection Requested on: _____ Completed on: 5-5-09 Completed by: [Signature]
 Intersection Offset (50' min.) N/A Yes No Fabric Installed N/A Yes No
 Side Yard Offset (10' min. Other _____) N/A Yes No Gravel Installed N/A Yes No
 Alignment (20° of Perpendicular max.) N/A Yes No Perimeter Control Installed N/A Yes No
 Grade (see below) N/A Yes No Sediment Tracking N/A Yes No
 Drainage installed (swell or culvert) N/A Yes No Re-vegetated N/A Yes No

Bond Release Inspection Requested on: _____ Completed on: 5-5-09 Completed by: [Signature]
 Encroachment N/A Yes No SWP3/ECP N/A Yes No
 Excavation N/A Yes No Grading N/A Yes No

Notes: concrete drive. Passed.

Grade: 1" 20' 5% Remaining Grades _____ Overall Grade _____

Questions? Please contact _____ @ _____

EXHIBIT 04



Driveway Encroachment - SWP3 and ECP Permit Inspection Check Sheet

60 North Main ~ P.O. Box 128

Coalville, UT 84017

Coalville line (435) 336-3250 ~ Kamas line (435) 783-4351 x 3250 ~ Park City line (435) 615-3250 ~ Fax (435) 336-3043

Plan Check # _____ Permit # 06-E-46 Building Permit # 06416

Applicant Schofield Phone # _____

Contractor _____ Phone # _____

Project Address 8541 N. Trails Dr Parcel # TJP-7 Subdivision _____

Record of Driveway & Erosion Control Inspections

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.) N/A Yes No **Required Components**

Side Yard Offset (10' min, Other _____) Yes No **Stabilized Construction** Fabric N/A Yes No

Alignment (20° of Perpendicular max.) Yes No **Access** Gravel N/A Yes No

Lot Grade (approximate) Flat Moderate Steep **Perimeter Controls** N/A Yes No

Drainage required (swale or culvert) Yes No **Revegetation:** N/A Yes No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.) N/A Yes No **Fabric Installed** N/A Yes No

Side Yard Offset (10' min, Other _____) Yes No **Gravel Installed** N/A Yes No

Alignment (20° of Perpendicular max.) Yes No **Perimeter Control Installed** N/A Yes No

Lot Grade (approx. or see below) Flat Moderate Steep **Sediment Tracking** N/A Yes No

Pre-Surfacing Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.) N/A Yes No **Fabric Installed** N/A Yes No

Side Yard Offset (10' min, Other _____) Yes No **Gravel Installed** N/A Yes No

Alignment (20° of Perpendicular max.) Yes No **Perimeter Control Installed** N/A Yes No

Grade (see below) N/A Yes No **Sediment Tracking** N/A Yes No

Final Inspection Requested on: 8-22-07 Completed on: 8-22-07 Completed by: MM

Intersection Offset (50' min.) N/A Yes No **Fabric Installed** N/A Yes No

Side Yard Offset (10' min, Other _____) Yes No **Gravel Installed** N/A Yes No

Alignment (20° of Perpendicular max.) Yes No **Perimeter Control Installed** N/A Yes No

Grade (see below) N/A Yes No **Sediment Tracking** N/A Yes No

Revegetated Yes No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment N/A Yes No **SWP3/ECP** N/A Yes No

Notes: Passed Hold kerley bend

Grade: 1st 20' _____ Remaining Grades _____ Overall Grade _____

EXHIBIT 05

MCM
1 ned

SUMMIT COUNTY

Driveway encroachment - SWP3 and ECP Permit Inspection Check Sheet

60 North Main - P.O. Box 128

Coalville, UT 84017

Coalville line (435) 336-3250 ~ Kamas line (435) 783-4351 x 3250 ~ Park City line (435) 615-3250 ~ Fax (435) 336-3043

Plan Check # _____ Permit # 06-E-44 Building Permit # 06446

Applicant _____ Phone # _____

Contractor Mike Phone # _____

Project Address 8541 N Trails Dr Parcel # _____ Subdivision _____

Record of Driveway & Erosion Control Inspections

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Required Components	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction	Fabric <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Access	Gravel <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Perimeter Controls	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Revegetation:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approx. or see below)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Pre-Surfacing Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Final Inspection Requested on: 8-17-07 Completed on: 8-20-07 Completed by: MJ

Intersection Offset (50' min.)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grade (see below)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		Revegetated	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment N/A Yes No SWP3/ECP N/A Yes No

Notes: Silt fence is down - repair until fully landscaped or at 70% natural veg.
Failed Hold reveg bond asphalt drive

Grade: 1st 20' _____ Remaining Grades _____ Overall Grade _____

EXHIBIT 06



Summit County Engineering Division
 Driveway Encroachment - SWP3 and ECP Permit Inspection Check Sheet
 60 North Main ~ P.O. Box 128
 Coalville, UT 84017

Coalville line (435) 336-3250 ~ Kamas line (435) 783-4351 x 3250 ~ Park City line (435) 615-3250 ~ Fax (435) 336-3043

Plan Check # _____ Permit # 06-E-46 Building Permit # _____

Applicant Michael Schofield Phone # _____

Contractor _____ Phone # _____

Project Address 9541 N. Trails Dr Parcel # TJR-7 Subdivision _____

Record of Driveway & Erosion Control Inspections

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Required Components	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction	Fabric <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Access	Gravel <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Perimeter Controls	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Revegetation:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approx. or see below)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Pre-Surfacing Inspection Requested on: June 14, 2007 Completed on: 10-18-07 Completed by: ALR

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Shot

Final Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
		Revegetated	<input type="checkbox"/> Yes <input type="checkbox"/> No

Bond Release Inspection Requested on: _____ Completed on: _____ Completed by: _____

Encroachment N/A Yes No SWP3/ECP N/A Yes No

Notes: FIRST 20 FT 590 AVG 1230 FOR 95 FT
65 FT AT 1090
PRE SURFACE PASSED

Grade: 1" 20' _____ Remaining Grades _____ Overall Grade _____

EXHIBIT 07

Summit County Engineering Division
Permit Inspection Check Sheet

60 North Main - P.O. Box 128 - Coalville, UT 84017

Coalville line (435) 336-3250 ~ Kamas line (435) 783-4351 x 3250 ~ Park City line (435) 615-3250 ~ Fax (435) 336-3043

Permit # OST-137 Building Permit/Plan Check # 15450

Applicant John Hellender Phone # _____

Contractor Justin - 431-7779 Phone # _____

Project Address 8043 N. Trails Dr. Parcel # DE-4 Subdivision Trails @ Jeremy

Record of Driveway & Erosion Control Inspections

Requested on: _____	Completed on: _____	Completed by: _____
Staking Inspection	Required Components	
Intersection Offset (50' min.) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction Access: Fabric <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____) <input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Alignment (20° of Perpendicular max.) <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Controls: <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Lot Grade (approximate) <input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Revegetation: <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Drainage required (swale or culvert) <input type="checkbox"/> Yes <input type="checkbox"/> No		

Requested on: _____	Completed on: _____	Completed by: _____
Rough Grade/Erosion Control		
Intersection Offset (50' min.) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____) <input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Alignment (20° of Perpendicular max.) <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed(_____) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Lot Grade (approximate or see below) <input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Sediment Tracking <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	

Requested on: _____	Completed on: _____	Completed by: _____
Pre-Surfacing/Supplemental Inspection		
Intersection Offset (50' min.) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____) <input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Alignment (20° of Perpendicular max.) <input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	
Grade (see below) <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	

Requested on: <u>0-27-06</u>	Completed on: <u>4-28-06</u>	Completed by: <u>m</u>
Final Inspection		
Intersection Offset (50' min.) <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Alignment (20° of Perpendicular max.) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Grade (see below) <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Revegetated <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Requested on: _____	Completed on: _____	Completed by: _____
Bond Release		
Encroachment <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	SWP3/BCP <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	

Notes: Passed.
Will need to re-check
Before concrete is poured.
150 ft Driveway Recreate top for 5%
Averaged 10.2%

Driveway Grade

Rough Grade:
 Shot @ Street _____ - Shot T1, _____ + Shot T1, _____ - Shot T2, _____ + Shot T2, _____ - Shot @ Footer _____ + Height to Garage Floor _____ = ΔH _____
 Distance Along D/W Alignment = D _____ Rough Grade = $\Delta H / D =$ _____

Or:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

Pre-Surfacing:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

Final Inspection:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

EXHIBIT 08

Permit # 04-F-4570 Building Permit/Plan Check # _____
 Applicant _____ Phone # _____
 Contractor Coll Aguire Phone # _____
 Project Address 1877 Red Hawk Drive Parcel # 6 Subdivision Red Hawk

Record of Driveway & Erosion Control Inspections

#8899

Staking Inspection	Requested on: _____	Completed on: _____	Completed by: _____
Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Required Components	
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Stabilized Construction Access: Fabric	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Perimeter Controls:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Drainage required (swale or culvert)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Revegetation:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Rough Grade/Erosion Control	Requested on: _____	Completed on: _____	Completed by: _____
Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed(_____)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Grade (approximate or see below)	<input type="checkbox"/> Flat <input type="checkbox"/> Moderate <input type="checkbox"/> Steep	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Pre-Surfacing/Supplemental Inspection	Requested on: _____	Completed on: _____	Completed by: _____
Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Final Inspection	Requested on: <u>4-27-06</u>	Completed on: <u>4-28-06</u>	Completed by: <u>ALR</u>
Intersection Offset (50' min.)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Fabric Installed	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard Offset (10' min, <input type="checkbox"/> Other _____)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gravel Installed	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
Alignment (20° of Perpendicular max.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Perimeter Control Installed	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Grade (see below)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sediment Tracking	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<u>shot in HI 10/10</u>	Revegetated	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Bond Release	Requested on: _____	Completed on: _____	Completed by: _____
Encroachment	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No	SWP3/ECP	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Notes: Asph. 17' Driveway passed 110' Recess Band

Driveway Grade

Rough Grade:
 Shot @ Street _____ - Shot T1₁ _____ + Shot T1₂ _____ - Shot T2₁ _____ + Shot T2₂ _____ - Shot @ Footer _____ + Height to Garage Floor _____ = ΔH _____
 Distance Along D/W Alignment = D _____ Rough Grade = ΔH / D = _____

Or:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

Pre-Surfacing:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

Final Inspection:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

EXHIBIT 09

2-06-06

Summit County Engineering Division
Permit Inspection Check Sheet
60 North Main - P.O. Box 128 - Coalville, UT 84017
Coalville line (435) 336-3250 ~ Kamas line (435) 783-4351 x 3250 ~ Park City line (435) 615-3250 ~ Fax (435) 336-3043

Permit # 05-E-43 Building Permit # 05-165

Applicant _____ Phone # _____

Contractor John Hellander Phone # _____

Project Address 8611 NORTH TRAIL DR Parcel # 5 Subdivision TJR *traite @ Jeremy RAVEL*

Record of Driveway & Erosion Control Inspections

Staking Inspection Requested on: _____ Completed on: _____ Completed by: _____

Required Components

Intersection Offset (50' min.) N/A Yes No Stabilized Construction Access: Fabric N/A Yes No
 Side Yard Offset (10' min, Other _____) Yes No Gravel N/A Yes No
 Alignment (20° of Perpendicular max.) Yes No Perimeter Controls: Silt Fence N/A Yes No
 Lot Grade (approximate) Flat Moderate Steep Straw Bales N/A Yes No
 Drainage required (swale or culvert) Yes No Revegetation: N/A Yes No

Rough Grade Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.) N/A Yes No Fabric Installed N/A Yes No
 Side Yard Offset (10' min, Other _____) Yes No Gravel Installed N/A Yes No
 Alignment (20° of Perpendicular max.) Yes No Perimeter Control Installed N/A Yes No
 Lot Grade (approximate or see below) Flat Moderate Steep Sediment Tracking N/A Yes No

Pre-Surfacing/Supplemental Inspection Requested on: _____ Completed on: _____ Completed by: _____

Intersection Offset (50' min.) N/A Yes No Fabric Installed N/A Yes No
 Side Yard Offset (10' min, Other _____) Yes No Gravel Installed N/A Yes No
 Alignment (20° of Perpendicular max.) Yes No Perimeter Control Installed N/A Yes No
 Grade (see below) N/A Yes No Sediment Tracking N/A Yes No

Final Inspection Requested on: 2-3-05 Completed on: 2-10-06 Completed by: AHR

Intersection Offset (50' min.) N/A Yes No Fabric Installed N/A Yes No
 Side Yard Offset (10' min, Other _____) Yes No Gravel Installed N/A Yes No
 Alignment (20° of Perpendicular max.) Yes No Perimeter Control Installed N/A Yes No
 Grade (see below) N/A Yes No Sediment Tracking N/A Yes No
Under 12.95% for

Bond Release Requested on: _____ Completed on: _____ Completed by: _____

Encroachment N/A Yes No SWP3/ECP N/A Yes No

Notes: FOR OCCUPANCY
Cement Drive
Hold Reveg Bond
PASSED

Driveway Grade

Rough Grade:
 Shot @ Street _____ - Shot T1, _____ + Shot T1, _____ - Shot T2, _____ + Shot T2, _____ - Shot @ Footer _____ + Height to Garage Floor _____ = ΔH _____
 Distance Along D/W Alignment = D _____ Rough Grade = ΔH / D = _____

Or:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

Pre-Surfacing:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

Final Inspection:
 (Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

EXHIBIT O10

10-15/04

Summit County Engineering Division
Permit Inspection Check Sheet
60 North Main - P.O. Box 128 - Coalville, UT 84017
Coalville line (435) 336-3250 ~ Kamas line (435) 783-4351 x 3250 ~ Park City line (435) 615-3250 ~ Fax (435) 336-3043

Permit # 04-F-43 Building Permit # 04115
Applicant Greg Kingdom Phone # _____
Contractor Carly King Phone # _____
Project Address 8877 Trails Drive Parcel # 60 Subdivision TJR

Record of Driveway & Erosion Control Inspections

Requested on: _____ Completed on: _____ Completed by: _____
Staking Inspection
Intersection Offset (50' min.) N/A Yes No
Side Yard Offset (10' min, Other _____) Yes No
Alignment (20° of Perpendicular max.) Yes No
Lot Grade (approximate) Flat Moderate Steep
Drainage required (swale or culvert) Yes No
Required Components
Stabilized Construction Access: Fabric N/A Yes No
Gravel N/A Yes No
Perimeter Controls: Silt Fence N/A Yes No
Straw Bales N/A Yes No
Revegetation: N/A Yes No

Requested on: _____ Completed on: _____ Completed by: _____
Rough Grade Inspection
Intersection Offset (50' min.) N/A Yes No
Side Yard Offset (10' min, Other _____) Yes No
Alignment (20° of Perpendicular max.) Yes No
Lot Grade (approximate or see below) Flat Moderate Steep
Fabric Installed N/A Yes No
Gravel Installed N/A Yes No
Perimeter Control Installed N/A Yes No
Sediment Tracking N/A Yes No

Requested on: _____ Completed on: _____ Completed by: _____
Pre-Surfacing/Supplemental Inspection
Intersection Offset (50' min.) N/A Yes No
Side Yard Offset (10' min, Other _____) Yes No
Alignment (20° of Perpendicular max.) Yes No
Grade (see below) N/A Yes No
Fabric Installed N/A Yes No
Gravel Installed N/A Yes No
Perimeter Control Installed N/A Yes No
Sediment Tracking N/A Yes No

Requested on: 10/14/04 Completed on: 10/15/04 Completed by: CSB
Final Inspection
Intersection Offset (50' min.) N/A Yes No
Side Yard Offset (10' min, Other _____) Yes No
Alignment (20° of Perpendicular max.) Yes No
Grade (see below) N/A Yes No
Fabric Installed N/A Yes No
Gravel Installed N/A Yes No
Perimeter Control Installed N/A Yes No
Sediment Tracking N/A Yes No

Requested on: _____ Completed on: _____ Completed by: _____
Bond Release
Encroachment N/A Yes No
SWP3/ECP N/A Yes No

Notes: 100% Day

Driveway Grade

Rough Grade:
Shot @ Street _____ - Shot T1, _____ + Shot T1, _____ - Shot T2, _____ + Shot T2, _____ - Shot @ Footer _____ + Height to Garage Floor _____ = ΔH _____
Distance Along D/W Alignment = D _____ Rough Grade = ΔH / D = _____
Or:
(Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____
Pre-Surfacing:
(Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____
Final Inspection:
(Shot @ Street _____ - Shot @ 20' _____) / 20 = Grade 1 _____ (Shot @ 20' _____ - Shot @ Garage Break _____) = Grade 2 _____

Attorney for Applicants, Randy Coke, stated he made arrangements on behalf of the homeowners, Dave and Renee Wentz, and GP Construction through the county attorney in the first part of this year to have this hearing de-novo. Mr. Coke stated he wanted to make sure that everyone on the Council realized and the engineering department realized it was a de-novo hearing, which means as though no prior hearing ever took place and no facts were submitted or testimony heard. He stated with that understanding, this was filed on February 19th and he received a response June 12th.

Mr. Coke stated that Anthony Jorgensen will address the fact that the home was built per plans inspection. Mr. Coke stated even the drawings submitted by the engineer department was an old drawing that was superseded by the later site plan that's Exhibit-I attached to the February 19th position statement. Mr. Coke stated Exhibit-I was reviewed and accepted by Summit County while GP Jorgensen were in attendance and went through it in detail.

LAW OFFICES
NYGAARD, COKE & VINCENT, L.C.

RANDY B. COKE
JOHN W. CALL

February 19, 2016

CRAIG T. VINCENT
OF COUNSEL

6465 SOUTH 3000 EAST, SUITE 103
SALT LAKE CITY, UTAH 84121-6983
TELEPHONE (801) 438-2512
FACSIMILE (801) 438-2517
attorneys@ncvlaw.com

HENRY S. NYGAARD
(Retired)
BRUCE E. COKE
(Retired)

Mike Kendell
Derrick Radke
Summit County Engineering Division
Driveway Encroachment
60 North Main
PO Box 128
Coalville, UT 84017

*Via US Mail and
Email mkendell@summitcounty.org*

**RE: Engineering/Review de novo/Appeal of Owner's Driveway Citing Average Slope
Greater than or Equal to 12% (13% when including 1% Construction Variance
Pursuant to Ordinance 181-D)
3003 Wedge Circle - Parcel BN-B-3-77**

Dear Summit County Engineering Division:

This office represents both the owners Dave and Renee Wentz ("Owners") residing certain real property located in Summit County, State of Utah commonly known as 3003 Wedge Circle, Park City, Utah. The home sits on a "double lot" located on or within the Jeremy Ranch Golf Course and development area in Summit County.

In addition, this office and undersigned counsel also represents GP Jorgensen, LC, the "General Contractor" or "Contractor" which built and constructed the residential home located at 3003 Wedge Circle, Park City, Utah, the "Residence". This submission is made along with that of Alan Taylor of Taylor Geotechnical which is attached as Exhibit "K" and incorporated herein.

STATEMENT OF BACKGROUND FACTS

The entire matter (including all evidence, witnesses and exhibits) is submitted to the Summit County Engineering Department and Summit County Council for a review and hearing de-novo as agreed between the undersigned counsel for the Owners and Contractor and Summit County Attorney Mr. Robert Hilder. A copy of Mr. Hilder's letter providing for a de-novo review and hearing is labeled as Exhibit "A", attached hereto and incorporated herein. This submission shall fully replace any prior submission as all proceed on a de-novo basis.

On the afternoon of October 9, 2015, a meeting was held at the Residence which included the Owners, Contractor, undersigned counsel and engineer Alan Taylor and specifically representatives of the Engineering Department for Summit County, Utah Mike Kendell and Derrick

Mike Kendell
Derek Radke
Summit County Engineering Department
February 19, 2016
Page 2

Radke, to address any issues pertaining to the issuance of a Certificate of Occupancy, which focused upon the driveway for the Residence and position of Summit County Engineering that the subject driveway exceeded the average grade restriction of Summit County Ordinance 181-D.

It was relayed that afternoon, that according to measurements taken or conducted by the Engineering Department of Summit County, that the grade on the driveway of the Residence exceeded the maximum average grade and that Summit County Ordinance 181-D allegedly restricts driveway grades to 12%. Upon inquiry of the Summit County Engineering Department, they relayed that a 1% variance is deemed acceptable due to inherent changes and variances for the construction industry. Using this same 1% construction variance relayed by Summit County Engineering, the driveway deemed to be as little as 1% outside the imposed average slope limitations of Summit County average slope restriction Ordinance 181-D pertaining to average driveway grades, etc.

After the meeting a message was sent to the Owners from the Engineering Department relaying that the driveway exceeded the 12% maximum and advising the Owners of alternatives, including requesting a review with the Engineering Department. In addition, a copy of an inspection form was sent stating the driveway failed and claiming "final driveway exceeds maximum allow slope of 12% average grade 11.3%". Copies of the message and inspection form are labeled Exhibit "B", attached hereto and incorporated herein.

It is important to note, that this Residence was designed, built and constructed to the highest of all constructions standards, including goods and materials. This Residence is substantial and in fact required two building lots and associated modifications to facilitate its construction. Included among the many amenities of this home is the fact that every part or portion of the driveway is heated through a custom boiler and heating system which alleviates any chance of snow or ice build up. In addition, substantial and redundant drainage systems have been placed within the driveway and associated areas to accommodate all types of water from run off, melting snow, etc.

In addition, the heating system built for the driveway is heated with two independent boilers and automatically heats the entire driveway if and when temperatures reach 40°. Even this system has two back up generators to allow the driveway heating system to function in a power outage.

As the inspection and other reports substantiate, the driveway was fully "signed off" by the fire department (Exhibit "C" attached hereto) and associated regulations pertaining to the same but that no formal sub-surface driveway inspection had specifically been conducted. The General Contractor had deemed the numerous other inspections sufficient after being told by both the

Mike Kendell
Derek Radke
Summit County Engineering Department
February 19, 2016
Page 3

Building Department and inspectors that “nothing else was needed” and they were good to go for Certificate of Occupancy.

Attached as Exhibit “D” is a photo of the driveway at the residence showing the same from various angles, including but not limited to from the street and back of curb, down the driveway and various pictures from the bottom of the one side of the driveway looking back up to the back of curb and street which show how the grade best fits the home and its design and in particular aligning and conforming to the foundations and footings for the home which were all specifically mandated by Summit County. Also attached as Exhibit “E” is a photo taken in December 2015 showing the driveway completely dry after over a foot of snowfall.

Also attached with this submission for review/appeal is a statement from the General Contractor and its managing member, Anthony Jorgensen (Exhibit “F” attached hereto). Mr. Jorgensen explains some of the particulars about the Residence, its construction and in particular the driveway. As he sets forth in his attached letter labeled Exhibit “F”, he generally relays the following:

This letter is in regards to the driveway located at 3003 Wedge Circle in Park City, UT. This was the first New Home Construction GP Jorgensen has built in Summit County since 2006. The home is approximately 14,000 square feet with 5,000 square feet of heated driveway. The driveway is 184 feet long. 70 feet of the driveway is in front of the garage and the average slope of the entire driveway is 4.7%. 10 feet away from the front of the garage is a strip drain running parallel with the garage. The first 20 feet of the driveway coming off the street is fairly flat with a 3-4 percent slope. This 20 feet of driveway serves a couple of purposes. One, it creates a safe viewing area for the users as they come up the slope to safely view the street before entering, secondly it allows homeowners to pull into the driveway without rubbing the curb. The next section of the driveway slopes towards the porte-cochere, it is seventy feet in length. The average grade of this portion of driveway is 9.7%. The porte-cochere is a covered section of the driveway covered by a roof supported by four massive posts. This area is also the roof of the theater that sits below the driveway. It is constructed of 8 inches of span deck “structural concrete”, 4 inches of a topping slab with rebar and concrete and then sand set pavers over the waterproofing. The waterproofing in this area, being under the driveway, was applied twice to ensure that any water coming down the sloped area of driveway would not infiltrate and cause problems with water damage. Having 92 feet of

driveway all sloping to this area, we also installed a strip drain running parallel with the porte-cochere to catch most of the water, as it runs down the slope towards the house.

During the grading portion of this driveway construction, my father put a call into Summit County Building Department, and we asked if we needed to be aware of any grade restrictions and the gentleman on the phone said, "We had nothing to worry about." No mention at all of any inspections required by Summit County Engineering. We then proceeded to install approximately 5000 square feet of 1 1/2" rigid foam insulation, wire mesh, 3/4" tubing on 9" centers, to heat the entire driveway area. We then called for an inspection knowing that the building official would like to see an air test on the radiant tubing and also the boiler placement inside the mechanical room inside the home. We passed our inspection and were told by the building official we were okay to pour.

We proceeded to pour concrete in three separate pours spanning over a 2 week period, to provide the best possible finished product. To complete this driveway we had a 10 man crew to manage the concrete as it was pumped into place with a 42 meter pump. The total costs of the driveway is in excess of \$150,000. I would have never poured this driveway knowing that I missed an inspection. To do so would be an irresponsible act that could potentially put me out of business. When a gentleman from Summit County Engineering Department came to the job site with a four foot digital level to inspect the average grade of the driveway I found it a bit odd. Reading the code and its analysis of how to find average grades it would require different equipment. I do in fact question the interpretation of the code by Summit County's Engineering Department. The ordinance clearly states the formula in which to use to find percentage of slope. I have used the formula to find the percentages I have used in this letter. I have also driven around the back nine of Jeremy Ranch and have personally observed many driveways that don't meet these guidelines. If in fact this ordinance is twenty years old it does not appear to be enforced on a consistent basis. This driveway more than meets the standards set forth in the ordinance in question. The safety and welfare of the owners, visitors, and any emergency responders is not an issue. The slope in question is both comfortable to walk up and drive up and in many ways is much safer than a good number of driveways in Summit County.

Mr. Jorgensen goes on to explain that during the grading portion of the driveway construction, that they placed a call to the Summit County Building Department and inquired about any grade restrictions to which a gentleman responded via phone that "we had nothing to worry about." See Affidavit of George Pine Jorgensen II at ¶7 and Affidavit of Anthony Jorgensen at ¶¶6-9 attached hereto as Exhibit "G" and "H", respectively. There was no mention of any further inspections required by the Summit County Engineer. The Contractor then proceeded to install approximately 5,000 square feet of 1.5" rigid foam insulation, wire mesh, 3/4" tubing on 9' centers. Upon install of the sub-surface heating system under the entire driveway, another call for an inspection was made to Summit County believing that the building official would most likely want to see and air test on the radiant tubing along with the boiler placement inside the mechanical room of the home.

This inspection was in fact conducted through Summit County and the General Contractor concluded the driveway was cleared to proceed. Five inches of covered concrete was poured over the rest of the driveway breaking the same up with pavers under the porte-cochere. It was not until after the General Contractor's final inspection of the Residence via Summit County Building Official, that the Contractor was asked about "letters for a certificate of occupancy". Believing all was inspected and complete, the General Contractor replied, "Yes" to said inquiry. Soon thereafter the inspector asked if the General Contractor had a letter from engineering regarding the driveway. The General Contractor inquired as to what was needed and was informed about the need for a pre-surfacing inspection but at the same time suggested to the General Contractor that the call for a final from engineering. It was soon thereafter, that the engineering inspector came to the Residence leading to the current situation asserting the average grade of that the driveway exceeds the 12% restriction by essentially 1% (again after the 1% construction variance relayed by the engineering department). Contrary to this position is the Summit County's Engineering report that states the average grade is 11.3%, which is under the 12% restriction.

As represented by the General Contractor, in the over four decades they have constructed high end residential homes, in all other counties and jurisdictions they had built residences, all inspections were handled through the Building Department (versus specific engineering inspection). Other difficulties arose because the Building Department is located in Park City, Utah while the Engineering Department is located in Coalville, Utah.

As concluded by the General Contractor, the slopes ultimately incorporated in the driveway were pursuant to plan as amended and accepted by Summit County in August of 2014 (see Exhibit "I" attached hereto). Having the very limited grade in the first 20 feet of the driveway (3% - 4%)

allowed those coming and going a place to stop and "safely" view the street and/or the home coming into the driveway. The final average grade of the driveway is actually 11% and fully meets or exceeds Ordinance 181-D. Such restrictions in any building code are placed as to provide or prevent a few possibilities. One, is the need for access during a fire situation. In this case, the fire department has "signed off" on this entire residence, including but not limited to the driveway. Second, very steep grades, especially when grades fall to the street (versus from the street) automobiles and/or people during inclement weather along with snow and ice build up could more easily slide into traffic in snowy or slick conditions. Position and arguments of the Owners and Contractor are more specifically set forth below.

POSITION STATEMENT AND ARGUMENT

I. THE DRIVEWAY AT ISSUE AND AVERAGE GRADE OF THE SAME IS FULLY COMPLIANT WITH SUMMIT COUNTY ORDINANCE 181-D WITH AN AVERAGE GRADE OF 11%.

A copy of Ordinance 181-D and specifically Appendix B thereof is labeled Exhibit "J" attached hereto and incorporated herein. Attached with the same exhibit is a summary of a driveway design requirements for Ordinance 181-D as circulated by Summit County where at subparagraph (3) driveway grades are specifically addressed.

Summit County's Engineering Department seemingly ignores the fact that the Ordinance addresses "**maximum average grades**" and in fact uses the term "maximum average grades" throughout the section. The same section specifically states how these measurements of average grade are to be made which is a very specific algebraic formula (versus a level of any type especially a 4 foot smart level). As specifically set forth in the submission of Taylor Geotechnical and Mr. Alan Taylor, engineer (a complete copy of which is labeled Exhibit "K" attached hereto) properly uses said formula concluding the average grade using the formula of 181-D is 11%. Ironically, even the inspection report prepared by Summit County Engineering Department (see Exhibit "B") concluded even according to their measurements that the average grade was 11.3%. Either measurement is fully compliant with Ordinance 181-D which allows average grades of 12% up to 250 feet wherein the driveway in question less the initial 20 feet is approximately 164 feet. This threshold is met without the extra 1% allowed for construction variance.

Mr. Taylor's submission and report specifically addresses how the formula is to be used and

Mike Kendell
Derek Radke
Summit County Engineering Department
February 19, 2016
Page 7

applied and further that Mr. Mike Kendell of the Summit County Engineering Department is not properly interpreting and applying the Ordinance on this occasion.

In addition, the affidavit of Mr. Brian Balls of Summit Engineering out of Heber, Utah (see Exhibit "L" attached hereto) also confirms that Summit County Engineering is not properly reading and applying Ordinance 181-D and in fact concludes after reviewing the elevations and other information on the Wentz driveway that the same fully and completely meets and exceeds the driveway slope restrictions of Ordinance 181-D.

II. THE DRIVEWAY SLOPE RESTRICTIONS OF ORDINANCE 181-D OF SUMMIT COUNTY ARE NOT UNIFORMLY APPLIED AND ENFORCED BY SUMMIT COUNTY.

As initially addressed with the Summit County Engineering Department by and through the general contractor George Pine Jorgensen II ("Pine") of GP Jorgensen Construction, LC ("GP"), the Engineering Department has not uniformly applied and enforced the driveway slope restrictions of Ordinance 181-D or any preceding ordinance restricting or addressing slopes of driveways in Summit County.

Ironically, the Engineering Department through Mike Kendell, Summit County's engineer that has submitted Summit County's responsive submittal in this matter directly informed Pine and GP in late September and early October 2015 that enforcement of Summit County's slope restrictions and/or lack of said enforcement "depends upon the contractor involved." (See Affidavit of Pine at ¶¶11 and 12, Exhibit "G" attached hereto).

Pine received this response when speaking directly to the Engineering Department in Summit County about other driveways within literally a block or two of the subject residence of various homes with driveways not only sloped toward the county roads, but with average slopes substantially in excess of the subject driveway.

As further evidence that the driveway slope ordinance is not uniformly enforced in Summit County has been relayed by Summit County inspector Richard Butz who directly informed on numerous occasions both George Pine Jorgensen II and Anthony Jorgensen that numerous driveways in Summit County are well in excess of the driveway at Wedge Circle that actually measures 11% average. (See Affidavit of Pine at ¶¶6, 11, and 12 and Anthony Jorgensen at ¶6, Exhibit "G" and "H" respectively attached hereto).

The fact that many driveways exceed the driveway slope restrictions of Ordinance 181-D was even further bolstered when GP was ultimately notified that their own engineer (Alan Taylor of Taylor Geotechnical) who both designed and engineered the walls, driveway and other particulars of the subject residence and was specifically "instructed and told" by a representative of Summit County in the Engineering Department NOT to bring up the various non-conforming and excessive slope driveways in Summit County when seeking administrative review. (See Affidavit of Anthony Jorgensen at ¶10, Exhibit "H").

Upon gaining information, knowledge and concerns about the various non-compliant driveways, GP elected to simply visit some residences within a couple of blocks of the subject residence in this matter at 3003 Wedge Circle in Jeremy Ranch.

As represented by Pine and GP with the Engineering Department, just on Daybreaker Drive alone (a road connecting within a couple of blocks to Wedge Circle) GP caused a 4 foot level to be placed on five different residential driveways to make a simple comparison. Photographs of both the address and the 4 foot level on the subject driveway were taken of the following addresses on Daybreaker Drive in Jeremy Ranch:

- (1) 2780 Daybreaker Drive, Jeremy Ranch, Park City, UT - 25%
- (2) 2838 Daybreaker Drive, Jeremy Ranch, Park City, UT - 21%
- (3) 2918 Daybreaker Drive, Jeremy Ranch, Park City, UT - 23.7%
- (4) 2958 Daybreaker Drive, Jeremy Ranch, Park City, UT - 17.9%
- (5) 3080 Daybreaker Drive, Jeremy Ranch, Park City, UT - 15%

(See Exhibit "M" 1-5 attached hereto).

Even though a 4 foot level is only an indication of the real slope, Exhibit "M" 1-5 show slopes between 15% and 25% which are all substantially more than any part or portion of the subject driveway and in particular any 4 foot measurement on the subject driveway. Using a four foot level is again not the proper method or manner to determine average grade or any maximum average slope.

Even as noted in Ordinance 181-D itself, Summit County evidently allows an additional 3% plus 1% for construction variance for driveways of 16% average grade in the Pinebrook Development here in Summit County.

With all due respect, it is clear that many residences in Summit County have driveways

substantially in excess of any part or portion of the average slope of the 3003 Wedge Circle that is only 11%. Perhaps this general understanding is why Pine was told that “nothing else was needed” when he placed a call to the Summit County Building Department was called during the grading portion of the subject driveway and was specifically told over the phone that “we had nothing to worry about”. (See Affidavit of Pine at ¶7, Exhibit “G”). Whether or not the individual at the Building Department recalls the conversation or noted the same should not change Pine’s sworn statement that he made the call and received the noted response.

III. CONTRARY TO THE ASSERTIONS OF SUMMIT COUNTY’S ENGINEERING DEPARTMENT, THE SUBJECT DRIVEWAY AND ITS ADJACENT RETENTION WALLS, ETC. WERE IN FACT BUILT TO PLAN AS AMENDED AND SUBMITTED TO SUMMIT COUNTY ON AUGUST 22, 2014 AND APPROVED BY SUMMIT COUNTY.

In prior discussions and even analysis of the subject residence and driveway, the Engineering Department has proffered drawings that do not include amended plans as drawn by GP Engineer Alan Taylor and submitted and approved by Summit County soon after August 22, 2014. (See Exhibit “I” attached hereto, which includes amended drawings of the front yard site plan and changes in all pertinent walls and retention including the layout of the driveway ending at the beginning of the porte-cochere vs. the center thereof.) Said drawings were in fact submitted and discussed with the Summit County Building Department and Pine along with the Wentz’ can only assume that said information is fully shared between the Building Department which apparently offices in Park City, Utah while the Engineering Department offices in another city, Coalville, Utah.

The average grade of the subject driveway is actually 11%.

Attached hereto as Exhibit “K” is a detailed report and submission from Alan Taylor of Taylor Geotechnical which not only provides the actual grade and slopes but the average slope of the entire driveway in question when properly applying Ordinance 181-K. The Summit County Engineering Department has admitted in their own inspection that the average slope of the subject driveway is 11.3% according to their own calculations.

Should Summit County’s Engineering Department now assert their calculations or otherwise, then they are also disputed and at issue in this matter.

As reflected in Mr. Taylor's report (see Exhibit "K"), the subject driveway was in fact built pursuant to plan as supplemented by the submission of August 22, 2014 which was accepted by Summit County and as stated, slightly altered the driveway to comport to the revised and final drawings and plans but still is only an 11% average slope.

IV. THAT THE SUBJECT DRIVEWAY WHICH SLOPES TO (VS. AWAY FROM) THE RESIDENCE THAT IS FULLY HEATED ON AN INDEPENDENT AND AUTOMATIC BOILER SYSTEM ALONG WITH FAIL SAFE UP BACKUP GENERATORS CHALLENGES THE REASONABLENESS OF ORDINANCE 181-D.

The subject driveway and heating system is fully automatic and the two boilers which heat the entire driveway are initiated and fired upon outside temperatures reaching approximately 40°. Even in a power outage in Summit County affecting this residence, two back up generators running on an independent fuel source would immediately fire and continue to heat the underlying driveway.

Attached hereto as Exhibit "E" to this submission in this matter is a picture of the subject residence in late December 2015 after the first of an approximate 12 inch snowfall of the year. As the photograph reflects, the driveway is not only clear of any and all snow, but in fact dry with the entire process being fully automatic alleviating any safety concerns due to weather slippery conditions and/or the slope of the driveway.

Obviously, the intent of any driveway slope restriction and ordinance would be the safety of the public and homeowners. The subject driveway presents no such safety issue and is passable by any type of vehicle including but not limited to emergency and fire truck vehicles that have inspected the vehicles and fully approved its occupancy (see Certificate labeled Exhibit "C" attached hereto).

V. THE UNDERLYING INTENT, SCOPE OR PURPOSE OF BOTH THE RESIDENTIAL CONSTRUCTION CODE AS ADOPTED BY UTAH AND SPECIFICALLY SUMMIT COUNTY ALONG WITH ORDINANCES PERTAINING THERETO WERE DRAFTED FOR THE PUBLIC SAFETY, HEALTH AND GENERAL WELFARE OF THE PUBLIC.

Summit County, along with most other counties in the State of Utah have adopted the

International Residential Construction Code. This and other building or construction codes and ordinances have been adopted with the underlying premise or purpose of public safety and general welfare of the public.

As specified at R.101.3 of the International Residential Construction Code, the intent is as follows:

The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

See Exhibit "N" attached hereto.

Similar language is referenced within the consideration paragraphs of Summit County's Ordinance 181-D which reads at p. 1:

It is in the best interest of Summit County and the health, safety and general welfare of its citizens to adopt this ordinance in order to amend

See Exhibit "J".

In general, Summit County adopted Ordinance No. 181-D and specifically appendix B, section 3(2) thereof at pp. 14, 15 to address driveway grades.

As with all building and construction codes and applicable ordinances, it would be the public safety to protected including facilitation of fire control access to any residential home. An important premise to the majority, if not all of Summit County, is the fact that during the winter months, significant snowfall and totals fall upon and rest during the winter months throughout Summit County. In this matter, before the Engineering Department review and county council is a residence and an associated driveway that has been accepted and approved by the appropriate or applicable fire department. Secondly, at a substantial expense which was in fact inspected by Summit County, the entire driveway at said Residence is completely heated with its own boiler and heating system as to prevent the build up of any snow or ice during the winter months. Thirdly, the slope on the driveway and the 1% of grade at issue is toward the residence, versus the city or public street. Here again,

Mike Kendell
Derek Radke
Summit County Engineering Department
February 19, 2016
Page 12

percentage of grades can become a substantial issue when automobiles slide down driveways and into oncoming or passing traffic of public streets or right-of-ways. This will not and could not be case in respect to the subject Residence.

CONCLUSION

The report of Engineer Alan Taylor fully explains that the Ordinance 181-D has not been properly interpreted or applied by the Engineering Department on this driveway. Pulling any proper driveway inspection reports that are properly completed, historically show the average slope, which is the calculation necessary to determine compliance with 181-D as specified. No "smart level" is capable of determining average maximum grade.

This same opinion is shared by Mr. Brian Balls, engineer that supports the interpretation and application of Ordinance 181-D consistent with Mr. Alan Taylor and the Contractor. He also confirms that Summit County Engineering is not properly interpreting and applying Ordinance 181-D which when properly applied, supports the fact that the subject driveway complies with 181-D with an average slope of 11%.

As shown in attached pictures and exhibits, numerous driveways in the vicinity of 3003 Wedge Circle have slopes between 15.6% and 25% when measured using a four foot level. Such a method does not show average grades and is not the method of calculation grade as specifically specified in 181-D. This is also fully supported by the opinion of and submission of Alan Taylor (see Exhibit "K") and the affidavit of engineer Brian Balls (see Exhibit "L").

As reflected in the affidavits of Pine and Anthony Jorgensen, GP was told by Summit County representatives that the driveway was acceptable and "not to worry" about any grading issues. Also, they were told no additional inspections were necessary.

Not only does the driveway comply with 181-D, it slopes toward the home, is fully heated and is supported with a completely automated backup system. As stated, the driveway had a cost of about \$150,000 and would have to be destroyed to alter the driveway at this time. In addition, the driveway was built per plan as submitted and amended including the submission of August 22, 2014 which slightly altered the driveway design but remained complaint with 181-D.

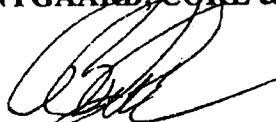
There should be no concerns about the safety of the subject driveway. With its heating system, redundant backup along with the fact it does not even slope toward the street, confirms that there is no safety issue for residents of home or Summit County.

Mike Kendell
Derek Radke
Summit County Engineering Department
February 19, 2016
Page 13

Both the Owners and GP as the general contractor ask the Summit County Council to approve the issuance of the Certificate of Occupancy already issued in this matter and direct the \$70,000 held by the county be summarily returned to GP along with any other and further requested relief.

Respectfully submitted,

~~NYGAARD, COKE & VINCENT~~



RANDY B. COKE for
Dave and Renee Wentz
GP Jorgensen, LC

RBC/jw

Enc.

cc: Robert Hilder (w/o Exhibits)

Vice Chair Robinson asked if the drawing in Exhibit-I identified the grades or slopes on that driveway. Mr. Cook replied they were the same grades as the prior driveway; it just didn't have the engineer's home slope calculations. Vice Chair Robinson asked if the original design they submitted showed the slope of the driveway somewhere and Mr. Cook replied, no, they don't. Vice Chair Robinson asked if the county in approving this would have to have calculated the slope then. Mr. Cook stated if that was a concern he assumes they do, but they approved the plans as written. They don't have the slopes, just elevations. Mr. Coke stated that this drawing was approved and it is built pursuant to these drawings and the elevations.

Mr. Coke stated a big argument to this appeal was that what was built was as shown in the plans and specs and was accepted by the county. He stated there wasn't some bizarre change in the plans and specs and it was built per plans and specs and it complies with the ordinance as he reads it.

Brian Balls on behalf of the applicants with Summit Engineering stated he was not involved in any of the process prior to the pouring of this driveway. He stated his review has been strictly limited to information provided him and his site visits after the fact, after the driveway was poured. Mr. Balls stated that there's been a lot of discussion so far about the term "average" and he wanted to simply make clear a couple of points. That term is used quite frequently, but from an engineering application there is absolutely no criteria in the ordinance that specifies what an "average" means. There's no definition of what that average is. He stated you can define a slope as the elevation difference between two horizontal points and that is ultimately what the formula given in the ordinance shows. And again "average" is used in there, but what is the basis of that "average." He stated the only reference that he could personally see that would give him any kind of criteria to base an average against would be the 250 foot horizontal maximum distance and that is it. He stated if they're talking about a weighted average of segments of longitudinal length of a driveway, that's one thing, or if we're talking about average elevations at a given point. He stated from an engineering standpoint he can't calculate an average here because he can't calculate the criteria to base an average calculation on. He stated the formula specifies very specific points at which those measurements are to be made. He stated the point at 20 feet from the center line of the driveway and then a grade break prior to the garage, for example, those are calls to a very specific point that he can come out with equipment and physically measure and deal with. He stated there's no other points of the code that give him any other points of measurement process or procedure that he would know to measure against in order to stay in compliance with what the county would like. He stated based on his site visit and based on the elevations that he collected at the site, they came back with an elevation or a slope calculation of 11% based on the prescribed methodologies found in the code.

Alan Taylor with Taylor Geotechnical stated he's been involved with the development of the front yard, backyard, and designing walls for the project and with the site plan that was provided to the county and designing walls to meet those grades. He stated they had a couple of meetings with the engineering department. He stated they went through a two- or three-month process of trying to figure out how they could get this project in the front yard and the backyard working, and with that they deliberated over the grades that had to be adjusted. He said they didn't specifically discuss the driveway because the grades were shown. He stated the ordinance states that you have to be at a 10% grade between two points, but if they go over the 10% the jurisdiction of this determination falls under the fire district. In other words, the fire marshal

generally goes out and if his equipment can't access or he can't run his trucks on that driveway then he doesn't approve the home for occupancy at that point. He stated there is nothing in the building codes in regards to grade anymore because it all falls under the jurisdiction of the fire marshal. If the fire marshal is okay with the driveway then you're done.

Deputy Attorney Dave Thomas stated he has practiced law for almost 30 years and he knows what de-novo means. It is de-novo from the appeal. Everything that happened before is in evidence here. They were granted a new hearing but that didn't change what had already come about in the former hearing. That's all part of the de-novo process. It's de-novo from Gary and Mike's original determination that failed that was appealed, this is de-novo. Mr. Thomas stated all of that is, in fact, in evidence and there's nothing that prevents it from not being in evidence. That is consistent with a de-novo review. Mr. Thomas stated, secondly, it's hard for the county staff to comment on a "mysterious county employee" who told them it was okay. Mr. Thomas stated it seems that the individual that's being talked about is the building inspector, and building inspectors do not pass off on driveway grades.

Mr. Thomas stated with regard to rules of construction, rules of construction governing ordinances and regulatory provisions is not the same as the rules of construction for contract work. Rules of construction for regulatory provisions are set forth by the Supreme Court of Utah.

The matter was discussed further. Council Member Carson stated she fully supported staff in doing their job and really appreciated them following what they feel is a very clear outline of what's permitted and what's not. She supported their interpretation in failing this particular driveway; however, in taking everything else into account, she felt like they need to look at the de minimis side and look at the safety things that have been incorporated. She stated she didn't know if it's possible because they missed the pre-inspection they feel like there should be a penalty or fine levied for that; however, she would be supportive of approving some type of a variance or finding some facts and conclusions of law to support some of the extenuating circumstances. She also suggested that maybe when they have somebody come in for their building permit to include a driveway worksheet so it's very clear how they want it calculated and have them initial it or initial on the application that they've received that, so from going forward it will be very, very clear just how it's to be calculated. And then if somebody has extenuating circumstances where they can't meet the particular grade or percentage grade, then they can come in and apply for a variance and that will go through the Board of Adjustments. Council Member McMullin stated she completely agreed with Council Member Carson's comments. Council Member Carson stated this also goes to when they made their first decision they all felt the same, that like the county really has to uphold its ordinances, but it made everyone ill to think about getting that driveway torn out and that going into the landfill, and she thought that was another important piece to this issue.

Council Member Adair stated he disagreed a little bit in that staff has done their job really well and as engineers and builders they know the process of dotting Is and crossing Ts. He stated in regards to an issue that was discussed during the hearing concerning the possibility of water coming into the house, when they are building a house of this size, putting a drain or something in at that area to minimize that could have been done. He stated he's not a contractor but he does see that if they were really concerned with that to alter the plan that was approved, they could

have certainly taken the same costs and expanded it so it would have worked even in the worst-case scenario. He stated he sees it as they didn't do some things as contractors they should have known.

Chair Armstrong stated he was in agreement with Council Member Adair. He stated this is the second time that the county has decided that a builder or a developer gets to ignore all the stop signs on route and at the end of the day the county is stuck with the problem that the county will bear the burden of proof of the problem. He stated he's concerned when they come up with non-standard determinations that they are opening the doors for the next person to come in and say they have no allegation that anybody authorized you to build that driveway at all. He stated they didn't have pre-pour inspection which was required, which they did initial on the permit application that they knew it was required. He stated that would have been the right course of action so he can't find the equities that need to be balanced here. He stated he would somehow like to craft a motion that doesn't throw open the door for the next person to come in with identical circumstances to say they "didn't know" and they "received permission from somebody else" and "you gave it to them, how come you're not giving to me?"

Council Member Carson made a motion to grant the second appeal of an administrative decision of the Engineering Department to deny the driveway as currently constructed at 3003 Wedge Circle, Park City, Dave and Renee Wentz, Applicants; Michael Kendell, Engineer, including the findings of fact and conclusions of law as they've outlined during the past two-hour hearing.

Chair Armstrong stated he wasn't sure on what basis they were granting the appeal. Vice Chair Robinson stated with the specific findings that the overall grade of the driveway measures from the 20 feet off the street to the break point is 11%, which is within the 1% of allowed tolerance of the 10% maximum average slope, and that portions of the driveway that have slope in excess of the 12% maximum absolute slope are de minimis, that the driveway has been built in a way that results in a safer condition for storm water purposes and it's been approved by the fire department as being adequate for fire department purposes and that it's being heated and other factors make it so that this de minimis aberration or excess of the 12% maximum is not a controlling factor, and then such other findings of fact and conclusions that have been addressed.

Council Member Carson accepted Vice Chair Robinson's amendment. The motion was seconded by Vice Chair Robinson and passed, 3 to 2. Vice Chair Robinson, Council Member Carson, and Council Member McMullin voted in favor; Chair Armstrong and Council Member Adair voted nay.

Evidence and materials were presented through testimony, statements, documents and memoranda prepared by both sides. Several witnesses, including five professional engineers and the contractor testified in person and by affidavit. Having considered the evidence presented by all interested parties and the entire record relating to this appeal, the Council rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on January 15, 2016, adopting a motion to GRANT the appeal, with that decision to become final following the adoption of these findings and conclusions. The Council voted three in favor: Council Vice-Chair Christopher Robinson and Councilmembers Kim Carson and Claudia McMullin, and two against: Council Chair Roger L. Armstrong and Councilmember Tal Adair. In support of that decision, the Council adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On September 24, 2015, Appellants' contractor requested the Engineering Department to conduct an inspection of the driveway at 3003 Wedge Circle.
2. The inspection was promptly carried out on September 25, 2015, at which time the Department learned for the first time that the pre-surfacing inspection had been skipped, and the driveway was in fact poured and completed.
3. The Department inspector determined that the driveway as constructed had an average grade of 11.3%, with segments of the driveway exceeding the maximum allowed slope of 12%.
4. Ordinance 181-D, specifically including Appendix "B", Section 3, (2), provides: "The

maximum average grade of any driveway shall not exceed ten (10) percent. Up to twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.”

5. The driveway total length is 184 feet. The first 20 feet of the driveway, measured from the curb, meets the required grade of 5% or less. Starting from the 20 feet break, and measuring to the driveway’s break by the garage, grade or slope is 11.3%, which is within the tolerances allowed by the Engineering Department in practice.
6. Within the section from 20 feet to 40 feet from the curb, portions of the grade is approximately 14%, which departs from the approved grade. That non-complying grade results in a difference from the maximum allowed grade that can also be expressed as approximately five inches in height.
7. Appellants assert that the driveway was designed and built to best function with the existing conditions and the layout of the residence.
8. Testimony from one of applicant’s engineers addressing hydrology design is persuasive that correcting what is a modest departure from the grade standards may, in this case, create flooding problem further down grade in the porte cochere area, which result the driveway was designed to prevent.
9. The driveway was built to the highest standards, and with numerous features designed to insure safety, including a two-boiler driveway heating system that engages when the temperature drops to 40 degrees Fahrenheit. The system that provides the heating is backed by a generator to provide heat even in the event of power failure.

10. The Park City Fire District inspected the driveway and general fire related features (e.g. fire alarms, sprinklers, smoke detectors and address visibility from the street) on September 22, 2015, two days before the contractor requested an inspection by the Engineering Department. The inspector “[r]ecommended approval for occupancy.”
 11. Appellants allege that they did not understand that driveway inspections were performed by the Engineering Department, and not by the Building Department. The Council finds that based on their numerous interactions with the County over more than one year of construction, and the checklists provided and information available for the asking, the appellants either knew or should have known that driveways were under the supervision of the Engineering Department. See, e.g. Ordinance 181-D, Section 8, Supervision and Inspection, Sub-paragraphs 1) and 2), identifying the Engineering Department as the contact for driveway inspection.
 12. Appellants also allege that a contractor’s representative spoke by telephone to a man in the Building Department about driveway inspection, and was advised that the contractor “had nothing to worry about.” The Council finds that there is insufficient evidence to determine whether the conversation occurred or with whom and, if it did, what was said.
 13. Even if the alleged conversation occurred as reported, the Council finds that based on the clear and available standards for inspection and driveway grades, the Contractor/Appellants could not have reasonably relied on any such statement.
- BASED on the totality of facts and circumstances presented by the evidence and the

entire record considered as part of the decision, the Council renders the following Conclusions of

Law:

CONCLUSIONS OF LAW

1. The driveway as constructed does not strictly comply with the maximum grade allowances provided by County Ordinance 181-D and its Appendices, but the areas of departure are de minimus, and in fact the Council concludes that the minor variations in this case result from a design specifically created to minimize hazards and ensure year-round safe passage on the driveway.
2. The advantage, if any, to be gained by requiring a substantial portion of the driveway to be re-designed and rebuilt is not only modest, but maybe even non-existent. The Council concludes that requiring such changes without a showing that an improved and safer driveway will result is not justified by either the cost or the County's desire to protect the integrity of the standards.
3. The Appeal is GRANTED

DATED this 7th day of July, 2016.

COUNTY COUNCIL
OF SUMMIT COUNTY

By: Christopher F. Robinson
Christopher F. Robinson
Vice-Chair



ATTEST:

A handwritten signature in cursive script, appearing to read 'Kent Jones', written over a horizontal line.

Kent Jones
County Clerk

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read 'Robert K. Hilder', written over a horizontal line.

Robert K. Hilder
County Attorney

PUBLIC INPUT

Chair Armstrong opened the public input at 6:03 p.m.

Summit County resident LuAnn Lukenbach stated she lives in Silver Creek and went to the planning meeting the previous night and it brought a lot of things to her attention that brought up some concern. She stated she would recommend that the county stop conditional use permits altogether because it is her experience that the conditional use permit has restrictions with it that the person agrees to do and after it's issued then it's up to the county to enforce if there's any problems with it. But with the enforcement, the county doesn't have enough people to enforce all of the problems and things that are going on and people who aren't in compliance so she thought a good start would be to skip the CUP. Either they can do it or they can't do it. Don't put any restrictions or conditions on it because the county doesn't have the people to mandate and make sure people are in compliance about what's going on. She stated her second issue is with the compliance. It's her understanding that they don't have one compliance officer and because there are so many things that are going on and so many things out of compliance in the county that he only addresses issues as they are reported by complaints. Having been a recipient on both sides of the complaints, he isn't really able to work with those in a timely manner to make sure they happen. She stated she personally has had a complaint and is happy to say they have been working on cleaning up their property so that it's in compliance, but watching the process from that side was really very lax. She stated she knows of other people in her neighborhood that have had some other issues that are serious and they keep making phone calls and are not getting responses as well, and it sounds like the officer is way overworked to be able to handle things like that.

She also stated there is an ice skating rink in Silver Creek and has heard stories about it that it wasn't supposed to be a business but there's ice skating lessons going on, and a number of other things that seem to keep happening in Silver Creek that she would like the county to follow up on.

Summit County resident Carol Covert stated she also lives in Silver Creek and had two issues she would like the Council to take a look at. She stated the first one is notices that go out in the mail. She stated they are public hearing noticing for the Planning Committee to have a meeting where they want public input. She stated they had an issue in Silver Creek that was on this. Several of the neighbors got together, including some that took time off of from work to make sure they were at the meeting the previous night at 6:00. She stated they all showed up at the Richins Building for the meeting and were told that there was a continuance, and not only would they not be discussing it, but they wouldn't allow them to make any comments even though they showed up. She stated if the county is going to send these notices in the mail and ask people to come to these public meetings and tell them there's a public notice, whether there's a continuance or not, they should allow people who have taken the time from their day to show up to be allowed to make comments and to comment on the very thing that was sent out in the mail for them to take a look at. She stated she thinks the council needs to do something with respect to allowing people that have shown up to the meetings specifically in response to these to be able to speak to people.

Community Development Director Patrick Putt stated what the Planning Commission did in that instance the previous night, was given the fact that there was a request for continuance by the applicant and there was no staff report in the packet, they didn't take any public comment and continued to the matter to the July 12th meeting. He stated they're going to send out re-notices for that. In the mean time they are going to work on some possible Plan B remedies they can do when this situation happens.

Chair Armstrong stated one solution may be to send out an amended agenda if something comes off of the agenda. He suggested to Ms. Covert to go on to the Summit County website where there is a "notify me" button that she can click on to receive notifications from any department that she may have an interest in knowing what they are doing, so if something comes up or is changed she would be notified. He apologized for the inconvenience and stated they will be able to have their voices heard at the rescheduled meeting in July.

Chair Armstrong closed the public input at 6:16 p.m.

Public Hearing and discussion of Chapters 3 and 4 of Eastern Summit County Development Code; Patrick Putt, Peter Barnes and Ray Milliner

Community Development Director Patrick Putt stated Chapters 3 and 4 of the Eastern Summit County Development Code are the heart of the zoning ordinance on the east side. Chapter 3 is the chapter that has the entire individual zoning districts that they have mapped over on the east side. Chapter 4 is the chapter that talks about the procedures that a property owner goes through in order to obtain a specific development permit or a subdivision. He stated he would not be talking specifically about the draft zoning document. He stated they would discuss some zones, but not about the map itself and that informational hearing would be held at a later date. He explained the first thing they spent a tremendous amount of time going through is the definitions in the code: What do the words mean? What do those land uses actually entail? They went through and updated those. Every zone has a specific list of uses that are allowed by right, allowed to be considered under a conditional use permit, allowed to be considered under a low impact permit. When they say low impact permits, he said think of a more administrative conditional use permit process. It still has to be reviewed by the criteria, but it's done at a staff level. He explained they went through the land use table and evaluated whether or not they have the right processes for the right uses. In some instances, low impact permits were upgraded to conditional issues. In other instances conditional uses were downgraded to a low impact, and even in a couple of instances they made changes to make them allowed uses.



STAFF REPORT

To: Summit County Council
From: Planning Staff
Date of Meeting: June 15, 2016
Project: Eastern Summit County Development Code Amendments
Type of Item: Public Hearing
Process: Legislative Review

Background

On February 18, 2016, the Eastern Summit County Planning Commission forwarded a positive recommendation for amendments to the Official Zoning Map of Eastern Summit County and the Eastern Summit County Development Code. The proposed Development Code amendments consist of changes to Chapter 3: Zoning Districts and Requirements; Chapter 4: Review Procedures and Requirements; and Appendix "A": Definitions. Copies of the proposed zoning map and Development Code changes are attached to this memorandum.

Wednesday's meeting has been scheduled as a public hearing to allow the community the opportunity to provide the Council with input on the proposed Code changes.

Objectives of the Proposed Amendments--Issues/Problems Identification:

The aim of the proposed amendments to the zoning map and Development Code is intended to implement the Eastern Summit County General Plan objectives related to:

- Balancing property rights with needs to organize/facilitate new growth.
- Supporting agriculture, but recognizing the future of non-agricultural growth and problem solving for it.
- Creating appropriate zones to accommodate current and future growth.
- Simplifying the Development Code and related processes and making both more predictable.

The Eastern Summit County Development Code amendments include--

Chapter 3: Creation of the following new zoning districts:

- Expansion/extension of the current Highway Corridor (HC) Zone and re-designation to Agriculture-1/AG-1.
- A new Agriculture-6/AG-6 Zone.
- A new Agriculture-20/AG-20 Zone.
- Re-designation of Agriculture-100 (AG-100) and Agriculture-160 (AG-160) to Agriculture-80 (AG-80).

Chapter 4: Comprehensive amendments resulting in—

- Updated Development Code Definitions.
- Updated Land Use Table.
- Revised Lot of Record strategy (*complying/non-complying parcels*).
- Revised Subdivision Process.
 - 5 Lots or less (*Administrative*).
 - 6 Lots or more (*PC/SCC review/approval.*)
 - Optional Sketch Plan process.
- Creation of a Non-Development Land Division Process.
- Updated Development Standards.
- Revised/clarified submittal requirements.

The Planning Commission developed several new zoning districts; however, the Commission tabled a formal recommendation to Council on these zones pending further review and discussion. These additional zones currently include

- Rural Residential (RR)
- Residential Subdivision (RS)
- Recreation Commercial (RC)
- Village Overlay Zone (VOZ)

Copies of the proposed amendments are attached to this memorandum.

Recommendation

In addition to any comments or issues coming out of the public input portion of the meeting, Staff suggests Council discuss and provide direction on the following matters:

- Replacing the existing Lot of Record definition/process with the proposed Conforming/Non-Conforming Parcel/Lot concept.
- Codifying all submittal requirements versus administratively identifying submittal requirements on process applications.
- Division of Land or Non-Development process

- Shifting densities between different zoning districts on commonly owned land.
- Clarifying final subdivision actions, i.e. how best to memorializing remainder parcels, lots, or tracts; platted open space parcels vs. agricultural parcels, etc.
- Review of Final Land Use Authority for each process (CDD vs. ESCPC vs. County Manager vs. Council)
- Proposed Zoning Districts
- Need for additional/more specific Land Uses
- Definitions (additional or revised definitions)

Following the public hearing and Council discussion, Staff will make the necessary revisions and return to Council for additional review and possible action.

Chapter 3 ZONING DISTRICTS AND REQUIREMENTS

11-3-1: ESTABLISHMENT OF ZONE DISTRICTS:

11-3-2: AGRICULTURE – 1 (AG-1)

11-3-3: AGRICULTURE – 6 (AG-6)

11-3-4: AGRICULTURE – 20 (AG-20)

11-3-5: AGRICULTURE -40 (AG-40)

11-3-6: AGRICULTURE -80 (AG-80)

~~11-3-2: AGRICULTURE PROTECTION (AP):~~

~~11-3-3: AGRICULTURE GRAZING 100 (AG-100)~~

~~11-3-4: AGRICULTURE GRAZING 160 (AG-160):~~

~~11-3-5: HIGHWAY CORRIDOR (HC):~~

~~11-3-6 7: CABIN AREA (CA):~~

~~11-3-7 8: COMMERCIAL (C):~~

~~11-3-8 9: LIGHT INDUSTRIAL (LI):~~

~~11-3-9 10: INDUSTRIAL (I):~~

~~11-3-10 : SPECIALLY PLANNED AREA (SPA):~~

~~11-3-11 11: ANNEXATION DECLARATION AREA OVERLAY (ADA):~~

~~11-3-12 12: ZONE DISTRICT MAP:~~

~~11-3-13 13: ALLOWED, CONDITIONAL, LOW IMPACT, AND TEMPORARY USES:~~

~~11-3-14 14: CHART OF ALLOWED AND PERMITTED USES:~~

11-3-1: ESTABLISHMENT OF ZONE DISTRICTS:

In order to carry out the purposes and provisions of this chapter, the following Zone districts are permitted within the unincorporated area of the eastern Summit County planning district:

Agriculture – 1 (AG-1)

Agriculture – 6 (AG-6)

Agriculture – 20 (AG-20)

Agriculture - 40 (AG-40)

Agriculture – 80 (AG-80)

Agriculture protection (AP)

Agriculture grazing 100 (AG-100)

Agriculture grazing 160 (AG-160)

Highway corridor (HC)

Cabin area (CA)

Commercial (C)

Light industrial (LI)

Industrial (I)

Specially planned area (SPA)

Annexation declaration area overlay (ADA)

DRAFT

11-3-2: AGRICULTURE-1 (AG-1)

- A. **District Intent:** The Agricultural (AG-1) Zone designates areas of Eastern Summit County for residential Use with a Base Density of one (1) unit per acre. The AG-1 Zone also allows agricultural activities and pursuits.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

- a. The Base Density is one (1) unit per acre.
- b. The minimum Lot size is one (1) acre.
- c. On Lots with documented service from a culinary water and sewer provider, the minimum Lot size is one half (1/2) of an acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

DRAFT

11-3-3: Agriculture-6 (AG-6)

- A. **District Intent:** The intent of the AG-6 Zone is to provide residential and agricultural opportunities on lots that display a variety of sizes and characteristics. Uses are intended to promote farm and residential Uses with an emphasis on agricultural pursuits, including the keeping of farm animals.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Parcel or Lot Size and Base Density

- a. The Base Density is one (1) unit per six (6) acres.
- b. The minimum Lot size is one (1) acre.
- c. On Lots with documented service from a culinary water and sewer provider, the minimum Lot size is one half (1/2) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water</u>

	<u>mark.</u>
--	--------------

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

DRAFT

11-3-4: Agriculture-20 (AG-20)

- A. **District Intent:** The intent of the AG-20 Zone is to ensure that farm areas with moderate residential Development continue agricultural pursuits, including the keeping of farm animals. Agricultural pursuits and the preservation of the rural environment should be promoted in this Zone.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

The Base Density in the AG-20 Zone is one (1) unit per twenty (20) acres.
The minimum Lot size in the AG-20 Zone is one (1) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

DRAFT

11-3-4: Agriculture-40 (AG-40)

- A. **District Intent:** The intent of the AG-40 Zone is to ensure that farm areas with low Base Density residential Development continue agricultural pursuits, including the keeping of farm animals. Agricultural pursuits and the preservation of the rural environment should be promoted in this Zone.

- B. **Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

The Base Density in the AG-40 Zone is one (1) unit per forty (40) acres.
The minimum Lot size in the AG-40 Zone is one (1) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

DRAFT

11-3-4: Agriculture-80 (AG-80)

- A. District Intent:** The intent of the AG-80 Zone is to maintain the rural/agricultural character of areas generally without culinary water or sewer services. Uses are intended to allow low Base Density residential Development and to continue agricultural pursuits, including the keeping of farm animals.

- B. Lot and Site Requirements:** Except as otherwise provided in this code, no Building Permit shall be issued unless the property meets the requirements below:

Lot Size and Base Density

The Base Density in the AG-80 Zone is one (1) unit per eighty (80) acres.
The minimum Lot size in the AG-80 Zone is one (1) acre.

Parcel or Lot Width

The minimum Parcel or Lot width is seventy five feet (75') measured at the Front Setback line. In the case of unusual Parcel or Lot configurations, measurement shall be determined by the Community Development Director, or his/her designee.

Setbacks

Unless otherwise indicated on a recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>55 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private access Road</u>	<u>55 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>12 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from ordinary high water mark.</u>
<u>Lake or Natural Pond</u>	<u>50 FEET from ordinary high water mark.</u>

Height

The maximum Height for all Structures shall be thirty two feet (32') above Natural Grade.

- C. **Special Regulation:** No Subdivision within the AG-80 Zone shall be approved by county without a plat note containing the language stated below. No Building Permit shall be issued for any platted Lot without the signing of a "memorandum of understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the county recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick-up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and Road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new Development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.

11-3-2: AGRICULTURE PROTECTION (AP):

A. District Intent: The AP zone district is established for the purpose of allowing development in a manner that preserves, promotes, maintains, and enhances the use of land for commercial agricultural purposes; minimizes scattered and leapfrog nonagricultural development; protects and preserves natural resource areas; and protects and promotes the open space values of eastern Summit County. The AP zone district is intended for use or consideration only for lands that are adjacent to or within the primary county infrastructure and service areas.

B. Area: Minimum land area for each dwelling unit for density purposes is forty (40) acres, except as provided for in section 11-4-8 or 11-4-9 of this title.

C. Setbacks: Unless otherwise noted on a recorded plat the minimum setback shall be: at least one hundred feet (100') from any public Road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').

1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

2. Nonconforming Lots:

a. Nonconforming Lots Less Than Five Acres: On nonconforming lots less than five (5) acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.

(2) Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

b. Nonconforming Parcels Larger Than Five Acres: On nonconforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the board of adjustment.

D. Height: Maximum building height shall be thirty two feet (32'). (Ord. 776, 7-18-2012)

11-3-3: AGRICULTURE-GRAZING 100 (AG-100):

A. District Intent: The AG 100 zone district is established for the purpose of allowing development in a manner that lessens the danger of fire and damage to property; protects lands for agriculture, raising of livestock, and production of timber where they exist; protects water supplies, wildlife, and other natural resources; and protects and promotes the values of eastern Summit County. Additionally, residential density is directly related to distance from primary county infrastructure and service areas which result from the wide scattering of residential development.

B. Lot and Site Requirements: Except as otherwise provided in this code, no building permit shall be issued for a lot unless such lot has the area, width, depth and frontage as required below. Minimum Lot and Site requirements are as follows:

C. Setbacks: Unless otherwise noted on a recorded plat, the minimum setback shall be: at least one hundred feet (100') from any public Road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').

1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

2. Nonconforming Lots:

a. Nonconforming Lots Less Than Five Acres: On nonconforming lots less than five (5) acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.

(2) Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

b. Nonconforming Parcels Larger Than Five Acres: On nonconforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the board of adjustment.

D. Height: Maximum building height shall be thirty two feet (32').

E. Special Regulation: No subdivision plat shall be approved by county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "memorandum of understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the county recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick-up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and Road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.

11-3-4: AGRICULTURE-GRAZING-160 (AG-160):

- A. ~~District Intent: The AG-160 zone district is established for the purpose of allowing development in environmentally sensitive and remote areas of eastern Summit County in a manner that protects agricultural values where possible and whenever they exist; minimizes disturbances to the natural environment; lessens the danger of fire and damage to property; protects water supplies, wildlife, and other natural resources; and protects and promotes the open space values of eastern Summit County. Residential densities are directly related to the extreme distance from primary county infrastructure and service areas and avoiding the excessive costs for public services which result from the scattering of residential development.~~
- B. ~~Area: Minimum land area for each dwelling unit for density purposes is one hundred sixty (160) acres.~~
- C. ~~Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public Roadway right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').~~
1. ~~Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~
2. ~~Nonconforming Lots:~~
- a. ~~Nonconforming Lots Less Than Five Acres: On nonconforming lots less than five (5) acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:~~
- (1) ~~Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.~~
- (2) ~~Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.~~
- b. ~~Nonconforming Parcels Larger Than Five Acres: On nonconforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the board of adjustment.~~
- D. ~~Height: Maximum building height shall be thirty two feet (32').~~
- E. ~~Special Regulation: No subdivision plat shall be approved by the county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "memorandum of understanding" containing the~~

language stated below. The memorandum of understanding shall be filed in the records of the county recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

~~—The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and Road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.~~

(Ord. 776, 7-18-2012)

11-3-5: HIGHWAY CORRIDOR (HC):

A. District Intent:

1. The HC zone district is established for the purposes of allowing residential development in a rural setting that is readily served by existing county infrastructure and in a manner that is compatible with agricultural land uses. The location of the HC zone is based on evaluation of the following criteria:
 - a. Ease of providing services.
 - b. Possibility of connection to a water system.
 - c. Existing land use patterns.
 - d. Annexation boundaries of cities.
 - e. Wetlands and water flow patterns.
2. The HC zone district shall extend two hundred fifty feet (250') on either side of the centerline of those county Roadways designated as highway corridor on the zone district map.

B. Area: Minimum land area for each dwelling unit for density purposes is one acre.

C. Lot Width: Minimum lot width shall be one hundred (100) linear feet at any point, unless specifically and adequately clustered in order to meet development approval criteria to protect agricultural lands and open space.

- D. Setbacks: Minimum setback shall be at least fifty feet (50') from any county designated Roadway right of way or, in the absence of a designated right of way, at least eighty feet (80') from the centerline of the county designated Roadway. Front setbacks from a private driveway or access Road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access Road, the minimum setback shall be fifty five feet (55') from the centerline of the driveway or Road. The minimum side and rear setbacks for all structures shall be twelve feet (12').
1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- E. Height: Maximum building height shall be thirty two feet (32').
- F. Special Provision: For the purpose of locating development, density can be transferred between commonly owned property in the HC and abutting zone district to protect agriculture lands and open space based upon the findings of a site specific agricultural plan. (Ord. 776, 7-18-2012)

11-3-7: 11-3-6: CABIN AREA (CA):

- A. District Intent: The cabin area (CA) Zone district is established for the purpose of recognizing those Subdivisions that were established typically in remote areas, and largely prior to the existence of planning and zoning in eastern Summit County. The CA Zone is to apply only to the Subdivisions identified at the time of the creation of this Zone. Subdivisions created after the adoption of this Zone are not eligible to be rezoned to the Cabin Area Zone. Uses permitted in the Zone are those typically associated with seasonal or year round residential and recreation.
- B. Area: Minimum land area for each dwelling unit for Base Density purposes is the recorded lot size of the existing Subdivision Plats. No further Subdivision of these lots is permitted for Base Density purposes. Lot line adjustments that do not result in an increase of Base Density may be permitted, pursuant to the requirements of this title.
- C. Setbacks: ~~Unless otherwise noted on a recorded plat, minimum setback shall be as provided below:~~ Unless otherwise indicated on the recorded Plat or an approved Site Plan the minimum Setbacks shall be:

<u>Front Setback</u>	<u>25 FEET from property line</u>
<u>Front Setback if property lines extend to the center of a public Road.</u>	<u>50 FEET from the centerline of the Road</u>
<u>Front Setback if property lines extend to the center of a private Driveway or access Road</u>	<u>50 FEET from the centerline of the Road.</u>
<u>Side Setback</u>	<u>12 FEET from property line</u>
<u>Rear Setback</u>	<u>20 FEET from property line</u>
<u>Wetland</u>	<u>40 FEET from delineation line as defined by the Army Corps of Engineers</u>
<u>River or Perennial Stream</u>	<u>100 FEET from annual high water mark.</u>
<u>Lake or Natural Pond</u>	<u>100 FEET from annual high water mark.</u>

- 1. ~~Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~
- 3. ~~Lot Setbacks:~~

a. ~~Default setbacks shall be applied as described below:~~

- ~~(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public Road or private driveway, the minimum setback shall be fifty five feet (55') from the centerline of the Road.~~
- ~~(2) Side And Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.~~

D. Height: Maximum building Height shall be thirty two feet (32') above Natural Grade. (Ord. 776, 7-18-2012)

DRAFT

11-3-8: COMMERCIAL (C):

- A. District Intent: This Zone district is established for the purposes of providing the general public with access to a limited range of neighborhood Commercial and service related Uses necessary to support the needs of residents in the surrounding area. This Zone district allows existing Commercial Uses to be expanded and new Commercial Uses to be established within the Commercial Zone ~~of the traditional town center area~~ of an unincorporated community. ~~All Commercial Uses exceeding two thousand (2,000) square feet are reviewed through the conditional Use review process.~~
- B. Existing Legal Nonconforming Commercial Uses: Existing legal nonconforming Commercial Uses not located within a Commercial Zone district may continue and may be enlarged and/or expanded in accordance with section 11-6-2 of this title and the Commercial Use criteria listed in subsection C of this section.
- C. Commercial Zone And Use Criteria: New Commercial Uses shall not be established nor shall existing Commercial Uses be expanded within the Commercial Zone unless the Use complies with all of the following criteria:
- a. The Commercial Use provides goods and/or services and employment opportunities to the residents of eastern Summit County.
 - b. There is sufficient off Street parking at a minimum ratio of three (3) spaces per one thousand (1,000) square feet of Floor Area with adequate circulation and convenient access to the property without hazards and conflicts in residential neighborhoods.
 - c. Public services (sewer, water, electric, phone, etc.) are readily available to the property and can be provided at adequate levels to serve the demands of the Commercial Use without negatively impacting the level of service to adjoining Uses or existing Businesses as determined through an infrastructure analysis.
 - d. The property does not contain Critical Areas that are negatively impacted by the Commercial Use.
 - e. The Commercial Use is compatible and consistent with or supports other nearby Uses and/or property conditions ~~and has frontage along a public Roadway.~~
 - f. The Commercial Use will not substantially alter the essential character of the surrounding area.
 - g. The Commercial Use will not substantially increase the danger of fire or otherwise endanger public safety, or substantially diminish or impair the enjoyment of surrounding properties.
 - h. A Site Plan, building architectural drawings and operational management plan will be required as part of any conditional Use, low impact permit, rezoning or expansion of a Commercial Use to fully address potential impacts to neighboring Uses or the community at large.

- D. Floor Area and Lot Coverage: Floor Area and Lot coverage requirements in the Commercial Zones shall be dictated by off Street parking, adequate circulation and other site design requirements and Development standards. The maximum Floor Area or Lot coverage shall not exceed sixty percent (60%) of the Lot.
- E. Lot Width: There shall be no requirement for Lot width, provided all off Street parking and circulation requirements can be satisfied.
- F. Setback Requirements: Minimum front yard Setbacks shall be twenty feet (20') from any Roadway right of way. Minimum side yard Setbacks shall be twelve feet (12') from the side property line. Minimum rear yard Setback shall be twenty four feet (24') from the rear property line to provide adequate alleyways for deliveries. Variances to the required Setbacks to facilitate the Use of existing buildings may be considered by the Board of Adjustment.
- a. Wetlands and Streams: The minimum Setback from Wetlands shall be forty feet (40'). The minimum Setback from ~~any other naturally occurring year round stream, lake, pond or reservoir~~ a River, Perennial Stream, Pond, or Lake shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of Commercial buildings with only limited parking allowed at the front of the building between the Roadway and the building.
- H. Building Height: Maximum building Height shall be thirty two feet (32') unless additional building Height is required for the Commercial Use and is approved by the fire district and is determined to be compatible with adjacent buildings and Uses. In no case shall the building Height exceed fifty feet (50').
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent Uses. Special screening and buffer requirements shall be determined through the ~~conditional Use~~ planning permit review processes. (Ord. 776, 7-18-2012)

11-3-9: LIGHT INDUSTRIAL (LI):

- A. District Intent: This Zone district is established for the purposes of providing the general public with access to a range of light industrial and service related Uses that are consistent with and supportive of the goals of the eastern Summit County general plan, necessary to support the economic growth of Summit County. This Zone district is also established to serve as the gap between the industrial and Commercial Zones. This Zone district allows existing Commercial and light industrial Uses to be expanded and new Commercial Uses to be established within the light industrial Zone of the unincorporated community. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the economic growth of eastern Summit County when appropriate services can be made available and the Use is compatible with its surroundings.
- B. Existing Legal Nonconforming Light Industrial Uses: Existing legal nonconforming light industrial Uses not located within a light industrial Zone district may continue and may be enlarged and/or expanded in accordance with section 11-6-2 of this title and the Use criteria listed in subsection C of this section.
- C. Light Industrial Zone And Use Criteria: New light industrial Uses shall not be established nor shall existing light industrial Uses be expanded within the light industrial Zone unless the Use complies with all of the following criteria:
1. There is adequate off Street parking, circulation areas, and safe convenient access to the property.
 2. Public services (sewer, water, electric, phone, etc.) are readily available to the property and/or can be provided at adequate levels to serve the demands of the Use without negatively impacting the level of service to adjoining Uses or existing Businesses as determined through an infrastructure analysis.
 3. The property does not contain Critical Areas that are negatively impacted by the Use.
 4. The light industrial Use will not substantially alter the essential character of the surrounding area.
 5. The Use will not substantially increase the danger of fire or otherwise substantially endanger public safety.
 6. A Site Plan, building architectural drawings, and plan of operations will be required as part of any conditional Use, low impact permit, rezoning or expansion of a light industrial Use to fully address potential impacts to neighboring Uses or the community at large.
- D. Lot Width: There shall be no requirement for Lot width, provided all material handling, off Street parking and circulation requirements can be satisfied.

- E. Building Height: Maximum building Height shall be thirty two feet (32') unless additional building Height is required for the subject Use and is approved by the fire district and is determined to be compatible with adjacent buildings and Uses. In no case shall the building Height exceed fifty feet (50').
- F. Setback Requirements: Minimum Setbacks for light industrial Uses shall be determined through the low impact or conditional Use approval process. The minimum Setback shall be at least fifty feet (50') from any county designated Roadway Right of Way or, in the absence of a designated right of way, at least eighty feet (80') from the centerline of the county designated Roadway. Front Setbacks from a private Driveway or access Road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private Driveway or access Road, the minimum Setback shall be fifty five feet (55') from the centerline of the Driveway or Road. The minimum side and rear Setbacks for all Structures shall be twelve feet (12').

For Structures taller than thirty two feet (32') and/or parcels larger than five (5) acres, the Setbacks shall be at least one hundred feet (100') from any public Road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public Roadway, and the minimum side and rear Setbacks shall be fifty feet (50').

- a. Wetlands and Streams: The minimum Setback from Wetlands shall be forty feet (40'). The minimum Setback from ~~any other naturally occurring year round stream, lake, pond or reservoir~~ a River, Perennial Stream, Pond, or Lake shall be one hundred feet (100') from the ordinary high water mark.
- G. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent Uses. Special screening and buffer requirements shall be determined through the planning permit review processes. (Ord. 776, 7-18-2012)

11-3-10 11-3-9: INDUSTRIAL (I):

- A. District Intent: This Zone district is established for the purposes of providing locations for those industrial land Uses that are consistent with and supportive of the goals of the eastern Summit County general plan. This Zone district is intended to encourage industrial Development near incorporated municipalities, where adequate services are generally available. However, it also is intended to permit an appropriate diversity of economic activity at other appropriate locations to support the needs of eastern Summit County residents when appropriate services can be made available and the Use is compatible with its surroundings. ~~Industrial Uses are reviewed through the conditional Use review process.~~
- B. Existing Legal Nonconforming Industrial Uses: Existing legal nonconforming industrial Uses not located within an industrial Zone district may continue and may be enlarged and/or expanded in accordance with section [11-6-2](#) of this title and the industrial Use criteria listed in subsection C of this section.
- C. Industrial Zone And Use Criteria: New industrial Uses shall not be established nor shall existing industrial Uses be expanded within the industrial Zone unless the Use complies with all of the following criteria:
1. There is adequate off Street parking and circulation areas and direct access to a major Roadway from the property where heavy equipment or truck traffic will not travel through established residential neighborhoods.
 2. All public services are readily available to the property and can be provided at adequate levels to serve the demands of the industrial Use without negatively impacting the level of service to adjoining Uses or existing industrial Uses.
 3. The industrial Use is compatible and consistent with or supports other nearby Uses and/or property conditions.
 4. The property does not contain Critical Areas that cannot be mitigated if negatively impacted by the industrial Use.
 5. A final Site Plan, design guidelines and operational management plan will be required as part of any conditional Use, rezoning or expansion of an industrial Use to fully address potential impacts to neighboring Uses or the community at large.
- D. Floor Area and Lot Coverage: Floor Area and Lot coverage requirements in the industrial Zones shall be dictated by off Street parking, adequate circulation and other site design requirements and Development standards. The maximum Floor Area or Lot coverage shall not exceed sixty percent (60%) of the Lot.
- E. Lot Width: There shall be no requirement for Lot width, provided all off Street parking and circulation requirements can be satisfied.

- F. Setback Requirements: Minimum Setbacks for industrial Uses shall be determined through the conditional Use review process.
- a. Wetlands and Streams: The minimum Setback from Wetlands shall be forty feet (40'). The minimum Setback from ~~any other naturally occurring year round stream, lake, pond or reservoir~~ a River, Perennial Stream, Pond, or Lake shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of industrial buildings with only limited parking allowed at the front of the building between the Roadway and the building.
- H. Building Height: Maximum building Height shall be ~~thirty two feet (32')~~ fifty feet (50') measured from natural grade. ~~unless additional building Height is required for the industrial Use and is approved by the fire district and is determined to be compatible with adjacent buildings and Uses. In no case shall the building Height exceed fifty feet (50').~~
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent Uses. ~~Special screening and buffer requirements shall be determined through the conditional Use review processes. (Ord. 776, 7-18-2012)~~

11-3-10: SPECIALLY PLANNED AREA (SPA);

A. District Purpose: The purpose of the SPA zone district is to allow, at the discretion of the county, flexibility in the use of land, densities, site layout, and project design. The county shall only use the SPA zone when it is clearly demonstrated that in doing so, substantial benefits will be derived by the residents of eastern Summit County. The SPA zone may be designated by the county only after an application has been submitted by the owner of the property to be considered in the application. The burden shall rest upon an applicant to demonstrate that the proposed SPA is in the best interest of the general health, safety, and welfare of eastern Summit County residents. The SPA is intended to: (Ord. 776, 7-18-2012)

1. Allow a creative approach to the development and use of the land and related physical facilities to produce better development, design and construction of quality and aesthetic amenities;
2. Allow for a choice in the type and quality of environments, including a mix of land uses, available to residents and the public;
3. Better relate residential, commercial, and industrial development with community facilities and infrastructure location, size, and design. (Ord. 799, 3-6-2013)

B. Requirements For Approving An SPA: Before an SPA zone is designated in any area, the planning commission and county council shall determine the following:

1. That there are substantial tangible benefits to be derived by the general public of eastern Summit County that significantly outweigh those that would otherwise be derived if development occurred under the provisions of the underlying zone district;
2. That there are unique circumstances, above the normal limitations and allowances of the underlying zone, that justify the use of an SPA;
3. That the development proposed in an application for SPA consideration is compatible with the rural, agricultural, and small town character of eastern Summit County;
4. That the development proposed in the application will not adversely affect the social, cultural, and rural values and institutions of eastern Summit County; (Ord. 776, 7-18-2012)
5. That the development proposed complies with criteria described in this title for approving a development project, including:
 - a. The development evaluation standards contained in chapter 2 of this title;
 - b. The criteria for approving an SPA that are described in section 11-4-10 of this title;
 - c. The provisional requirements of development agreements in section 11-6-9 of this title; and
6. That approving an SPA zone district will not adversely affect the public health, safety, and general welfare. (Ord. 799, 3-6-2013)

C. Application And Review Procedure: The procedure for applying for an SPA is described in subsection 11-5-3B of this title. All contiguous property under one ownership shall be planned in a unified and comprehensive fashion and shall be included in an application for SPA consideration and approval. (Ord. 776, 7-18-2012)

11-3-11: ANNEXATION DECLARATION AREA OVERLAY (ADA):

- A. District Purpose: The purpose of the ADA overlay is to allow, at the discretion of the county, flexibility in the Use of land, densities, site layout, and project design, and to permit a choice in living environments available in eastern Summit County. The ADA overlay is intended to:
1. Ensure that Development occurring in the annexation declaration area of each incorporated municipality is compatible with applicable and appropriate standards and policies of the municipality and the county;
 2. Better relate residential, Commercial, and industrial Development with municipal facilities and infrastructure location, size, and design; and
 3. Ensure that appropriate and reliable services and infrastructure are available to serve the Development.
- B. Applicability: The location of the ADA overlay shall be identical to the annexation declaration area of each municipality within eastern Summit County that has so designated such an area. The boundaries of the ADA shall automatically adjust to conform to all declared changes in annexation declaration areas by each municipality. In instances where parcels held under one ownership are divided by an annexation declaration area boundary, the entire parcel shall be considered to be located within the ADA overlay.
- C. Review Procedure: Before any Development can occur on property containing an ADA overlay, it shall be reviewed in accordance with the appropriate Development review procedure described in [chapter 4](#) of this title. The underlying Zone shall be used as a guide for determining Use and Base Density for the property. The county may impose certain other site layout requirements and infrastructure design requirements beyond those suggested in this title to ensure compliance with the standards and policies of the municipality and county for Development in annexation declaration areas. (Ord. 776, 7-18-2012)

11-3-12: ZONE DISTRICT MAP:

- A. Incorporation of Map: The location and boundaries of established Zone districts are set forth on the Zone District Map of the eastern Summit County planning district. The map, with all notations, references and other information shown thereon, is incorporated herein and is considered part of this title.
- B. Amendments: If, in accordance with the provisions of chapter 5 of this title, changes are made in district boundaries or other matters portrayed on the Zone District Map, such changes shall be entered on the map promptly after amendment by the CDD or designated planning staff member.
- C. Official Copy on File: Regardless of the existence of purported copies of the Zone District Map, the official Zone District Map shall be located in the office of the community Development department and shall be the final authority as to the current zoning status of land, buildings, and other Structures in eastern Summit County.
- D. When, due to scale, the Zone District Map lacks detail, is illegible, or where there is uncertainty, contradiction, or conflict as to the intended location of any Zone district boundary as shown thereon, the CDD or designated planning staff member shall make an interpretation of the map upon request of any person, and any person aggrieved by any such interpretation may appeal the same to the Planning Commission.

11-3-13: ALLOWED, CONDITIONAL, LOW IMPACT, AND TEMPORARY USES:

- A. To facilitate public understanding of this code and for better administration, convenience, and Use thereof, those Uses designated as "allowed" are permitted as a matter of right without special authorization, provided the Use complies with all requirements of the Zone district as described in this chapter. The establishment of any allowed Use is subject only to obtaining a Building Permit, Business license, and/or Road encroachment permit.
- B. Conditional Uses are those Uses which are permitted in a particular Zone district upon showing that such Use at a specific site within that Zone district will comply with all conditions and standards specified in this code for ensuring compatibility with surrounding land Uses. Conditional Uses that are not capable of meeting the Development evaluation standards described in [chapter 2](#) of this title at a specific location shall not be approved at that location. However, the conditional Use may be acceptable at another location where it can comply with the Development evaluation standards. (Ord. 776, 7-18-2012)
- C. Low impact Uses are Uses, projects and activities that are considered to have little or no impact on the public health, safety and general welfare. Low impact Uses determined to be in compliance with the Development evaluation standards and general regulation of the code may be approved administratively by the CDD or designated planning staff member. (Ord. 799, 3-6-2013)
- D. A temporary Use is a Use that can be established for a limited duration with the intent to discontinue such Use upon the expiration of the time period. Any Use not listed as an allowed Use or a conditional Use within a Zone district may be considered as a temporary Use pursuant to and in accordance with the provisions of section [11-4-13](#) of this title. (Ord. 776, 7-18-2012)

11-3-14: CHART OF ALLOWED AND PERMITTED USES:

- A. The following chart titled "Chart of Allowed and Permitted Uses" defines allowed, conditional and low impact Uses for the various Zone districts. Those Uses designated by the letter "A" shall be considered allowed Uses in the particular Zone district; the letter "C" shall represent those Uses that require conditional Use approval and the letter "L" shall represent those Uses that require low impact permit approval. If there is no letter designated for a use in a particular zone, or if a particular use is not listed on the Chart of Allowed and Permitted Uses, it is prohibited.

CHART OF ALLOWED AND PERMITTED USES

Zoning legend ¹ :		Use legend ² :	
AP	Agriculture protection (1 dwelling unit per 40 acres)		A = Allowed
AG-100	Agriculture protection (1 dwelling unit per 100 acres)		C = Conditional
AG-160	Agriculture protection (1 dwelling unit per 160 acres)		L = Low impact
HC	Highway corridor		T = Temporary
<u>AG-1</u>	<u>Agriculture – 1</u>		<u>Prohibited</u>
<u>AG-6</u>	<u>Agriculture – 6</u>		
<u>AG-20</u>	<u>Agriculture – 20</u>		
<u>AG-40</u>	<u>Agriculture – 40</u>		
<u>AG-80</u>	<u>Agriculture – 80</u>		
CA	Cabin area		
C	Commercial		
LI	Light industrial		
I	Industrial		

11-3-14: CHART OF ALLOWED AND PERMITTED USES:

Permitted Uses	AG-1	AG-6	AG-20	AG-40	AG-80	AG-160	HC	CA	C	LI	I	Additional Reference
Accessory buildings and uses to the principal residential dwelling unit or subdivision, not to exceed 2,000 square feet	A	A	A	A	A	A-	A-	A	L	A	A	
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet	C	C	L	€ L	L		€	€	€	L	L	
Accessory dwelling unit	L	L	L	L	L	†	€	†	L	L	L	Section 11-6-5 of this title
Agricultural employee dwelling unit			C	C	L		€					Section 11-6-5 of this title
Agricultural employee facility for the purpose of providing shelter for more than 1 family	C	C	C	C	C	€	€					
Agriculture buildings and uses customarily associated with traditional "agriculture" operations as defined in appendix A of this title	A	A	A	A	A	A-	A-	A				
Auto impoundment yard and towing services									C	AC	€A	
Auto repair, service and detailing									C	C	A	
Auto wrecking yard											C	
Automotive sales									C	C	C	
Banks and financial services									A			
Bars, taverns, private clubs									C			
Bed and breakfast inn	C	C	C	C	C	€	€		A			
Butcher, retail									A	L	L	
Car wash									C	C	C	
Cemetery	C	C	C	C	C	€	€	C	C			
Childcare, in home (4 children or less)	L	L	L	L	L	†	†		A			
Childcare, family (fewer than 9 children)	C	L	L	L	L	†	†		A			
Childcare, family (with 9 _ 16 children)	C	L	L	L	L	†	†		A			
Childcare, commercial	C	C							A			
Commercial kennels			C	C	C	€	€		C	C	C	
Commercial riding arenas				C	C	€						
Commercial stables				C	C	€						
Contractor's Office	L	L	A	A	A				A	A	A	
Contractor's Yard	L	L	L	L	L				C	A	A	
Dwelling unit, multi-family				€			€					
Dwelling unit, one-family	A	A	A	A	A	A-	A-	A				
Dwelling unit, single-family attached				†			†					
Distillery									C	C	C	
Equipment Rental, Heavy									C	A	A	
Equipment, Rental, Light									A	A	A	
Food processing, commercial	C	C	C	C	C				A	L	L	
Funeral services				€	€	€	€		A	A		

Permitted Uses	AG-1	AG-6	AG-20	AG-40	AG-80	AG-160	HC	CA	C	LI	I	Additional Reference
Gas and fuel, storage and wholesale									C	C	A	
Gasoline service station with or without convenience store									L	A	A	
Guest ranches or lodge intended to attract visitors/patrons on a daily basis or an extended stay				←	←	←						
Hazardous Liquids or Materials Transmission Pipelines	C	C	C	C	C	←	←	C	C	C	C	Section 11-6-19
Historic structures, preservation of, including related accessory and supporting uses				A	A	A	A	A	A	A	A	
Home occupation	A	A	A	A	A	A	A	A				Section 11-6-3 of this title
Hospitals									C			
Hotel, motel or inn									C			
Houses of worship including churches and other religious institutions	C	C	C	C	C	←	←	C	C			
Indoor entertainment such as bowling alleys, skating rinks, movie theater, performing arts center										A		
Industrial uses and operations including storage and processing											C	A
Institutional uses including fire stations, private schools and public or quasi-public buildings	C	C	C	C	C	←	←	C	C	C	C	
Logging camp				C	L	L						
Manufacturing, custom	C	C	L	L			L		L	L	L	
Manufacturing, heavy											C	
Manufacturing, light	C	C								A	A	
Microbrewery/microdistillery									C	L	A	
Mobile home park							←					
Mobile home with foundation (see definition of "prefabricated home" in appendix A of this title)	A	A		A	A	A	A	A	L			
Mobile home without foundation that is occupied for more than 180 days	C	C		C	C	←	←	C				
Municipal landfill											C	
Nursery/greenhouse	A	A	A	C	C	←	←		A			
Oil wells, natural gas wells and steam wells				C	C	←					C	Subsection 11-4-16F of this title
Open recreational uses	L	L	C	C	L	L	←	C	L			
Petroleum refineries					C	←					C	
Professional offices									L			
Railroad industrial uses including shipping and distribution										L	L	
Recreation and athletic facilities	C	C	C				←		L			

Permitted Uses	AG-1	AG-6	AG-20	AG-40	AG-80	AG-160	HC	CA	C	LI	I	Additional Reference
Recycling facility, class I	C	C	A	A	A	A	A	A	A	A	A	
Recycling facility, class II	C	C									L	
Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances	A	A							A			
Residential care facilities	C	C	C	C	C	⊖	⊖		C			Section 11-6-18 and appendix A of this title
Restaurant, exceeding 2,000-square feet									⊖			
Restaurant, not exceeding 2,000-square feet	C								A			
Restaurant with drive-through									L			
Retail commercial establishments, exceeding 2,000-square feet									⊖			
Retail commercial establishments, not to exceed 2,000-square feet									A			
Rock quarries, gravel pits, and associated surface mining uses, including, but not limited to, filtering, sifting, and processing of soil				C	C	⊖					L	
Sawmill										C	C	
Seasonal Farm Stand	A	A	A						A			
Seasonal recreation, commercial (motorized)			C	C	C	⊖	⊖				C	
Seasonal recreation, commercial (nonmotorized)	C	C	L	L	L	⊖	⊖				L	
Sexually oriented businesses											C	Appendix B of this title
Shooting ranges, indoor									C	C	L	
Shooting ranges, outdoor				C	C	⊖			C	C		
Telecommunications facilities - collocation	A	A	A	A	A	A	A	A	A	A	A	Section 11-6-7 of this title
Telecommunications facilities - stealth	A	A	A	A	A	A	A	A	A	A	A	Section 11-6-7 of this title
Underground transmission lines exceeding 6 inches in diameter that are not considered hazardous liquids or materials transmission pipelines as defined in section 11-6-19 of this title	L	L	L	L	L	⊖	⊖	L	L	L	L	
Underground transmission lines 6 inches or less in diameter such as, but not limited to, transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	A	A	A	A	A	A	A	A	A	

Permitted Uses	AG-1	AG-6	AG-20	AG-40	AG-80	AG-160	HC	CA	C	LI	I	Additional Reference
Underground transmission lines exceeding 12 inches diameter (i.e., gas, oil, water, etc.)	C	C	C	C	C	←	←	C	C	C	C	
Underground utility uses, including transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	C	A	A	←	←	A	A	A	A	
Utility structures and related facilities	L	L	C	C	L	←	←	C	C	L	L	Section 11-6-6 of this title
Utility towers and associated transmission and distribution lines 45 feet in height or less	A	A	L	L	A	←	←	L	L	L	A	
Utility towers and associated transmission and distribution lines greater than 45 feet in height	L	L	C	C	C	←	←	C	C	C	L	
Veterinarian clinic	L	L		L	L	←	←	C	L			
Warehousing and commercial storage								C	C	C	C	
Water and wastewater treatment plant	C	C		C	C	←	←	C		C	C	
Welding shop, commercial									C	A	A	
Wind power generation facilities 45 feet in height and less	A	A	A	A	A	←	←	A	A	A	A	
Wind power generation facilities greater than 45 feet in height	C	C	C	C	L	←		C		L	L	Subsection 11-4-16G of this title

Chapter 4

Development Review Processes and Procedures

SECTION:

- 11-4-1: Purpose
- 11-4-2: Legal Lots/Parcels Requirement for Development and/or Land Use Activity
- 11-4-3: Permits Required
- 11-4-4: General Provisions
- 11-4-5: Subdivisions, Condominiums, Plat Amendments, Parcel Boundary Adjustments, & Divisions of Land for Non-Development Purposes
- 11-4-6: Final Site Plan Review
- 11-4-7: Conditional Use Review
- 11-4-8: Low Impact Use Review
- 11-4-9: Temporary Use Review
- 11-4-10: Zoning Variances
- 11-4-11 Special Exceptions

11-4-1: PURPOSE: The purpose of this chapter is to provide clear and predictable standards of review and processes for the administration of Development and Land Use Land Use activities in Eastern Summit County.

11-4-2: LOT/PARCEL REQUIREMENT FOR DEVELOPMENT AND/OR LAND USE ACTIVITY:

1. Lot: A Lot is a numbered property within a recorded Subdivision.
2. Parcel: A Parcel is a tract of land that is not a numbered lot within a recorded Subdivision.
3. Conforming Parcels and Conforming Lots:
 - a. A Conforming Parcel is a tract of land that conforms to the minimum size requirements of the applicable Zone at the time of a Land Use or Development Application. For Development purposes and in order to apply for Development, a Parcel must be a Conforming Parcel or have a Grandfathered Development Right as set forth in this section.
 - b. A Conforming Lot is a numbered property within a recorded Subdivision that conforms to the minimum size requirement of the applicable Zone at the time of a Use or Development Application. For Development purposes and in order to apply for Development, a Lot must be a Conforming Lot or have a Grandfathered Development Right as set forth in this section.

- c. Parcels created through the Divisions of Land for Non-Development Purposes process must be divided per the requirements of this title.
4. Non-Conforming Parcel: A Non-Conforming Parcel is a tract of land that does not conform to the minimum size requirements of the applicable Zone at the time of a Use or Development Application.
- a. Non-Development: A Non-Conforming Parcel may be eligible for a non-Development Land Use pursuant to the requirements of this Title
 - b. A Non-Conforming Parcel may be eligible to apply for Development, pursuant to an approved Grandfathered Right status as determined by the Community Development Director or designated planning staff member pursuant to the requirements of this Title. Grandfathered Right: A Grandfathered Right is a Development entitlement status accorded to a Parcel created prior to May 6, 1996 that does not conform to the minimum size requirements of the applicable Zone at the time of a Development Application.
 - c. An appeal of a Community Development Department decision regarding a Grandfathered Right may be appealed to the County Council within ten (10) calendar days from the date of the decision in accordance with Section 11-7-16 of this Title.

11-4-3: PERMITS REQUIRED: No Development, Land Division or Land Use activity may be undertaken within the unincorporated areas of Eastern Summit County unless all permits applicable to the proposed Development, Land Division or Land Use activity are issued in accordance with the provisions of this Title.

11-4-4: GENERAL PROVISIONS:

1. Initiation: An Application for Development, Land Division or a Land Use activity approval shall be initiated by submitting the appropriate Application to the Community Development Department.
2. Community Development Department Review, Recommendation, and Action:
 - A. The Community Development Department shall review the Application to determine that all necessary submittal requirements and information are provided. If the Community Development Department determines that the Application does not contain the required information sufficient for compliance with this Title, a Staff member shall provide written notice to the Applicant specifying the deficiencies of the Application. The Community Development Department may elect to take no further action on the Application until such time as all necessary submittal requirements are

provided.

- i. An Application for Development and/or Land Use activity shall be deemed insufficient if:
 2. any relevant information is not provided,
 3. the Application form is not signed by the Owner,
 4. required fees are not paid,
- B. If all required Application submittal information is not provided within thirty (30) days of Staff notification, all Application materials (including Application fees) shall be returned to the Applicant.
- C. A determination of sufficiency shall not constitute a determination of compliance with the substantive requirements of this Title, nor shall it indicate that the information submitted by the Applicant is accurate or has been verified. Additional information may be required at a later date throughout the approval process.
- D. All Development approvals shall be conditioned so that no final approval shall be issued on the subject property until all outstanding and current property taxes have been paid.
- E. The Community Development Director is the delegated authority to make administrative interpretations of this Title and to provide such guidance as is necessary to Applicants for Development and/or Land Use activity approvals consistent with and in furtherance of this Chapter.
- F. Any person adversely affected by an administrative interpretation of this Title may appeal such interpretation to the Summit County Council, in accordance with the Appeals Procedures set forth in Section 11-7-16 of this Title.

11-4-5: SUBDIVISIONS, CONDOMINIUMS, PLAT AMENDMENTS, PARCEL BOUNDARY ADJUSTMENTS, AND DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES.

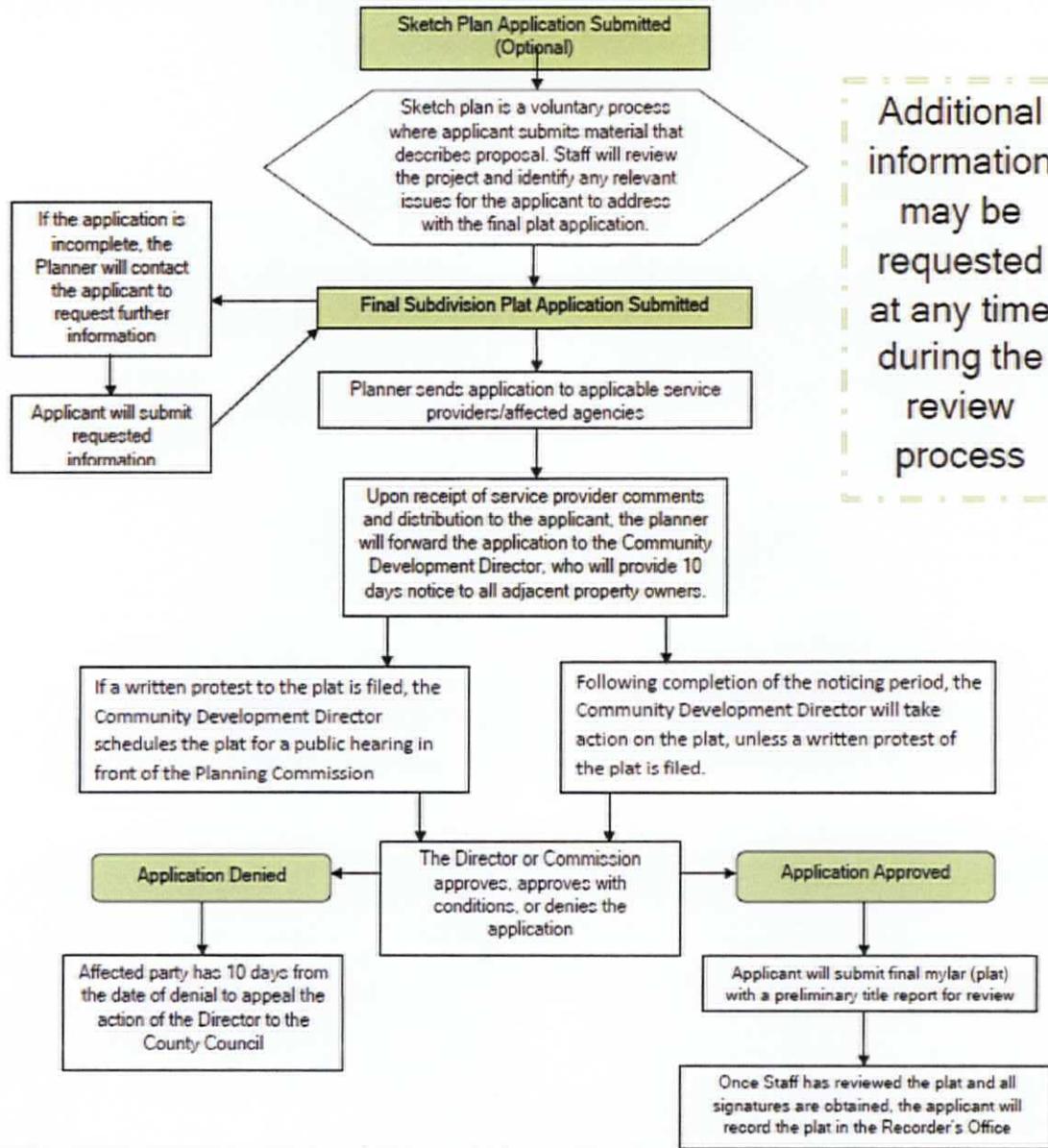
1. Purpose: The purposes of this section are to:
 - A. Guide the future growth of Eastern Summit County in a manner consistent with the Eastern Summit County General Plan;
 - B. Advance the public, health, safety, and welfare of the property owners and residents of Eastern Summit County;

- C. Provide Development opportunities for property owners and residents to live, work, and conduct business in Eastern Summit County;
- D. Encourage new Development in areas readily accessible to adequate access, wastewater, and other necessary public infrastructure and services;
- E. Provide reasonable and predictable standards of review and preview processes and achieve responsible orderly development;
- F. Establish a reasonable process for the division of land for non-Development purposes.

DRAFT



SUBDIVISION CONSISTING OF 5 LOTS OR LESS



Additional information may be requested at any time during the review process

2. Subdivisions Consisting of Five (5) or Less Lots

- A. Special Provision: When a single Parcel includes multiple Zone Districts Density may be relocated across Zone lines.
- B. Submission Requirements: An Application for a Subdivision consisting of five (5) lots or less shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
 - 1. Completed Subdivision Application signed by the Owner(s);
 - 2. Subdivision Application fee payment;
 - 3. The Subdivision Application shall contain sufficient land area necessary to meet the density proposed in the Subdivision.
 - 4. Name and address, including telephone number, of all the Owner(s), and citation of last instrument conveying title to each Parcel of property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference;
 - 5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, water wells, streams/rivers, Structures, and/or other physical improvements affecting the property and existing covenants on the property, if any;
 - d. A delineation of environmentally sensitive areas floodplains, delineated wetlands, ridgelines, and slopes exceeding thirty percent (30%).
 - 6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision Plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. The Subdivision name and date of Plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;

- b. The name of the land surveyor;
- c. approximate true north arrow;
- d. The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lots, rights-of-way, easements; Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
- e. Notation of any self-imposed Plat restrictions;
- f. Signature blocks for the County Recorder, final Land Use Authority, County Engineer, County Health Director, County Attorney, applicable Fire District , Local Power and Gas Providers;
- g. Notarized signatures on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;
- h. All monuments erected, corners, and other points established in the field;
- i. Plat notes stating that

“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”

“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the

purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses."

Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity is 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 for a private well, spring or a written commitment from a municipality or private water company."

7. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
8. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

C. Review Procedure:

1. Optional Sketch Plan: Prior to submitting a formal Application for a Subdivision review, an Applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the Applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 1 00'), unless otherwise approved by the Community Development Director.

- a) Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the Applicant to address with the Final Plat Application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the Applicant.

C. Final Subdivision Plat Review Procedure:

1. The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers including, but not limited to utility providers, the County Health Department, all applicable Fire Districts, and County Public Works Department. Upon receiving such input, the Community Development Department shall prepare a staff report

analyzing the proposed Subdivision Plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.

2. The staff report and all Application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the proposed Subdivision Plat Application to all adjacent property owners in the manner set forth in this title. Following the completion of the required noticing period, the Community Development Director shall take Final Action on the Subdivision Plat if no protest(s) is filed.
3. The Community Development Director or the Director's designee may refer any Subdivision Application to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the CDD or designated planning staff member regarding an approval, approval with conditions or denial of the Application.
4. Once the Subdivision Final Plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary Title Report for acceptability. The title report must be current (within 30 days).
5. Upon approval of the County Attorney and once all required signatures are obtained on the final mylar, the detailed final Plat shall be recorded in the records of the County Recorder.

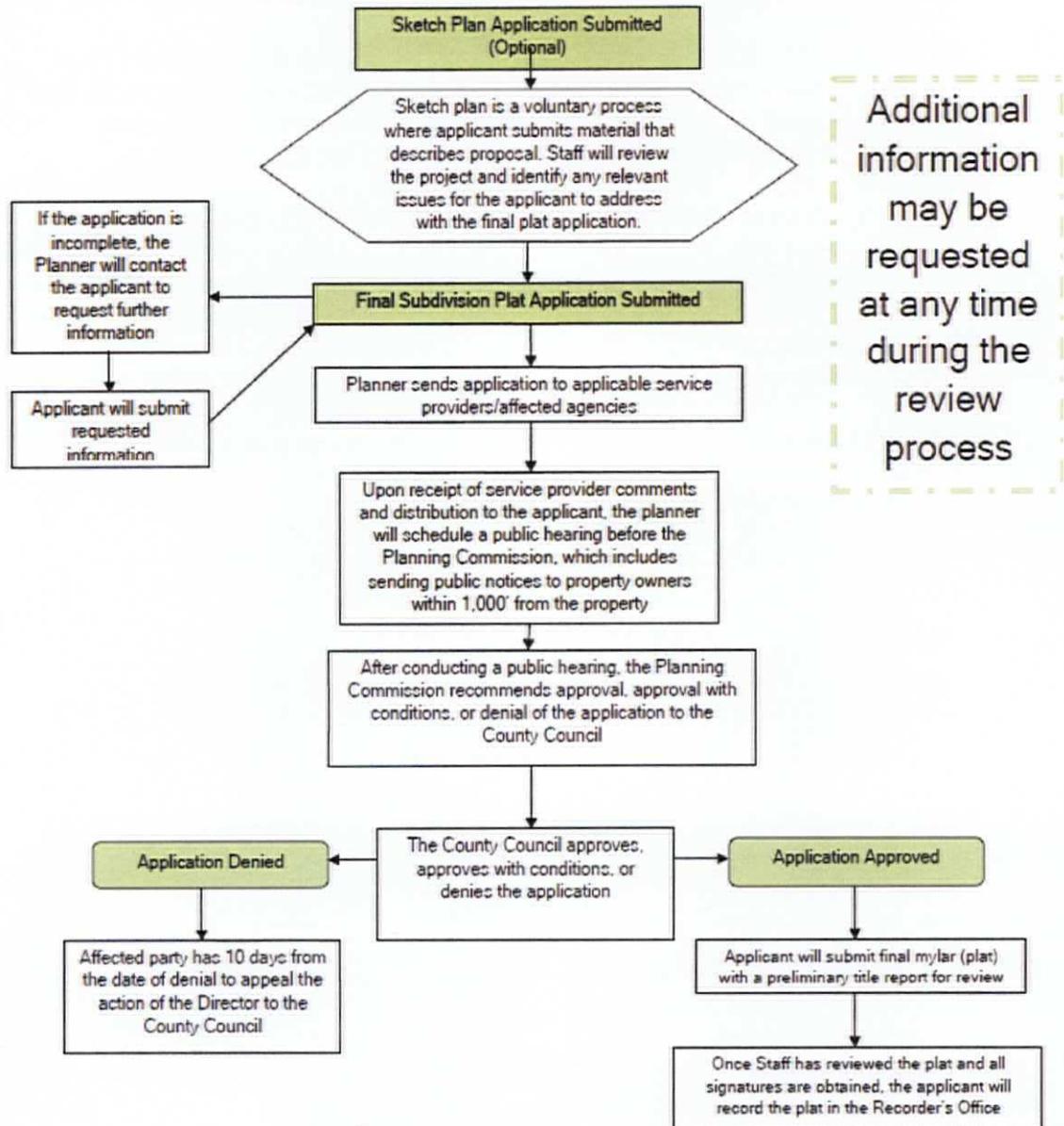
D. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

1. In certain applications, subdivision density may be calculated in part from properties adjacent to, but not within, the boundaries of the final subdivision plat. In such cases, a Memorandum of Understanding shall be recorded at the County Recorder's Office against the property(s) located outside the final subdivision plat stating, that no Density exists on the property(s) until such time as the zoning is changed to permit additional Development rights.
2. Each proposed Lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is applicable.
3. Compliance with the development evaluation standards provided in Chapter 2 of this Title.

4. Compliance with the infrastructure standards in Chapter 6 of this Title.
5. The minimum Lot size for new lots created through this process will meet the minimum Lot size requirements for the applicable Zone.
6. If the Subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Department shall:
 - a. Within 30 days after the day on which the Application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section 17-27a-211 of the Utah Code.
 - b. Wait at least 10 days after the day on which the Land Use authority notifies a canal company or canal operator to approve or reject the Subdivision Application.
7. A positive approval from the Eastern Summit County Sewer Advisory Committee on the Subdivision's proposed wastewater system.
8. Proof that property taxes for the applicable property are paid.
9. Compliance with all applicable County Codes.



SUBDIVISION CONSISTING OF 6 LOTS OR MORE



3. Subdivisions Consisting of Six (6) or More Lots

- A. Special Provision: When a single Parcel includes multiple Zone Districts, Density may be relocated across Zone lines.

- B. Submission Requirements: An Application for Subdivision consisting of six (6) lots or more shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate the compliance with the provisions of this Title.
1. Completed Subdivision Application signed by the Owner;
 2. Subdivision Application fee payment;
 3. The Subdivision Application shall contain sufficient land area necessary to meet the density proposed within the Subdivision.
 4. Name and address, including telephone number, of all the Owners, and citation of last instrument conveying title to each parcel of property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.
 5. One (1) copy of a survey prepared by a surveyor licensed in the state of Utah including the following information;
 - a. The name of the land surveyor;
 - b. approximate true north arrow;
 - c. Legal description and location of property, including citation of any existing legal rights-of-way, roads, streets, irrigation ditches, water bodies, streams/rivers, Structures, and/or other physical improvements affecting the property; and existing covenants on the property, if any.
 - d. A delineation of Environmentally Sensitive Areas, floodplains, delineated wetlands, ridgelines and slopes exceeding thirty percent (30%).
 6. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Subdivision Plat and one electronic copy of a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:
 - a. The Subdivision name and date of Plat creation. The Subdivision name may not be the same name as any existing recorded Subdivision in Summit County, Utah;
 - b. The name of the land surveyor;
 - c. approximate true north arrow;
 - d. The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in

- decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements
- e. Consecutively numbered or lettered lots with addresses (subject to final review and approval by Summit County);
 - f. Notation of any required Plat restrictions.
 - g. Signature blocks for the County Recorder, Final Land Use authority, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
 - h. Notarized signatures on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;
 - i. All monuments erected, corners, and other points established in the field.
 - j. Plat notes stating that:

“Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Eastern Summit County Development Code.”

“The owners of property within Eastern Summit County recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. (Owners of each lot platted in this subdivision/the owner of the residence constructed upon this lot) have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Eastern Summit County and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses.”

Water has not been approved for this site. It shall be the responsibility of each lot owner to demonstrate that water of adequate quantity is

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 for a private well or a written commitment from a municipality or private company."

7. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
8. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

C. Review Procedure:

1. Optional Sketch Plan: Prior to submitting a formal Application for a Subdivision review, an Applicant may exercise the voluntary option to submit a Sketch Plan, which shall contain enough information in graphic and text form to adequately describe the applicant's intentions with regard to the proposed development. Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (1" = 1 00'), unless otherwise approved by the Community Development Director.

- b) Sketch Plan Review: The Community Development Director or designated Planning Department Staff member shall review the Sketch Plan and identify any relevant issues for the applicant to address with the Final Plat Application, as well as any additional information necessary to establish the project's compliance with the standards of this Title. A Sketch Plan may be reviewed by the Eastern Summit County Planning Commission for preliminary input at the direction of the Community Development Director or at the request of the applicant.

C. Final Subdivision Plat Review Process:

1. The Community Development Department shall secure input regarding the proposed Subdivision from all affected agencies and service providers including, but not limited to utility providers, the County Health Department, all applicable Fire Districts, and County Public Works Department. Upon receiving such input, the Community Development Department shall prepare a staff report analyzing the proposed Subdivision Plat's compliance with the review standards set forth in this section and identifying any compliance-related issues related to the proposal.
2. The staff report and all Application submittal materials shall be forwarded to the Community Development Director. The Community Development Director shall provide notice of the

proposed Subdivision Plat Application to all property owners in the manner set forth in this title and schedule the Application for a Public Hearing with the Eastern Summit County Planning Commission.

3. The Eastern Summit County Planning Commission shall hold a Public hearing on the proposed Subdivision Plat and forward a recommendation to the County Council.
4. The County Council shall take final action on the proposed Subdivision Final Plat.
5. Once the Subdivision Final Plat is approved and all applicable signatures are obtained on the final mylar, the County Attorney will review the preliminary Title Report for acceptability. The title report must be current (within 30 days).
6. Upon approval of the County Attorney and once all required signatures are obtained, the detailed final Plat shall be recorded in the records of the County Recorder.

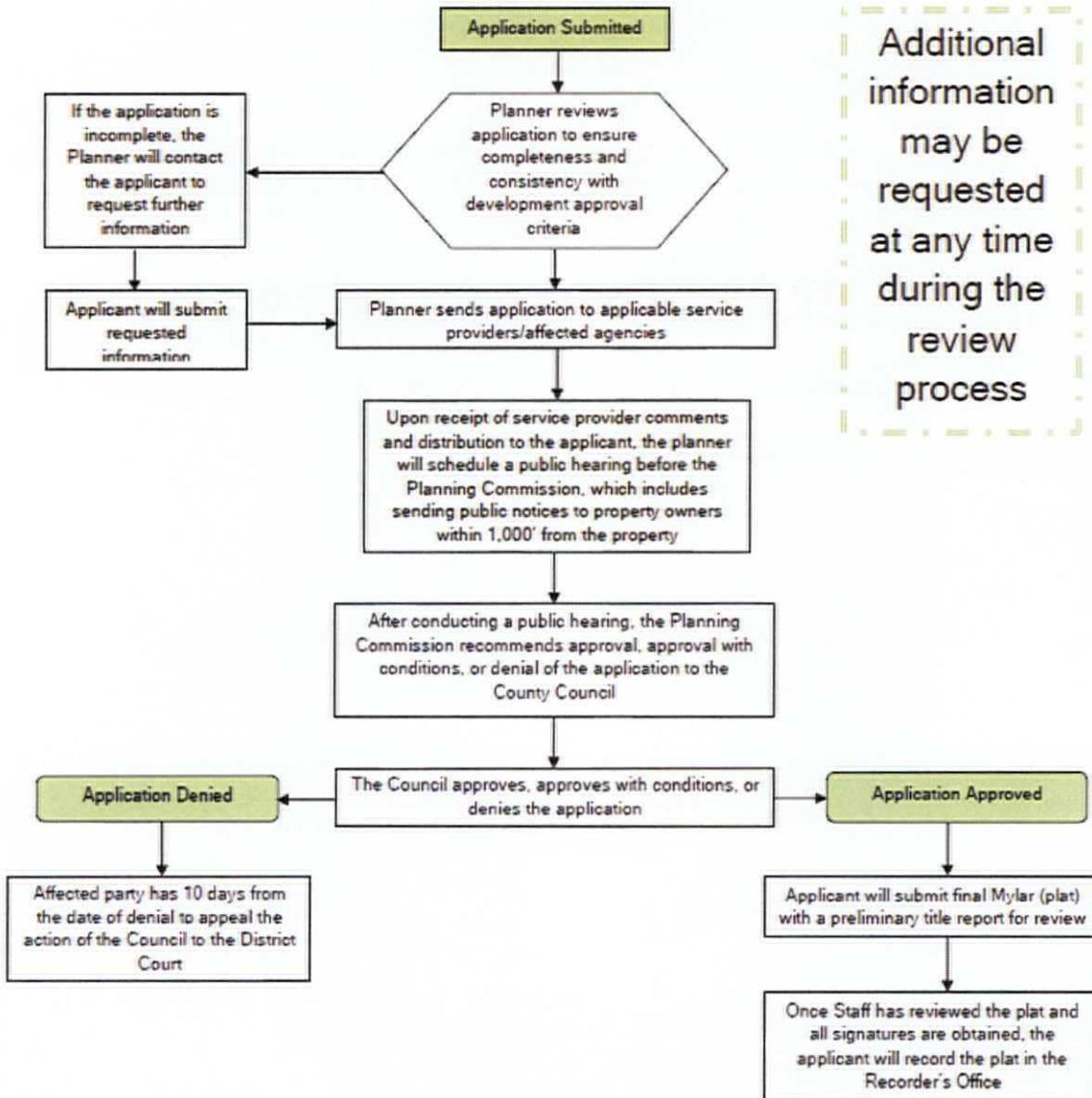
D. Criteria For Approval: Before a Subdivision can be approved; it must conform to all of the following criteria:

1. In certain applications, subdivision density may be calculated in part from properties adjacent to, but not within, the boundaries of the final subdivision plat. In such cases, a Memorandum of Understanding shall be recorded at the County Recorder's Office against the property(s) located outside the final subdivision plat stating, that no Density exists on the property(s) until such time as the zoning is changed to permit additional Development rights.
2. Each proposed Lot shall have legal access through a recorded right-of-way or easement. Access to the property from a public road must be granted by the state or county, whichever is applicable.
3. Compliance with the development evaluation standards provided in Chapter 2 of this Title.
4. Compliance with the infrastructure standards in Chapter 6 of this Title.
5. If the Subdivision includes any land located within one hundred feet (100') of the center line of a canal, the Community Development Department shall:
 - a. Within 30 days after the day on which the Application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section 17-27a-211 of the Utah Code.
 - b. Wait at least 10 days after the day on which the Land Use authority

notifies a canal company or canal operator to approve or reject the Subdivision Application.

6. The minimum lot size for new lots created through this process will meet the minimum Lot size requirements for the applicable zone.
7. In the case of a Subdivision with between six (6) and ten (10) proposed Lots, a positive approval from the Eastern Summit County Sewer Advisory Committee on the Subdivision's proposed wastewater system. In the case of a Subdivision with more than ten (10), a positive approval from the County Council on the Subdivision's proposed wastewater system.
8. If a parcel that was necessary for the calculation of Density in the Subdivision Application is not included in the Subdivision Plat, a memorandum of understanding will be recorded against that parcel stating that the Parcel has no remaining Density until such time as the Zoning Density is increased. The memorandum shall be recorded at the same time as the Subdivision Plat with the County Recorder's Office.
9. Proof that the taxes for the applicable property are paid.
10. Compliance with all applicable County Codes.

CONDOMINIUM PLAT

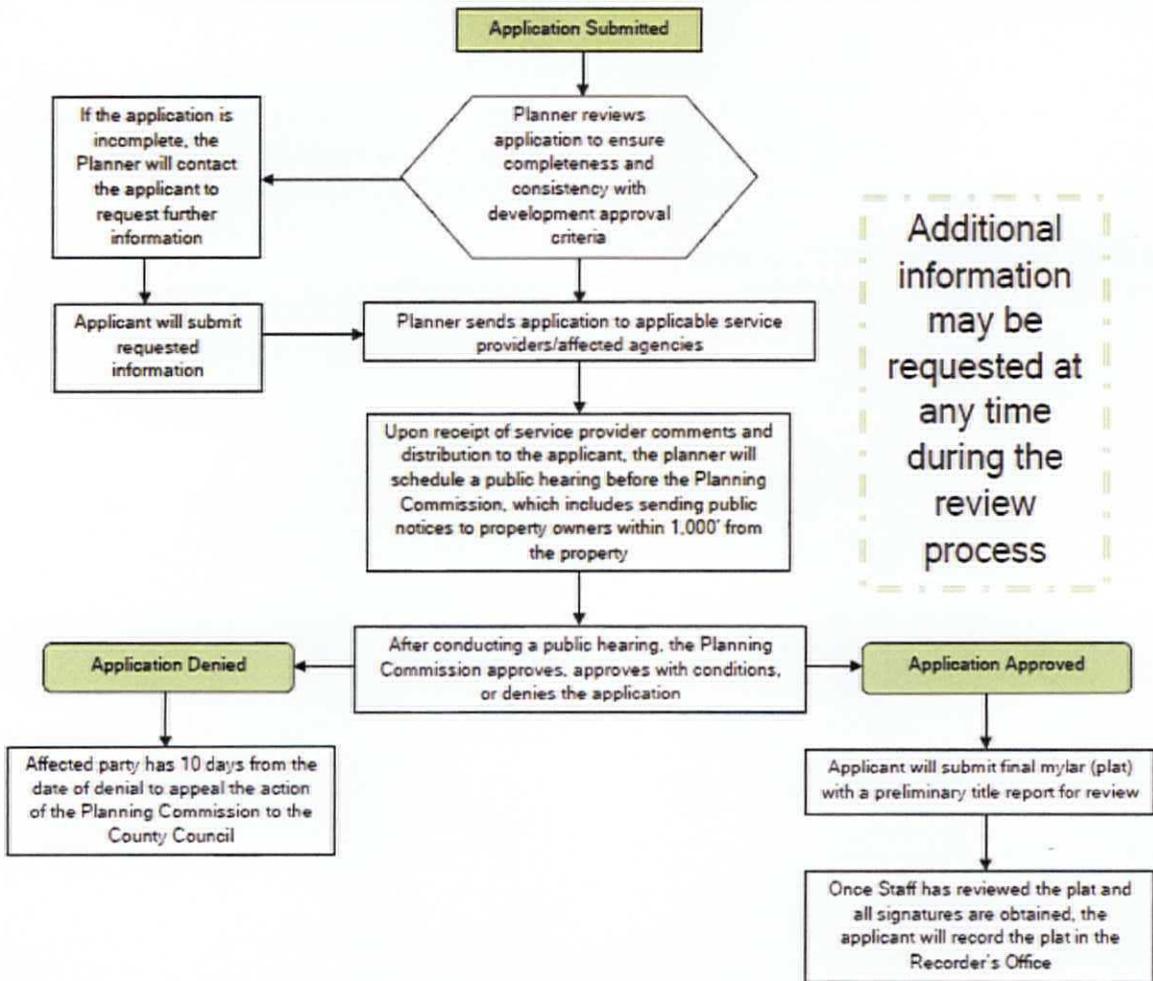


4. CONDOMINIUM PLATS

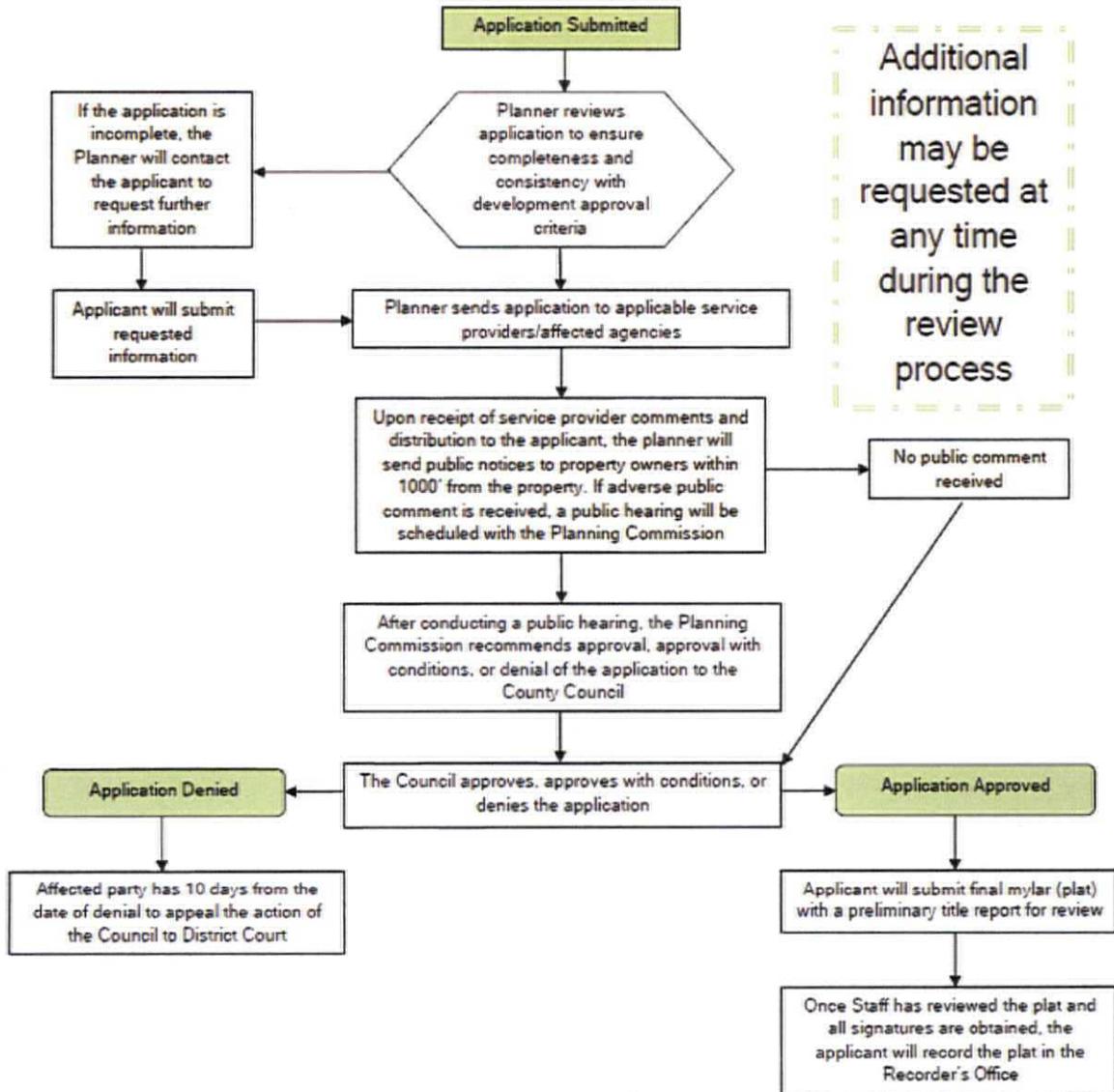
- A. Plat Requirements: A detailed condominium Plat is required in all cases which comply with the definition of "Condominium." A Condominium Plat shall contain the information required for a final site plan as identified in section 11-4-6 of this chapter. CCRs for the development shall also be submitted for review by the Summit County attorney's office prior to recordation of the Plat.
- B. Review Procedure: The review procedure for a condominium Plat shall be the same as the review procedure for a final site plan, as outlined in section 11-4-6 of this chapter.
- C. Issuance Of Building Permit: Building permits for condominium units can be issued following approval of the final Plat by the Planning Commission as provided by this chapter. The building permit will be issued based upon a certified architectural plan of the building elevation and floor plans as approved by the building official.
- D. Filing: All condominium Plats shall be filed in the office of the county recorder following completion of construction and before acceptance of improvements.



PLAT AMENDMENT (Amendments that do not alter a public road)



PLAT AMENDMENT (Amendment that alters a public road)



5. PLAT AMENDMENTS

1. Submission Requirements: Any request for a proposed vacation, alteration or amendment of a Subdivision Plat, any portion of such Subdivision Plat, or any road or Lot contained in such Plat shall require the Application for a Subdivision Plat Amendment. An Application for a Plat Amendment shall include the information set forth below. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.

a. Completed Plat Amendment Application including a description of all proposed amendments to the Subdivision Plat;

b. Proof that property taxes for the applicable property are paid;

c. Subdivision Plat Amendment Application fee payment;

d. Name and address, including telephone number, of the Owner(s), and citation of last instrument conveying title to each parcel of the property involved in the Amendment, giving grantor, grantee, date, and land records reference.

e. The signature of each Owner who consents to the Plat Amendment.

f. If the Subdivision Plat Amendment

1. Two copies (one 11"x17" copy and one 24"x36" copy) of the proposed Plat Amendment and one electronic copy of a scaled Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including:

The Plat Amendment name and date of Plat creation;

1. The name of the land surveyor;

2. approximate true north arrow;

3. The Plat scale and the location and dimensions of all boundary lines of the property (expressed in feet and in decimals of a foot), the locations, dimensions, and areas of all proposed lot, rights-of-way, easements; and Remainder Parcels (if applicable).

4. Consecutively numbered or lettered lots with addresses authorized by Summit County;

5. Notation of any self-imposed Plat restrictions or

revisions thereof;

6. Signature blocks for the County Recorder, Community Development Director, County Engineer, County Health Director, County Attorney, Fire District, Local Power and Gas Providers (if applicable);
7. Endorsement on the Plat by every person having security interest in the property that he/she is subordinating his/her liens to all covenants, servitude and easements imposed on the property, and all conditions of development approval proposed by Summit County;
8. All monuments erected, corners, and other points established in the field;
9. Following final approval of the Subdivision, a current (within 30 days) preliminary title report covering all property located within the Subdivision;
10. Following final approval of the Subdivision, a 24"x36" Mylar of a scaled (1"=100') a scaled Subdivision Final Plat prepared by a surveyor or civil engineer licensed in the state of Utah, including all items listed in item 6 above.

2. Review Procedures:

1. A. Plat amendments that result in the combination of lots and adjusting and/or altering lot lines within a Platted Subdivision: Land Use Authority: The Community Development Director shall be the Land Use Authority for all Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines within a Platted Subdivision.
2. Prior to the approval of a Plat amendment the Community Development Director shall provide written notice by first class mail a minimum of ten (10) days in advance of the requested action to all Owners of Property and affected entities located within one thousand feet (1000') subject to the application.
3. Review And Decision By The Planning Director: On the basis of written findings of fact, the Community Development Director or the Director's designee shall either approve, deny or conditionally approve an application for a Plat amendment based on the standards in this chapter.

The decision of the Director shall become effective at the time the decision is made.

4. Referral Of Application By Community Development Director to Planning Commission: The Community Development Director or the Director's designee may refer any Plat amendment Application to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the CDD or designated planning staff member regarding an approval, approval with conditions or denial of the Application.

B. Plat amendments that result in building pad adjustments, Subdivision title changes Plat Note revisions, altering of utility easements, and all other amendments that do not affect a Road:

1. Land Use Authority: The Planning Commission shall be the Land Use Authority for all of the above-referenced Plat amendments.
2. The Planning Commission shall hold a Public Hearing in accordance with this Title prior to taking final Action on a proposed Plat amendment.

C. Plat amendments that alter a private road shown on a Subdivision Plat.

1. Land Use Authority: The Planning Commission shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a private road.
2. The Planning Commission shall hold a public hearing in accordance with this Title prior to taking Final Action on a request to alter a private road within a Subdivision Plat.

D. Plat amendments that alter a public road shown on a Subdivision Plat.

1. Land Use Authority: The County Council shall be the Final Land Use Authority for Subdivision Plat Amendments involving the alteration of a public road within a Subdivision.

2. The Planning Commission shall hold a Public Hearing in accordance with this Title. The Planning Commission shall forward a recommendation to the County Council.
3. The County Council shall hold a Public Hearing in accordance to this Title prior to taking final action on a request to alter a public road shown on a Subdivision Plat.
4. Required Notice of Public Hearings for Plat Amendments.

A. The Community Development Department shall give notice of any proposed Plat amendment and associated public hearing. Notice shall be mailed to each owner of property located within one thousand feet (1000'). In addition, notice may be sent to all owners within the affected Plat and the affected Home Owners' Association. The notice shall fulfill all applicable requirements of the Utah State Code Annotated.

B. If the proposed Plat amendment involves the vacation, alteration, or amendment of a road, the Community Development Department shall give notice of the date, place, and time of the public hearing by:

1. Mailing notice, as required in this Title; and
2. For public roads, publishing the notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation.

5. Required Public Hearing Timeframe.

Once a Subdivision Plat Amendment Application/petition is filed and it is determined that a public hearing is required, the Land Use Authority shall hold the public hearing within forty-five (45) days following the receipt of a complete Application.

6. Waiver of the Public Hearing Requirement.

At the discretion of the Community Development Director, the public hearing requirement may be waived for Plat amendments if the following criteria are met:

- A. The name and address and consenting signatures of all owners of record of the land contained in the entire Subdivision Plat are submitted with the Application; or

- B. The name and address and consenting signatures of all owners of record of land adjacent to any road that is proposed to be vacated, altered or amended is submitted with the Application; or
- C. The signatures of all owners within the Subdivision acknowledging consent to the petition is submitted with the Application.

7. General Criteria:

- A. Upon approval of the Subdivision Plat amendment, the following signatures are required on the final amended Plat:
 - 1. Community Development Director: Subdivision Plat amendments resulting in the combination of lots and adjusting and/or altering lot lines;
 - 2. County Manager: Subdivision Plat Amendments resulting in an alteration of a private road shown on a Subdivision Plat;
 - 3. Planning Commission: Subdivision Plat Amendments resulting in building pad adjustments, Subdivision title changes, Plat note revisions and all other amendments that do not affect a public or private road, lot line adjustments, or the combination of lots);
 - 4. County Council: Subdivision Plat Amendments resulting in an alteration a public road shown on a Subdivision Plat; and
 - 5. County Recorder, County Engineer, County Attorney, and County Assessor. 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.
- B. Once the Application is approved and all applicable signatures are obtained on the Plat amendment mylar, the County Attorney shall review a preliminary Title Report for acceptability.
- C. Upon approval of the County Attorney, and once all required signatures are obtained on the mylar, the Subdivision Plat amendment shall be recorded in the records of the County Recorder.

8. Vacation by County Manager, or County Council: When the County Manager or County Council proposes to vacate, alter or amend a Subdivision Plat, or any road or lot within a Subdivision Plat, the County Manager or County Council shall consider the issue at a public hearing after giving notice required by this Section.

9. Grounds for Vacating or Amending a Plat:

A. If the Final Land Use Authority is satisfied that the public interest will not be materially injured by the proposed vacation, alteration or amendment, and there is good cause for the vacation, alteration or amendment, the Final Land Use Authority, may vacate, alter or amend the Plat, any portion of the Plat, or any road or lot therein.

B. No Plat amendment shall be approved which results in an increase in density.

10. Appeal: An aggrieved party may appeal the final decision of a Subdivision Plat amendment in accordance with Appeals Procedures set forth in Section 11-7-16 of this Title.

6. PARCEL BOUNDARY ADJUSTMENTS

1. A property Owner:

- a) May execute a parcel boundary adjustment by quitclaim deed or by boundary line agreement as described in Utah State Code Section 57-1-45.
- b) Shall record the quitclaim deed or boundary line agreement in the office of the County Recorder.

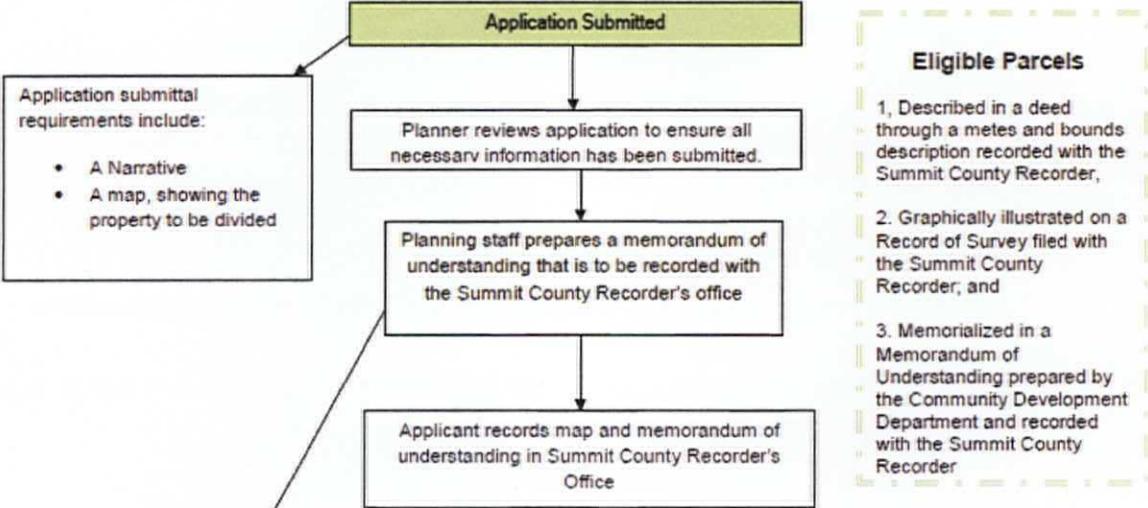
2. A parcel boundary adjustment is not subject to the review of the land use authority.

3. Creation of any new legal description through this process does not affect legal Grandfathered status of a parcel.



DIVISIONS OF LAND FOR NON-DEVELOPMENT

This is a process designed for the division or partition of land for non-development purposes. Eligible parcels are exempt from the subdivision process.



MEMORANDUM OF UNDERSTANDING SHALL STATE:

- Is intended to describe in pictorial form the legal description contained in the deed.
- Is acknowledged by the Community Development Director as a legally created parcel of land.
- Is not for Development purposes as defined in the Eastern Summit County Development Code, as amended.
- Does not guarantee Development or Land Use rights. Such rights shall be subject to all zoning regulations as set forth in the Eastern Summit County Development Code, as amended.
- Does not guarantee legal access, water rights, or mineral rights; and
- Prior to any Development, any land identified on the Record of Survey must meet all applicable zoning regulations and be platted as lot(s) in accordance with the regulations set forth in Chapter 4 of the Eastern Summit County Development Code.

7. DIVISIONS OF LAND FOR NON-DEVELOPMENT PURPOSES:

- A. This section sets forth a process and associated requirements wherein the Community Development Director may approve the division or partition of land into 10 parcels or less for non-Development purposes.
- B. General Criteria Prior to approval of an Application for the Division of Land For Non-Development purposes, the Community Development Director or the Director's designee must make the following findings:
1. A courtesy notice shall be mailed to each owner of property located within three hundred feet (300') of the property to be divided.
 2. The property to be divided may not be traversed by the mapped lines of a proposed right-of-way as shown in the Eastern Summit County Transportation Master Plan and does not require the dedication of any land for street or other public purposes.
 3. Where applicable, the division has been approved by the culinary water authority and the sanitary sewer authority.
 4. The property to be divided must be located in a zoned area.
 5. The property to be divided must conform to all applicable provisions of this title or have properly received a variance from the requirements of this title.
 6. The property must be described in a deed recorded with the Summit County Recorder,
 7. The proposed division must be graphically illustrated on a Record of Survey filed with the Summit County Recorder; and
 8. The proposed divisions must be memorialized in a Memorandum of Understanding prepared by the Community Development Department and recorded with the Summit County Recorder.

D. Submittal Requirements

A Record of Survey for non-Development land division shall include the following information:

1. Narrative identifying:
 - a. Purpose of the Survey.
 - b. Basis upon which the lines were established.
 - c. Identification of which found monuments and deed elements controlled the lines established.
2. Map Requirements:
 - a. The map must be permanent in nature, drawn on a stable medium and reproducible.

- b. The size of the map must be 24" x 36".
- c. The scale must be shown and must be a scale found on a standard engineers rule.
- d. North arrow.
- e. Date of Survey.
- f. Client name for indexing purposes.
- g. Location by ¼ Section, Township, and Range.
- h. Basis of bearing shall include sufficient data for retracement.
- i. Tie to section corner.
- j. Distance and Courses of all lines traced or established.
- k. All measured bearings or angles and distances separately indicated from those of record.
- l. Relationship between monument found and monuments set.
- m. Legend (set and found monument separately indicated and described by size, length, type and how marked).
- n. Surveyors business name and address, certificate, license number, signature, and seal
- o. Legal description.

C. Review Procedure: Applications for the divisions of land for non-Development purposes shall be submitted to the Community Development Department. The Community Development Director shall review the Application to ensure all necessary information has been provided in a manner consistent with this section. The Community Development Director shall prepare a Memorandum of Understanding to be recorded jointly with the record of survey with the Summit County Recorder. The Memorandum of Understanding shall state that the non-Development land division Record of Survey:

- 1. Is intended to describe in pictorial form the legal description contained in the deed.
- 2. Is acknowledged by the Community Development Director as a legally created parcel of land.
- 3. Is not for Development purposes as defined in the Eastern Summit County Development Code, as amended.
- 4. Does not guarantee Development or Land Use rights. Such rights shall be subject to all zoning regulations as set forth in the Eastern Summit County Development Code, as amended.
- 5. Does not guarantee legal access, water rights, or mineral rights; and
- 6. Prior to any Development, any land identified on the Record of Survey must meet all applicable zoning regulations and be Platted as lot(s) in accordance with the regulations set forth in Chapter 4 of the Eastern Summit County Development Code.

11-4-6: FINAL SITE PLAN REVIEW:

1. Information Required: A detailed final site plan is required for all Conditional Use Permits, Low Impact Permits, and Temporary Use Permits. Final Site plans shall contain the information set forth in this section. The Community Development Director may waive specific submittal requirements if it is determined that the submittal requirement(s) are not necessary to demonstrate compliance with the provisions of this Title.
 - a. A vicinity map at a scale of not less than one inch equals one thousand feet (1" = 1,000').
 - b. A legal description and accompanying map exhibit of the exterior boundaries of the development area giving lengths and bearings of the boundary lines at the scale of one inch equals one hundred feet (1" = 100'), showing the location and type of boundary evidenced. Such information should be provided from the recorded Plats. The legal description shall include the following data:
 1. Metes and bounds of all property lines;
 - (i) Total area of property;
 - (ii) North scale and north arrow; and
 2. Name and route numbers of boundary roads and the width of existing rights-of-way.
 - c. Existing topography with maximum contour intervals of two feet (2').
 - d. A final detailed Land Use plan at a scale of not less than one inch equals one hundred feet (1" = 100') showing:
 1. The location and arrangement of all proposed uses, including Building area.
 2. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade.
 3. A cross section elevation plan depicting all buildings, structures, monuments, and other significant natural and manmade features of the proposed development.
 4. The yard dimensions from the development boundaries and adjacent roads and alleys.

5. The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, trails, walkways and bicycle paths.
6. Off road parking and loading areas and structures, and landscaping for parking areas.
7. Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities.
8. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping.
9. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.
10. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.
11. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas.
12. All existing monuments found during the course of the survey (including a physical description such as "brass cap").
13. All existing easements or rights-of-way, including those contiguous to the Platted area, their nature, width, and the book and page number of their recording in the County records.
14. All rights-of-way and easements and trails (including open space) created by the Subdivision with their boundary, bearings, lengths, widths, name, number or purpose. For curved boundaries, the curve radius, central angle and length of arc shall be given.
15. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
 - (a) The area of all parcels created, total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels;
 - (b) Total number of dwelling units, by development phase;
 - (c) Residential density and units per acre;
 - (d) Total floor area and floor area ratio for each type of use;

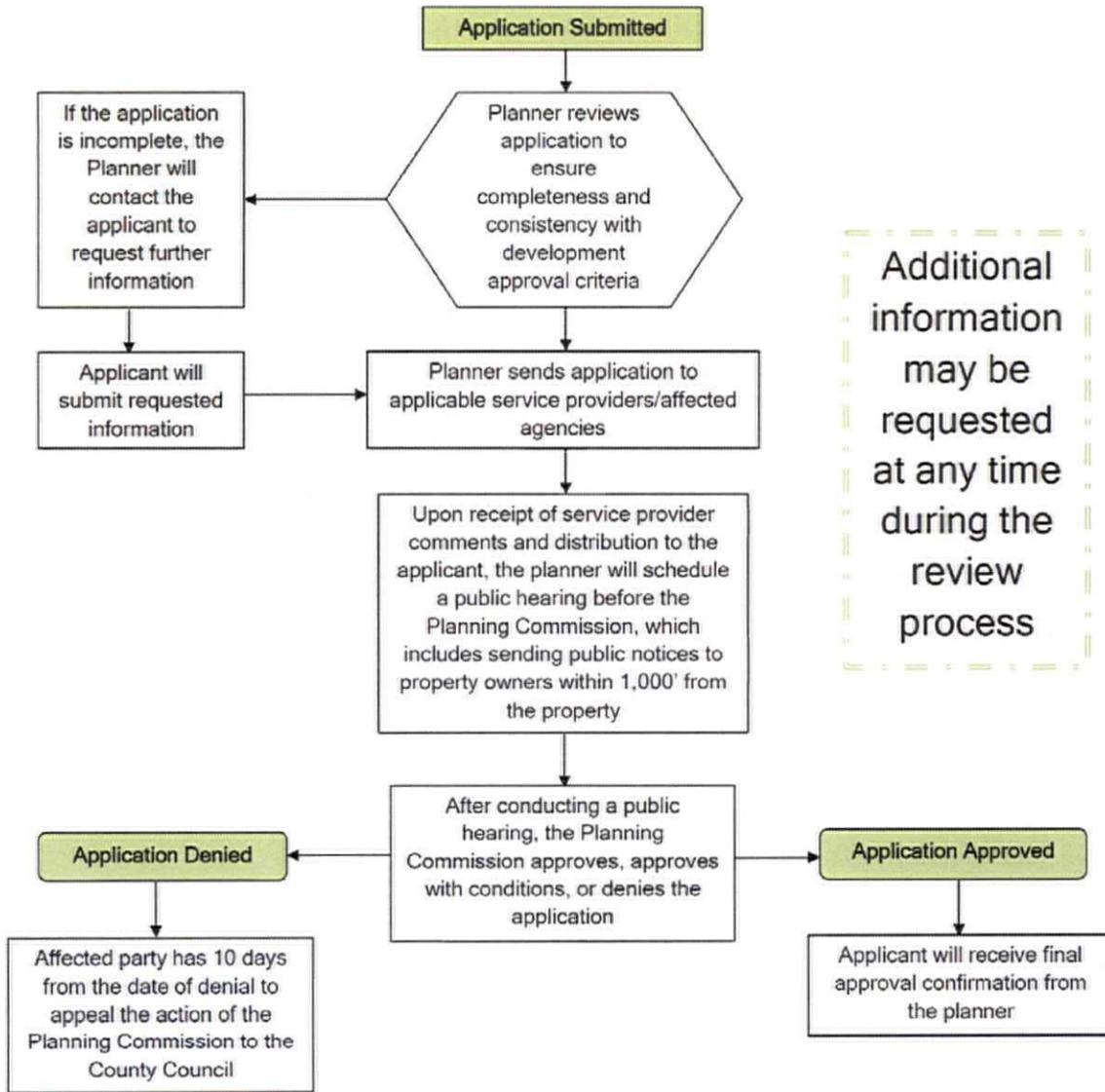
- (e) Total area in open space and length of trails;
- (f) Total area in developed recreational open space; and
- (g) Total number of off road parking and loading spaces.

2. Site Plan Contents: In addition to the requirements of Subsection A of this Section, the final site plan shall conform to current surveying practice and shall show the following information:
- a. A title block giving the Subdivision's name and the quarter-quarter section, section, township, range, principal meridian, and county of its location.
 - b. A notation of any adjoining Plats or certificates of survey and titles thereto.
 - c. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.
 - d. The owner's certificate of consent, including a legal description of the Subdivision's boundaries and the dedication of public ways or spaces. This certificate shall be signed, dated and notarized.
 - e. The owner's certificate should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
 - f. A certificate of consent from any and all mortgagors, lien holders, or others with a real property interest in the Subdivision. These certificates shall be signed, dated and notarized.
 - g. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.
 - h. Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Commission, County Manager, County Recorder, County Engineer, County Attorney, Power, and Gas companies (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.
3. Site Plan Materials, Size, Copies: Plans may be prepared on linen or on a stable base polyester film (Mylar). Plans may be either eighteen inches by twenty four inches (18" x 24"), or twenty four inches by thirty six inches (24" x 36"). Three (3) paper copies shall be submitted along with the linen or film copy.

4. Multiple Sheets: Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index, and all required certificates shall appear on a single sheet (along with the index and vicinity maps). (Ord. 323, 3-9-1998)
5. Review Procedure:
 - A. The Community Development Director or designated planning staff member shall review the Final Site Plan Application and prepare a staff report to the Planning Commission and make findings and recommendations. The Planning Commission shall review the Application and staff report and approval, approve, approve with conditions or denial after a public hearing.

DRAFT

CONDITIONAL USE PERMIT



11-4-7: CONDITIONAL USE REVIEW:

1. Purpose: It is recognized that there are activities which, because of the nature of the intended Land Use and potential impact upon the Use and enjoyment of neighboring properties, require special review these Uses, referred to as Conditional Uses, are identified in the Chart of Allowed and Conditional Uses in Section 11-3-14 of this Title. Conditional Uses shall be reviewed in accordance with the following criteria and procedures.

2. Findings for Approval: Before an Application for a Conditional Use Permit is approved, the Planning Commission must conclude that factual evidence exists to verify the following findings:
 - a. The proposed Use, as conditioned, shall be appropriate in the particular location, taking into account the nature of the Use, its relationship to surrounding Land Uses and its impact on the natural environment.

 - b. The proposed Use, as conditioned, shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.

 - c. The Applicant shall present evidence to show approval of the landowner for the particular Use, unless the land is owned by the Applicant and, in such case, the Applicant shall submit proof of ownership.

 - d. The Use will not adversely affect, in a significant manner, the public health, safety, and welfare.

3. Review Procedure:
 - A. The Applicant shall submit a completed Conditional Use Permit Application and all information set forth in this section. The Community Development Director may waive specific submittal requirements based on a finding that the information is not necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or Planning Commission may require additional information based upon a finding that the information is necessary to evaluate the project's compliance with the standards of this Title. The Community Development Director or designated planning staff member shall review the Application and shall make findings and recommendations and shall schedule a review before the Planning Commission as soon thereafter as may be practicable.

 - B. The Planning Commission shall review the project and the staff report. After holding a Public Hearing, the Planning Commission

shall approve, approve with conditions, or deny the proposed Conditional Use.

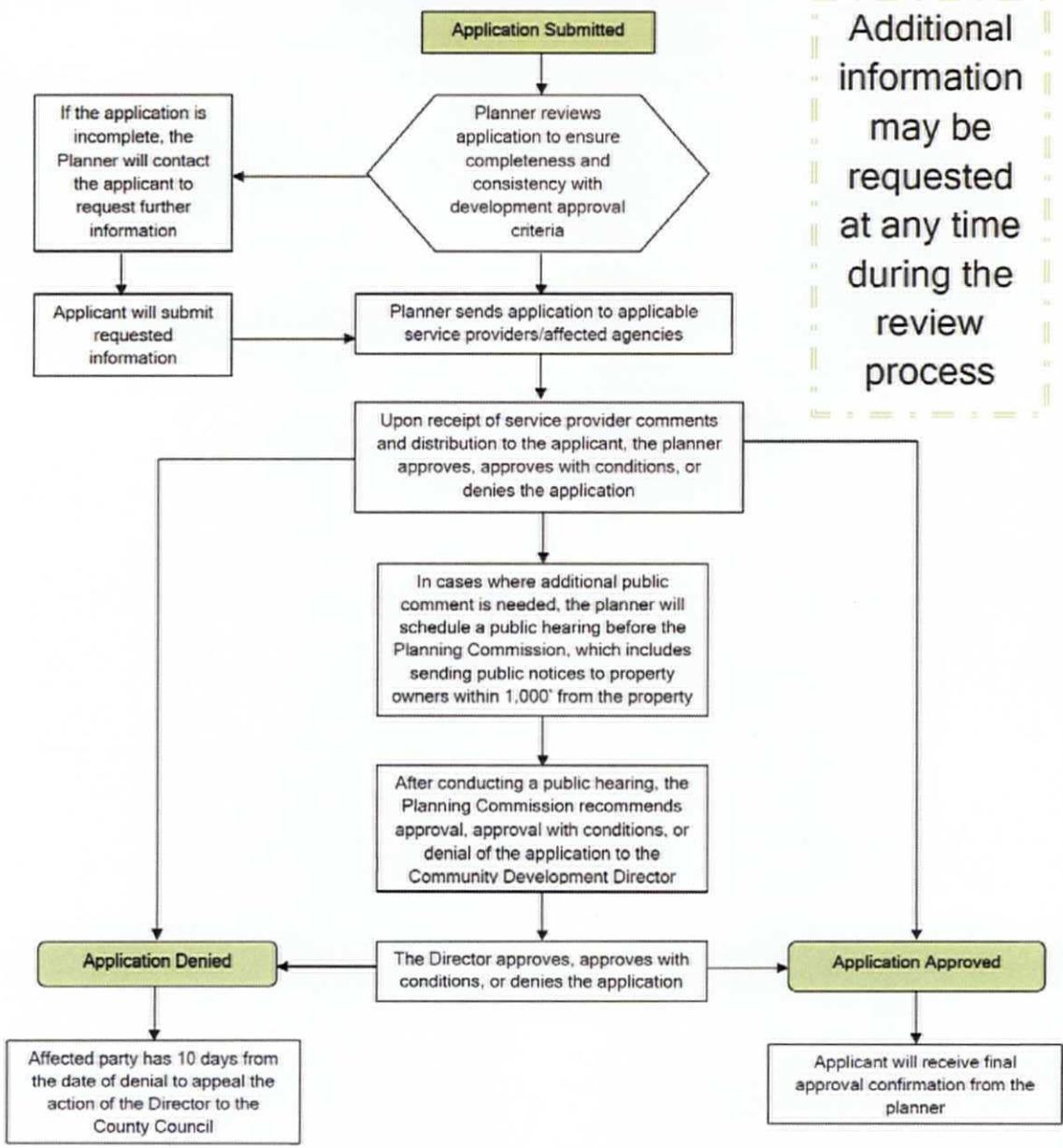
4. Time Limit for Action: Unless otherwise approved by the Planning Commission, Conditional Use Permits shall expire in one (1) year from the date of Planning Commission's written approval unless the Conditional Use Permit activity has commenced.
5. Periodic Review Process: Conditional Use Permits are subject to periodic reviews by the Community Development Director or designated planning staff member to assess if the conditions of approval are being satisfied. If the original conditions associated with the Conditional Use Permit are not being satisfied, the Planning Commission may commence a review of the Conditional Use Permit and possible revocation action.
6. Establishment of a Conditional Use Permit. Final approval of a Conditional Use Permit shall be in the form of a letter to the Applicant specifically identifying each condition together with the approved site plan and any other accompanying documents determined to be relevant by the Community Development Director or designated planning staff member and stamped approved.
7. Amendments to Conditional Use Permits:
 - A. Minor Amendment: A minor amendment is defined as an amendment that does not increase the square footage, density, or intensity of a previously approved Conditional Use Permit, which may be approved by the Community Development Department administratively.
 - B. Major Amendment: A major amendment is defined as an amendment that increases square footage, density, and/or intensity of a previously approved Conditional Use Permit. A major amendment may be commenced by filing a Conditional Use Permit Application and paying the fee for the review thereof.
8. Adult/Sex-Oriented Facilities: See Appendix B of this Title for Adult/Sex-Oriented Facilities and Businesses requirements.
9. Additional criteria for oil wells, gas wells and steam wells. A Conditional Use Permit Application shall be reviewed and approved for oil, gas, and steam wells according to the following additional criteria:
 - A. Access to the drill site shall utilize existing roads as much as possible.
 - B. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to maintain existing drainage patterns.

- C. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and drill site.
 - D. The drilling and production operation shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, and odors.
 - E. All waste shall be disposed of in such a manner as to comply with the air and water quality regulations of state and county ordinances.
 - F. Firefighting apparatus and supplies as approved by the County Wildland Fire Marshall shall be maintained on the drilling site at all times during drilling and production operations.
 - G. Upon completion or abandonment of the well, all disturbed areas, including the drill site and staging areas shall be reclaimed by re-contouring the area blend with the natural terrain, replacing top-soil and re-vegetating. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - H. Drill sites and/or staging areas located on sensitive lands such as steep slopes and ridgelines or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as hours of operation, screening and buffering, fencing, traffic, and lighting.
10. Additional criteria for wind power generation facilities. A Conditional Use Permit Application shall be reviewed and may be approved for wind power generation facilities according to the following additional criteria:
- a. Access to the site shall utilize existing roads as much as possible.
 - b. Any required grading and associated cut and fill areas shall be re-vegetated and contoured to blend into the natural terrain and maintain existing drainage patterns. A weed mitigation plan shall be implemented as part of the re-vegetation plan for all disturbed areas.
 - c. Erosion control best management practices in accordance with County Ordinance 381-A shall be applied to all disturbed areas, including roads, staging areas and facility site.
 - d. Transmission lines shall be located along existing roadways where possible or in other locations that avoid vegetation disturbance and visual scaring of prominent hillsides.

- e. Facility sites located on sensitive lands such as steep slopes, ridgelines, view corridors or within one (1) mile of a residential areas (including recreational cabins) or public buildings shall be subject to the Conditional Use review and approval process and may include additional review criteria such as height, colors, and security fencing.

DRAFT

LOW IMPACT PERMIT



11-4-8:

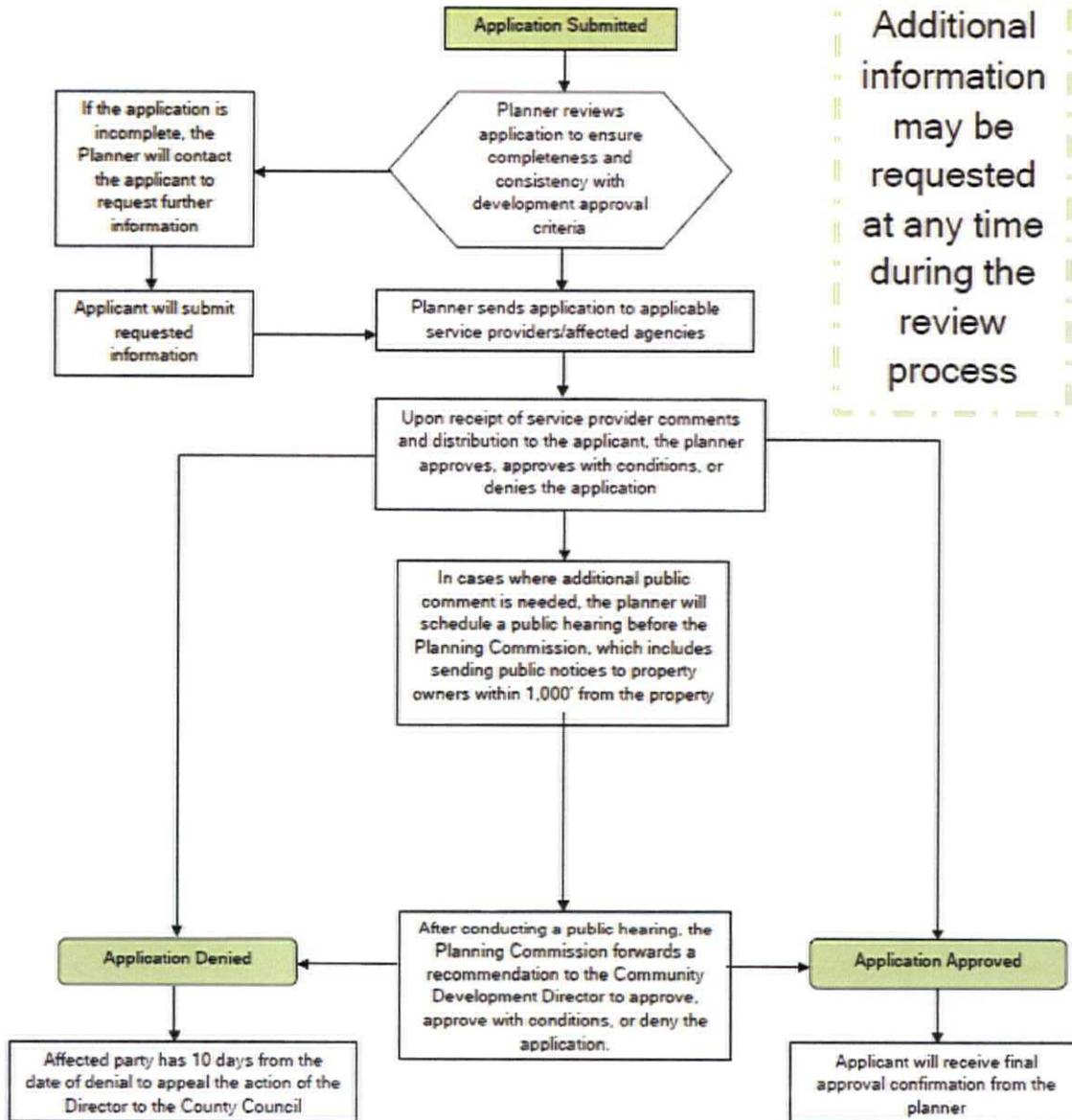
LOW IMPACT PERMIT REVIEW:

1. Purpose: The purpose of the Low Impact Permit is to provide a process and procedure for reviewing and approving, approving with conditions, or denying a Low Impact Use. Upon compliance with the provisions of this Section, a Low Impact Use approval may be granted by the Community Development Director or designated planning staff member, with reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare.
2. Applicability: The Low Impact Review Process can be utilized to obtain administrative approval for projects determined to be low impact and which are in conformance with the Development Evaluation Standards and general regulations of the Code. An Application for approval of a Low Impact Permit shall be commenced by filing a plan and paying the applicable fee with the Community Development Department.
3. Review Procedure:
 - A. The Applicant shall provide a Development plan and description of the proposed project. The plan shall contain enough information, in graphic and text form, to adequately describe to the satisfaction of the Community Development Director or designated planning staff member the applicant's intentions with regard to use, site layout and compliance with the "Code," and any applicable ordinance, development permit, or development agreement.
 - B. In proposals where the Community Development Director or designated planning staff member determines that potential issues may arise or additional comment is needed or has been received from the community, a Public Hearing on the Conditional Use Permit Application may be scheduled with the Planning Commission. Following the Public Hearing, the Planning Commission shall approve, approve with conditions or deny the Application.
 - C. The Community Development Director or designated planning staff member shall determine whether the Application is sufficient and in compliance with the provisions of the Code. The Community Development Director or designated planning staff member may require the Applicant to submit such additional information as may be necessary to determine whether the Application conforms to the requirements of the Code.
 - D. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the Low Impact Permit Application and shall communicate the decision to the Applicant. The

Community Development Director or designated planning staff member may impose all reasonable conditions necessary to ensure compliance with applicable provisions of Chapter 2 of the Code. The Community Development Director or designated planning staff member may also provide written notice of such decision to any persons who have requested notice of such decision. Any person aggrieved by such decision may appeal the decision in accordance with the provisions of the Code. Oil, gas and steam wells are exempt from this provision and are allowed by right according to the standards described in Section 11-4-10(F) below.

- E. The Planning Commission shall periodically be provided with a list of the Low Impact Permits that have been issued by the Community Development Director or designated planning staff member, or as requested.
4. Findings for Approval. Before a Low Impact Permit is approved, the Community Development Director or designated planning staff member must conclude that factual evidence exists to verify the following findings:
- A. The use conforms to all applicable requirements of the Code and state and federal regulations.
 - B. The use is consistent with the goals and policies of the Eastern Summit County General Plan.
 - C. The Use conforms to all requirements in Chapter 2 of this Code, Development Evaluation Standards.
 - D. The use is not detrimental to public health, safety and welfare.
 - E. The use is appropriately located with respect to public facilities and services.
 - F. The natural topography, ridgelines, soils, critical areas, watercourses and vegetation shall be preserved where possible through careful site planning and design of access routes, circulation areas, buildings and other structures, parking areas, utilities, drainage facilities and other features.

TEMPORARY USE PERMIT



11-4-9 TEMPORARY USE REVIEW:

1. Purpose: Upon compliance with the provisions of this section, a Temporary Use approval may be granted, upon reasonable conditions necessary for the protection and preservation of the public health, safety, and welfare. This Section is intended to provide a process and procedure for reviewing and approving, approving with conditions, or denying a temporary use, or limited duration activity that will provide an overall benefit to the community for the time frame during which it is permitted to exist.

2. Findings for Approval: Before an Application for a Temporary Use is approved, the Community Development Director or Planning Commission must conclude that factual evidence exists to verify following findings:
 - A. The use shall not adversely affect, in a significant manner, the public health, safety, and welfare.

 - B. The proposed Use shall be appropriate, on a temporary basis, in the particular location, taking into account the nature of the Use, its relationship to surrounding Land Uses and its impact on the natural environment.

 - B. The proposed Use shall be in compliance with the Development Evaluations Standards in Chapter 2 of this Title.

 - C. The Applicant shall present evidence to show approval of the landowner for the particular Use, unless the land is owned by the Applicant and, in such case, the Applicant shall submit proof of ownership.

 - C. The site shall be returned to its original condition or, when significant disturbance has occurred, to a condition approved by the Planning Commission.

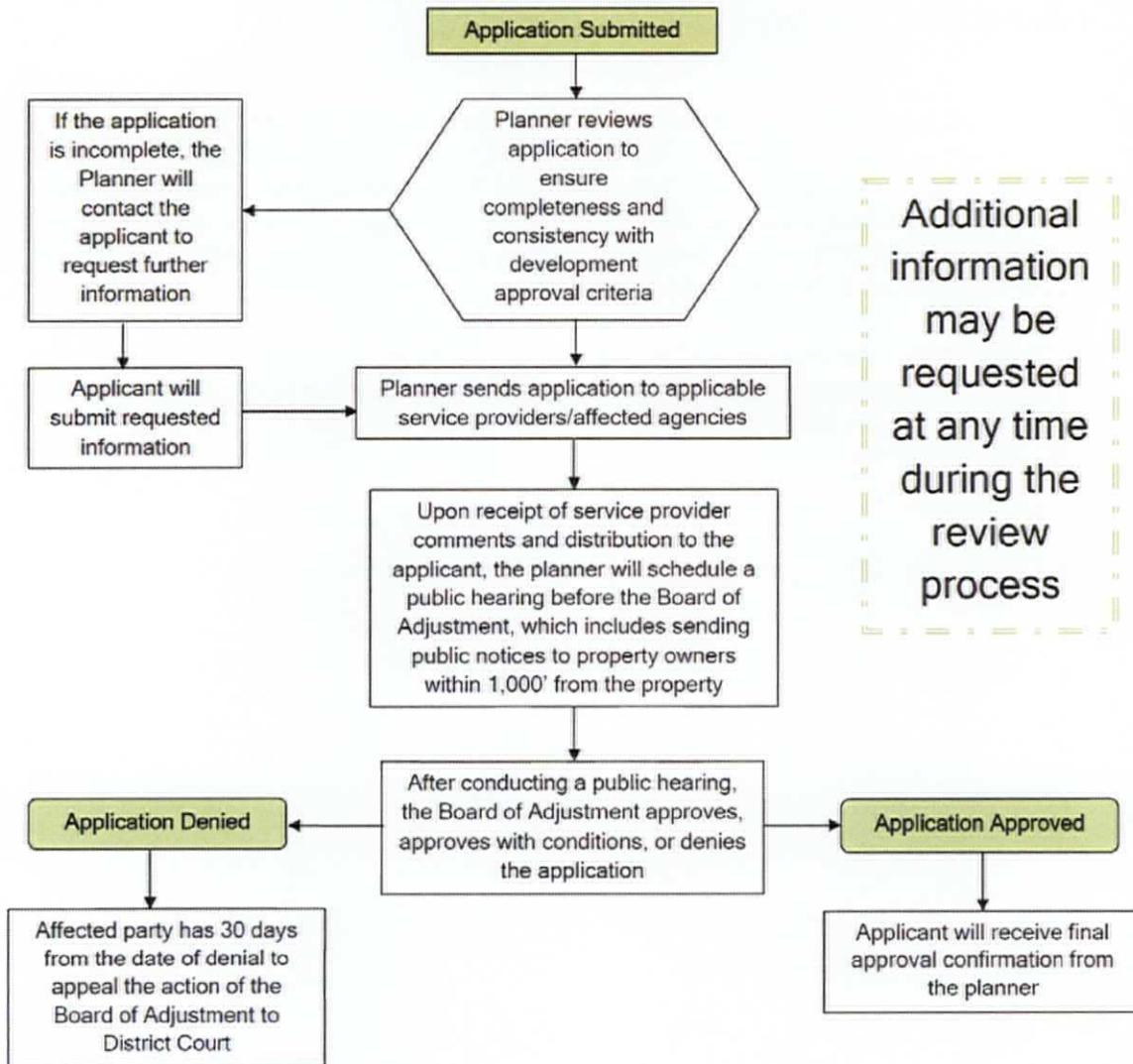
3. Review Procedure:
 - A. Temporary uses shall not be permitted for a period to exceed one (1) year. The Applicant shall submit a completed Temporary Use Application and all information deemed necessary and reasonable by the Community Development Director or designated planning staff member to permit the county the opportunity to conduct a detailed assessment of the impacts of the proposed use. The Community Development Director or designated planning staff member shall approve, approve with conditions or deny the temporary use Application and shall communicate the decision to the applicant. Approval of a Temporary Use

shall not be considered valid unless a specific period of time during which the use may exist and operate designated. The Community Development Director or designated planning staff member may consider and approve one six (6) month extension of a temporary use.

- B. Referral of Application by Community Development Director to Planning Commission: The Community Development Director or the Director's designee may refer any Temporary Use Application or Temporary Use Extension to the Planning Commission due to the complexity of the Application or the significance in change to the property or the surrounding area. The Community Development Department shall schedule the matter before the Eastern Summit County Planning Commission for a Public Hearing and possible action. Following the Public Hearing, the Planning Commission shall make a recommendation to the Director or designated planning staff member regarding an approval, approval with conditions or denial of the Application.

DRAFT

ZONING VARIANCE

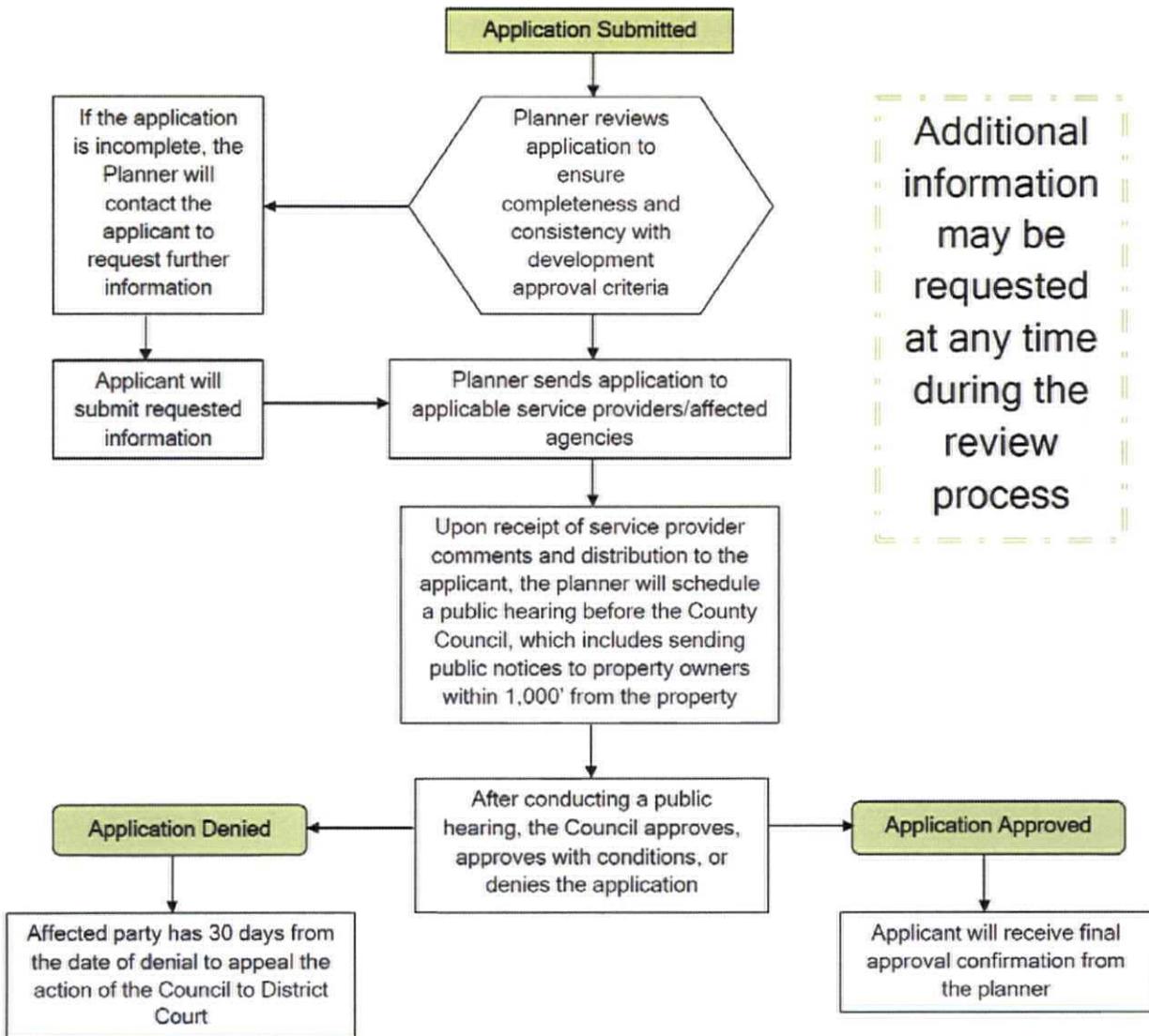


11-4-10: ZONING VARIANCES:

1. Any person or entity desiring a waiver or modification of the requirements of this Development Code as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Summit County Board of Adjustment for a variance from the terms of the Code.
2. Prohibited Variances: The Board of Adjustment may not grant a use variance.
3. Standards: The Board of Adjustment may grant a variance only if:
 - a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use ordinances;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same Zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zone;
 - d. The variance will not substantially affect the General plan and will not be contrary to the public interest; and
 - e. The spirit of the Land Use ordinance is observed and substantial justice done.
4. Circumstances Peculiar to Property: In determining whether or not enforcement of this title would cause unreasonable hardship under standard a. of this section, the Board of Adjustment may not find an unreasonable hardship unless:
 1. The alleged hardship located on or associated with the property for which the variance is sought; and
 2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
5. Self-Imposed Or Economic Hardship: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
6. Special Circumstances: In determining whether or not there are special circumstances attached to the property under Section 3 of this chapter, the Board of Adjustment may find that special circumstances exist only if the special circumstances:

1. Relate to the hardship complained of; and
 2. Deprive the property of privileges granted to other properties in the same zone.
7. Conditions: In approving a variance, the BOA may impose additional requirements on the applicant that will:
- a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.
8. Variances run with the land.
9. Review Procedure:
- A. The Community Development Director or designated planning staff member shall review the Board of Adjustment Application and make preliminary findings as to whether the Application complies with the standards for approving a variance established in this Title.
 - B. If applicable, the Community Development Director or designated planning staff member may secure input regarding the proposed request from any affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a Public Hearing before the BOA.
 - C. The BOA shall review the proposal and staff report. After conducting a Public Hearing, the BOA shall approve, approve with conditions, or deny the proposed request.

SPECIAL EXCEPTION



Additional information may be requested at any time during the review process

11-4-11: SPECIAL EXCEPTIONS:

1. Purpose: Where the County Council finds that an Applicant has a unique circumstance or equitable claim which makes strict enforcement of the provisions of this Title unduly burdensome, it may, after a Public Hearing, approve special exceptions to the zoning provisions of this Title so that substantial justice may be done and the public interest secured; provided that the special exception does not have the effect of nullifying the intent and purpose of this Title or any provision thereof.
2. Criteria for Approval: The County Council shall not approve a special exception unless the Applicant demonstrates compliance with each of the following:
 - A. The special exception is not detrimental to the public health, safety, and welfare;
 - B. The intent of the Development Code and General Plan will be met;
 - C. The Applicant does not reasonably qualify for any other equitable processes provided through the provisions of this Title; and
 - D. There are equitable claims or unique circumstances warranting the special exception.
3. Submission Requirements: An Application for a Special Exception shall not be accepted as complete unless such Application contains sufficient information in graphic and text form to adequately describe the applicant's objective and all applicable fees are paid.
4. Review Procedure:
 - A. If applicable, the Community Development Director or designated planning staff member may obtain input regarding the proposed Special Exception from all affected agencies and service providers. Upon receiving such information, the Community Development Director or designated planning staff member shall prepare a report and make findings and recommendations and shall schedule a Public Hearing before the County Council as soon thereafter as may be practicable.
 - B. The County Council shall review the proposal and staff report. After conducting a public hearing, the County Council shall approve, approve with conditions, or deny the Special Exception request.

APPENDIX A DEFINITIONS

For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this appendix (called "Capitalized Terms"). Where definitions are given in another chapter or section of this title that apply to only that section or chapter, those definitions shall apply first.

Capitalized Terms uses in this code have the meaning as stated in this section. If the term starts a sentence and is intended to have the meaning ascribed to it in these definitions, then term must be followed by its initial letter in parentheses in caps to denote the meaning. e.g. "Structures (S) are not allowed in wetlands." When terms are not capitalized then they have the meaning that is conferred by common usage and the context in which they are used. "Shall" is always mandatory.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include singular; the word "herein" means "in these regulations"; the word "regulation" means "these regulations" the word "Code" means "the Eastern Summit County Development Code" or "this Title".

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to structures, facilities, land or parcel.

ADMINISTRATIVE PERMIT: A permit issued by the planning staff, Community Development Director or building official for specified uses after compliance with applicable zoning or development code regulations is determined.

ADULT / SEXUALLY ORIENTED BUSINESS: Defined according to Section 10-5-2 of the County Code of Summit County et seq.

AGRICULTURE: The tilling of the soil, raising of crops (including timber), forage, grazing and raising of animals/fish for agricultural purposes.

AGRICULTURE ADVISORY BOARD: The Agriculture Advisory Board (Advisory Board) as so designated by the County Manager for the purposes of assisting in the implementation of the agricultural protection measures and incentives described in this title.

AGRICULTURAL BUILDING: a Building or Structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the Person(s) engaged in agriculture. Agricultural Buildings do not include dwelling units.

AGRICULTURAL EXEMPTION: Agricultural structures used for agriculture as defined by State Code.

ANTENNA: Any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials and shapes, including, but not limited to, solid or wire mesh dish, cone, spherical or bar configurations used for wireless transmission. Types of antennas include, but are not limited to, the following:

A. Roof Mounted Antenna: An antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall which is on the rooftop of a building.

B. Top Hat Antenna: Spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna mounting structures are more than two feet (2') in width as viewed looking directly at the structure.

C. Wall Mounted Antenna: Any antenna mounted directly to the fascia or outside walls of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

ANTENNA SUPPORT STRUCTURE: A structure, the principal purpose of which is for location of antennas. Types of antenna support structures may include:

A. Lattice Tower: A multiple sided, open steel frame structure used to support one or more antennas.

B. Monopole: A standing antenna support structure placed directly on the ground to support one or more antennas.

APPLICANT: The owner of land and/or his/her representative seeking formal County action.

APPLICATION: A form or checklist supplied by the Community Development Department, indicating the data and information necessary to process the applicant's proposed project.

ARTERIAL: Any road intended to provide direct year around connection to other jurisdictions, or which links such roads, and is intended or used primarily for free flowing traffic movement. Traffic velocity is generally greatest on arterial roads, due primarily to road design.

ATTACHED BUILDING: Units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrance for all units.

AUTO IMPOUNDMENT YARD AND ASSOCIATED TOWING SERVICES: An outdoor storage facility for impound of automobiles brought there by a towing service.

AUTOMOTIVE SALES: An establishment primarily engaged in the sale or rental of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats,

including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

AUTOMOTIVE REPAIR, SERVICE AND DETAILING: An establishment primarily engaged in the repair of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.

AUTO WRECKING YARD: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

BANKS AND FINANCIAL SERVICES: An establishment primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond broker's loan and lending activities.

BARS, TAVERNS, NIGHTCLUBS: An establishment serving alcoholic beverages for consumption on the premises.

BED AND BREAKFAST INNS: A dwelling, including those dwellings of historical significance, in which two (2) to eight (8) rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

BUILDING: Any Structure built for the support, shelter or enclosure of persons, animals, or movable property.

BUILDING, ACCESSORY: A Building upon the same lot (or on a contiguous lot under the same ownership) as the principal Building and which is: a) clearly incidental to, and customarily found in connection with, such principal Building or Use; and b) is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use.

BUILDING CODE: The International Building Code (IBC) as adopted by the County.

BUILDING OFFICIAL. The Building Official as defined in the IBC

BUILDING ENVELOPE: The building envelope denotes that area within which a structure must be located. A building envelope is designated by building setback lines or can be shown specifically on a subdivision plat.

BUILDING PERMIT: An official document or certification that is issued by the Building Official and which authorizes the construction, enlargement, alteration, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a

Building or Structure.

BUSINESS: Any lawful enterprise, profession, occupation or activity engaged in by a Person with the objective of profit, gain, benefit or advantage, direct or indirect, which is conducted within Eastern Summit County.

BUTCHER WITH SLAUGHTERING, RETAIL: A commercial establishment for small-scale slaughtering and processing of animals, including the sale of meat and related products.

BUTCHER, RETAIL: A commercial establishment for the processing of animals, including the sale of meat and related products.

CAMPGROUND: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, tents, mobile trailers, and other temporary housing for dwelling, lodging, or sleeping purposes on a temporary recreational basis. Does not include manufactured housing communities or similar long-term housing Developments or trailer parks.

CARWASH: The Use of a site for washing and cleaning of vehicles in a commercial operation open to the public. Does not include facilities that are accessory uses to the principal permitted Use.

CELL ON WHEELS (COW): A mobile temporary telecommunications facility which is located on a trailer. COWs are subject to Temporary Use permits (see use chart)

CEMETERY: Land used or dedicated to the burial or interment of the dead, including crematoriums and mausoleums.

CHILD CARE, IN-HOME (4 CHILDREN OR LESS): Providing child care services within a dwelling home for four or less children.

CHILD CARE, FAMILY (FEWER THAN 9 CHILDREN): A child care facility operated by a party who resides at the premises used for child care services, which provides service for fewer than nine children.

CHILD CARE, FAMILY (WITH 9-16 CHILDREN): Providing child care services within a dwelling that is licensed by the state wherein are received nine or more children under 17 years of age who are not related to such person and whose parents or guardians are not residents in the same house with such person responsible for the control and care of children enrolled therein.

CHILD CARE, COMMERCIAL: Providing child care services within a commercial establishment that is licensed by the state wherein are received children under 17 years of age.

CHURCHES / HOUSES OF WORSHIP: A Building used for non-profit purposes by a recognized and legally established sect primarily for the purpose of worship.

COLLECTOR ROAD: A road intended to move traffic from local roads to arterial roads. Collector roads typically collect traffic from a neighborhood or large subdivision and provide a connection to the arterial road system.

COLOCATION: A telecommunications facility includes a single antenna support structure, but more than one telecommunications provider's antennas and telecommunication equipment.

COMMERCIAL USE: the act of selling goods or services under a business license as required by the County; includes non-profit enterprises and 501 C3 operations.

COMMUNITY DEVELOPMENT DIRECTOR: The Director of the Community Development Department, with overall administrative control of the planning, building and zoning functions of the county, under the direction of the County Manager.

CONDITIONAL USE: Land Uses that because of their potential detrimental impacts may require mitigation in order to be permitted under this code. Conditional Uses are allowed in a Zone only if the reasonably anticipated detrimental effects of the Use can be substantially mitigated through the imposition of reasonable conditions.

CONDOMINIUM: Any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act, whether for residential, non-residential, and any other use.

CONSTRUCTION PLAN: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission or county engineer as a condition of the approval of the plat.

CONTRACTOR'S OFFICE: A room or group of rooms used for conducting business affairs that does not use any exterior storage area.

CONTRACTOR'S YARD: Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components uses by the owner or occupant of the premises in the conduct of any building trades or building craft. **CORNER LOT:** A Lot located at the intersection of two roads/streets.

COUNTY COUNCIL: The Legislative Body of Summit County, Utah.

COUNTY MANAGER: The Chief Executive Officer of Summit County, Utah.

CRITICAL AREA: Fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, streams and wetlands.

CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as firefighting and other public safety equipment.

DENSITY, BASE: The maximum number of Dwelling Units permitted per acre(s) of land by a Zone district.

DENSITY, RESIDENTIAL: The sum of all Residential Dwelling Units within a development or Zoning District. Often expressed as Units per Acre.

DENSITY COMMERCIAL: The Floor Area of a Structure within a Lot or Parcel calculated as a ratio of Floor Area /Lot or Parcel area.

DEVELOPER: The person, persons, corporation, firm or partnership proposing to engage, or who is engaged, in DEVELOPMENT.

DEVELOPMENT: the act of building a Structure for the purpose of Residential, Commercial, Industrial, Institutional or Municipal Use along with the necessary infrastructure improvements directly related to the construction of the same: includes Accessory Buildings. Development does not include, minor grading (cuts and fills less than three feet), Structures not regulated by the Building Code (including Building Code exempt retaining walls), flat work such as concrete slabs, patios, walkways and driveways, revegetation, landscaping, erosion control or underground utilities and infrastructure within an existing Lot or Parcel..

DEVELOPMENT AGREEMENT: An agreement between a developer or property owners and the county pursuant to the provisions of this title contained herein adopted in connection with a legislative act.

DISTILLERY: A place where liquor is manufactured.

DRIVEWAY: A means of access to one but not more than five (5) one-family dwelling units. Without assurances that only five (5) dwellings will use a driveway, it shall otherwise be a local road.

DWELLING UNIT, MULTI-FAMILY: A dwelling unit in a structure containing three (3) or more dwelling units sharing common vertical walls or floors/ceilings, but not including hotels, lodges and other similar uses.

DWELLING UNIT, ONE-FAMILY: A detached principal building, other than a mobile home, designed for and used as a dwelling unit exclusively by one family and its guests. . May be referred to as a single-family dwelling unit.

DWELLING UNIT, SINGLE-FAMILY ATTACHED: A dwelling unit in a structure containing two (2) or more units sharing one or more vertical and no horizontal common walls, each of which is designed for and used as a dwelling unit exclusively by one family and its guests. May also be referred to as a townhouse.

DWELLING UNIT: A building or portion thereof containing living facilities, including provisions for sleeping, eating, cooking and sanitation, and is intended for occupancy by a family and its guests, independent of other families.

DWELLING UNIT, ACCESSORY: An area used by the owner of the primary residence or primary tenant/business as a dwelling for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest or similar users. An accessory dwelling unit shall contain cooking, sanitation and sleeping facilities.

DWELLING UNIT, AGRICULTURAL EMPLOYEE: A one-family dwelling unit located on an agricultural parcel/lot. The dwelling unit must be an accessory use to the principal dwelling unit and agricultural operation of the property. An agricultural employee dwelling unit shall contain cooking, sanitation and sleeping facilities.

EASEMENT: A quantity of land set aside over which a liberty, privilege or advantage in land without profit exists distinct from the ownership of land, which is granted to the public or some particular person or part of the public.

EQUIPMENT RENTAL, HEAVY: The temporary leasing of a movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders or lifts having a gross weight of 2.5 tons or more.

EQUIPMENT RENTAL, LIGHT: The temporary leasing of tools, lawn and garden equipment, recreation equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

ESCROW: A deposit of cash with the county or approved alternate entity in lieu of an amount required and still in force on a performance or maintenance guarantee.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons who are not related, occupying the same dwelling unit on a continuous basis.

FENCE: A structure constructed for reasons of privacy, security or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls.

FINAL APPROVAL: Final approval by the County Manager, County Council, Planning Commission, Board of Adjustment or Community Development Department, where commission action is not always required, of a plan, project, rezoning, use, activity or other action that shall be given after all the requirements set out in the preliminary approval have been met and after all concerns of all service providers regarding such plan, project, rezoning, use, activity or other action have been addressed and answered.

FINAL PLAT: The map or plan of a subdivision and any accompanying material, as

described in these regulations, that is intended to be recorded in the office of the Summit County Recorder.

FLOODPLAIN: An area adjoining a river, stream or watercourse, or other body of standing water, in which a potential flood hazard exists due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses designated as a floodplain by the Federal Emergency Management Agency.

FLOOR AREA: The total of all square footage of floor space within all floors of a building as measured from the inside of the exterior walls. Does not include attics, crawl spaces, attached garages, loading areas, breezeways, enclosed or unenclosed porches, elevator or stair bulk heads, and decks ~~and non-habitable spaces~~ within a Structure.

FLOOR AREA RATIO: The percentage of the Floor Area divided by the sum of the square feet of the Lot or Parcel on which it sits.

FOOD PROCESSING, COMMERCIAL: An establishment that transforms raw ingredients into food or transforms food into other forms for consumption.

FORESTRY: The Use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes. Does not include the temporary or long-term operation of a sawmill.

FUNERAL SERVICES: An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral home, crematoriums, or mortuaries.

GAS AND FUEL, STORAGE AND SALES: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing.

GASOLINE SERVICE STATION WITH OR WITHOUT CONVENIENCE STORE: A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises, often in combination with the retailing of items typically found in a convenience market or supermarket.

GENERAL PLAN: The General Plan for Eastern Summit County, prepared by the Planning Commission and the County Council, pursuant to state law.

GEOLOGICAL HAZARD: The hazard presented by surficial or deep geological instabilities including, landslides, rapid erosion, rock fall, liquefaction and earth quakes.

GEOLOGICAL HAZARD AREA: A site where risk of harm from one or more Geological Hazards is present.

GOVERNMENT LOTS: A subpart of a section which is not described as an aliquot part of the section, but which is designated by number, for example, Lot 3. A lot may be regular or irregular in shape, and its acreage may vary from that of regular aliquot parts. (an aliquot part is the standard subdivisions of a section, such as a half section, quarter section, or quarter-quarter section).

GRADE, NATURAL: The existing profile of the surface of the land prior to any ground disturbance resulting in a change to the topography. When existing grade does not exist due to excavation, landslide or other disturbances regardless of cause, Natural Grade will be established by the Development Director based on best available information. Such designation is subject to appeal to the Planning Commission.

GRADE, FINISHED: The finished or resulting grade where the surface of the ground meets the building after the completion of development.

GUEST RANCH or LODGE: A Commercial Use consisting of recreational activities that may include, but are not limited to, horseback riding, fishing, hunting, skiing and snowmobiling. The Guest Ranch may include overnight lodging, food service, meeting and conference facilities as well as other uses

HEALTH CARE FACILITIES: A facility or clinic, whether public or private, principally engaged in providing services for health maintenance, diagnosis, and treatment. Services are provided on an outpatient basis only, and of a smaller scale than a Hospital.

HEALTH DEPARTMENT AND HEALTH OFFICER: The person within the Summit County Health Department, so designated by the County Council, to administer the health regulations of the county and/or state.

HEIGHT: For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of a flat or pitched roof or other portion of a structure. This measurement shall occur at any point within the exterior walls of the building or structure. Vertical architectural features on Houses of Worship, such as steeples which are associated with the religious function of the building, may be constructed 2-1/2 times the height of the building.

HOME OCCUPATIONS: Those occupations or professions which may be conducted within a dwelling unit or on the premises thereof and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HORSE BOARDING, COMMERCIAL: An establishment providing for the housing, breeding, raising, or care of horses owned by person(s) other than the property owner or occupant, for a fee.

HOSPITAL: An establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, emergency treatment facilities, diagnostic services, out-patient facilities, training facilities, medical offices, or staff residences.

HOTEL, MOTEL OR INN: An establishment containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels, but not including lock-outs or boarding houses. Motels are generally an establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

HOUSING, MODERATE INCOME: Housing that is affordable, either for rent or for sale, to households that earn no more than eighty percent (80%) of the Area Median Wage.

INDOOR ENTERTAINMENT: An establishment providing entertainment or recreational activities within an enclosed building, such as motion picture theaters, live theaters, roller skating, bowling, ice skating and similar uses.

INDUSTRIAL USES: Operations which include the storage, manufacturing and processing of agricultural or timber products, minerals extraction and production, treatment, packaging, wholesaling, fabrication, assembly and warehousing.

INSTITUTIONAL USES: A use operated by a private or public non-profit educational, recreational, charitable or public service organization, such as having the purpose primarily of serving the general public, but not including Houses of Worship.

KENNEL, COMMERCIAL: Any premises, except where accessory to an agricultural use, where five (5) or more domestic animals, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use.

LAKE: A lake is a large body of still water formed naturally that is surrounded by land.

LOCAL ROAD: A roadway intended to provide access to and from a local subdivision or a cluster of single-family attached and/or multi-family dwelling units. It provides access to abutting properties.

LOGGING CAMP: An establishment engaged in cutting down trees for commercial purposes, including transportation to a sawmill. A "logging camp" does not include cutting or alteration of trees incidental to construction activities.

LOT: A numbered lot described within a recorded subdivision plat. (See definition of Legal Parcel/Lot).

LOT COVERAGE: The combined area of the footprint of all Structures, exterior impervious surface associated with the Use of the property (including storage areas, parking lots, driveways and similar areas) in a commercial or industrial Use. Coverage does not include building eave overhangs or pervious decks or similar coverings that do not directly impose an impervious covering on the ground.

LOT LINE, FRONT: The property line dividing a lot from a road, whether public or private, or located adjacent to the principal means of access.

LOT LINE, REAR: The property line opposite the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT OF RECORD: See "Right, Grandfathered".

LOT WIDTH: The minimum distance between the side property lines.

MAINTENANCE AND CONSTRUCTION SERVICES: An establishment providing services relating to the maintenance or repair of commercial and dwelling structures, such as plumbing/heating/air conditioning, painting, electrical services, masonry, landscaping, carpentry, roofing/sheet metal, concrete services, and well drilling.

MANUFACTURING, CUSTOM: A use that may be home-based that is engaged in the on-site production of goods and the incidental direct sale to customers of only those goods produced on-site. Typical uses include cabinet shops, ceramic studios, candle-making shops, custom jewelry manufacturing, bakeries, decorative art or uses of a similar scale.

MANUFACTURING, LIGHT: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

MANUFACTURING, HEAVY: The converting of raw or partially processed materials into a product used for further processing or distribution. Examples of heavy manufacturing include lumber and paper mills, sewage treatment plants, stone, clay, glass product manufacturing, asphalt and concrete batch plants, and similar operations. These uses may be conducted partially or wholly outdoors and usually create noxious by-products such as dust, fumes, hazardous waste products, noise, vibration, and glare.

MEMORANDUM OF UNDERSTANDING: A recorded document describing a bilateral or multilateral legal agreement between Summit County and/or one or more parties.

MINING or RESOURCE EXTRACTION: The extraction of a mineral or resource from its natural occurrence on or under the ground.

MOBILE HOME: Any vehicle or object intended for occupancy by an individual or family that was originally constructed in total so as to be portable or mobile, whether presently affixed to the ground or not, and which is intended to be connected to on site utilities.

MOBILE HOME PARK: A Parcel or Lot under one ownership that has been planned and improved for the placement of two (2) or more mobile homes intended for occupancy.

MUNICIPAL LANDFILL: A government facility intended for the disposal, dumping, and/or burial of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or vehicle parts, and other non-toxic waste material. A Municipal Landfill may also include recycling facilities.

NON-CONFORMING USE: The present Use of a Structure or land which does not conform to current regulations stated in this Title, but which conformed to all regulations at time of its establishment or which was in existence prior to the establishment of the current zoning regulations.

NON-COMPLYING USE: The Use of a Building, Structure or activity which does not conform to current use regulations for the district in which it is situated, and which did not conform to all regulations at time of its establishment.

NON-CONFORMING STRUCTURES: A Structure that does not conform to existing zoning regulations (including size, setbacks, height, architecture). Non Conforming Structures can only be expanded if the expansion does not increase the buildings non conformity.

NURSERY / GREENHOUSE: An enterprise that conducts the retail or wholesale of plants grown on or off the premises, as well as related accessory equipment.

OFFICES: A room or suite of rooms used for conducting the affairs of a business, profession, service industry, or government.

OPEN RECREATION USE: Land or the use of land intended for public/private uses, including facilities such as playgrounds, campgrounds, golf courses, tennis courts, corrals, skiing, snowmobiling, riding arenas, rafting tours, mountain biking tours, horseback riding, commercial snowmobile tours, all-terrain vehicle tours and other similar activities, but not including shooting ranges, and other similar activities as determined by the Planning Commission as part of a Use approval.

OPEN SPACE, COMMON: Facilities, land and yard areas identified within a subdivision for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of the Development.

OPEN SPACE LAND: Land deed restricted for public or private purposes of agricultural, scenic, or recreational purposes.

ORDINANCE: Any legislative action, however denominate, of the County which has the force of law, including any amendment or repeal of any ordinance.

ORDINARY HIGH WATER MARK: The mark along water bodies that is evident by examining the bed and banks where the presence and action of waters and riparian vegetation boundaries are common in ordinary years, as to mark upon the soil a distinct character from that of the abutting upland. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

OVERLAY ZONE: A zone district that encompasses one or more underlying zones and imposes additional requirements or special regulations and allows special flexibility in planning the use, site layout and infrastructure design above that required by the underlying zone. These special requirements shall take precedence over the provisions of the underlying zone.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

PARCEL: A tract of land that is not a numbered lot within a recorded subdivision.

PARCEL/LOT, LEGAL (conforming): A lawfully created lot within a recorded subdivision or a parcel of land conforming to the minimum parcel size requirement of the applicable zoning district at the time of a land use or Development request is a Legal Parcel/Lot. A Legal Parcel/Lot is eligible for a Land Use activity and or Development pursuant to the requirements of this title.

PARCEL/LOT, LEGAL (non- conforming): A lawfully created parcel/lot that does not conform to the minimum size requirements of the applicable zoning district based on current Code. A non-conforming Legal Parcel/Lot may be eligible for Development pursuant to a Grandfathered Right status determination. A non-conforming Legal Parcel/Lot is eligible for a non-Development Land Use action pursuant to the requirements of this Title.

RIGHT, GRANDFATHERED: A Development entitlement status accorded to Legal Parcel/Lot non-conforming created prior to May 6,1996 that does not conform to the minimum size requirements of the applicable zoning district at the time of a Development request.

PARCEL, REMAINDER: A Parcel of land that is the remnant of a Subdivision process.

PARK: An area reserved for recreational, educational, or scenic purposes and may include small-scale recreational facilities such as playground equipment.

PERMITTED USE: A use of land allowed by right under the provisions of this Title.

PERSON: A "person" includes a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club.

PETROLEUM REFINERY: A facility involved in producing petroleum distillates from crude.

PLANNING COMMISSION: The Eastern Summit County Planning Commission of Summit County, Utah, established in this Title.

PLAT: A map of lands being laid out and prepared in accordance with Utah State and County that, once approved, is recorded.

PLAT AMENDMENT: A change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Also referred to as a "resubdivision."

PLAT NOTE: A statement on a recorded Plat used to identify restrictions, setbacks, disclaimers, and other appropriate information.

Pond, Artificial: An artificial pond is a small body of still water created by excavating and/or diking dry land and used exclusively for such purposes as stock watering, irrigation, settling basins, recreation purposes, aesthetic ornamentation or as a landscape/architectural feature.

Pond, Natural: A natural pond is a small body of still water that is surrounded by land. Natural ponds may arise naturally in floodplains, wetlands, as part of a river system, or may be created specifically for habitat restoration.

PREFABRICATED HOME: A home constructed with steel frame may be considered a "mobile home" for the purpose of Section 11-3-12 of this Title.

PROFESSIONAL OFFICES: A building or space used by persons such as accountants, architects, engineers, artists, dentists, designers, lawyers, physicians, realtors, and others by virtue of their training and/or license, are qualified to perform services of a professional nature.

PUBLIC HEARING: A meeting noticed and advertised in advance and open to the public, in which members of the public have an opportunity to participate prior to formal action by the County.

PUBLIC FACILITY: A Use, facility, or Building owned or managed by the County, or a quasi-public entity; that provides a function, activity, or service for public benefit.

PUBLIC IMPROVEMENT: Any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, water or sewer system, or other facility for which the county may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which county

responsibility is established. All such improvements shall be properly guaranteed and installed as per county codes, specifications and regulations.

PUBLIC ROAD: Land intended for vehicular travel and transport by the public.

RAILROAD INDUSTRIAL USES: Industrial uses and activities associated with the railroad including shipping and distribution of agricultural, timber products, minerals and other materials.

RECYCLING FACILITY, CLASS I: Recycling containers totaling up to 60 cubic yards of capacity per lot or residential/business development used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, limited to the use by a specific residential neighborhood, civic facility, or commercial business park.

RECYCLING FACILITY, CLASS II: A building, structure or designated area with recycling containers totaling over 60 cubic yards of capacity per lot or residential/business development used for the collection, processing, composting, and temporary storage or transfer of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard that may be for the use of the entire community.

REGISTERED ENGINEER: An engineer properly licensed and registered in the state of Utah.

REHEARSAL OR TEACHING STUDIO FOR CREATIVE, PERFORMING AND/OR MARTIAL ARTS WITH NO PUBLIC PERFORMANCES: A recreation facility operated as a business on private or public property and open to the public for a fee, such as a dance studio, gymnastics studio, music studio, or substantially similar use, and support facilities customarily associated with the development.

REGISTERED LAND SURVEYOR: A land surveyor properly licensed and registered in the state of Utah.

RESERVOIR: A reservoir is an artificial lake used as a source of water supply, for recreation or aesthetic purposes.

RESIDENTIAL CARE FACILITY: A 24-hour group living environment for four (4) or more individuals that offers room and board and specialized care and treatment for the elderly or persons with disabilities.

RESTAURANT: A Commercial establishment for preparation, consumption and sale of food and beverages on the premises or for take away consumption.

RETAIL COMMERCIAL ESTABLISHMENTS: An establishment primarily engaged in the sale or rental of commonly used goods and merchandise for personal or household use serving the immediate or surrounding neighborhood. Typical uses include apparel stores, drug stores, grocery stores, book stores, auto parts stores, and other similar uses.

RIDING ARENA: A Building or Structure, the use of which is to board horses and/or conduct recreational activities and events, provide riding lessons, instruction or training and showing of horses or other domesticated animals

RIDING ARENA, COMMERCIAL: A commercial business for the riding and/or training, boarding, breeding, or rental of horses

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, irrigation ditch, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right of way" for land platting purposes shall mean every right of way hereafter established and shown on a final plat to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

RIVER: A river is a natural stream of water of fairly large size flowing in a definite course or channel or series of diverging and converging channels. A river is fed along its course by converging tributaries.

ROAD: A public or private vehicular way consisting of a Right of Way or easement and related improvements for the purpose of vehicular transportation.

ROAD, DEAD END: A road or a portion of a street with only one vehicular traffic outlet.

SAWMILL: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot. Incidental sales of these products and associated products may occur on site.

SCREENING: A visual barrier.

SERVICE PROVIDER: A public or private entity providing public facilities or private utility services to a proposed Use or development.

SETBACK: The distance between a lot line to the foundation of a structure or the finished exterior surface of a structure, whichever is closer to the property line, excluding uncovered stairs, roof eaves that don't extend into the setback more than three feet (3'), and decks that don't exceed one foot (1') in height, measured from the top of the deck to the grade directly below.

SETBACK, FRONT: A front setback will be required for each side of a lot bordering a public street or other right of way.

SHOOTING RANGE, INDOOR: A facility designed or used for archery and / or the discharging of firearms for the purposes of target practice or temporary

competitions, which is completely enclosed within a Building or Structure.

SHOOTING RANGE, OUTDOOR: The use of land for archery and / or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, which is not completely enclosed within a Building or Structure.

SIGN, FREESTANDING: A sign supported by poles, uprights or braces extending from the ground or from an object on the ground; provided that no part of the sign is attached to any part of a building.

SITE PLAN: A document or map that may be required by Summit County during a preliminary review preceding the issuance of a development permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

SKETCH PLAN: A sketch preparatory to the preparation of a final plat or plan.

STREAM, Perennial: Waters that are composed primarily of natural channels, have a continuous bed and bank and normally flow year round.

STREAM, INTERMITTENT: Water reaches with a defined bed and bank that flow annually but not year round and have continuous channels from origin to terminus.

STREAM, EPHEMERAL: Ephemeral streams or spring flows are channels that do not flow on a regular annual basis but flow only during major storm events. These channels lack continuous bed and bank features or appear discontinuous over their reach. If they are not connected to a Water of the US, they are not afforded any protection under this Code.

STREET: See "ROAD", "LOCAL ROAD", "PUBLIC ROAD".

STRUCTURE: Anything constructed, the use of which requires a fixed location on or in the ground and which projects above the general surface of the ground, or attached to something having a fixed location upon the ground, excluding poles, lines, cables, fences, on grade decks, driveways, and other similar features. All structures must maintain the minimum setbacks for the district in which they are located, both above and below the ground. This definition includes "Building".

SUBDIVISION: The division or redivision of land in accordance with State law.

SUBDIVISION PLAT: The final map or drawing of a subdivision in accordance with State law.

TELECOMMUNICATIONS EQUIPMENT: Equipment used in a telecommunications facility other than the antenna, antenna support structure or equipment enclosures. Telecommunications equipment may include, but is not limited to, electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies and emergency generators.

TELECOMMUNICATIONS EQUIPMENT ENCLOSURE: A Structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.

TELECOMMUNICATIONS FACILITY: An unmanned structure which consists of "antennas", "antenna support structures", "telecommunications equipment" and "equipment enclosures", as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as, but not limited to, "cellular" or "PCS" (personal communications system) communications and paging systems, whether commercially or privately operated.

TELECOMMUNICATIONS, NONSTEALTH DESIGN: Any antenna or equipment enclosures not camouflaged in a manner to blend with surrounding land uses, features or architecture. Non-stealth design does not conceal the intended use of the telecommunications facility. A monopole with equipment enclosures aboveground and unscreened would be considered non-stealth.

TELECOMMUNICATIONS, STEALTH DESIGN: Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility, such as by heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the rural aesthetics of Eastern Summit County. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of stealth design include, but are not limited to, roof mount antennas, utility pole antennas, light or flag poles, artificial rocks or trees.

TEMPORARY USE: Any use intended for a limited duration.

TEMPORARY STRUCTURE or BUILDING: those buildings and structures that meet the definition of Temporary under the Building Code.

UNINCORPORATED: Not part of a City or Municipality.

USE: The activity that occurs on the land and/or within a Structure.

USE, ACCESSORY: A Use conducted on the same lot as the principal Use or Structure with which it is associated; and is a Use which is clearly incidental to and is customarily found in connection with such principal Use and is either in the same ownership as such Principal Use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the Principal Use. No accessory Use shall be allowed on any lot or parcel unless the Principal Use is being actively utilized.

USE, LAND: The performance of an activity. Does not include Development.

USE, PRINCIPAL: A use that is an Allowed use by zoning or Conditionally approved in accordance with the Use Table in Chapter 3. Does not include Accessory Use.

USE, PROHIBITED: Any Use that is not an Allowed, Conditional, Temporary, or Accessory as identified in the Use Table of this Code. A Prohibited Use cannot be permitted.

UTILITY ANCILLARY SUPPORT BUILDING: A building which is subordinate to a utility tower, necessary for the normal function of the utility tower and located on the same site as the utility tower.

UTILITY LINE, UNDERGROUND: Wires, cables, and pipes placed in the ground to transmit materials, energy services, or communication services.

UTILITY STRUCTURE AND RELATED FACILITIES: May include a building/structure that is constructed so as to provide assistance, benefit and aid, directly or indirectly, to a service such as electrical power, light, and forms of communication including: telephone, telegraph, fiber optic signals, cellular service for both analog and digital signals, and radio and television signals to name a few. This list is not intended to be all inclusive.

UTILITY TOWER: A structure typically higher relative to surrounding structures that provides a service in the form of electrical power, light, or forms of communication, limited to: telephone, telegraph and fiber optic signals. Utility Towers do not include towers used exclusively for wireless communications.

VARIANCE, ZONING: A waiver of specific zoning regulations of this title granted by the Board of Adjustment in accordance with the provisions set forth in this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by similar properties.

VESTED RIGHT: A legal entitlement to a use or structure.

VETERINARIAN CLINIC: A licensed medical establishment for the care and treatment of small, domestic animals.

WAREHOUSING AND STORAGE: An establishment offering wholesaling, storage, and handling of materials and equipment. May include storage warehouses, wholesale distributors, self-storage facilities, and moving and storage firms.

WATER, RIGHT: The legal right to use water.

WATER or WASTEWATER TREATMENT PLANT: The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, in preparation for the discharge of treated waters into natural waters.

WATER, WET: Actual ability to obtain physical water on site, such as through a water system or an operational well.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas. An area of land can only be determined to be Wetlands through a delineation process in accordance to the procedures set out in the 1987 Corps of Engineers Wetland Delineation Manual and the current Regional Supplement: Arid West Region (Version 2.0). Wetlands include all areas delineated by this manual regardless of whether they are subject to Corps jurisdiction or not.

ZONE: A land use area designated on the official Zoning District Map adopted by this Code.

ZONE DISTRICT MAP: The official Summit County zoning map as adopted and/or revised by the Summit County Council.

Mr. Putt stated they took a look at the Table of Uses to make sure that they're capturing all of the potential land uses or activities that they see on the east side now or they may potentially see in the near future and so those revisions to the table reflect that. The key to this is a revision to the Lot of Record process or Lot of Record strategy. They made changes that modify that to a different concept. Does your property comply with the zoning regulations in terms of size requirements or not? They revised the subdivision process. They took a look at their zoning map and have made recommendations for "new base zones." That's where the zoning map is refined. There's a provision for future changes, rezones. Those new zones that you can rezone to are still at the Planning Commission level. They are going through some final edits and review.

Mr. Putt explained there's a process that's required in the current code when you subdivide your property. You have to first start with a concept plan. They call them a sketch plan. They decided that oftentimes that process is redundant to the tail-end of that process, the preliminary and the final plat, so they have decided to move forward at the recommendation to make sketch plans optional. They've created a whole brand-new process to deal with situations where a property owner may want to create some sort of division with his land, but for purposes other than developing it at that point in time. The rules that they would be required to meet -- whether it's a subdivision, a conditional use, or a low impact permit -- they call those development standards and have made some revisions to those. He stated they spent a fair amount of time looking at all submittal requirements. When someone files an application for a development they have to submit information. They went through that list and tried to take out things they really don't need and made sure they had the stuff that was critical to evaluate the process, as well as maintain the public safety and public health so they made changes there.

Mr. Putt reviewed the changes made to Chapter 3, which is the zoning district's chapter. He stated these are the proposed based zones. These are the zones that they would propose to modify the existing zoning map in order to reflect sort of the current conditions both geographically, topographically, and access demands for housing commercial uses. Mr. Putt stated included in that they have an AG 1 zone which is one unit of density for one acre of land. New to the code is Agriculture 6, which is one unit per six acres of land. Agriculture 20 is one unit for 20 acres of land. They still have the AG 40. The AG 80 is a new zone but really they have collapsed the AG 160 and AG 100 into an AG 80. State law allows for a subdivision of property if it exceeds 100 acres in size. A one hundred and a 160 seem to be somewhat dated based on those state subdivision code changes. So those areas on the map currently designated as a 100 or 160 under this proposal would be revised to an 80-acre zone.

Mr. Putt reviewed that Chapter 4 is the process part of the code. He stated probably the biggest change in Chapter 4 is the whole Lot of Record Process. A lot of record is a protection that property owners have when they have properties that were created prior to zoning being established, and there's two key dates. One is August of 1977; that's when zoning was created and applied throughout Summit County. When that happened zones were created and each zone had a minimum property-size requirement. Properties that were created legally prior to that might have been smaller than that size requirement needed protection. The property owners needed to make sure they had the ability to utilize their legally created property, so this concept of a Lot of Record was established. So property existing prior to 1977 had a grandfathered status to use it. He stated there was another threshold that went to 1992. If your property was created

between 1977 and 1992 and it met certain criteria, it could be considered to be a Lot of Record. A lot of record was important because it said that legal description, that deed that described that piece of property, if it met one of those two dates was a grandfathered right. It was their protection to move forward and utilize their property, and develop their property. One of the problems that they've been wrestling with since then is because of that definition, if that legal description changes in any manner or is inconsistent with the original description, someone would lose that Lot of Record status which means you can't utilize the property, can't develop the property, can't build on the property. Probably the simplest example of that is a boundary line adjustment, a change to the property description to resolve a fence line problem, something like that. Reasonable, but when that description gets changed, that Lot of Record grandfathered right is nullified.

Mr. Putt stated in order to help solve this issue what they've done is to not throw the Lot of Record concept away, but basically revise what it means. He stated what the plan here is to base someone's development rights on whether or not their property complies with the zoning. They are less concerned as to when it was created and more concerned with does it or does it not meet the zoning requirements, and that's a big change. Under this process, they would have a couple of definitions. One of them would be a legal conforming lot or parcel. If you have a piece of property and it has a deed or description of it and that deed or description involves land, and the amount of land meets the zoned minimum requirement, you have a legal lot or parcel. You can build on it or use it for land use activities. When it was created doesn't matter. It meets the zoning so they're good to go. The next question is: What happens if I have a piece of property that doesn't meet the size requirements of the zone? The next question to ask is: When was that deed written? Under this proposal they're proposing to move the date from August of 1977 and June of 1992 and move it to May 1996. Why May of 1996? Mr. Putt explained three events started to happen at that point. In May of 1996 the county divided into two planning districts: The Snyderville Basin Planning District and the East Side Planning District. In addition to that, in about that same amount of time the county had its first unified definition of what a Lot of Record is. The other part of that was in May of 1996 was sort of the first point in time where county code and state code related to subdivisions began to be more in sync and tracked the language a little more carefully. Based on that they're saying May of 96 is that date. If you have a piece of property or if a property owner owns land and it doesn't meet the zoning size requirements, if it was created prior to May of 1996, it becomes a legal lot or parcel. Someone can build on it or use it for land use activities. Mr. Putt stated the last piece of this is: What happens if someone has a piece of property that doesn't meet the zoning requirements for size and was created after May of 1996? They then have a legal non-complying piece of property. What that means is you may be able to use it for a land use activity but not necessarily be able to build a house or build a structure on it until such time as the zoning changes or they acquire additional land around it to meet that minimum zoning requirement. Mr. Putt stated they would like to get county feedback on that issue.

Mr. Putt stated they tried to simplify the subdivision process. They tried to simplify it in a way that doesn't throw out all the necessary checks and balances and criteria for public safety and welfare but just to make it a little more predictable. Under this proposal, subdivisions that have five or fewer lots associated with it would be done through an administrative process. Projects

or subdivisions that have six or more would be through the traditional automatic planning commission review and then a final review by the plan and land use authority.

Mr. Putt stated they are going to propose to eliminate specialty planned area and replace it with a master plan development process. They are very similar but the key distinction is the master plan development process would have predictable criteria associated with it. The spa was a process by which raw undeveloped very low density land could be up zoned for significantly more development rights in exchange for public benefits undefined. The process will establish density associated with a rezone to a zoning district that has a measurable amount of density associated with it and the review criteria will be listed and predictable as part of that process.

Chair Armstrong opened the public hearing to the audience to anyone who would like to speak on behalf of the proposed changes to the development code.

Resident Mike Brown asked if the public hearing would be left open so after Council has their deliberations if the public will still have the opportunity to speak. Chair Armstrong stated he anticipated this will require several public hearings so they're not going to close this topic.

Mr. Brown stated he is in favor of this entire ordinance. He stated for him personally who has served on the Planning Commission and has spent ten years studying the code; he knows the code from '77 until today. He knows the critical timelines, critical date and points in there and thinks Mr. Putt did an excellent job in presenting it. He stated to the Council when they do get to the definitions one of the questions that they will be asked is if they are missing definitions. He stated they are and he would urge the Council to consider adding these to the definitions. He stated they have no definition of ridgeline, no definition of skyline, no definition of visually sensitive areas, yet they are enforcing provisions on landowners that are not identified by definition in the code. Those are just a couple that was overlooked by the Planning Commission. Mr. Brown stated he was in favor of extending the date from '92 to '96 and stated this was critical. Mr. Brown stated he also believed in changing from a Lot of Record to grandfathered status is the right way to go. He stated it's clear and it's easier to administer and easier to understand from the public's point of view.

Another item he asked the Council to consider strongly was protecting the opportunity to have the minimum lot size smaller than the minimum zoning requirements. The Planning Commission's document does not have lot size correlated to minimum lot size meaning that if you're in the AG 6 zone that you're required to have a six-acre sized buildable lot, which makes no sense. He stated he's also a big proponent of the non-development division of land. Mr. Brown stated he is also in favor of the ability to shift density between parcels.

Mr. Brown stated lastly that these concepts have been talked about for years and he knows the Council is busy and they've had this in their hands a couple of months, but he would urge them keep it on their agenda and try to pass something. The public has been patient for years and the document has been well vetted. He stated if they go back and read the minutes of the Planning Commission meetings there have been hundreds of individuals stand up and give public comment and there have been hundreds of meetings held on these concepts, and now it's time to put it on a timeline and make a decision one way or another.

County resident Brett Hollburg stated they have property of a couple thousand acres in Wanship that's been in their family off and on since the '60s. He stated over the last 20 years we've done a few minor subdivisions on it and developed 17 lots and built a second home up there, but most of it they keep as agricultural and run cows and things on it. He stated he's been through the process over the years with the Planning Commission and different aspects of the code and has followed this process that has come before the Council closely over the past couple of years. He stated they've done an excellent job in looking at all of the different issues and what they have brought forward to Council is light years ahead of where the county was prior with the existing code. He stated the new zones the Commission has come up with are excellent and reasonable and the zoning map is logical and makes sense.

Henefer resident Paul Ferry stated he has a survey company that they operate in Coalville. He stated he is definitely in favor of this proposal. He stated he has tried to be involved as much as he can with the Planning Commission and the Planning Department given the problems that I run into with my clients constantly. He stated in regards to the non-development provision for non-residential use that's a big problem mostly with inheritance and trying to divide up family estates. He also mentioned the zone minimum requirements for lot size and stated he's heard some talk of there being consideration that the minimum lot size must match the requirement of the zone. He said he sees that as a huge impediment to land owners, and he gave an example as to why he felt that way. Mr. Ferry stated his opinion of remainder parcels creates an issue because historically in Summit County if you subdivide a piece of property you subdivide the entire description. So if you have 20 acres but only need to create one or two one-acre lots, you've been required to bring the entire 20-acre piece into the subdivision.

Chris Ure stated Patrick Putt mentioned giving the authority to the County Council. Mr. Ure stated "nothing against the county manager," but on these major subdivisions, one guy should not have the final say on that. He stated the Council has the ultimate authority and they have to answer to the public, so he would encourage that they adopt that change just to keep to where they keep going through the public process. Mr. Ure stated on numerous occasions they have had public hearings that is not even worth the paper that it was printed on for them to rubber stamp it on lot line adjustments, low impact permits, and things like that that the county's current code does not allow Mr. Putt or staff to adopt or make that change and it has to go through a public hearing process and costs the applicant for a public hearing when it could have been a half-hour process in Mr. Putt's office, so he encouraged the Council to give the power to the Community Development Director on that. Mr. Ure stated he is also greatly in favor of moving the density. He gave an example by stating if he's going to have ground with different zones in it and he's going to give his kids ground or something like that and he wanted to cluster them together so they don't screw up the whole 40-acre parcel by having their houses scattered all out, it's virtually impossible with today's technology and the size of this equipment now to even try and farm anything that's smaller than 20 acres. He stated he would greatly encourage the Council to take the recommendation to move the density on that.

David Cummings stated he is in support of getting this done. He stated he thinks there's some work that needs to be worked out and a few unanswered questions. He stated he believes there's an oversight on the mapping issue where the zoning didn't go to the county line and he wanted to make sure he had a chance to revisit that in another meeting if they're going to leave this topic open for discussion.

Resident of Hoytsville, Wade Wilde, stated what is being proposed would fix a lot of issues, including the non-development division of land. Mr. Wilde gave a couple of examples of why he felt these changes would be beneficial. He stated hopefully these changes would simplify the process and ease the burden upon the landowners and make the Planning Commissions' job more simple and free up some more time that they can be involved in issues that are real issues and not the simple things that aren't really that important that need to be simplified.

Kamas resident Jan Perkins stated she thought the AG 1 at least in the Kamas Valley should be rethought seriously because of the high density of the wells and the septic tanks in such close proximity. She stated she thought it was irresponsible and not stewardship to the aquifer. She stated when this Council stood up to Tesoro in preserving the aquifer and acted very commendably, where is the protection of the water in this plan in this zone district of AG 1. She stated she thought it would create problems in the Kamas Valley and doesn't think it's a wise choice for any reason other than in the cities where the infrastructure can support it. She encouraged the county to keep the AG 100 and 160 to preserve agriculture and to help protect that aquifer. She stated she did support giving the Community Developer more power. She stated on point No. 2, 1% shouldn't hold the whole subdivision hostage. In units five or less she thought the administrative process was good. She thought they should allow non-development divisions. On point No. 3 and the application process she thought it could be reviewed by the administration. She stated she had a lot more to say but she would wait for a later hearing to express more opinions.

Resident Lorie Leavitt stated that she agreed with the comments of Mike and Paul and Wade and Dave and Chris, so she didn't feel she needed to repeat it, but she is in favor of this and hoped the Council would move it along because it has been a couple of years.

Resident Brenda Child stated she is living in an RV in Kimball Junction because she has a parcel of ground in Wanship that they're trying to build on and we are caught up in some situations with ridgeline and what that means and qualifying what exactly that means and what visually sensitive areas are. She stated she is in support of Planning Commission and everything else, but she feels there needs to be some more qualifying verbiage of visually sensitive areas and ridgelines.

The public hearing was left open as to be continued.

Vice Chair Robinson asked if the Council were to approve Chapters 3 and 4 without the map what becomes of zones that may exist that are going away. Mr. Putt responded that ultimately that would probably involve some level of map amendment on that.

Council Member Adair asked what if someone had 100 acres and there are 20 acres that are left over. Mr. Putt replied there are probably a couple of versions of how they could handle that, but they would all involve some basic form of a map amendment.

Chair Armstrong stated they would keep the public hearing open and reconvene in the not too distant future to continue the discussion.

Vice Chair Robinson made a motion to adjourn the hearing. The motion was seconded by Council Member Carson and passed, 4 to 0. Council Member McMullin was not present for the vote.

The County Council meeting adjourned at 8:40 p.m.



Council Chair, Roger Armstrong



County Clerk, Kent Jones

