

VI OLD BUSINESS

1. Consideration of authorizing the City Manager to execute a Licensing and Support Agreement and Hosting Services Agreement with Hyland Software Inc. (Sire Technologies) in the amount of \$21,572 in year one and \$7,908 annually thereafter

PG 48

VII. NEW BUSINESS

1. Consideration of an Ordinance approving the Echo Spur Development Plat Amendment Lots 17, 18, & 19, Park City, UT PG 103

(a) Public Hearing
(b) Action

2. Consideration of Second Amendment to Stag Lodge Phase IV, 8200 Royal Street Unit 52 PG 257

(a) Public Hearing
(b) Action

3. Consideration of plat amendment to Ontario Pack Subdivision 463 & 475 Ontario Avenue PG 279

(a) Public Hearing
(b) Action

4. Consideration of LMC amendments to Historic Residential Medium Density Zone PG 292

(a) Public Hearing
(b) Action

5. Consideration of an Ordinance approving an extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue, Park City, UT PG 355

(a) Public Hearing
(b) Action

6. Consideration of an Ordinance approving the plat amendment extension of the Mine Bench Condominiums located at 7700 Marsac Avenue, Park City, UT PG 370

(a) Public Hearing
(b) Action

7. Consideration of an Ordinance approving a second extension of the November 17, 2011 approval of the Park City Heights Phase 1 subdivision plat located at Richardson Flat Road and US Hwy 40, Park City, UT PG 384

(a) Public Hearing

(b) Action

8. Consideration of the 562 Main Façade Easement Revision PG 401

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5186 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 10/14/2013
See: www.parkcity.org



PARK CITY COUNCIL MEETING DRAFT
SUMMIT COUNTY, UTAH,
OCTOBER 24, 2013

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 24, 2013.

Closed Session

Property, Personnel and Litigation
Break

Work Session

pm Council questions and comments and Manager's Report
pm
pm Break

Regular Meeting

6:00 pm

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

IV Minutes from Meeting on October 17, 2013

V CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon*)

1. Consideration of Proclamation Declaring November Pancreatic Cancer Month
2. Consideration of Resolution Declaring November 1, 2013 "Extra Mile Day"

VI OLD BUSINESS

VII. NEW BUSINESS

1. Consideration of a Utility Easement for 1255 Park Avenue, Park City, UT – Nick (engineering)
2. Consideration of a Special Service Contract Criteria and Extraordinary Grant Criteria

3. Consideration of Vacation Rental Compliance Software- Jason

VIII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5186 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 10/21/2013
See: www.parkcity.org

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 31, 2013

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on Thursday, October 31, 2013.

Posted: 10/21/13
See: www.parkcity.org

TENTATIVE MASTER CALENDAR

Note: This future meeting schedule is TENTATIVE and subject to change.

October

17 **See Agenda**

24 Proclamation – Pancreatic Cancer Month (consent)
Resolution for Extra Mile Day (consent)
Special Service Contract Criteria and Extraordinary Grant Criteria
Utility Easement for 1255 Park Ave- Nick engineering
Vacation rental compliance software – Jason New

31 **No Meeting**

November

7 Finalize contract for the Royal Street Retaining Walls Matt C
Contract for Iron Horse housing fixtures and furniture- Brookes Robinson
115 Sampson Avenue-Anya
Veteran's Day proclamation- Jon

14 Broadband – Scott R
Second Amended Silver Baron Lodge Phase II, 2880 Deer Valley Drive- Christy
508 Main Street Subdivision-Christy
Post office Gang boxes- work session Matt Cassel (1 hr)
Blue Ribbon Commission on Park City Mayor and Council Compensation – Matt D

21 Main Street recycling contract-
PW Update- Study Session- Blake 30 min

28 **No Meeting – Thanksgiving**

December

5 2013 City Insurance Placements
National Citizen Survey results, study, 60-75 min, PR

12 Acceptance of the audit – Lori C.

19

26 **No Meeting**

January

2 **No Meeting**

9 Swearing in Mayor / Council Members and Reception following meeting

16 **No Meeting – Sundance**

23

30

Pending Items:

General Election Canvass – may be a special meeting - Sharon

Special Event overhaul

Water leak adjustment policy – work

Latino Community outreach and engagement – study

Rocky Mountain Power expansion

Beaver Management Policy Discussion - Work, Jim B 40 min.

Amendment to the housing resolution – for regular council – RS

Consideration of an Ordinance approving the McHenry Subdivision Replat Amendment located at 496 McHenry Avenue, Park City Survey, Park City, Utah

Property Management contract for Transit Residential Building - Brooks R

PW Update

Ordinance 2519 Lucky John Drive – Plat Amendment PL-13-01980- KW

Gamble Oak Easements, new, Heinrich

- Housing Authority Meeting

Housing Mitigation Plan for 1555 Lower Iron Horse Loop Road MPD in Bonanza Park – Rhoda/Phyllis



To: Honorable Mayor/Members of City Council

From: City Manager's Office

MANAGER'S REPORT – October 17, 2013

Report Submitted by: Ken Fisher, Recreation Manager

The Summit County Rap Tax committee closed applications for this year's disbursement on October 4, 2013. They are planning on dispersing a total of \$1,069,000 to qualified applicants. The funds are distributed based on population not on where the funds are collected.

Park City put an internal team consisting of Clint Dayley, Heinrich Deters, Ken Fisher, and Craig Sanchez to look at potential projects that would be good candidates for funding. Based on these discussions the team has submitted applications for the following projects:

- **Highway 40 Pedestrian/Wildlife Underpass:** The Sustainability Department has submitted a joint application with Summit County for \$400,000. The City's request being half of that or \$200,000. These funds, in addition to a recently submitted City/County Transportation Alternatives Program (TAP) grant for \$100,000 from the Utah Department of Transportation, are proposed to cover the \$500,000 shortfall on a proposed \$2.4M UDOT pedestrian/wildlife underpass. If granted, this project will provide a positive regional trail connection in addition to providing an opportunity for wildlife to safely migrate between the Round Valley Open Space and Silver Creek.
- **Recreation Master Plan:** The Recreation Department is submitting a joint application with Basin Recreation for a total of \$100,000. If granted the funds would be used to fund feasibility and conceptual design for discussion on the implementation of the Mountain Recreation Strategic Action Plan. Grant request total of \$100,000 split 50/50 with Basin Recreation.
- **PC MARC Fitness Equipment:** The Recreation Department is looking to add additional fitness equipment at the PC MARC. The weight room and cardio area are the most used amenities at the PC MARC. There are several additional pieces of weight & cardio equipment that have been consistently requested by patrons. Grant request \$25,000

- **Golf Pro Shop:** Park City Golf Club is looking to upgrade its interior lighting system. PCGC has occupied the current space in Hotel Park City since April of 2002. The reasons for these improvements are:
 - o Upgrade to more energy efficient lighting
 - o Provide better lighting to showcase merchandise to customers.
 We will replace the current can trim lighting with LED type lights. We will also install energy efficient track lighting to supplement the can lighting. Grant request \$15,000
- **Electric Utility Cart:** Park City Golf Club is requesting a grant to replace a gas powered work cart with an all-electric work vehicle. If approved this will be the first all-electric work cart in our fleet. Grant request \$14,992.
- **Ice Technology Upgrades:** The Park City Ice Arena is requesting a portion of the grant and plan to apply these funds towards the investment of enhancing customer service and adding efficiencies to current business processes. We are hoping to upgrade our scoreboard system, increase waiver sign-in consistencies, and create a centralized record system that will benefit both legal and operational responsibilities. Grant request \$15,000

Total Grant Request \$319,992

City Council Staff Report

Author: Sharon Bauman
Subject: Public Art Advisory Board
Date: October 17, 2013
Type of Item: Work Session - Update



Executive Department

Summary Recommendations:

Review the Park City Public Art Advisory Board (PAAB) Strategic Plan 2013-2014 and the Communications Plan 2013-14 and provide input and direction to the Public Art Advisory Board.

Park City Public Art Program Strategic Plan – 2013-2014

Background: In 2010, the Public Art Advisory Board developed a strategic plan designed to improve the quality and purpose of public art. Council was supportive of the plan and the Board used the plan to focus their efforts on programs and projects that related to specific goals.

The Board began using Requests for Qualifications (RFQs) instead of Requests for Proposals (RFPs) to solicit submissions for public art projects; this change resulted in a greater number and higher quality of submissions for each project. The Board updated the public art inventory, created a timeline for the completion of signage and maintenance for existing artwork, and developed a comprehensive communications plan to promote public art projects.

This summer the Board reviewed and updated the Strategic Plan.

Analysis: The PAAB identified the following goals in the 2013-2014 Strategic Plan:

1. Identify and prioritize future public art projects and sites.
2. Develop and implement comprehensive and consistent signage for all public art.
3. Develop City maintenance policy for public art.
4. Develop and implement communications plan for public art.
5. Create a new page on the website to showcase the public art inventory.
6. Clarify and document public art processes.
7. Improve quality, creativity, and site appropriateness of public art.
8. Develop plan for future funding of public art projects.

Board Members developed strategies and programs that will enable them to meet the goals which are listed in detail in the attached plan and include:

- finalize a plan, budget and time-line for signage of all public art;
- finalize the City's maintenance policy for public art;
- identify opportunities to include art and artists in early stages of local planning;
- and

- identify opportunities for partnerships and community involvement in public art projects.

Park City Public Art Program Communications Plan 2013-14

Background: This year, the PAAB has developed a more detailed communications plan designed to more effectively promote the City's public art program to the public and the media. This includes communications methods for promoting upcoming projects and calls-to-artists, selections of artists for current projects, completion of public art projects, and input on future projects.

Analysis: The Park City Public Art Advisory Board identified the following objectives in their Communications Plan: To promote Park City's public art, educate citizens about the public art program, and communicate information about public art projects. The communications plan outlines steps to develop a plan for media, public relations, the public art page of the City website, and partnerships, and to clarify procedures and responsibilities for communications regarding public art.

The Art Board is excited to have Council review their proposed Communications Plan 2013-14 and provide direction on their efforts and will schedule annual updates to advise Council of their progress.

Park City Public Art Advisory Board – Completed and Future Public Art Projects

The following is a list of projects completed since 2010 as well as future projects under current consideration by the Board:

Completed Projects:

Park City Ice Arena Banners – PAAB worked with the Park City Ice Arena to produce and install five banners with original artwork which were hung inside the ice rink in 2010. Each banner depicts one of the sports offered at the ice rink: Curling, sled hockey, ice hockey, figuring skating and speed skating.

Bonanza Tunnel Mural – The PAAB worked in partnership with the City's Sustainability Department to commission a mural for the new Bonanza Tunnel which was installed by artist Ben Weimeyer in October 2010.

Marsac Building Artwork - The board issued a Request for Qualifications (RFQ) for artwork to be placed outside of the Marsac building. After reviewing approximately 50 submissions, the board made its recommendation to the Mayor and City Council and the selected artwork, "Sheltering Aspens," was installed in January 2012.

MARC Exterior Artwork – The Board issued an RFQ for artwork to be installed outside the front entrance of the newly-renovated City recreation center. After reviewing dozens of submissions, the board decided to revise and re-issue the RFQ to find the best artwork for the renovated center. The new RFQ was issued in February 2012, artist Jorge Blanco's piece "Air" was selected for recommendation to Council in May 2012,

Council approved the selection in June, and the work was completed in December 2012.

Art Pianos for All project – PAAB recommended, and City Council approved, a contribution from the Park City public art fund to the “Art Pianos for All” project proposed by Mark Maziarz and Alison Butz. Pianos are painted by local artists and placed about town for residents and visitors to enjoy. The Summit County Public Art program joined Park City in support of the project, allowing pianos to be placed in Park City and throughout Summit County. The first piano was placed in the Park City Transit Center in April 2012. Since then, four more pianos have been painted and placed in sites throughout the County including the outdoor patio at the Kimball Art Center, Eccles Center, Silver Star Café, and the Aquatic Center in Kamas.

Deer Valley Tunnel – PAAB issued an RFP in April 2012 for an artist to produce a mural in the Deer Valley tunnel. The Board reviewed proposals and selected artist Trent Call to recommend to Council that May. The artist was approved by Council and completed his mural in summer 2012.

Comstock Tunnel – In May 2012, Park City High School students completed the artistic panels in the Comstock Tunnel which they began in 2010.

Rotating Sculptures – The PAAB issued an RFP in July 2012 to invite artists to display sculptures on designated public property parcels. The artists, while receiving no compensation, receive exposure for their work and are able to receive offers to purchase their work. The PAAB also reserved the right to recommend purchase by the City of any sculpture selected for display. In August 2012, the Board reviewed three proposals received by the City. The Board recommended that the City accept one piece to display that year: “Flaco,” a metal horse sculpture by Jaimie Burns. The piece was installed between the Skate Park and Park Avenue in November 2012. In July 2013, the PAAB recommended purchasing the “Flaco” sculpture as a permanent piece of the City’s public art collection.

Public Art Inventory – In 2012, the PAAB updated the City’s public art inventory with information and photos. City Staff is in the process of adding the inventory to the Public Art web page.

Tours – Board members took a driving tour this summer and reviewed potential locations for public art. During this tour, existing public art pieces were reviewed and signage and maintenance requirements were noted. The Board also walked Main Street to review plazas and sidewalks that are part of the Main Street Improvements project.

Future Projects

Per the Public Art Advisory Board Policies, all recommendations for new projects are presented to Council for approval.

Quinn’s Junction – The PAAB identified Quinn’s Junction as a potential site for public art and is drafting an RFP to solicit ideas for artwork in that area.

Ice Arena - The Board is considering a concept submitted by a Park City resident for artwork outside the entrance to the Park City Ice Arena.

Swede Alley – Main Street Projects – The PAAB expressed their support of ideas presented by Sustainability and the IBI Group for artistic enhancements to the Egyptian pass-through and the bench area outside the Swede Alley parking garage. The Board also supports inclusion of artistic elements in the Main Street Enhancement Projects. The Board will continue to work with City departments to identify opportunities for public art as part of the Main Street renovations and other projects on Main Street and Swede Alley.

Library Expansion – The Board looks forward to this opportunity to provide public art for this project.

Significant Impacts:

The adoption of a Strategic Plan will provide the Public Art Advisory Board with the necessary tools to improve their processes and the quality of public art. A cohesive plan provides the Board with a roadmap to successfully address Council Goals. The Capital Improvements Budget includes an allocation for Public Art and the Board is eager to meet Council's expectations.

The adoption of a Communications Plan will allow the Public Art Advisory Board to more effectively communicate about and promote the City's public art program and will provide clarity on how to work with the City, particularly the Public Relations Department, to accomplish this.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	(+/-) Accessible and world-class recreational facilities, parks and programs		(+/-) Vibrant arts and culture offerings	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive	Neutral	Positive	Neutral
Comments:				

Department Review:

Executive and Legal Departments have reviewed the staff report and comments have been incorporated within the report.

RECOMMENDATION:

Review the Park City Public Art Advisory Board's (PAAB) Strategic Plan 2013-2014, and the Communications Plan 2013-14 and provide input and direction to the Public Art Advisory Board.

Attachments

Exhibit A – Park City Public Art Advisory Board's Strategic Plan 2013-2014

Exhibit B – PAAB's Communications Plan 2013-2014

PARK CITY PUBLIC ART PROGRAM Strategic Plan – Nov 2012

GOALS

1. Identify and prioritize future public art projects and sites
2. Develop and implement comprehensive and consistent signage for all public art
3. Develop City maintenance policy for public art
4. Develop and implement communications plan for public art
5. Update the City's public art website pages
6. Clarify and document public art processes
7. Improve quality, creativity, and site appropriateness of public art
8. Develop plan for future funding of public art projects

STRATEGIES

1. Identify and prioritize future public art projects and sites:
 - a. List pending projects (Feb 2013)
 - b. Conduct annual tour each spring of City properties/potential public art sites (May 2013)
 - c. Brainstorm potential projects and sites (beg Feb 2013)
 - d. List upcoming projects
 - e. Set timeline for completion of new and pending projects
2. Develop and implement comprehensive and consistent signage for all public art:
 - a. Assess all existing and pending public art projects for signage needs (May 2013)
 - b. Establish guidelines for all public art signage
 - c. Finalize plan, budget and time-line for signage of all public art
 - d. Create and install signage
3. Develop City maintenance policy for public art:
 - a. Submit draft public art maintenance policies to City Council for review and approval
 - b. Conduct annual review each June of public art and recommend appropriate maintenance (Jun 2013)
4. Develop and implement communications plan for public art:
 - a. Review and edit existing draft communications plan (Feb 2013)
 - b. Present annual report on public art plan to City Council each September (Sep 2013)
5. Update the City's public art website pages:
 - a. Review draft from IT Department of new website pages for public art (Mar 2013)
 - b. Finalize elements of public art website pages including design and content
 - c. Populate public art website pages based on approved design and content
6. Clarify and document public art processes:
 - a. Identify opportunities to include art and artists in early stages of local planning
 - b. Identify City staff, officials, and advisory groups/commissions to meet with in the early stages of project planning to discuss the potential for public art
 - c. Identify opportunities for partnerships and community involvement in each public art project
 - d. Clarify and publish the City's/PAAB's processes and policies for consideration and selection of public art proposals
7. Improve quality, creativity, and site appropriateness of public art:
 - a. Conduct research and gather input on model public art programs and projects
 - b. Conduct annual brainstorming on potential public art projects and sites
 - c. Establish clear criteria and guidelines for public art projects and site selection
 - d. Expand database of artists interested in public art
 - e. Ensure public art projects are site specific
 - f. Invite artists and planners to PAAB meetings and have board members attend appropriate planning meetings to ensure early involvement of art in projects development
 - g. Review public art inventory issues
8. Develop plan for future funding of public art:
 - a. Develop and review public art budget report each September
 - b. Identify opportunities for alternative funding and partnerships for public art

Exhibit B - PAAB Draft Communications Plan – (Finalized March 11, 2013)

OBJECTIVES

- Promote Park City's public art
- Educate citizens about PAAB and the public art program (Policy, plan, projects (previous, current, future)
- Communicate information about public art projects (existing and future)

ACTION PLAN

GENERAL

- Develop specific plan for media, PR, website, partnerships, etc.
- Clarify procedures and responsibilities (who does what – City & PAAB)
 - o Present plan to PCMC Communications Manager
- Assign specific tasks to City/Board members/subcommittees
- Set Timeline/deadlines

DEFINE MESSAGING

- PAAB program, board, and strategic plan (on PCMC website – update)
- Existing Park City Public art and artists (inventory, map)
- Upcoming Public Art projects (list opportunities including RFPs, RFQs on website)

DEFINE AUDIENCE (Targeted per project; local, state, regional, national, international, industry, etc.) Residents

- Visitors
- PCMC staff
- City planners
- Planning Commission
- Artists
- Art Galleries
- Potential PAAB members
- Artists' constituencies
- Galleries outside Utah
- Markets specific to project

PCMC Website / Public Art Pages:

- Re-design public art pages
- Create link from city home page
- Printable map of public art-locations, directions
- Public Art inventory including: Photograph, Artist, Title, Medium, Size, Year acquired and installed, Location, Method (gift, commission, RFQ, etc.)
- List Current projects, Future Projects, RFQ's (Follow progress of current project-images, timeline, potential future spots, email us-"Where would you like to see public art in Park City?")
- "About us"-strategic plan, members, etc., contact info

Press / PR

- Upcoming Projects
 - o Work with PCMC Communications Manager to Issue press release, PSAs, notices regarding RFP/RFQs issued, public art opportunities
- New Acquisitions
 - o Work with PCMC Communications Manager to create a press release for new work and distribute to local/national media
 - o Create an event (artist run workshops, public walk through of the new piece/unveiling, artist lecture)
 - o Promote the new work and event on website
- Event / PR Concepts
 - o Public Art Weekend
 - o Artist lectures-including public art artists
 - o Public art tours—lead by board members (maybe on bikes!)
 - o Kids workshops, adult workshops- themed around public art/artists
 - o Incorporate unveiling of new public art work, new project, new site
 - o Incorporate local media
 - o Local public art contest or art inspired contest
 - o Public art piece-winner displayed at “x location” for “x” amount of time
 - o Soap box derby-art inspired “vehicle”
 - o Collectible poster that promotes weekend-sell-proceeds to public art fund/artist
 - o Public Art Fundraiser-come as your favorite artist/painting
- Awards / Recognition – submit public art pieces for awards

RESOURCES / PR AVENUES (Targeted per project; local, state, regional, national, international, industry, etc.)

- Park City Municipal Corporation (City Website/Public Art pages, Citywide emails, newsletters, communication methods, City Departments and Boards, City Buses/map & images, City Authorized self-guided tours)
- Park City Summit County Arts Council (website, email blasts, Facebook page)
- Arts and cultural organization websites (museums, etc)
- Park City Chamber of Commerce/Conventions & Visitors Bureau
- Park City Main Street Business Alliance
- Park City Gallery Association
- Local Hotels and Restaurants
- Local Organizations (Rotary, Newcomers, PC Board of Education, PTO/PTA,etc.)
- Local Media (Park Record, KPCW, PC TV)
- Media from artist’s hometown



**Regular Meeting Minutes,
SEPTEMBER 26, 2013**

DRAFT

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 26, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Liza Simpson and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney; Park City Police Department; Matt Cassel, City Engineer, Sharon Bauman, Senior Recorder and Elections Official; Kayla Sintz, Current Planning Manager; Francisco Astorga, Planner; Chad Root, Chief Building Official; Phyllis Robinson, Communications and Public Affairs Manager; Matt Dias, Assistant City Manager; Marci Heil, City Recorder; Jody Morrison, Assistant City Recorder

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures made from Council or Staff.

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

No public input was given.

**IV MINUTES OF MEETING OF AUGUST 15, 2013, SEPTEMBER 5, 2013 and
SEPTEMBER 12, 2013**

**Council member Butwinski moved to approve the minutes for August 15, 2013,
September 5, 2013 and September 12, 2013 with the corrections
that have been given to recorder
Council member Beerman seconded**

Approved unanimously on August 15, 2013 and September 5, 2013 minutes

**Motion carried on September 12, 2013 minutes
Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-abstain**

APPOINTMENTS AND RESIGNATIONS

1. Consideration of appointments of Hope Melville and Clayton Vance to the Historic Preservation Board to fill existing terms: July, 2012 – May, 2015 and July, 2011 – May, 2014 respectively.

**Council member Peek moved to approve the appointments of Hope Melville and Clayton Vance to the Historic Preservation Board to fill existing terms: July, 2012-May, 2015 and July, 2011- May, 2014 respectively.
Council member Simpson seconded
Approved unanimously**

CONSENT AGENDA

1. Consideration of a Resolution proclaiming the month of October as Domestic Violence Awareness Month in Park City, Utah

Jane Patton, Peace House wanted to announce October 1st is the beginning of Domestic Violence Month. She invited the Mayor and Council to the candle light vigil being held on October 1st at 5:45 at the top of Main Street to honor those who have lost their lives and those who have survived.

2. Consideration of payment of claims for water damages at 2164 Little Bessie Drive in the amount of \$25,151.86
3. Consideration of amendment to Convention Licensing resolution reference

**Council member Beerman moved to approved items 1-3 on the consent agenda
Council member Butwinski seconded
Approve unanimously**

VII OLD BUSINESS

1. Consideration of an Ordinance approving the public improvements for the Echo Spur Subdivision

City Engineer Cassel approached the Council regarding the public improvements of the Echo Spur subdivision, stating this this item is a continuation from the May 2, 2013 meeting.

Council member Butwinski inquired of City Attorney Harrington if we could exclude the maintenance of the retaining wall, Harrington stated that Council would need to accept the entire improvements or renegotiate. Butwinski stated that the wall that is in place is not what Council had originally approved; Cassel reiterated what he had stated in his staff report that due to the changes in the field the wall was modified. Council member Butwinski stated he understood that things change in the field but feels this is a substantially different wall and is very upset about the fact that the City has to accept something that was not approved.

Council member Matsumoto inquired of Cassel if he has gone out and checked the integrity of the retaining wall. Cassel stated that he did check the wall out and said it is still in good shape.

Mayor Williams opened the public hearing.

Mary Winzter, resident, concurred with Council members Butwinski & Matsumoto, the wall has failed and the road has failed and was built to the barest of Park City's standards. As a tax payer she feels it has been a bad situation from the beginning and sees no quality put forth throughout the project. She is concerned as a citizen that Council would be accepting that burden.

No further comments, Mayor Williams closed the public hearing.

Council member Beerman inquired of staff what advantages or obligations would the City have to accept the road. Cassel stated one main concern is the fire turn around, it is also a very visible drive and staff wanted to enforce the no parking and the management of the street to Park City's standards

Council member Peek inquired if the City would have to vacate the right of way if it was a private street. Cassel stated that the City would maintain a public right of way if it was a private drive.

Council member Butwinski inquired about posting no parking signs so that the City can enforce the laws. Cassel stated that it has just been chained off up to this point and will continue to be until further time when no parking signs were needed. Butwinski stated that he feels if the City has to take responsibility for this road they should be able to enforce the no parking on the street.

Council member Matsumoto felt that when the item was first brought to Council there would be loftier goals other than just enforcing parking. Felt there is no compelling reason to move forward.

City Attorney Harrington addressed the concerns of Council stating that there were two different issues. One, should there still be a public right of way or not and two, should you accept dedication built to public standards.

Council member Butwinski reiterated his distress about accepting that wall in that condition.

Cassel addressed Council member Butwinski's concerns regarding the two tier rendition that was part of the original approval stating that the wall had to be altered due to a service line that caused unevenness in the wall and had to be pulled.

Council member Simpson stated that she has struggled with this project due to her proximity; however, she really hates the idea of one more private road in town. She is upset with the results but would like to have the control to maintain and keep it in good repair within the City.

Council member Simpson moved to approve the Ordinance accepting the public improvements for the Echo Spur Subdivision
Council member Matsumoto seconded
Approved unanimously

2. Consideration of an Ordinance renaming the section of McHenry Avenue extending from Rossi Hill Drive north to the name of Echo Spur Court, Park City, Utah

Mayor Williams opened the public hearing. No comments were made. Mayor Williams closed the public hearing.

Council member Simpson inquired of staff if we could just call it Echo Spur.

Council member Peek stated his concern with calling it something it's not where as the old railroad grade was named Echo Spur and was historic.

Discussion ensued around other name changes.

**Council member Simpson moved to approve the Ordinance renaming the section
of McHenry Avenue to Echo Spur
Council member Matsumoto seconded
Approve unanimously**

3. Consideration of an Ordinance approving the Plat Amendment Extension of the 573 Main Street Plat Amendment located at 573 Main Street, Park City, Utah

City Planner Astorga stated this item is a continuation from the September 12, 2013 Council meeting. Since that date staff has reviewed the plat extension and staff still finds that there have been no changes. As per Council's request staff had invited Building Official Root to weigh in on this amendment. Root is also available for questions. Astorga reiterated the issue the applicant is having regarding removal of the parking lot. Astorga stated that the Planning, Building and Engineering departments got together and outlined staff's recommendation for the project stating that the issue that staff recognized through the contaminated soil's ordinance, that once the parking lot is removed it would need to be capped. Staff suggested that the property owner file a bond with the City that if the parking lot is not removed by May 31st the City would use that bond to remove the parking lot.

Mayor inquired about the requirements that were suggested by Council during the Sept 12, 2013 Council meeting stating he felt the suggestions of Council were not reflected in the current ordinance.

Council member Matsumoto stated that she remembered that the parking lot was suggested to be removed by December 31, 2013; however, if it is a safety issue she would be ok with locking the parking lot up after December 31, 2013 until landscaping can be completed as long as the staging issue be resolved.

Building Official Root stated staff recommended the parking lot be cleared of all debris and equipment. Then as of December 1, 2013 the lot would be locked off and there would be no access until spring when they could remove the parking lot.

Council member Simpson apologized for missing the last Council meeting. She then inquired why staff has approved multiple building permits without a full set of plans as per the Land Use Management Code.

Building Official Root stated that staff has eliminated the temporary certification of occupancy for the purpose of eliminating problems like this when owners would fix them up enough for Sundance so people could come in and pull permits for 10 days and then walk away. From here on out it will be a full Certificate of Occupancy which should eradicate this issue in the future.

Council member Simpson inquired the amount of the landscape bond. Building Official Root stated the amount has not been determined but would include the removal of the parking lot, six inch soil cap, landscape plan, vegetation and the emergency egress.

Council member Beerman inquired of the intent of the applicant.

Applicant's Attorney Joe Wrona stated that his recollection from the last meeting was that he offered to have the parking lot torn out by December 31, 2013. Now the professional City staff has come back and stated that it would be better to wait until spring. His client wants to get this project completed as well. The intentions are to plat before the New Year.

Billy Reed, contractor, stated that the full Certificate of Occupancy is intended for December. As soon as they have direction they can take care of the parking lot issue.

Council member Beerman stated that he understands the practical need to keep the asphalt in place but also understands if he the applicant wants to plat and get the CO then the parking lot needs to be removed first. Beerman inquired of staff if the applicant could they tarp the parking lot. Planner Astorga stated that they could do that but the concern would be the run off.

Council member Peek stated that we need to determine if the risk is run-off or seepage, a geo technical engineer could design a mitigation plan put in a cap, seed it and put in landscape rocks instead of the fence

Council member Simpson stated that if their intention is to get a C&O by end of year why they would need until June 2014 for the extension.

Mayor Williams stated he loved Council member Peek's idea of the cap with the landscape rocks instead of the fence. Williams did express concern setting a date of May 31, 2013 for the landscape bond in case of a long winter.

Council member Simpson stated that part of the problem with this property is the negative impacts on Park Avenue. City Attorney Harrington stated that the impacts have been related to the parking lot and the use of the rear access so if the lot is removed it would mitigate those impacts.

Mayor inquired if Council was comfortable with a landscape bond if the parking lot being removed by December, the cap in place and rocks to prohibit the use of the lot. Root stated that the bond would not be released until 80% germination was succeeded.

Mayor Williams opened the public hearing.

Joe Tesch, attorney for the neighbors, stated that the neighbors appreciate everything the Council has done tonight in working to understand the neighbors. He would caution the Council to be careful in adopting an ordinance with loose holes. Tesch suggested an alternate number 6, first discussed the additions of 87, 88, 89 to the findings of facts by staff stating. He would suggest that Council allow the contractor to either landscape or cover the lot by December 1, 2013. He stated he would like to see boulder barriers on the Park Avenue side to make it impassible by vehicle traffic. Stated that was agianst the idea that you could put up a bond to get the plat approved. The City could be left in litigation for years to complete this project. Spoke to the building permits that have been pulled prior to the plat.

Mayor Williams inquired if there were two issues about the restoration of the building and the plat amendment to join the lots. City Attorney Harrington stated that yes there were two issues and tonight's discussion is about the plat amendment.

Council member Simpson inquired about condition of approval #6 to read to the first word vehicles and add access. Remove the rest of #6.

John Plunkett, neighbor, thanked the staff and Council for working together tonight to get the extension approved. He then reiterated the neighbors' concerns in utilizing the emergency exits as daily entrances and feels there is an enforcement issue that should not deal with fences.

Mayor Williams closed the public hearing.

Mayor Williams took a break and directed staff to go to the legal conference room and make the amendments that Council agreed upon during this meeting so they could approve the ordinance tonight.

After a break, staff returned with a finalized version of the ordinance with the incorporated changes including the removal of the parking lot by December 1, 2013 and recording the plat with the County by January 15, 2014.

**Council member Simpson moved to approve the amended Ordinance
Council member Peek seconded
Approved unanimously**

VIII NEW BUSINESS

1. Consideration of an Ordinance approving the Plat Amendment located at 2519 Lucky John Drive, Park City, Utah

Mayor Williams opened the public hearing. No comment. Public Hearing closed.

Staff requested this item be continued to a date uncertain.

**Council member Simpson moved to continue to a date uncertain.
Council member Peek seconded
Approved unanimously**



PARK CITY COUNCIL SPECIAL MEETING MINUTES OCTOBER 1, 2013

2:00 p.m.

I ROLL CALL

Mayor Dana Williams called the Special meeting of the City Council to order at approximately 2 p.m. at the Marsac Municipal Building on Tuesday October 1, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Liza Simpson and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Director; Kayla Sintz, Current Planning Manager; Matt Dias, Assistant City Manager

II PLANNING COMMISSION INTERVIEWS

Council reviewed the sample questions given to them by staff and proceeded to hold interviews for the Planning Commission.

III ADJOURNMENT INTO CLOSED SESSION

**Council member Peek moved to adjourn into a Closed Session to discuss Personnel
Council member Butwinski seconded
Motion Carried Unanimously**

**Council member Simpson moved to reopen the meeting and adjourn the special session
Council member Matsumoto seconded
Motion carried unanimously**

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:45 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Andy Beerman, Cindy Matsumoto, Dick Peek and Liza Simpson. Staff present were Diane Foster, City Manager; and Mark Harrington, City Attorney; Thomas Eddington, Planning Director.



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 3, 2013**

Study Session

Mayor Williams opened the Study Session by acknowledging that this was Sustainability Manager Tyler Poulson's last meeting. He thanked Tyler for his professionalism and for all the great projects he has accomplished stating that Park City's loss is Salt Lake City's gain.

Poulson thanked Council staying that the goals could not have been accomplished without the support of a great Council.

Ice Arena Annual Update

Ice arena management presented a well-documented history of the progress of the Ice Rink. They have grown exponentially since 2006 with the growth in hockey interest, classes and learning programs. They are running very efficiently since the environmental initiatives in 2009. The operations staff's goal is to run an efficient, effective, customer friendly facility. They are currently open from 6:00 am to Midnight and are using the ice 97% of the time. They are also utilizing the normal "off" hours of 9 am to 3 pm during the school year filling this time with preschool groups, P.E. classes and lunch time programs along with special events.

Ice manager Pisty talked to the Mayor and Council about the possibilities of a second rink and about adding altitude training to the repertoire. Pisty stated with the current demand on the rink time is a constant battle between meeting the demand of the special events and programs with the goal of providing excellent customer service to the residents.

Council member Peek inquired about the supply and demand.

Council member Simpson inquired if the ice staff had the percentage of residents that use the facility versus non-residents. Pisty stated that they have recently updated their software program to be able to track that information.

Mayor Williams inquired about the 93% cost recovery forecast. He stated he recalled early discussions with ice staff if they got to a 100% cost recovery the City would look at a second rink.

Council talked about options for an open air facility. Mayor Williams spoke of a modified structure in Bozeman.

Council member Beerman inquired about Capital vs. Cost Recovery. Pisty stated that \$50,000 a year of the Capital expenses are funded over the next 40 years through County funding. The additional Capital expenses that are not covered are funded through the asset management fund.

Council member Matsumoto inquired about the current fee schedule. Ice arena staff stated that they charge resident and non-resident fees as well as profit and non-profit fees for special events.

Pisty inquired if Council is interested in looking into a retail sales as well becoming an altitude training center.

Council inquired about the competition of local retailers and the amount of ice time needed for altitude training.

Pisty stated there are two local retailers but feel the market is large enough and also spoke to the time needed for the altitude training stating they would be using the end of summer months when the rink is slower to accommodate the training schedules. They would start out slow and grow the program with demand.

Mayor Williams thanked the Ice Arena staff for their diligence and progress they have made, this was one project he wanted to succeed during his time as Mayor as this is his last meeting with the Ice staff, he is very proud of the program. The Council concurred his sentiments.

Work Session

Council questions and comments and Manager's Report

Council member Simpson attended the Fire service district board meeting stating it was great and there were Facebook pictures of our own Phyllis Robinson- Public Affairs in full fire gear floating around cyberspace. She also attended the Lodging Association meeting where Mayor Williams spoke recalling his accomplishments over the past 12 years. Simpson also wanted to congratulate Summit County for stepping up during the Government Shut Down stating that they met and moved to fund WIC for the county for October and November and then the State Department stepped up and moved to fund WIC for the state so the County will keep their funds for another rainy day.

Council member Matsumoto inquired if the City had any programs being shut down during this time. City Manager Foster stated that the City does receive federal funding; however we keep a conservative approach and take the funding in as extra. Matsumoto also attended a Historical Society Meeting informing residents that they will continue the Free Thursdays event this fall, the past 2 have been well attended. Also let staff and Council know that David Chapman's Celebration of Life will be held Saturday from 4-7 pm. Matsumoto asked staff to bring the gang box Mailbox issue to Council as a work session item in a future meeting.

Council member Peek attended the Peace House vigil and was touched by the turnout

Council member Beerman attended the 9-11 Memorial event and found it very emotional. He also attended a UOC meeting Olympic media kickoff event stating the Olympic spirit was alive and well in Park City. He too attended the Peace House Vigil.

Council member Butwinski met with the General Plan Task Force this week and appreciated

staff's direction with where the committee needs to be heading. Also, gave kudos to the Building Department.

Mayor Williams attended the 9-11 Memorial Celebration and found it wonderful that the group that put this together were all from Park City, Belcher's and Jim Dailey Excavating, they went back there and bid on this piece and trucked it here from New York. Great event, emotional event, the speaker was a first responder with the NYPD who has recently retired and has migrated to live in Park City. Also found the Peace House Vigil to be very touching.

Stoneridge – Gilmore Open Space

Trails and Open Space Manager Heinrich Deters, Wendy Fisher, Utah Open Lands and Bob Mackie, Basin Recreation discussed the Stoneridge Open Space project outlining goals and the timeline.

Fisher stated that the City should be very proud of the accomplishment they have made in keeping this 292 acres protected open space. Landowner goals are: trail use, adaptive panning for conservation values-balance recreation, wildlife, scenic resource influences.

Fisher discussed the current conditions stating there is not a lot of farmland soils, staff has documented many existing roads and trails, stating if some trails were closed off re-vegetation would occur and then we could build upon a trail system that already exists. She also discussed the Toll Canyon spoils area stating it was tested by the County and found to be clean, however; the distribution could affect the ecosystem. A plan for the abandoned quarries needs to be considered as well as the sensitive wildlife habitat for elk, deer and sage grouse.

Deters stated that staff has come up with a phasing plan, phase 1 would involve reclaiming as much of the spoils area as possible, installing a minor trailhead parking lot (10 spaces), soft surface trails 8-10 feet wide for multi seasonal, multi-use such as: equestrian, dogs, sledding, snow shoeing as well as a single track mountain biking trail. We are looking at a Summer 2014 time frame in order to mitigate the least amount of interruption to the sensitive wildlife.

Council member Simpson inquired if City were to use the entire area of the spoils pile would we have more than a 10 space parking lot.

Deters stated that they are looking into larger trailhead after we observe how the minor one will affect the migration corridor of the elk. He stated that this is an adaptive plan that will continue to change and to develop based on observations and facts.

Mayor Williams inquired about annexing this piece. Staff stated that it is something the City is looking into. He also stated he walked the spoils area finding it very rocky and full of noxious weeds. He inquired if we could use the spoils pile to fill the abandon quarries.

Fisher stated that they need to take care of the reclamation first and then consider the options.

Council member Beerman inquired of winter trails and will the possibility of taking down fencing to assist in the wildlife migration.

Fisher stated that the County has been taking the top rails of the fencing down and will eventually take the entire fence down.

Deters followed up by walking the Council through the Winter phase 1- Winter 2014-15, discussing ideas such as Nordic mowing, grooming, existing soft surfaces trails, winter use is very popular at Round Valley, this will be another great addition to access the property at the trailhead. Deters also touched on Phase 2 of the project stating an evaluation of the trailhead parking would take place as well as the possibility for restrooms, more events, and a single trail loop to relieve the conflict for users from Old Ranch Rd. .

Regular Meeting

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 3, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Liza Simpson and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer, Sharon Bauman, Senior Recorder and Elections Official; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Anya Grahn, Planner; Matt Dias, Assistant City Manager; Marci Heil, City Recorder; Jody Morrison, Assistant City Recorder

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There was no communication or disclosures made from Council or Staff.

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

Craig Elliot- resident- commented on the study session and stated that Ice Arena staff is doing a great job. Asked if the council would start a dialogue for allowing for affordable housing to be designed and pay it forward.

IV NEW BUSINESS

1. Consideration of an Ordinance approving a Plat Amendment for Thaynes Creek Ranch Estates Subdivision located at 510 Payday Drive, Park City, Utah

Planner Whetstone stated that this is a request for the final subdivision approval at the Thaynes Creek Ranch Estates subdivision. The subdivision would be zoned single family and stated the conditions and plat notes are consistent with the annexation agreement. The Planning Commission voted to forward a positive recommendation to Council. Staff is recommending a public hearing and consideration of approving this Ordinance.

Mayor Williams inquired if the resident could have an apartment in the barn or a detached garage.

Planner Whetstone stated that the garages would have to be attached however they could have an accessory apartment or they could have an accessory building that was not a barn.

Council member Peek inquired about the drawing of the barn placement.

Planner Whetstone stated it was just a typical placement for a lot this size with the setbacks.

Frank Richards, applicant, stated that the premium barns have always been 1300 square feet and there was a mistake in the annexation notes that it states 12000 square feet that has been interpreted as 1200 square feet and wanted to clarify the size before the ordinance was approved.

City Attorney Harrington advised Council to amend the ordinance condition of approval 30 to add "unless otherwise approved by fire marshal".

Mayor Williams opened the public hearing. No comments were made. The public hearing was closed.

Mayor Williams asked for a motion.

**Council member Simpson moved to approve the Ordinance approving the plat amendment for Thaynes Creek Ranch Estates subdivision located at 510 Payday Drive, Park City, UT with the amendment to Conditions of Approval #30.
Council member Butwinski seconded.
Approved unanimously**

2. Consideration of authoring the City Manager to execute the award for RFP for Historic Preservation Consulting Services to Cooper Roberts Simonson in an amount not to exceed \$20,000 in a form approved by the City Attorney.

Planner Grahn stated that the prior consulting service has not renewed their contract with the City and since then staff has put out an RFP for Historic Preservation Consulting services. They had four bids submitted and staff reviewed them and has chosen SWCA. They are a national firm with multiple skills staff was looking for.

Council member Simpson inquired about the members of the selection committee.

Planner Grahn stated that the planning and building departments had representatives on the selection committee.

Council member Beerman inquired as to the substantial increase in the contract amount.

Planner Grahn stated that they have negotiated a fair price and have included weekly meetings to keep up with design review demands also stating that the prior consulting services had come in quite a bit below average for the work completed.

Council member Beerman moved to authorize the City Manager to execute the award for RFP for Historic Preservation Consulting Services to Cooper Roberts Simonson in an amount not to exceed \$20,000 in a form approved by the City Attorney.

**Council member Butwinski seconded.
Approved unanimously.**

V ADJOURNMENT

With no further business the meeting was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:00 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Andy Beerman, Cindy Matsumoto, and Dick Peek. Liza Simpson was excused Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Phyllis Robinson, Public Affairs; Jim Blankenau, Sustainability; and Lori Collett, Finance Manager. **Council member Simpson moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Beerman seconded. Motion carried**

Council member Butwinski moved to open the Closed Session. Council member Peek seconded. Motion carried.

City Council Staff Report



Subject: Recreation Management Software
Author: Jessica Moran, Recreation Supervisor
Department: Recreation
Date: October 17, 2013
Type of Item: Legislative

Summary Recommendations: Authorize the City Manager to enter into a professional services agreement with Vermont Systems, Inc. in a form approved by the City Attorney, for new recreation registration software in the amount of \$83,227.

Topic/Description:

Purchase of registration software for the Recreation Department

Background:

Recreation has used Class Software for all point-of-sale, program registration and facility pass sales since 2000. Other modules that have been added since then include online registration, facility booking, and league scheduling.

From February 2006 through December 2012, the Ice Arena also used Class Software to manage program and league registrations, point of sale and pass sales. The Special Events Department is currently licensed through Class for the Facility Booking module in order to book rental facilities and generate contracts. The HR department is licensed for Program Registration in order to facilitate pass sales for employees through the wellness program.

Over the last several years technical support through the Active Network (owners of Class Software) has declined. Response time for issues has increased, while the functionality of the software has not progressed. For example, since the League Scheduling module was purchased in 2010 we have not been required to pay maintenance fees on the module because it does not work as completely as was proposed. Despite several enhancement requests, the functionality has not been updated to meet our needs. It typically takes an inordinate amount of time to train new front desk staff on the use and functionality of the current system, as it is not Windows-based or very user-friendly. Additionally, enhancements have not been made to Class' online registration module which has caused a customer service issue as patron's complain that it is not user friendly and difficult to navigate.

An up-to-date, easy to use software system is required to facilitate the world-class parks, programs and facilities that are a council priority. Additionally, the Park City 2030 document outlined key strategies that should be at the core of decision making, one of which was use of technology as a competitive advantage and to create a distinct & positive customer experience. A more well-suited recreation software system would have the capability to increase our customer satisfaction exponentially.

Analysis:

After a request for \$85,000 in funding was approved through the CIP process to cover the cost of a new software system, Recreation put out an RFP in August 2013 seeking proposals from software companies to provide a registration system to manage the daily

operations of the Recreation Department. The RFP outlined that the software must have the following capabilities:

- an easy-to-use and aesthetically pleasing interface (dashboard)
- financial reporting capabilities
- website interface & online registration capabilities
- applications for facility booking, program registration, league scheduling, membership pass sales & management, point-of-sale
- customizable reporting capabilities
- administrative controls
- payment processing

Proposals had to be submitted by Wednesday, August 14th at 4:00pm MST.

A selection committee made up of representatives from Recreation, Tennis, Finance, IT and Sustainability reviewed the proposals.

Software Information:

The RFP committee received five proposals from various vendors, and each proposal was given a score by each member of the RFP committee based upon a set criteria. Company information and noteworthy pros and cons are listed in the table below. Following the scoring process, the top two vendors provided the RFP committee with a web demonstration of their product's capabilities. These demonstrations allowed representatives a chance to ask specific questions and view functionality that would meet the needs of their specific department. Based on the RFP Proposals and web demonstrations, the RFP Committee unanimously chose RecTrac Software, provided by Vermont Systems, Inc.

RecTrac stood out from the other vendors due to their track record of providing software and support services nationwide, as well as positive referrals from several Utah and Idaho recreation departments of comparable size and scope to Park City. Their dashboard (main interface) was clear and easy to understand with minimal explanation, which will help when training new staff. Additionally, RecTrac offers an effective waiver collection and storage procedure – an essential element of a recreation software program.

Company Name	Noteworthy +	Noteworthy -	Price for First Year
RecTrac	Broad range of customized reports, waiver capture and storage system, mobile functionality		\$56,434.00
E-Trak Plus	Hosted Option, good mobile functionality	Tennis scheduling system not robust, limited reporting capabilities	\$60,000.00
CSI Software		\$2600 monthly fees	\$46,895.00
CapturePoint		No League Scheduling module, Per transaction fees costly	\$22,876.00 + .15 per transaction fee & per batch fee
Active Network		Per transaction fees costly, Tech Support questionable, League Scheduling module poor	\$39,540.00 + 2-5.5% per transaction fee

Department Review:

The staff report has been reviewed by Executive, Legal, Budget, Recreation, Finance, IT & Special Events Department.

Alternatives:

A. Approve:

Authorize the City Manager to enter into a professional services agreement with Vermont Systems, Inc. in a form approved by the City Attorney, for new recreation registration software in the amount of \$83,227. This amount will cover the purchase and annual maintenance costs for the software for 5 years, for 13 concurrent users.

B. Deny:

If Council denies the request the software would not be purchased. This will decrease the effectiveness of the recreation department's online and in-person services, as well as the customer service level offered by the Special Events department.

C. Modify:

Council could give staff direction to modify this purchasing contract.

D. Continue the Item:

Council could continue this item to a later date. Implementation and training for software will take several months, and ideally the new software would be in place prior to the busy spring registration session.

E. Do Nothing: This would result in a lack of clarity on how to proceed.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs (+/-) (Select Desired Outcome)  (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Reduced municipal, business and community carbon footprints (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Entire population utilizes community amenities (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors + Well-maintained assets and infrastructure (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Very Positive 	Positive 	Very Positive 
Comments: By using a signature pad to collect and store waivers within the system, the new software will save 1,000's of pages of paper annually that is used for waiver collection and retention.				

Funding Source:

This project was funded through the CIP process. Total cost to the City will be \$83,227.

Consequences of not taking the recommended action:

If Council is not supportive the Recreation, HR and Sustainability Departments will continue to operate with Class Software. Online registration and league scheduling will continue to operate at sub-par levels.

Recommendation:

Authorize the City Manager to enter into a professional services agreement with Vermont Systems, Inc. in a form approved by the City Attorney, for new recreation registration software in the amount of \$83,227.



City Council Staff Report

Subject: Capital Budgeting Software Design Contract
Author: Nate Rockwood, Jennifer Danowski
Department: Budget, Debt & Grants
Date: October 17, 2013
Type of Item: Administrative - Award of Contract

Summary Recommendations:

Staff recommends that Council authorize the City Manager to sign a professional service contract in a form approved by the City Attorney not to exceed \$44,825.60 with Neubrain for the design of an all-in-one Capital Budgeting System within the current Board software.

Topic/Description:

Purchasing design services for a Capital Budgeting System in the Board budget and performance measurement software.

Background:

Last year, the Budget Department worked with Neubrain to create completely customized budgeting software for the City's Budgeting for Outcomes (BFO) process. The BFO process is the City's operating budget process.

Analysis:

A new Capital Budget System in Board provides an all-in-one mechanism for capital budgeting, evaluation, reporting, and dashboards (visual overview of city budget and performance) that integrates seamlessly with the operating budget. This will make it easier to combine personnel budgeting, operating budget creation, forecasting and planning, capital budget creation, and performance management and budgeting into one centralized hub. Once completed, Board will be the one stop shop for the entire budgeting and performance measures process. The capital component design and implementation is the final step in this process.

The software will make it easier for the end-users (project managers) to budget more efficiently, monitor their project budgets throughout the fiscal year in a visualized format, and provide significant time efficiencies for project managers, the CIP Evaluation Committee and the Budget Department. The addition of a Capital Budget System will help systemize the budget process and provide a more streamlined and structured business continuity for the Budget Department in the case of future turnover. Including the capital budget process in Board will also reduce the likelihood of input and user error in the process.

Software Information:

The Budget Department began transitioning the budget process into Board last fiscal year. The benefit of utilizing Board is that the design can be completely tailored to Park

City's budgeting process. The Budget Department recently completed the request for proposal (RFP) process for design services for a Capital Component within Board. Neubrain's was the sole proposal received. This was not unexpected, as the RFP was specific to companies with design experience in Board. While the vendor options were restricted to a sole source, the Budget Department believes that utilizing the same vendor who initially designed our system will increase efficiency, as the designer already knows our system and how our capital budget fits within our budgeting process.

Upon approval, the implementation process will begin in late October, and is expected to last approximately 4 weeks. In the final weeks of implementation, representatives from Neubrain will provide training to ensure full operation for the FY2015 budget cycle.

The costs for this project are **Not to Exceed \$44,825.60**. Since this contract is for professional services, the only costs will be labor costs. The chart below itemizes Neubrain's labor cost per hour, based on the government rate.

Labor Categories	\$/Hour
Information Architect/Project Manager	194
Sr. Consultant	173

Department Review:

Budget, Debt & Grants, City Manager, Legal, IT

Alternatives:

- A. Approve:** Council could approve this professional service contract. Upon approval, the Budget and IT departments will begin collaborating with Neubrain to design a capital component in Board that will meet the current and future needs of Park City, improve efficiency in the budget process, and add continuity in the Budget Department.
- B. Deny:** The design services would not be purchased. This will decrease the effectiveness of the capital budget process, and will limit the continuity of the budget process in the event of employee turnover.
- C. Modify:** Council could give staff direction to modify this professional service contract.
- D. Continue the Item:** Council could continue this item to a later date. Implementation for software will take several months, and software will need to be fully functional by the next budget cycle (January 2014).
- E. Do Nothing:** The design services would not be purchased.

Significant Impacts:

Purchasing design services would enable the Budget Department to more effectively integrate the operating and capital budgeting processes.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?				+ Fiscally and legally sound + Well-maintained assets and infrastructure 
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Neutral 	Neutral 	Neutral 	Very Positive 
Comments: This contract will increase the efficiency and business continuity of the budget process.				

Funding Source:

The contract is funded within the Staff Interactive Budgeting Software Project (cp0296) which was approved by Council as part of the 5-year Capital Improvement Plan. The capital budget design and implementation process is the last component of the project and will exhaust the remaining funds allocated for the project.

Consequences of not taking the recommended action:

Not purchasing this software would maintain this status quo for the capital budget process, which is currently housed in offline spreadsheets and reports which is a strain on existing resources and prone to input and user error. The capital budget process is currently not centrally located. This causes increases in the resources for training new budget employees and new project managers. This also results in reduced business continuity in the event of employee turnover.

Recommendation:

Staff recommends that Council authorize the City Manager to sign a professional service contract in a form approved by the City Attorney not to exceed \$44,825.60 with Neubrain for the design of an all-in-one Capital Budgeting System within the current Board software.

Attachment A – Scope of Work

Addendum A-

Scope of Work

III. Proposed System

Park City is intending to add a capital budget component to the current budget process handled in Board version 7.4 which will allow the entire capital budget process to occur and be fully integrated into the BOARD budget system. The capital budget process should include all elements to allow a 5-year capital plan. Based on the requirements set forth in the RFP, our proposed solution would contain the following elements and structure:

The Capital Budgeting Component will include a rich set of features and functionality needed to create a robust 5-year capital plan. This Component will exist in the same environment as the existing BOARD applications, and require no new hardware. The Component will import information from the Tyler EDEN Project Accounting module nightly via SQL data readers, and extract data to flat files on a required schedule or on demand. The Component will be fully integrated with the existing Operating Component, and will transfer the aggregated capital project information by GL combination (Fund/Dept/Object/Program/Activity.)

The Capital Budgeting Component will allow budgeting for an unlimited number of projects across the four phases (i.e. Versions) of the City's budget process: Project Manager Submission, CIP Committee Review, City Manager Review, and City Council Review. Budgets can be created for existing or new projects, and marked as "Recommended" or "Not Recommended" for each budget Version. This will be tracked and stored inside the database for audit/reporting purposes. Projects can be funded from 1 or many Funds. Values for projects marked as "Recommended" when the final Version is completed will be aggregated and transferred to the Operating Component by GL combination. Additionally, the Component will allow for the capture of scoring and prioritization data by project, and will provide output reporting by project. Here are some key features of the system:

- Highly sophisticated calculation and formula engine
- Ability to create new project proposals & enter adjustments to current projects for 5 years
- Ability to track data across budget Versions
- Ability to transfer data to the Operating Component by GL combination
- Easy maintenance of capital projects
- Multi-Fund Project allocations: specify that project belongs to multiple cost centers, funds, etc.
- Reporting and analytical capabilities, delivered with CIP Project Summary Report (for both new and existing projects.)

The system will be delivered with embedded documentation, similar to that existing in the Operating Component. This innovative approach provides users with instant access to specific information when it is needed, without having to close the application or even leave the current screen, and reduces the environmental impact of producing printed materials.

Neubrain will deliver 2 types of training on the Capital Budgeting Component developed above: (1) End User training, and (2) Administrator training. End User training is designed to review the application from the functional perspective, while the Administrator training focuses

on the technical underpinnings of the application, including maintenance tasks and database structures. Our proposed delivery method for these trainings is via Webex, using a 'train the trainer' approach: this provides the greatest value proposition, as it removes the need for the City to incur travel and lodging expenses, removes the necessity for redundant training sessions to similar user groups, and provides the City with a recording of the Webex sessions to be archived and available for future use. Our proposed training schedule is as follows:

- Administrator Training (1 day)
 - Overview of Database structures, including entities, relationships, cubes, and rules
 - Overview of Capsule(s), including screens, navigation, procedures, and selections
 - Security Schema, including review of user groups and permissions
 - Maintenance Requirements, including review of common maintenance items
- End User Training (1 day)
 - Overview/purpose of application
 - Process Overview /
 - Detailed 'Step-by-Step' walkthrough of a Capital Budget build

The same personnel responsible for developing the Capital Budgeting Component will lead the training sessions to maximize the effectiveness of delivery. Additional training would be available to the City on an hourly basis at the Professional Services rates described in the "Pricing" section.

IV. Implementation Methodology

We have found that a structured methodology to implementing business analytics and performance management applications is efficient and provides management with key checkpoints to assess project performance and confirms the cost/benefits for subsequent phases. Our implementation methodology is the groundwork for our overall project approach. We have identified below the tasks, responsibilities and deliverables associated with each of our implementation activities.

I. PLANNING AND ANALYSIS PHASE

The planning and analysis phase of the project is intended to clearly identify, in detail, the Customer's requirements and business processes to be addressed during the design and configuration phases of the implementation. We will drill down into your requirements and processes on a component-by-component basis allowing us to identify any potential gaps between your requirements and the technical solution. The output of this effort will be high level requirements for the application design and configuration.

To facilitate the requirements analysis, it is requested that your organization collects and assembles information on all data inputs, processes, and data outputs of the current process. This information will serve to focus our questions and clarifications during interviews. Notes of the interview sessions will be compiled and will form the basis for a Requirements Document that will guide the development of a new application.

Planning and Analysis Phase Deliverables:

- Functional Requirements Document (Analysis of Requirements)

II. IMPLEMENTATION PHASE

The Implementation phase consists of several sub-activities, as follows:

Configure Board Database

This activity assesses and builds your data, business requirements and structures within Board database and RDBMS database (if needed): general database parameters, data time ranges,

entities, relationships, roll-ups/trees, measures, cubes, etc. Neubrain will utilize Park City's business requirements and our product specific expertise to design the database components. Neubrain will create a baseline database to be utilized in the next step: configure interface and load data.

Configure Interfaces, Load and Validate Data

During this activity Neubrain will configure Board data reader protocols: ODBC, OLE-DB, ASCII, CSV connections necessary to read, import, and cleanse data from source systems. Selected data will be imported into Board database. Some other data will remain in source systems/databases and will be read or accessed on the fly via Board ROLAP cubes and/or Board Drill Through functionality. During this activity the source data will be rationalized and the necessary Board Db ETL (Extract, Load, and Transformation) rules will be created in Board database, if the data needs to be pre-processed, cleansed and converted prior to loading into Board. Once the necessary data reader protocols are established, the data will be loaded, and then verified by both Neubrain and the customer. Data reader protocols could run manually (triggered by end users on demand) and scheduled to run automatically (using Windows scheduler or other enterprise scheduling application).

Design and Develop Board Capsules (Applications):

During this activity, Neubrain will create and configure the appropriate Board capsules (applications). Neubrain will utilize the approved requirements and design configurations to create the application environment: create capsules, define capsule screens, and define business rules, calculations and application procedures.

Configure Security

During this activity Neubrain will work jointly with the City to Identify Board users and required security. Then the security is defined in Board user security profiles. The final activity is to test configured security against requirements.

Implementation Phase Deliverables:

- Database / Application Design Review
- Development CDR (Critical Design Review) 1
- Development CDR (Critical Design Review) 2
- Development CDR (Critical Design Review) 3 - Final Review

III. TESTING PHASE

This phase consists of two (2) activities: Unit testing, and Integration testing, as follows:

Unit Testing

During this activity an application component is tested in the test environment against Customer's requirements, system configurations, interfaces, and preliminary data initiation to determine what adjustments are required. The customer will be responsible for execution of designated testing processes based on test scripts developed jointly by customer and Neubrain. Customer validates the design of the specific components in order to verify that the requirements were corrected interpreted in the application. This test helps avoid surprises and gaps in the delivered application early in the design and development phase.

Integration Testing

Integration testing subjects the entire system thorough testing. In addition to verifying that the system correctly performs all required business functions, it is essential to examine interfaces between software and hardware components, backup and recovery procedures, and security measures.

The customer will be responsible for execution of designated testing processes based on test scripts developed jointly by customer and Neubrain. Neubrain will capture all test incidents and

perform corrections, as needed. It is important for the end users to be involved in the testing process, as errors or design issues that are not captured during this phase, will become production issues.

Testing Phase Deliverables:

- Unit Testing approval (Capital Budgeting module)
- Integration Testing approval (Integration with Operating module)

IV. DOCUMENTATION AND TRAINING PHASE

Neubrain will deliver documentation to Park City's users in the form of Instructions Tabs on screens inside the application. Training for the Capital Budgeting module is planned to be performed via WebEx; this will save the City on travel and lodging expenses, and also serve to provide a video which can be used by the city as a future training tool. This training will be tailored to the application developed for the City.

Documentation and Training Phase Deliverables:

- Instructions tabs created within the application
- Training course delivered via WebEx

V. DEPLOYMENT AND PRODUCTION SUPPORT PHASE

The goal of this activity is launch the system and to turn maintenance over to Park City. This activity signifies the completion of all activities and skills acquisitions in order for your administration staff to perform the production support and maintenance of the application.

Final data initiation and cutover ensures that the business solution is fully operational and incorporated into daily business operations. Completion of this activity signifies the completion of the implementation.

Neubrain's Strategy in support of the successful deployment, knowledge transfer, and transition includes the development of the Transition plan. The Transition plan will be developed jointly by Neubrain with an input from Park City. It will include an overview of the application components with specific instructions related to Park City's implementation of these components for users to refer to in the course of their daily functions.

Deployment and Production Support Phase Deliverable:

- System in Production Environment

PROJECT MANAGEMENT (INCLUDED IN ALL PHASES)

This activity provides oversight and direction for all previously listed activities. It includes the scheduling and oversight of detailed tasks to be performed, the coordination of Neubrain resources, status meetings with the Neubrain and Park City's project teams, maintaining the detailed project plan, status meetings, status reports, issues logs, risk management matrix, project billing, quality controls, subcontractor management, staff evaluations, and other project management related tasks.

Project Management Deliverables

- Weekly Status Meetings
- Quality, Issue, and Risk Management
- Other Project Management Activities, as needed

City Council Staff Report

Subject: 2013 Election Poll Worker Appointments
Author: Sharon Bauman, Senior Recorder / Election Official
Department: Executive
Date: October 17, 2013
Type of Item: Administrative

Summary Recommendations:

Approve appointment of 2013 Election Poll Workers as recommended for the General Election on November 5, 2013.

Topic/Description:

Pursuant to Utah Code Section 20A-5-602, at least 15 days before the election date, City Council shall appoint poll workers and alternates for each consolidated voting precinct. Poll workers must be registered voters at least 18 years old or 17 years old who will be 18 years old by the date of the regular municipal election, and reside within Summit County. The City Council may not appoint any candidate's parent, sibling, spouse, child, or in-law to serve as a poll worker in the voting precinct where the candidate resides. The persons appointed shall serve as poll workers for each voting precinct, or as an alternate.

Poll workers receive compensation for their services at a rate established by Summit County which is currently \$10.00 per hour. There are no changes in consolidated voting precincts and the polling locations for Consolidated Voting Precincts 2 and 3 will again be in the Park City High School, Eccles Center lobby.

Poll Worker appointments are recommended as follows:

Consolidated Voting Precinct 1 – Marsac City Hall

Precinct # 1 Deer Valley

Precinct # 2 Old Town S

Precinct # 3 Old Town N

General - Ruth Gezelius, Carol Sletta, Mary Demkowicz; Lauri Heinrich

Alternates - Lou Bauman

Consolidated Voting Precincts 2 and 3 – Park City High School, Eccles Center Lobby

Precinct # 3 Prospector

Precinct # 4 Thaynes Canyon

Precinct # 33 Sidewinder

Precinct # 5 Park Meadows S

Precinct # 6 Quarry Mountain

Precinct # 35 Park Meadows N

General – Rich and Linda Dolan, Claire Marlin, Gerd Holmsen; Linda Eisenbarth;

Alternate – Emily Elliott

Pursuant to Utah State Code §20A-5-602(3), the Election Official shall prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed and this list shall be available in the Executive Department for inspection, examination, and copying during business hours.

Background:

Park City benefits from continued support of citizens who serve as poll workers/election judges for Primary and General Municipal Elections and Park City sincerely appreciates the time and service of these citizens on election days.

Analysis:

The Election Official has verified that each person recommended to serve as a poll worker meets the qualifications outlined in the state code.

Department Review:

This report has been reviewed by the City Attorney and City Manager.

Alternatives:

A. Approve the Request:

This is staff's recommendation.

B. Reject One or More Officials and Direct Replacement:

Could be done if necessary.

C. Continue the Item:

The appointment must be made no later than 15 days prior to an election.

D. Do Nothing:

Not an option

Significant Impacts:

In the event poll workers were not appointed, the election would be impacted to such an extent it could not be held.

Consequences of not taking the recommended action:

Poll workers are a necessary component for the conduct of the City's primary and general municipal elections.

Recommendation:

Approve appointment of 2013 Election Poll Workers as recommended for the Municipal General Election on November 5, 2013.

City Council Staff Report



Author: Heinrich Deters
Subject: McLeod Creek Bank Stabilization –
Change Order to Construction Contract
Date: December 15, 2011
Type of Item: Administrative – Change Order to Contract

Sustainability

Summary Recommendation –

Authorize the City Manager to execute a change order to the McLeod Creek Bank Stabilization Construction Agreement with Beck Construction, Inc., for additional work in the amount of Eighteen Thousand Eight Hundred Dollars (\$18,800). (Exhibit A)

Topic: McLeod Creek Bank Stabilization Project construction contract change order.

Background:

For more than a year, staff has been closely monitoring McLeod creek near the Huntsman and Peterson Open Spaces and its erosion impacts on the old railroad bed and subsequent McLeod creek pathway. Additionally, staff determined that measures would need to be taken to protect the rail bed and pathway, as well as, the Snyderville Basin Water Reclamation Districts (SBWRD) sanitary sewer line and filed for a stream alteration permit from the Army Corps of Engineers (ACOE). Staff received the stream alteration permit on July 20th and coordinated construction drawings with SBWRD to protect the respected facilities.

On September 5, 2013 the City Council awarded the McLeod Creek Bank Stabilization Project Contract to Beck Construction Inc., in the amount of Sixty Two Thousand Four Hundred Dollars (\$62,400).

On Friday, October 11th, the contractor, project engineer and staff met on site to review the trail and subsurface. It was determined that the trail and sub-surface were in poor condition due to erosion and vegetation growth and a more comprehensive approach of milling the surface of the trail, recycling the asphalt into the base and then overlaying the entire section of trail would provide a more uniform and sustainable surface which would provide greater longevity to the previously proposed patching approach. The contractor provided a quote of \$36,200 to perform the milling and overlay work and a credit of \$17,400 per the previous bid to simply 'patch' the expanded area was agreed upon. The contractor has provided the attached change order and the work is scheduled for Friday October 18th.

Analysis:

In the purchasing policy it states: "The following items require City Council approval...
d. Accumulated "Change Orders" which would overall increase a previously approved change order by: i. the lessor of \$25,000 or 20% for contracts of \$250,000 or less." As

noted above, Staff directed the contractor to proceed with providing a quote and scheduling the mill and overlay work so as to not further delay the project. Snyderville Basin Water Reclamation District is participating in funding this project; however, the change order is outside of their project scope and thus, will not be funding the additional \$18,800.

The project is scheduled to be substantially complete by October 22nd, 2013.

Department Review: This report has been reviewed by representatives of Sustainability, Legal and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

- A. Approve the request, and authorize the City Manager to execute a change order to the McLeod Creek Bank Stabilization Construction Agreement with Beck Construction, Inc., for additional work in an amount of Eighteen Thousand Eight Hundred Dollars (\$18,800).(Staff recommendation)**
- B. Modify the request: Council could choose to modify the stairs project or not complete the stairs project due to budget concerns.
- C. Deny the request: Council could choose to not continue with the project at this time. Similar to modify in that the stair project would not be completed in order to fund the water line.
- D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
- E. Do Nothing: Same effect as continuance.

Significant Impacts:

Staff is concerned that if these changes are not addressed appropriately through the mill and overlay process, repairs will be required sooner than later.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able + Accessible and world-class recreational facilities, parks and programs	+ Managed natural resources balancing ecosystem needs		+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 		Positive 
Comments: Staff has worked diligently over the past several years seeking a balance between the growing beaver population along McLeod Creek, as well as, protecting public infrastructure.				

Funding Source:

Funds from the Trails Master Plan budget will be utilized to cover the project and change order costs.

Consequences of not taking the recommended action:

The sustainability of the trail may be compromised if the recommended action is not taken.

Staff Recommendations:

Authorize the City Manager to execute a change order to the McLeod Creek Bank Stabilization Construction Agreement with Beck Construction, Inc., for additional work in an amount of Eighteen Thousand Eight Hundred Dollars (\$18,800).

Exhibit A- Change Order

CHANGE ORDER

No. 1

DATE OF ISSUANCE 10/11/13 EFFECTIVE DATE 10/11/13

OWNER Park City Municipal Corporation
 CONTRACTOR Beck Construction and Excavation
 Contract: _____
 Project: McLeod Creek Stream Bank Stabilization 2013
 OWNER's Contract No. N/A ENGINEER's Contract No. 5-4-13
 ENGINEER Alliance Engineering

You are directed to make the following changes in the Contract Documents:

Description: Rotonull existing asphalt trail, widen trail to 10 feet total width. Clear vegetation, add fill as necessary, use rotomull as fill/base install 8" VAC & widen path & 3" asphalt. Replacing item #4

Reason for Change Order:

PCMC request

Attachments: (List documents supporting change)

Beck construction Estimate

CO total price \$ 36200.00

less item #4 (\$ 17400.00)

total extra cost = \$ 18800.00

CHANGE IN CONTRACT PRICE:
Original Contract Price: \$ <u>62400.00</u>
Net Increase (Decrease) from previous Change Orders No. <u>1</u> to <u>1</u> : \$ <u>18800.00</u>
Contract Price prior to this Change Order: \$ <u>62400.00</u>
Net increase (decrease) of this Change Order: \$ <u>81200.00 18,800 - NO</u>
Contract Price with all approved Change Orders: \$ <u>81200.00</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: _____ Ready for final payment: _____ (days or dates)
Net change from previous Change Orders No. _____ to No. _____ : Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Times prior to this Change Order: Substantial Completion: _____ Ready for final payment: _____ (days or dates)
Contract Times prior to this Change Order: Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for final payment: _____ (days or dates)

RECOMMENDED:

By: Michael Durl
ENGINEER (Authorized Signature)

Date: 10/11/13

APPROVED:

By: [Signature]
OWNER (Authorized Signature)

Date: 10/11/13

ACCEPTED:

By: _____
CONTRACTOR (Authorized Signature)

Date: _____



City Council Staff Report

Subject: Meeting Management Software
Author: Jason Glidden
Department: Sustainability
Date: October 17th, 2013
Type of Item: Administrative – Award of Contract

Summary Recommendations:

Staff requests Council authorize the City Manager to enter into a Licensing and Support Agreement and Hosting Services Agreement with Hyland Software Inc. (Sire Technologies) in the amount of \$21,572 in year one and \$7,908 annually thereafter.

Topic/Description:

Awarding a contract to purchase and implement a Meeting Management Software (Streaming Audio Media) solution to improve workflow and productivity, public participation and government transparency. The software is also for the improvement of the City's agenda management process, which is tailored to the City's Council and Planning Commission needs.

Background:

In 2011 the Executive and IT teams were asked by the City Council to collaborate on the research of existing programs that would offer greater transparency to its citizens, provide improved access to public meetings and records online, and offer an integrated solution that would combine minutes with a meeting's audio recording. Staff scheduled meetings with qualified vendors over the following few months. In addition to the project being impacted by Assistant City Manager staffing changes, staff felt that more time and research was needed before pursuing and selecting a service provider.

During this past winter a working committee (the "Committee") was created to include representatives from public meeting coordinators for City Council and Planning Commission, Executive Department, and IT Department. The Committee collaborated to create an RFP for a Meeting Management Software solution from qualified vendors that specialize in the field of government documentation and record keeping, with a high focus on accessibility and transparency.

In January 2013 the RFP was noticed in the Salt Lake Tribune, The Park Record, the City's website and emailed to E-Notify subscribers. Responses to the RFP were due from bidders by mid-February and proposals were then graded by the Committee. The Committee received a total of eight bids. The committee then selected the top three qualified bids and scheduled program demonstrations with each of the companies. A final grading of the three finalists was performed and Sire Technologies was selected from the group.

On [August 8th](#), staff presented to Council the RFP process and proposed contract. Council requested that staff seek clarification on a number of issues and return with information to answer the questions that the group requested. This information is presented below in the analysis section.

Analysis:

Council members had the following question that they requested staff work with Hyland to answer:

1. Does the annual hosting rate increase or will it stay at the \$7,908 fee on an annual basis?

The annual hosting fee may change over time. With this being said, Sire has not increased the hosting fee they charge in over three years. This does not guarantee that a fee increase would not happen in the future. The company does provide an option to include a provision in the contract that will guarantee a fixed annual increase in the hosting contract. This would lock in a fixed increase every year. Since this would guarantee the City would pay more year over year, very few of Sire's clients request the company include this provision. Staff also does not recommend this provision.

2. What services would trigger the additional service fee of \$168.75 per hour?

Service fees would be charged if there are any needs that the city wishes the services group to fulfill outside of the contracted services listed in the Services Proposal (Exhibit C) .

3. Can additional templates for other groups (Planning Commission, Board of Adjustment, etc.) be included in the current rate?

It is possible for additional templates to be included but this would increase the total price of the service proposal, although it would not be substantial. As part of the Agenda Administrator training, which would include the training on template configuration, City staff will learn to create and configure new meeting templates. Staff recommends that Sire first conduct training and determine if staff is capable of completing additional templates or if the additional template service is necessary.

4. Are there any additional fees that are not included in the \$7,908 annual fee?

There would not be any additional cost for the software unless the city chose in the future to add other software that Sire has available such as report workflow. The only other cost the city would incur would be the purchase of the media encoder hardware as discussed in the August 8th staff report.

5. Can the City get a not to exceed price on the installation cost?

The services proposal is a fixed bid, and would not exceed the amount listed without an authorized change order.

The implementation schedule will be determined once the contracts are signed. It is expected that implementation will not begin for 8-10 weeks. .

Department Review:

City Manager, Legal Department, IT Department, Budget Department

Alternatives:

A. Approve: Council gives approval to authorize the City Manager to enter into a Standard Licensing and Support Agreement and Standard Hosting Services Agreement with Hyland Software Inc. (Sire Technologies) not to exceed \$21,572 in year one and \$7,908 annually thereafter . This is staff's recommendation.

B. Deny: Council denies approval to authorize the City Manager to enter into a Standard Licensing and Support Agreement and Standard Hosting Services Agreement with Hyland Software Inc. (Sire Technologies).

C. Modify: Council could direct staff to modify the agreement to include or exclude certain items or services.

D. Continue the Item: Council could ask that this item be continued with specific direction to staff on next steps.

E. Do Nothing: Council could choose to do nothing. This would leave staff with a lack of direction moving forward.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?				+ Engaged and informed citizenry + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Neutral ↔	Neutral ↔	Neutral ↔	Positive ↑
Comments:				

Funding Source:

IT has an annual budget line of \$9,600 to fund this project. In order to cover year 1 costs of program purchase and installation, a request from the Capital Improvement Project (CIP) fund was approved for FY 2015.

Consequences of not taking the recommended action:

By not proceeding with this software solution, Park City would continue to lack an efficient method of meeting documentation that promotes greater governmental transparency.

Recommendation:

Staff requests approval to authorize the City Manager to enter into a Standard Licensing and Support Agreement and Standard Hosting Services Agreement with Hyland Software Inc. (Sire Technologies) in the amount of \$21,572 in year one and \$7,908 going forward.

Exhibits:

- Exhibit A – Professional Service Contract
- Exhibit B – Hosting Contract
- Exhibit C – Services Proposal
- Exhibit D – [Minutes from 8/8/13 CC meeting](#)
- Exhibit E – [Staff report from 8/8](#)

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS **SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT** ("Agreement") is made and entered into in duplicate this ____ day of _____, 20__, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and Hyland Software, Inc., an Ohio corporation ("Service Provider").

WITNESSETH:

WHEREAS, the parties have entered into a Hosting Agreement dated on or about _____ (the "Hosting Agreement"), pursuant to which, among other things, Service Provider has agreed to license certain Software to the City and provide Maintenance and Support and Hosting Services to the City relating to such Software. Capitalized terms used in this Agreement and not defined shall have the meanings given to them in the Hosting Agreement.

WHEREAS, the City desires to have certain Professional Services performed relating to the Software, which require specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such Professional Services; and

WHEREAS, the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the Professional Services.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities in this Agreement and as set forth in the "Services Proposal" attached hereto as "Addendum A" and incorporated herein (the "Project"). The total fee for the Project shall not exceed **\$14,850.00** Dollars.

2. TERM AND TERMINATION.

- (A) The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate upon the earlier of June 30, 2014, or payment of the invoice referenced in Addendum A relating to Milestone 2, unless extended by mutual written agreement of the parties. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.
- (B) If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within five (5) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

3. COMPENSATION AND METHOD OF PAYMENT.

- A. Payments for services provided hereunder shall be made in accordance with the terms of Addendum A.
- B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.
- C. For all "extra" services work the City requires during the term of this Agreement, the City shall pay the Service Provider at a rate of \$168.75 per person per hour, or as subsequently agreed to by both parties in writing.
- D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services in accordance with the terms of Addendum A. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.
- E. The Service Provider reserves the right to suspend or terminate Professional Services and this Agreement if any unpaid account exceeds sixty (60) days.

4. REPORTS AND INSPECTIONS.

- A. The Service Provider shall furnish the City such statements, records, reports, data, and information as the City may reasonably request, pertaining only to matters covered by this Agreement.
- B. The Service Provider shall at reasonable times and upon reasonable advance written notice, make available for examination of such records and data which relate directly to matters covered by this Agreement and shall permit the City or its designated authorized representative to audit and inspect such data which relate directly to matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly to this Agreement.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

- A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.
- B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from engagement on this Project. The Service Provider may, however, engage that (those) individuals(s) on other non-City related projects. If the City exercises this right, and the Service Provider cannot immediately replace the removed personnel, the City agrees to an equitable adjustment in schedule or other terms, including pricing, that may be affected by the City's required removal.

7. HOLD HARMLESS INDEMNIFICATION.

- A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all third party claims, demands, suits, at law or equity,

actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, provided that Service Provider: (i) is notified promptly after the City receives notice of such claim; and (ii) receives the City's reasonable cooperation in the defense or settlement of such claim; provided further, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

- B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

- A. General Liability insurance written on an occurrence basis with limits no less than two million dollars (\$2,000,000) combined single limit per occurrence and four million dollars (\$4,000,000) aggregate for personal injury, bodily injury and property damage.

The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63G-7-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

- B. Automobile Liability insurance with limits no less than two million dollars (\$2,000,000) combined single limit per accident for bodily injury and property damage.
- C. Professional Liability (Errors and Omissions) insurance written on claims made basis with limits no less than one million dollars (\$1,000,000) combined single limit per occurrence.
- D. Workers Compensation insurance limits written as follows:
Bodily Injury by Accident \$500,000 each accident;
Bodily Injury by Disease \$500,000 each employee, \$500,000 policy limit
- E. The City shall be named as an additional insured on the general liability and auto policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that, should the general liability and auto policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. The City reserves the right to request certified copies of any required policies.
- F. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9. TREATMENT OF ASSETS AND WORK PRODUCTS.

Title to all property furnished by the City shall remain in the name of the City. The parties acknowledge and agree that although Professional Services will be provided under this Agreement, such Professional Services and any Work Products created as a result of such Professional Services will be subject to and governed by all applicable provisions of the General Terms and Conditions of the Hosting Agreement, including but not limited to Section 4 (License of Software and Third Party Software), Section 13 (Limited Warranty; Warranty Disclaimer) and Section 14 (Limitations of Liability).

10. COMPLIANCE WITH LAWS.

- A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services. Unless otherwise exempt, the Service Provider is required to have a valid Park City Business License.

- B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.
- C. If this Agreement is entered into for the physical performance of services within Utah the Service Provider shall register and participate in E-Verify, or equivalent program. The Service Provider agrees to verify employment eligibility through E-Verify, or equivalent program, for each new employee that is employed within Utah, unless exempted by Utah Code Ann. § 63G-11-103.

11. NONDISCRIMINATION.

- A. The City is an equal opportunity employer.
- B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.
- C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.
- D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be

required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

- A. Neither party may assign its performance or rights under this Agreement or any portion of this Agreement without the written consent of the other party, and it is further agreed that said consent must be sought in writing not less than thirty (30) days prior to the date of any proposed assignment. The other party reserves the right to reject without cause any such assignment.
- B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.
- C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.
- D. Each subcontractor that physically performs services within Utah shall submit an affidavit to the Service Provider stating that the subcontractor has used E-Verify, or equivalent system, to verify the employment status of each new employee, unless exempted by Utah Code Ann. 63G-11-103

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

- A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. Subject to the terms of Section

4 above, these records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

- B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

- A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.
- B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.
- C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. CITY OBLIGATIONS.

- (a) The City agrees that it will cooperate with and assist Service Provider in the performance of Professional Services under any Professional Services Agreement; will provide the resources specified in the relevant Professional Services Agreement; and will perform or fulfill all obligations required to be performed or fulfilled by the City under the terms of the relevant Professional Services Agreement. The City acknowledges that if it fails to provide assistance and perform or fulfill its obligations in accordance with this Section 18(a) and the relevant Professional Services Agreement, Service Provider’s ability to provide such Professional Services, meet the performance schedule set forth in such

Professional Services Agreement and keep professional services fees reasonably in line with any estimates given in the Professional Services Agreement may be adversely affected.

- (b) Notwithstanding any contrary terms, if the City requests Service Provider to perform Professional Services on or with respect to any third party software that is not Third Party Software as defined in the Hosting Agreement, the City represents and warrants to Service provider that the City has all necessary rights to allow Service Provider to do so.

19. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. JURISDICTION AND VENUE.

- A. This Agreement has been and shall be construed as having been made and delivered within the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.
- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. SEVERABILITY.

- A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

- B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. ENTIRE AGREEMENT.

The parties agree that this Agreement and the Hosting Agreement are the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

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

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City, UT 84060-1480

Diane Foster, City Manager

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

HYLAND SOFTWARE, INC.

Address: 28500 Clemens Road
Westlake, OH 44145

Tax ID#: _____
PC Business License# BL_____

Signature

Printed name

Title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 20__, personally appeared before me
_____, whose identity is personally known to me/or proved to me
on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he/she is
the _____ (*title or office*) of _____ Corporation by
Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged that he/she
signed it voluntarily for its stated purpose as _____ (*title*) for
_____, a _____ corporation.

Notary Public

ADDENDUM “A”

See the Services Proposal, dated June 1, 2013, attached hereto:

HYLAND[®] *SOFTWARE*

PROFESSIONAL SERVICES PROPOSAL

Park City Municipal
Corporation

DOCUMENT VERSION : 1

DOCUMENT DATE : 01-June-2013

THIS PROPOSAL IS VALID FOR A
PERIOD OF 90 DAYS FROM THE
ABOVE DATE.

TABLE OF CONTENTS

INTRODUCTION 4

PROPOSAL TERMS & USAGE 4

PROJECT AREAS 5

 Project 1 – **Agenda Plus/Minutes Plus/Video Plus** 5

DESCRIPTION OF SERVICES 7

DESCRIPTION OF DELIVERABLES 9

PRICING ESTIMATE 10

KEY ASSUMPTIONS 11

CUSTOMER RESPONSIBILITIES/OBLIGATIONS 12

INTRODUCTION

The purpose of this document is to define the goals, scope, and important details supporting the delivery of professional services related to one or more projects defined in the Project Areas section. This document is used by Hyland Software to provide services estimates applicable to the current stage of a project.

PROPOSAL TERMS & USAGE

Hyland Software, Inc.[®] (“Hyland”) is pleased to provide the following estimate for professional services related to the use of the SIRE Software (“Software”) for Park City Municipal Corporation (“Customer”) as shown in the Description of Services section of this document.

This proposal describes the services offered to Customer in conjunction with the use of the Software for Customer. The content of this document is subject to review and revision by both Hyland and Customer. After this proposal has been mutually reviewed and agreed to by both Hyland and Customer, this proposal will be attached to a services contract and delivered to Customer for final review and signature.

Once executed by both Hyland and Customer, the Hyland solution delivery team will contact Customer project team to discuss project logistics and potential start dates. Once a project start date has been determined, resources will be assigned and scheduled to begin delivery of the services described in this proposal.

PROJECT AREAS

Project 1 – Agenda Plus/Minutes Plus/Video Plus

Scope

The scope of the project includes:

- Installation of Software in one (1) hosted production environment including
 - SIRE Server Core
 - SIRE Agenda Plus
 - SIRE Minutes Plus
 - SIRE Video Plus
- Configuration of one (1) meeting type with the ability/training for customer to build additional meeting types as necessary.
 - City Council
- Setup of SIRE Pub (Public Display to the Web of Meeting information)
- Creation of reference materials;
- Delivery of the following training:
 - SIRE Agenda Admin Training;
 - SIRE Agenda End User Training;
 - SIRE Minutes Plus/Meeting Video Recording Training

Services

Discovery, Basic Installation , Implementation, Project Management, Training

Deliverables

Software Solution, Reference Material

Assumptions

This proposal is based upon the below assumptions being true. If for some reason these assumptions prove not to be true, this could result in a scope change and may have an impact on the proposed cost and timeline to deliver.

- Customer will commit a minimum of eight (8) working hours per day to testing the Solution during the Customer Testing Support phase, which may be performed by multiple Customer personnel;

HYLAND
SOFTWARE

- Hyland estimates twenty four (24) hours for the training phase. Customer may request additional hours for such service under a future agreement;
- Hyland estimates twelve (12) hours for the Customer testing support phase. Customer may request additional hours for such service under a future agreement;
- Hyland estimates four (4) hours for the go live support phase. Customer may request additional hours for such service under a future agreement;
- One (1) prototype reviews are estimated for the proposal. Additional prototype reviews may be requested by the Customer and are not included in this proposal;
- Customer has all necessary pre-requisite hardware purchased and installed for the video encoder server;
- Solution includes one (1) meeting type for city council (one (1) agenda document template in MS Word format and one (1) minutes document template in MS Word format);
- SIRE Pub will be delivered from one (1) of the preconfigured layout templates;
- Additional test environment(s) is not included in the scope of this project;
- Configuration of SIRE Form(s) is not included in the scope of this project;
- Configuration of SIRE Workflow(s) is not included in the scope of this project;
- Creation of custom SIRE Report(s) is not included in the scope of this project; and
- Customer will provide necessary technical resources and network changes to support the on the premise based solution.

DESCRIPTION OF SERVICES

The types of services outlined below are included in one or more of the project areas covered in this services proposal, and are encompassed in Hyland's standard engagement methodology. Please refer to the specific project described in the Project Areas section of this document to determine which of these services are in scope for a particular project.

1. Discovery

Discovery services cover the requirements analysis and design of the Software solution(s) and include the following major activities:

- a. Project kickoff meeting;
- b. Discovery sessions with Customer subject matter experts from the business areas and technical experts from IT, interfaces and applications;
- c. Review and refinement of the solution requirements with Customer experts; and
- d. Sign off on Solution Requirement Document.

2. Implementation Services

Services include the implementation of a solution per agreed upon solution requirements which have been identified during the discovery phase.

- a. Configuration of the solution substantially in accordance with the mutually agreed upon documentation;
- b. Testing Software modules and/or functionality implemented, per solution requirements;
- c. User testing kickoff;
- d. Issue support for solution testing;
- e. Creation of solution training materials;
- f. Creation of documentation for administrative use;
- g. Execution of "train-the-trainer" session for up to ten (10) customer designated testers and/or trainers;
- h. Execution of administrative training specific to the solution and administration of Software;
- i. Preparation for go-live; and
- j. Go live support.

3. Project Management

HYLAND
SOFTWARE

Project Management services cover the overall coordination of Hyland team resources and general coordination of solution delivery. The Hyland Project Manager will:

- e. Provide supervisory project services to facilitate project scheduling, communicate project status and budget, update project issue log, and

DESCRIPTION OF DELIVERABLES

The types of deliverables outlined below are included in one or more of the project areas covered in this services proposal, and are encompassed in Hyland's standard engagement methodology. Please refer to the specific project described in the Project Areas section of this document to determine which of these deliverables are in scope for a particular project.

- 1. Software Solution and Workflow Solution (collectively referred to as the "Solution")**
 - a. The implementation of the requirements defined in the Solution Requirements Document created during discovery.
- 2. Reference Guide:**
 - a. A technical reference document intended for Software solution administrators and IT management/support staff; and
 - b. Guide contains the technical configuration details of a specific solution and is provided in both Microsoft Word and PDF formats.

PRICING ESTIMATE

Customer acknowledges that the services estimated are based solely on the information provided to Hyland and referenced in the above project area(s).

Project Name	Estimate Type	Total Project Hours	Amount
Agenda, Minutes, Video	Fixed Fee	88	\$14,850.00
Total			\$14,850.00

The pricing estimate described above represents a fixed price services engagement, plus travel and expenses. Payment milestones for this engagement will be invoiced as follows:

Payment Milestone 1:

- \$7,425.00 of the total fixed price will be invoiced by Hyland to Customer upon contract signing.

Payment Milestone 2:

- \$7,425.00 of the total fixed price will be invoiced by Hyland to Customer upon successful completion of acceptance testing or any use of the solution in a production environment.

Travel and Expenses:

- Travel and expenses will be invoiced by Hyland to Customer on a monthly basis, with a final invoice upon final completion of the applicable services under this proposal.

Payment in full will be due net thirty (30) days after invoice date.

HYLAND
SOFTWARE

KEY ASSUMPTIONS

The cost estimates were created using the following assumptions:

- a. Hyland provides train-the-trainer services. Customer is responsible for the training of Customer's end users;
- b. Customer will have a system administrator that will or has attended system administrator training for the Software, and will participate actively in the entire project lifecycle for knowledge transfer. The Customer system administrator will support the Software environments and solutions at the completion of the project;
- c. Project start date(s) are subject to a mutually agreed upon schedule after execution of contract;
- d. The above pricing estimate includes estimated services fees only;
- e. Where applicable, travel time for services personnel is charged at ½ (one half) applicable services rates and will not exceed eight (8) hours per one-way trip;
- f. Where applicable, travel expenses are not included in this estimate and will be charged separately;
- g. Each deliverable created during this project will use Hyland's standard deliverable templates. Customer requested changes to the deliverable template may increase project costs or introduce timeline delays; and

CUSTOMER RESPONSIBILITIES/OBLIGATIONS

To facilitate Hyland's performance of the above services, Customer agrees, at a minimum, to provide the following:

Network Environment:

- A properly configured processing environment;
- All necessary components including, but not limited to, power, lighting, network connections and environment controls deemed necessary for the proper functioning of the system;
- Installation and support of all hardware and operating, database, and application software; and
- Customer will provide systems access and include third-party vendors or subject /technical matter experts as required.

Personnel:

The following resources are critical for the success of this project:

- Collaboration with Hyland resources on the project schedule deliverable;
- Coordination of key departmental decision maker(s), subject matter expert(s), end-user representative(s), third party software application resources, project team representative(s) related to the project area, steering committee, project sponsorship;
- Facilitate timely decision making and resolution of issues;
- Coordination of Customer resources for the testing and regression testing cycles of the configured Software solution;
- Tracking and reporting test results; and
- Arrange for physical workspace and tools (desks, meeting rooms, training rooms, conference phones, etc.) for duration of the project to accommodate scheduled onsite activities.
- Availability of Customer's business process owners;
- Availability of Customer's technical resources responsible for the Software;
- At least one (1) Information Services ("IS") / Information Technology ("IT") representative to assist with the installation with regards to network and system administration;
- At least one (1) Software Administrator to assist in establishing network rights to appropriate disk groups on Customer's file servers for Customer's users; and
- Availability of Customer's resource to coordinate the above listed resources.

HYLAND
SOFTWARE

The parties acknowledge and agree that the absence of the foregoing environment or personnel may result in the delay of the performance and completion of the services.

*** END OF DOCUMENT ***

HYLAND
SOFTWARE

HOSTING AGREEMENT
(Subscription and Hosting)

This HOSTING AGREEMENT ("Agreement") is made and entered into as of this _____ day of _____, 20__ (the "Effective Date") by and between Hyland Software, Inc., with its principal offices at 28500 Clemens Road, Westlake, Ohio 44145 ("Hyland"), and Park City Municipal Corporation with its principal offices at 445 Marsac Avenue, Park City, Utah 84060 ("Customer").

PURCHASE TABLE

INITIAL HOSTED SOLUTION:	INITIAL HOSTING FEES
Hosting Fees:	
Annual fee for Software subscription and Standard Hosting Services – Hardware & Networking Base Charge	\$7,908.00
DISCOUNT for first year only	(\$1,186.20)

INITIAL SOFTWARE:	QUANTITY
SIRE™:	
Workgroup SIRE Server Core	1
SIRE Audio/Video Plus – Encoder Server – Per Server	1
SIRE Agenda Plus	1
SIRE Agenda to Go	1
Hosted SIRE Minutes Plus	1
SIRE Audio/Video Plus – Annual Video Streaming Hosting Service	1

PRICING FOR INITIAL PROFESSIONAL SERVICES:			
PROFESSIONAL SERVICES AGREEMENT DATED _____, 2013:	BASIS FOR PRICING:	PROJECT NAME	PRICING
	Fixed Fee	Agenda, Minutes, Video	\$14,850.00

This Agreement consists of this document and Attachment A, Attachment B, and Attachment C. All Software, Work Products, Maintenance and Support, and Professional Services which may be licensed or purchased by Customer from Hyland from time to time shall be governed by this Agreement (including any Work Products that may be provided under any Professional Services Agreement). The parties acknowledge and agree that this Agreement takes precedence over any conflicting terms contained in a Professional Services Agreement (or, if applicable, purchase order). Customer specifically represents and warrants to Hyland that Customer has read and understands all of the General Terms and Conditions prior to entering into this Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement.

PARK CITY MUNICIPAL CORPORATION
"CUSTOMER"

HYLAND SOFTWARE, INC.
"HYLAND"

By: _____

By: _____

Print Name

Print Name

Title

Title

Date

Date

ATTACHMENT A

GENERAL TERMS AND CONDITIONS

1. DEFINED TERMS

Certain capitalized terms used in this Hosting Agreement have the meanings set forth below:

(a) Customer Data. “Customer Data” means any and all data and materials of Customer captured, stored, processed or accessed in any manner using the Software instance included in the Hosted Solution, as updated by Customer from time to time.

(b) Documentation. “Documentation” means: (1) in the case of the Software, the “Help Files” included in the Software which relate to the functional, operational or performance characteristics of the Software; or (2) in the case of any Work Product, the Specifications (if any) for the Work Product.

(c) Effective Date. “Effective Date” means the date this Agreement is signed by the last party that signs, as determined based upon the dates set forth after their respective signatures.

(d) Error. “Error” means any defect or condition inherent in the Software which is reported by Customer in accordance with this Agreement and which is confirmed by Hyland, that causes the Software to fail to function in all material respects as described in the Documentation.

(e) Error Correction Services. “Error Correction Services” means Hyland’s services described in Section 2(a).

(f) Host Web Site. “Host Web Site” means the web site maintained by Hyland on a web server included in the Network through which Customer will access the Hosted Solution and Customer Data stored in the Hosted Solution database and disk groups, all subject to and in accordance with the terms of this Agreement.

(g) Hosted Solution. “Hosted Solution” means a configuration of a Host Web Site, Network, Software, Third Party Software and Hosting Services that Hyland provides for use by Customer under this Agreement.

(h) Hosted Solution Options Fees. “Hosted Solution Options Fees” means the amounts, which may include periodic amounts, chargeable for any Optional Hosting Services.

(i) Hosting Fees. “Hosting Fees” means the periodic amounts (excluding any Hosted Solution Options Fees or fees for other services or deliverables that may be payable on a periodic basis) chargeable for Hyland’s Standard Hosting Services, including additional Software, Network components or Third Party Software to the Hosted Solution.

(j) Hosting Services. “Hosting Services” means the Standard Hosting Services and any Optional Hosting Services provided by Hyland that Customer purchases.

(k) Maintenance and Support. “Maintenance and Support” means for Supported Software the services described in Section 2 and the availability of Upgrades and Enhancements in accordance with Section 2(a). Maintenance and Support does not include any Services that Hyland may provide in connection with assisting Customer with testing of an upgrade of Supported Software with any available Upgrade and Enhancement.

(l) Network. “Network” means the computers and peripheral storage devices, switches, firewalls, routers, other network devices and network software hosted by Hyland and made available to Customer by Hyland through the Hosting Services for use as part of the Hosted Solution.

(m) Process Manual. “Process Manual” means the written manual for the Hosted Solution prepared by Hyland, which describes the Hosting Services and the Network and certain other components that will be part of the Hosted Solution. Hyland reserves the right to modify the Process Manual at any time effective immediately upon Hyland’s posting of the modification or revised Process Manual on the Hyland’s website identified in the Process Manual or Hyland’s delivery of the written modification to Customer.

(n) Software. “Software” means: (1) the software modules listed in the Purchase Table, and such other of such product modules with respect to which Customer submits a written purchase order to Hyland that Hyland accepts and fulfills, including, in each case, third party software bundled by Hyland as part of a unified product; and (2) all Upgrades and Enhancements of the software modules described in clause (1) which Customer properly obtains pursuant to the terms of Section 2 of these General Terms and Conditions.

(o) Optional Hosting Services. “Optional Hosting Services” means optional services described in the Process Manual which Hyland offers as Hosting Services (but are not included within the Standard Hosting Services) and which Customer may elect to purchase.

(p) Professional Services. “Professional Services” means any or all of the following professional services provided by Hyland under a Professional Services Agreement: (1) installation of the Software; (2) consulting, implementation and integration projects related to the Software, including but not limited to the customized configuration of Software integration modules or business process automation modules; (3) project management; and (4) development projects in connection with the integration of Software with other applications utilizing any Software application programming interface (API).

(q) Professional Services Agreement. “Professional Services Agreement” means such Professional Services Agreement(s) which may be executed from time-to-time by and between Hyland and Customer, which sets forth specific Professional Services Hyland will provide to Customer.

(r) Qualified Employee. “Qualified Employee” is defined on Attachment C to this Agreement under the caption “Qualified Employee Requirements,” as such Attachment C may be amended from time to time by Hyland upon at least ninety (90) days advance written notice to Customer.

(s) Services. “Services” means any or all Error Correction Services, Technical Support Services or Professional Services provided by Hyland, as the context requires.

(t) Intentionally omitted.

(u) Specifications. “Specifications” means the definitive, final functional specifications for Work Products, if any, produced by Hyland under a Professional Services Agreement..

(v) Standard Hosting Services. “Standard Hosting Services” means the Hosting Services described in the Process Manual as Standard Hosting Services.

(w) Supported Software; Retired Software. At any particular time during a maintenance period covered by Section 2 of these General Terms and Conditions: (1) “Supported Software” means the current released version of the Software licensed by Customer from Hyland and any other version of such Software that is not Retired Software; or (2) “Retired Software” means any version of the Software licensed by Customer from Hyland under this Agreement which is identified on Hyland’s secure end user web site (as identified in the Process Manual) as being retired. Hyland will specify on its end user web site Software versions which become Retired Software. The effective date of such change will be twelve (12) months from the date Hyland initially posts the status change on its end user web site.

(x) Technical Support Services. “Technical Support Services” means Hyland’s services described in Section 2(a).

(y) Third Party Software. “Third Party Software” means all third party software products (other than third party software products bundled by Hyland as a part of the Software) licensed by Hyland and sublicensed through this Agreement by Hyland to Customer for use by Customer as part of the Hosted Solution.

(z) Upgrades and Enhancements. “Upgrades and Enhancements” means any and all new versions, improvements, modifications, upgrades, updates, fixes and additions to Software that Hyland makes available to Customer or to Hyland’s end users generally during the term of this Agreement to correct Errors or deficiencies or enhance the capabilities of the Software, together with updates of the Documentation to reflect such new versions, improvements, modifications, upgrades, fixes or additions; provided, however, that the foregoing shall not include new, separate product offerings, new modules or re-platformed Software.

(aa) Work Products. “Work Products” means all items in the nature of computer software, including source code, object code, scripts, and any components or elements of the foregoing, together with any and all design documents associated with items in the nature of computer software, in each case which are created, developed, discovered, conceived or introduced by Hyland, working either alone or in conjunction with others, in the performance of services under this Agreement or a Professional Services Agreement.

2. HOSTING SERVICES

(a) STANDARD HOSTING SERVICES. Subject to Customer’s payment in full of all Hosting Fees and other fees, costs and expenses required to be paid by Customer referred to in this Agreement, and subject further to compliance by

Customer with the other terms, conditions and restrictions of this Agreement, Hyland agrees to provide to Customer the Standard Hosting Services (including Customer Data backup services as described in the Process Manual) and Maintenance and Support. Hyland will provide Maintenance and Support as follows:

(1) Technical Support Services.

(A) During the hours outlined in the Process Manual ("Regular Technical Support Hours"), Hyland will provide telephone or online assistance and advice related to the operation of any Supported Software, the Network, the Third Party Software or the Host Web Site. Only a Qualified Employee (who shall be an applicable employee to make requests or reports related to Maintenance and Support only during a transitional period when Customer does not have a Qualified Employee as required under Section 6(h)) of Customer shall make a request or report a matter requiring Technical Support Services.

(B) Technical Support Services are not available for Retired Software.

(2) Error Correction Services.

(A) During Regular Technical Support Hours, Hyland will use its commercially reasonable efforts to correct any Errors in the Supported Software which are reported by Customer and which are confirmed by Hyland, in the exercise of its reasonable judgment, which correction may be effected by a commercially reasonable workaround. Hyland shall promptly commence to confirm any reported Errors after receipt of a proper report of such suspected Error from Customer. Hyland may elect to correct the Error in the current available or in the next available commercially released version of the Supported Software and require Customer to implement an Upgrade and Enhancement to the version selected by Hyland in order to obtain the correction. Only a Qualified Employee of Customer shall make a request or report on a matter requiring Error Correction Services.

(B) During any time outside of Regular Technical Support Hours, Hyland will receive and initially respond to reports of Errors in Supported Software, the Network, Third Party Software or the Host Web Site by Customer only to the extent that the Supported Software is inaccessible or the functionality of the Supported Software is substantially impaired, in either case in Customer's live production environment, and Customer's business operations are materially adversely impacted by such circumstances. Reports of Errors outside of Regular Technical Support Hours will be made by calling Hyland's regular telephone support number and using Hyland's after hours paging system. Hyland's designated support engineer on call will contact Customer regarding the problem as outlined in the Process Manual. Customer will not call outside of Regular Technical Support Hours for any other purpose or in any other circumstances. Hyland reserves the right to notify Customer that it is making unauthorized use of Maintenance and Support outside of Regular Technical Support Hours and to terminate the provision thereof after such notice is given, unless Customer pays Hyland for such continued after-hours Maintenance and Support at the rate of \$150 per hour (with a minimum charge of one hour per call). Customer shall be informed at the time of a call if such call is considered an unauthorized call and Customer shall have the opportunity to terminate the call and delay Maintenance and Support until Regular Technical Support Hours on the next business day.

(C) Error Correction Services are not available for Retired Software.

(3) Reporting Policies and Procedures Applicable to Technical Support Services and Error Correction Services.

(A) Technical Support Services. In requesting Technical Support Services, Customer will report any problems or questions related to the operation of any Supported Software in accordance with Hyland's then-applicable reporting policies. Hyland's current policies require Customer to report such a problem or question only during Regular Technical Support Hours as outlined in the Process Manual.

(B) Error Correction Services. In reporting any suspected Errors in Supported Software, Customer shall provide prompt notice of any Errors in Supported Software discovered by Customer, or otherwise brought to the attention of Customer, in accordance with Hyland's then current policies for reporting of Errors. Hyland's current policies require Customer to report Errors as outlined in the Process Manual. If requested by Hyland, Customer agrees to provide written documentation of Errors to substantiate the Errors and to assist Hyland in the detection, confirmation and correction of such Errors.

(4) Upgrades and Enhancements.

(A) Hyland will provide, in accordance with Hyland's then current policies, as set forth from time to time on Hyland's secure end user web site (as identified in the Process Manual), all Upgrades and Enhancements, if and when released during the term of this Agreement. Upgrades and Enhancements will be applied to the Hosted Solution in collaboration between Hyland and Customer whenever possible; however, Hyland may unilaterally apply an Upgrade or Enhancement in order to address an issue or matter that Hyland believes may be detrimental to the Hosted Solution if not promptly addressed. Customer acknowledges and agrees that Hyland has the right, at any time, to change the specifications and operating characteristics of the Software and Hyland's policies respecting Upgrades and Enhancements and the release thereof to its customers.

(B) Any Upgrades and Enhancements to the Software and Documentation shall remain proprietary to Hyland and the sole and exclusive property of Hyland, and shall be subject to all of the restrictions, limitations and protections of this Agreement. All applicable rights to patents, copyrights, trademarks, other intellectual property rights, applications for any of the foregoing and trade secrets in the Software and Documentation and any Upgrades and Enhancements are and shall remain the exclusive property of Hyland.

(C) Upgrades and Enhancements are not available for Retired Software.

(5) Customer's Implementation of Error Corrections and Upgrades and Enhancements. In order to maintain the integrity and proper operation of the Software, Customer agrees to implement, in the manner instructed by Hyland, all Error corrections and Upgrades and Enhancements to the Supported Software. Customer's failure to implement any Error corrections or Upgrades and Enhancements of the Software as provided in this paragraph shall relieve Hyland of any responsibility or liability whatsoever for any failure or malfunction of the Software, as modified by a subsequent Error correction or Upgrade and Enhancement.

(6) Network, Third Party Software or Host Web Site Defects. With respect to any defects (non-conformity to manufacturer's provided user documentation) in the Network, Third Party Software or Host Web Site which are reported by Customer and which are confirmed by Hyland or its suppliers, in the exercise of their judgment, Hyland shall either (1) repair the defective Hosted Solution component so as to correct the defect, or (2) replace the defective Hosted Solution component with a new component providing substantially similar functionality. Hyland shall undertake to confirm any reported defects promptly after receipt of proper notice from Customer, in accordance with Hyland's then current Error reporting procedures.

(7) Exclusions.

(A) Generally. Hyland is not responsible for providing, or obligated to provide, Maintenance and Support under this Agreement: (1) in connection with any Errors or problems that result in whole or in part from any alteration, revision, change, enhancement or modification of any nature of the Software, or from any design defect in any configuration of the Software, which activities in any such case were undertaken by any party other than Hyland; (2) in connection with any Error if Hyland has previously provided corrections for such Error which Customer fails to implement; (3) in connection with any Errors or problems that have been caused by errors, defects, problems, alterations, revisions, changes, enhancements or modifications in third party software (other than Third Party Software or third party software embedded in the Software by Hyland), hardware or any system or networking utilized by Customer; (4) if the Software or related software or systems have been subjected to abuse, misuse, improper handling, accident or neglect; or (5) if any party other than Hyland, or an authorized subcontractor specifically selected by Hyland, has provided any services in the nature of Maintenance and Support to Customer with respect to the Software.

(B) Software API and Work Products. Maintenance and Support for: (1) any problems (other than Errors) or questions related to the operation or use of the Software application programming interfaces (APIs); and (2) Work Products will be addressed on a case by case basis as mutually agreed to in a Professional Services Agreement.

(b) OPTIONAL HOSTING SERVICES. If Customer submits a written purchase order to Hyland to procure Optional Hosting Services which Hyland makes available for purchase to its hosted customers generally, and Hyland accepts the purchase order, then, subject to Customer's payment of the applicable Hosted Solution Option Fees, Hyland will use commercially reasonable efforts to provide the Optional Hosting Services which are covered by the purchase order in accordance with the description of such Optional Hosting Services in the Process Manual.

(c) **RETURN OF CUSTOMER DATA.** Upon termination or expiration of this Agreement, Hyland agrees to retain Customer Data for a period of sixty (60) days (the "Transition Period"). Upon Customer request during the Transition Period, Hyland shall provide to Customer: (1) the Customer Data on one (1) or more encrypted hard drives or other similar media, at an additional cost which shall be specified by Hyland; and (2) a tab delimited export file containing the relevant keyword values and related file locations for the Customer Data. After expiration of the Transition Period, Hyland will delete all Customer Data.

(d) **DATA RECOVERY.** If Customer suffers Data Loss of Customer Data from a Hosted Solution and the loss would not have occurred if Hyland had not been negligent or committed willful misconduct in performing the Customer Data backup activities included in the Hosting Services in accordance with the Process Manual, then Hyland agrees to use its commercially reasonable efforts to attempt to recover promptly the lost or destroyed Customer Data at no charge to Customer. As used herein, "Data Loss" means the loss or destruction of Customer Data, but expressly excludes disclosure to a third party of Customer Data or other Confidential Information of Customer or any other breach of Hyland's confidentiality or security obligations under this Agreement.

3. COMPLIANCE WITH LAWS

Hyland agrees to comply in all material respects with all applicable laws in performing the Hosting Services described in this Agreement.

4. LICENSE OF SOFTWARE AND THIRD PARTY SOFTWARE

(a) Subject to Customer's payment in full of all Hosting Fees, any Professional Services fees related to Professional Services associated with any Work Products, and other fees, costs and expenses required to be paid by Customer referred to in this Agreement or in connection with a Professional Services Agreement, and subject further to compliance by Customer with the other terms, conditions and restrictions of this Agreement, Hyland grants to Customer a revocable, non-exclusive, non-assignable, limited license to: (1) the Software, Third Party Software and Work Products, in machine-readable object code form only, for the term of this Agreement. Customer may use the Software, Third Party Software and Work Products only as hosted by Hyland on the Network, solely internally, and only for capturing, storing, processing and accessing Customer's own data, and (2) with respect to Work Products only, modify and add to the Work Products solely for Customer's internal use in connection with the Software. The Software, Third Party Software and Work Products are licensed for use by a single organization and may not be used for processing of third-party data as a service bureau, application service provider or otherwise. Customer shall not make any use of the Software, Third Party Software or Work Products in any manner not expressly permitted by this Agreement.

(b) Customer acknowledges that the licenses granted herein are limited to the right of concurrent access to the Customer Data via telecommunications equipment by Web browser to the Host Web Site. Customer acknowledges that each module of the Software and each Work Product is licensed for a specific type of use, such as concurrently or on a specified workstation or by a specified individual and that the Software controls such use. Use of software or hardware that reduces the number of clients directly accessing or utilizing the Software or Work Product (sometimes called "multiplexing" or "pooling" software or hardware) does not reduce the number of Software licenses required. The required number of Software licenses would equal the number of distinct inputs to the multiplexing or pooling software or hardware. Customer is prohibited from using any software other than Hyland's Client modules or licensed API modules to access the Software or any data stored in the Software database for any purpose other than generating reports or statistics regarding system utilization, unless Hyland has given its prior written consent to Customer's use of such other software and the Hosting Fees have been adjusted to reflect such additional Software and Customer pays such additional Hosting Fees with respect to such access to the Software or data stored in the Software database in accordance with Hyland's licensing policies applicable to the Software modules that provide access to the Software application modules and data stored in the Software database.

(c) Customer shall be entitled to use one (1) production copy of the Software, Third Party Software and each Work Product. Customer shall not make or use any additional copies of the Software, Third Party Software or Work Products.

(d) Customer agrees: (1) not to remove any Hyland notices in the Software or Work Products or any copyright, trademark or other proprietary rights notices that appear on the Third Party Software or that appear during use of the Third Party Software; (2) not to sell, transfer, rent, lease or sub-license the Software, Third Party Software, Work Products or documentation to any third party; (3) except as expressly permitted by Section 4(a) with respect to Work Products, not to alter or modify the Software, Third Party Software or Work Products; and (4) not to reverse engineer, disassemble, decompile or attempt to derive source code from the Software, Third Party Software or Work Products, or prepare derivative works therefrom.

(e) Hyland and its suppliers own the Software, Third Party Software and Work Products, including, without limitation, any and all worldwide copyrights, patents, trade secrets, trademarks and proprietary and confidential information rights in or associated with the Software, Third Party Software and Work Products. The Software, Third Party Software and

Work Products are protected by copyright laws and international copyright treaties, as well as other intellectual property laws and treaties. No ownership rights in the Software, Third Party Software or Work Products are transferred to Customer. Customer agrees that nothing in this Agreement or associated documents gives it any right, title or interest in the Software, Third Party Software or Work Products, except for the limited express rights granted in this Agreement. THIS AGREEMENT IS NOT A WORK-FOR-HIRE AGREEMENT.

(f) Customer acknowledges that, depending on the modules licensed, the Software may include open source software governed by an open source license, in which case the open source license (a copy of which is provided in the Software) may grant you additional rights to such open source software.

5. PROFESSIONAL SERVICES.

The parties acknowledge and agree that although Professional Services will be provided under a Professional Services Agreement, such Professional Services and any Work Products created as a result of such Professional Services will be subject to and governed by all applicable provisions of these General Terms and Conditions, including but not limited to Section 4 (License of Software and Third Party Software), Section 13 (Limited Warranty; Warranty Disclaimer) and Section 14 (Limitations of Liability).

6. CUSTOMER'S RESPONSIBILITIES AND OBLIGATIONS

(a) In connection with the relationship established between Customer and Hyland under this Agreement, Customer agrees:

(i) not to permit or authorize any person, legal entity, or other third party to use the Hosting Services provided by Hyland pursuant to this Agreement; and

(ii) to comply with Hyland's Acceptable Use Policy, as in effect from time to time, a copy of the current form of which is attached hereto as Attachment B.

(b) Customer represents that it will not engage or permit others to engage in any acts or omissions relating to any Hosted Solution that (i) constitute or encourage any violation of any applicable law or regulation, including laws or regulations relating to privacy, gambling, obscenity, hacking or computer viruses, (ii) are defamatory or libelous, (iii) infringe the rights of any third party, including, without limitation, any patents, copyrights, trademarks, trade secrets or other intellectual property rights, or (iv) involve the transmission of unsolicited bulk mail messages (i.e., "spamming").

(c) Regardless of any disclosure made by Customer to Hyland of an ultimate destination of any Hosted Solution, Host Web Site, Software, Documentation or Third Party Software included in any Hosted Solution, Customer agrees not to export either directly or indirectly any of the foregoing without first obtaining a license from the United States Government to export or re-export such Hosted Solution, Host Web Site, Software, Documentation or Third Party Software, as may be required, and to comply with United States Government export regulations, as applicable. Customer agrees that it will not export or re-export the Hosted Solution, Host Web Site, Software, Documentation or Third Party Software to a country that is subject to a U.S. embargo (such embargoed countries include, but are not limited to, Cuba, Iran, Iraq, North Korea, Burma (Myanmar), Sudan and Syria) under the U.S. Department of Commerce Export Administration Regulations and U.S. Department of State International Traffic in Arms Regulations. Customer will not export or re-export the Hosted Solution (or any associated documentation) to any prohibited person or entity in violation of U.S. export laws as described above (for more information visit: <http://www.bis.doc.gov/complianceand enforcement/liststocheck.htm>). Customer shall not use the Hosted Solution (or any associated documentation) for any prohibited end uses under applicable United States laws and regulations, including but not limited to, any application related to, or purposes associated with, nuclear, chemical or biological warfare, missile technology (including unmanned air vehicles), military application or any other use prohibited or restricted under the U.S. Export Administration Regulations (EAR) or any other relevant laws, rules or regulations of the United States of America.

(d) Regardless of any disclosure made by Customer to Hyland of an ultimate destination of any Hosted Solution, Host Web Site, Software, Third Party Software or Work Products included in any Hosted Solution, Customer agrees not to export either directly or indirectly any of the foregoing without first obtaining a license from the United States Government to export or re-export such Hosted Solution, Host Web Site, Software, Third Party Software or Work Products, as may be required, and to comply with United States Government export regulations, as applicable.

(e) Customer shall be solely responsible for obtaining and maintaining all software, hardware (including without limitation network systems), telephonic or other communications circuits, and Internet Service Provider relationships that are necessary or appropriate for Customer to properly access and use any Hosted Solution. Hyland shall have no responsibility or liability under this Agreement for any unavailability or failure of, or nonconformity or defect in, any Hosted Solution that is

caused by or related in any manner to any failure of Customer to obtain and maintain all such software, hardware, equipment and relationships.

(f) Customer agrees to use commercially reasonable efforts to maintain at all times on its staff at least one (1) Qualified Employee.

7. OWNERSHIP OF HOSTED SOLUTION COMPONENTS

Hyland and its suppliers retain all rights to any and all computer hardware and telecommunications or other equipment and computer software, including the Host Web Site and the Network, used in the provision of the Hosting Services. At no time will Customer have any ownership, property or any other rights in, nor file any lien on, any of the foregoing provided hardware, equipment or software.

8. CONFIDENTIAL INFORMATION

8.1 “Confidential Information” shall be such information that is marked “Proprietary” or “Confidential,” that is known by the recipient to be confidential or that is of such a nature as customarily would be confidential between business parties, except as provided in the next sentence. Confidential Information shall not include information that: (a) is or becomes generally known to the public without breach of this Agreement by the recipient, or (b) is demonstrated by the recipient to have been in the recipient’s possession prior to its disclosure by the disclosing party, or (c) is received by the recipient from a third party that is not bound by restrictions, obligations or duties of non-disclosure to the disclosing party, or (d) is demonstrated by recipient to have been independently developed by recipient without breach of its obligations.

8.2 Subject to the Customer’s obligations under the State of Utah Government Records Access and Management Act, each party agrees that, with respect to the Confidential Information of the other party, during the term of these General Terms and Conditions and for a period of five (5) years thereafter (or in the case of any Confidential Information of a disclosing party that is a “trade secret”, during the term of these General Terms and Conditions and for a period of the longer of five (5) years or so long as such information remains a “trade secret” under applicable law) thereafter, such party as a recipient shall at all times maintain the confidentiality of the other party’s Confidential Information, using the same degree of care that such party uses to protect its own confidential information, but in any event not less than reasonable care; and shall not use (except in performance of this Agreement) or disclose to any third party any such Confidential Information, except as may be required by law or court order. Each party shall be liable and responsible for any breach of this Section 8 committed by any of such party’s employees, agents, consultants, contractors or representatives.

9. DETERMINATION OF FEES; INVOICING AND PAYMENT TERMS

(a) FEES, INVOICING AND PAYMENTS.

(1) Determination of Fees and Charges. In connection with the Hosting Services, various fees and charges shall be charged by Hyland to Customer under this Agreement, as follows:

(A) Hosting Fees. The Hosting Fees shall be determined based upon Hyland’s retail list prices for the applicable Hosting Services in effect at the time Hyland invoices Customer for such Hosting Fees, except to the extent that the parties mutually agree upon different amounts (including mutual agreement in the case of any Optional Hosting Services for which Hyland does not maintain retail list prices at the time of initial purchase of such Optional Hosting Services by Customer). Customer shall submit a written purchase order to Hyland for the initial purchase of the Hosting Services; provided, however, that, when this Agreement is signed by both parties, Hyland is permitted to treat this Agreement as such written purchase order and this Agreement also shall constitute Hyland’s acceptance of such purchase order. In the event of any renewal of the Agreement, or licensing of additional Software or additional Hosting Services under this Agreement, the Hosting Fees will be adjusted in accordance with Hyland’s retail list prices in effect at the time Hyland invoices Customer, except to the extent the parties mutually agree in writing upon different prices; in which case a purchase order reflecting such modified pricing would be required to be submitted by Customer and accepted by Hyland.

(B) Professional Services Fees. The parties acknowledge and agree that Professional Services fees shall be determined under and subject to the terms and provisions of the applicable Professional Services Agreement.

(C) Other Fees. If Customer procures and Hyland provides any other services or deliverables in connection with the Hosted Solution that are not covered by the fees and charges described in

subparagraph (A) or (B) above, Hyland may charge and Customer shall pay to Hyland the fees or other amounts that the parties mutually agree upon in connection with such other services or deliverables.

(D) Travel and Expenses. The parties acknowledge and agree that out-of-pocket travel, meals and lodging expenses and other costs and expenses related to Professional Services are subject to the terms and provisions of the applicable Professional Services Agreement.

(2) Invoicing and Payments.

(A) Hosting Fees. Hyland will invoice Customer for the initial annual Hosting Fees within thirty (30) days of the Effective Date. Thereafter, Hyland will invoice Customer for Hosting Fees prior to the annual renewal term. Hosting Fees related to any add-on Software purchased during the term will be invoiced on a pro-rata basis, based upon the remaining period in the then-current term. All such invoices shall be due and payable in full by Customer to Hyland net thirty (30) days from the date of Customer's receipt of such invoices.

(B) Other Fees. Hyland will invoice Customer for all other fees and charges which may be charged as described in paragraph (a)(1)(C) in accordance with the terms established by Hyland and provided to Customer in writing after Hyland accepts Customer's purchase order for the other services or deliverables that are associated with such other fees or charges. All such invoices shall be due and payable in full by Customer to Hyland net thirty (30) days from the date of Customer's receipt of such invoices.

(3) Certain Remedies for Non-Payment or for Late Payment. At the election of Hyland, exercisable by written notice to Customer, any past due amounts under any Hyland invoice shall bear interest at the rate of one and one-half percent (1.5%) per month (or, if lower, the maximum rate lawfully chargeable) from the date due through the date that such past due amounts and such accrued interest are paid in full. In the event of any default by Customer in the payment of any amounts invoiced by Hyland, which default continues unremedied for at least thirty (30) calendar days after the due date of such payment, Hyland shall have the right to suspend or cease the provision of any Services under this Agreement or any Professional Services Agreement, and the delivery of any Upgrades and Enhancements of Software, to Customer unless and until such default shall have been cured.

(b) TAXES AND GOVERNMENTAL CHARGES. All payments under this Agreement are exclusive of all applicable taxes and governmental charges (such as duties), all of which shall be paid by Customer (other than taxes on Hyland's income). In the event Customer is required by law to withhold taxes, Customer agrees to furnish Hyland all required receipts and documentation substantiating such payment. If Hyland is required by law to remit any tax or governmental charge on behalf of or for the account of Customer, Customer agrees to reimburse Hyland within thirty (30) days after Hyland notifies Customer in writing of such remittance. Customer agrees to provide Hyland with valid tax exemption certificates in advance of any remittance otherwise required to be made by Hyland on behalf of or for the account of Customer, where such certificates are applicable.

(c) RECEIPT OF INVOICES. All invoices shall be sent electronically by Hyland to Customer to the attention of "Accounts Payable," or to such other person or department as Customer may specify from time to time by written notice to Hyland. In the event any invoice contains an under billing error which is discovered by Hyland, Hyland may issue a new invoice to correct the error.

(d) U.S. DOLLARS. All fees and charges under this Agreement shall be determined, invoiced and paid in U.S. dollars.

10. TERM AND TERMINATION

(a) TERM. Subject to the early termination provisions of paragraph (b) below, the term of this Agreement will commence on the Effective Date and will expire on the first anniversary of the Effective Date (the "Initial Term"); and such term will be automatically renewed annually for additional terms of one (1) year. Either party may elect to terminate this Agreement by providing ninety (90) days written notice of non-renewal prior to an annual anniversary of the Effective Date.

(b) EARLY TERMINATION. Each party will be entitled to give written notice to the other party of any material breach by such other party or other material failure by such other party to comply with any term or condition of this Agreement, specifying the nature of such breach or non-compliance and requiring such other party to cure the breach or non-compliance. If such other party has not cured or commenced the necessary action to cure the breach or non-compliance within fifteen (15)

calendar days after receipt of such written notice, this Agreement will automatically and immediately terminate as of the close of business, 5:00PM, US Eastern Time, on such 15th day.

11. CERTAIN EFFECTS OF TERMINATION

(a) PAYMENTS. Notwithstanding any termination or non-renewal of this Agreement, Customer will be obligated to pay for all fees and charges accrued or due for any period on or prior to the effective date of termination or expiration of this Agreement. All such payments will be made in accordance with Section 9, which will survive any such termination or non-renewal for these purposes.

(b) CESSATION OF USE. Immediately upon any termination or expiration of this Agreement Customer shall cease any and all uses of the Hosted Solution and Work Products.

(c) SURVIVAL OF OBLIGATIONS. The provisions of this Agreement that by their nature extend beyond the termination or non-renewal of this Agreement, will survive and remain in effect until all obligations thereunder are satisfied. All disclaimers of warranties and limitations of liability set forth in this Agreement will survive any termination of this Agreement.

12. NO HIGH RISK USE

The Hosted Solution is not fault-tolerant. The Hosted Solution is not designed or intended for use in any situation where failure or fault of any kind of the Hosted Solution could lead to death or serious bodily injury to any person, or to severe physical or environmental damage ("High Risk Use"). Customer is not licensed to use the Hosted Solution in, or in conjunction with, High Risk Use. High Risk Use is STRICTLY PROHIBITED. High Risk Use includes, for example, the following: aircraft or other modes of human mass transportation, nuclear or chemical facilities, and Class III medical devices under the Food, Drug and Cosmetic Act. Customer agrees not to use, distribute or sublicense the use of the Hosted Solution in, or in connection with, any High Risk Use."

13. LIMITED WARRANTY; WARRANTY DISCLAIMER

(a) For a period of sixty (60) days after the date the Hosted Solution is first made available for use by Customer, Hyland warrants to Customer that the Software included in such Hosted Solution, when properly used, will operate substantially in accordance with the Documentation. Customer's sole and exclusive remedy for a non-conformity of the Software to this express limited warranty shall be as follows: Provided that, within the 60-day period, Customer notifies Hyland in writing of the non-conformity, Hyland will either (a) repair or replace the non-conforming Software, which may include the delivery of a commercially reasonable workaround for the non-conformity; or (b) if Hyland determines that repair or replacement of the non-conforming Software is not commercially practicable, then terminate this Agreement with respect to the non-conforming Software, in which event the Hosting Fees will be adjusted appropriately as a result of the removal of such non-conforming Software. The terms of this limited warranty shall not apply to, and Hyland shall have no liability for any non-conformity related to, any Software that has been (1) modified by Customer or a third party or (2) misused or abused. Hyland does not warrant that the functions contained in the Software will meet Customer's requirements or that the operation of the Software will be uninterrupted or error free.

(b) For a period of sixty (60) days from and including the date that Hyland has delivered a completed Work Product to Customer, Hyland warrants to Customer that such Work Product, when properly installed and properly used, will operate substantially in accordance with the Documentation. Customer's sole and exclusive remedy for a non-conformity of the Work Products to this express limited warranty shall be as follows: Provided that, within the 60-day period, Customer notifies Hyland in writing of the non-conformity, Hyland will either (a) repair or replace the non-conforming Work Product, which may include the delivery of a commercially reasonable workaround for the non-conformity; or (b) if Hyland determines that repair or replacement of the non-conforming Work Product is not commercially practicable, then terminate this Agreement with respect to the non-conforming Work Product, in which event upon compliance with Customer with its obligations under Section 5 of this Agreement, Hyland will refund the Professional Services fees paid prior to the time of such termination with respect to the creation and implementation of such Work Product. The terms of this limited warranty shall not apply to, and Hyland shall have no liability for any non-conformity related to, any Software that has been (1) modified by Customer or a third party or (2) misused or abused.

(c) For a period of sixty (60) days from the date of completion of Professional Services, Hyland warrants to Customer that such Professional Services have been performed in a good and workmanlike manner and substantially according to industry standards. Provided that, within the 60-day period referred to above, Customer notifies Hyland in writing of any non-conformity of such Services to the foregoing limited warranty, Hyland's sole obligation, and Customer's sole and exclusive remedy, shall be for Hyland to use commercially reasonable efforts to re-perform the non-conforming Professional Services in an attempt to correct the non-conformity(ies). If Hyland is unable to correct such non-conformity(ies) after a reasonable period of

time, Customer's sole and exclusive remedy shall be to terminate the Professional Services Agreement under which the non-conforming Services have been performed, in which event Hyland will refund to Customer any portion of the Professional Services fees under such Professional Services Agreement relating directly to such non-conforming Professional Services paid prior to the time of such termination. This warranty specifically excludes non-performance issues caused as a result of incorrect data or incorrect procedures used or provided by Customer or a third party or failure of Customer to perform and fulfill its obligations under this Agreement.

(d) Customer represents and warrants that: (a) it is the legal custodian of the Customer Data and it has the right and authority to provide Hyland with all Customer Data and other materials required hereunder; (b) it will use reasonable efforts to ensure that any Customer Data submitted to Hyland via electronic media will be free of viruses; and (c) anyone submitting Customer Data to Hyland for use in connection with the Services or Professional Services has legal authority to do so, either through ownership of the Customer Data or by obtaining appropriate authorizations therefore, and that submission of Customer Data does not violate any contracts, agreements, or any applicable law. Customer is responsible for all Customer Data that is submitted to Hyland for use in connection with the Services or Professional Services. Any unauthorized posting or submitting of third party copyrighted, trademarked, or other legally protected materials is prohibited and may (at the discretion of Hyland) result in a termination or suspension of access.

(e) EXCEPT FOR THE WARRANTIES PROVIDED BY HYLAND AS EXPRESSLY SET FORTH IN SECTION 13 OF THESE GENERAL TERMS AND CONDITIONS, HYLAND AND ITS SUPPLIERS MAKE NO EXPRESS OR IMPLIED WARRANTIES OF ANY KIND UNDER THIS AGREEMENT OR OTHERWISE WITH RESPECT TO THE HOSTED SOLUTION (INCLUDING ANY HARDWARE OR SOFTWARE) OR ANY HOSTING SERVICES OR WORK PRODUCTS PROVIDED OR MADE AVAILABLE FOR USE BY HYLAND TO CUSTOMER UNDER THIS AGREEMENT; AND HYLAND AND ITS SUPPLIERS DISCLAIM AND EXCLUDE ANY AND ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, WARRANTIES OF TITLE, WARRANTIES AGAINST INFRINGEMENT AND THOSE ARISING BY STATUTE OR OTHERWISE IN LAW OR FROM A COURSE OF DEALING OR USAGE OF TRADE. No oral or written information given by Hyland, its agents, or employees shall create any additional warranty. No modification or addition to this warranty is authorized unless it is set forth in writing, references this Agreement, and is signed on behalf of Hyland by a corporate officer.

14. LIMITATIONS OF LIABILITY

IN NO EVENT SHALL HYLAND'S LIABILITY EXCEED THE AMOUNT OF THE FEES AND CHARGES ACTUALLY PAID BY CUSTOMER TO HYLAND AS DESCRIBED IN THIS AGREEMENT WITH RESPECT TO THE SIX (6) MONTH PERIOD IMMEDIATELY PRECEDING THE OCCURRENCE OF THE EVENT GIVING RISE TO SUCH LIABILITY. IN NO EVENT WILL HYLAND OR ITS DIRECT OR INDIRECT SUPPLIERS BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES OR OTHER PECUNIARY LOSS ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR ANY USE OR INABILITY TO USE THE HOSTED SOLUTION, HOSTING SERVICES OR WORK PRODUCTS, EVEN IF HYLAND OR SUCH SUPPLIERS HAVE BEEN ADVISED OF THE POSSIBILITIES OF SUCH DAMAGES. HYLAND AND ITS DIRECT AND INDIRECT SUPPLIERS ARE NOT RESPONSIBLE FOR ANY COSTS INCLUDING, WITHOUT LIMITATION, LOSS OF BUSINESS PROFITS, BUSINESS INTERRUPTION, LOSS OF DATA OR INFORMATION OR THE COST OF RECOVERING SUCH DATA OR INFORMATION (EXCEPT TO THE EXTENT PROVIDED IN SECTION 2(d)), THE COST OF SUBSTITUTE SOFTWARE, WORK PRODUCTS, HARDWARE OR SERVICES, OR CLAIMS BY THIRD PARTIES. ADDITIONALLY, IN NO EVENT SHALL MICROSOFT CORPORATION, AS A SUPPLIER TO HYLAND, BE LIABLE FOR ANY DIRECT DAMAGES.

15. FORCE MAJEURE

No failure, delay or default in performance of any obligation of a party to this Agreement (except the payment of money) shall constitute a default or breach to the extent that such failure to perform, delay or default arises out of a cause, existing or future, beyond the control (including, but not limited to: action or inaction of governmental, civil or military authority; fire; strike, lockout or other labor dispute; flood; war; riot; theft; earthquake; natural disaster or acts of God; national emergencies; unavailability of materials or utilities; sabotage; viruses; or the act, negligence or default of the other party) and without negligence or willful misconduct of the party otherwise chargeable with failure, delay or default. Either party desiring to rely upon any of the foregoing as an excuse for failure, default or delay in performance shall, when the cause arises, give to the other party prompt notice in writing of the facts which constitute such cause; and, when the cause ceases to exist, give prompt notice of that fact to the other party. This Section 15 shall in no way limit the right of either party to make any claim against third parties for any damages suffered due to said causes. If any performance date by a party under this Agreement is postponed or extended pursuant to this Section 15 for longer than ninety (90) calendar days, the other party, by written notice given during the postponement or extension, and at least thirty (30) days prior to the effective date of termination, may terminate this Agreement.

16. GOVERNING LAW; JURISDICTION

This Agreement and any claim, action, suit, proceeding or dispute arising out of this Agreement shall in all respects be governed by, and interpreted in accordance with, the substantive laws of the State of Ohio (and not by the 1980 United Nations Convention on Contracts for the International Sale of Goods, as amended), without regard to the conflicts of laws provisions thereof. Venue and jurisdiction for any action, suit or proceeding arising out of this Agreement shall vest exclusively in the federal or state courts of general jurisdiction located in Park City, Utah.

17. NOTICES

Unless otherwise agreed to by the parties in a writing signed by both parties, all notices required under this Agreement shall be deemed effective: (a) when sent and made in writing by either (1)(A) registered mail, (B) certified mail, return receipt requested, or (C) reputable, national or international overnight courier, in any such case addressed and sent to the address set forth herein and to the attention of the person executing this Agreement on behalf of that party or that person's successor, or to such other address or such other person as the party entitled to receive such notice shall have notified the party sending such notice of; or (2) electronic transmission appropriately directed to the attention of the person identified as the appropriate recipient and at the appropriate address under (a)(1) above, with a copy following by one of the other methods of notice under (a)(1) above; or (b) when personally delivered and made in writing to the person and address identified as appropriate under (a)(1) above.

18. GENERAL PROVISIONS

(a) INTERPRETATION. The headings used in this Agreement are for reference and convenience purposes only and shall not in any way limit or affect the meaning or interpretation of any of the terms hereof. All defined terms in this Agreement shall be deemed to refer to the masculine, feminine, neuter, singular or plural, in each instance as the context or particular facts may require. Use of the terms "hereunder," "herein," "hereby" and similar terms refer to this Agreement.

(b) WAIVER. No waiver of any right or remedy on one occasion by either party shall be deemed a waiver of such right or remedy on any other occasion.

(c) INTEGRATION. This Agreement, including any and all attachments, exhibits, schedules and separate written agreements related to any Hosted Solution and referred to herein or therein, and the Process Manual set forth the entire agreement and understanding between the parties pertaining to the subject matter and merges all prior discussions between them on the same subject matter. Neither of the parties shall be bound by any conditions, definitions, warranties, understandings or representations with respect to the subject matter other than as expressly provided in this Agreement. This Agreement may only be modified by a written document signed by duly authorized representatives of the parties. This Agreement shall not be supplemented or modified by any course of performance, course of dealing or trade usage. Variance from or addition to the terms and conditions of this Agreement in any written notification or documentation, from Customer or otherwise, will be of no effect unless expressly agreed to in writing by both parties. This Agreement will prevail over any conflicting stipulations contained or referenced in any other document.

(d) BINDING AGREEMENT AND ASSIGNMENT. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and permitted assigns. Hyland may assign this Agreement or its rights or obligations under this Agreement, in whole or in part, to any other person or entity. Customer may not assign this Agreement or its rights or obligations under this Agreement, in whole or in part, to any other person or entity without the prior written consent of Hyland. Any change in control of Customer resulting from an acquisition, merger or otherwise shall constitute an assignment under the terms of this provision. Any assignment made without compliance with the provisions of this paragraph (d) shall be null and void and of no force or effect.

(e) SEVERABILITY. In the event that any term or provision of this Agreement is deemed by a court of competent jurisdiction to be overly broad in scope, duration or area of applicability, the court considering the same will have the power and is hereby authorized and directed to limit such scope, duration or area of applicability, or all of them, so that such term or provision is no longer overly broad and to enforce the same as so limited. Subject to the foregoing sentence, in the event any provision of this Agreement is held to be invalid or unenforceable for any reason, such invalidity or unenforceability will attach only to such provision and will not affect or render invalid or unenforceable any other provision of this Agreement.

(f) INJUNCTIVE RELIEF. The parties to this Agreement recognize that a remedy at law for a breach of the provisions of this Agreement relating to confidential information and intellectual property rights will not be adequate for Hyland's protection and, accordingly, Hyland shall have the right to obtain, in addition to any other relief and remedies available to it, specific performance or injunctive relief to enforce the provisions of this Agreement.

(g) U.S. GOVERNMENT END USERS. The terms and conditions of this Agreement shall pertain to the Government's use and/or disclosure of the Software or the Work Products, and shall supersede any conflicting contractual terms or conditions. By accepting the terms of this Agreement and/or the delivery of the Software, the Government hereby agrees that the Software qualifies as "commercial" computer software within the meaning of ALL federal acquisition regulation(s) applicable to this procurement and that the Software is developed exclusively at private expense. If this license fails to meet the Government's needs or is inconsistent in any respect with Federal law, the Government agrees to return the Software and Work Products to Hyland. In addition to the foregoing, where DFARS is applicable, use, modification, reproduction, release, display, or disclosure of the Software, Work Products or Documentation by the Government is subject solely to the terms of this Agreement, as stated in DFARS 227.7202, and the terms of this Agreement shall supersede any conflicting contractual term or conditions.

(h) THIRD PARTIES. Nothing herein expressed or implied is intended or shall be construed to confer upon or give to any person or entity, other than the parties hereto, any rights or remedies by reason of this Agreement; provided, however, that third party suppliers of software products bundled with the Software are third party beneficiaries to this Agreement as it applies to their respective software products.

ATTACHMENT B
TO
HOSTING AGREEMENT

ACCEPTABLE USE POLICY FOR HOSTING

I. INTRODUCTION:

This Acceptable Use Policy (this “AUP”) applies to all persons and entities (collectively referred to herein as “User”) who use the services and software products provided by Hyland Software, Inc. (“Hyland”) in connection with Hyland’s hosting of one or more hosted solutions (collectively referred to herein as “Hosted Solutions”). This AUP is designed to protect the security, integrity, reliability and privacy of Hyland’s network and the Hosted Solutions Hyland hosts for its hosting customers.

User’s use of the Hosted Solution constitutes User’s acceptance of the terms and conditions of this AUP in effect at the time of such use. Hyland reserves the right to modify this policy at any time effective immediately upon Hyland’s posting of the modification or revised AUP on Hyland’s website: <https://www.hyland.com/community>.

II. USER OBLIGATIONS:

A. User is responsible for any misuse of a Hosted Solution. Therefore, User must take all reasonable precautions to protect access and use of any Hosted Solution that it uses.

B. User shall not use a Hosted Solution in any manner in violation of applicable law including, but not limited to, by:

(i) Infringing or misappropriating intellectual property rights, including copyrights, trademarks, service marks, software, patents and trade secrets;

(ii) Engaging in the promotion, sale, production, fulfillment or delivery of illegal drugs, illegal gambling, obscene materials or other products and services prohibited by law. Similarly, soliciting illegal activities is prohibited even if such activities are not actually performed;

(iii) Displaying, transmitting, storing or making available child pornography materials;

(iv) Transmitting, distributing or storing any material that is unlawful, including encryption software in violation of U.S. export control laws, or that presents a material risk of civil liability to Hyland;

(v) Displaying, transmitting, storing or publishing information that constitutes libel, slander, defamation, harassment, obscenity, or otherwise violates the privacy or personal rights of any person;

(vi) Displaying or transmitting obscene, threatening, abusive or harassing messages; or

(vii) Promoting, offering or implementing fraudulent financial schemes including pyramids, illegitimate funds transfers and charges to credit cards.

C. User shall not use a Hosted Solution to engage in any of the following:

(i) Interfering with, gaining unauthorized access to or otherwise violating the security of Hyland’s or another party’s server, network, personal computer, network access or control devices, software or data, or other system, or to attempt to do any of the foregoing, including, but not limited to, use in the development, distribution or execution of Internet viruses, worms, denial of service attacks, network flooding or other malicious activities intended to disrupt computer services or destroy data;

(ii) Interfering with Hyland’s network or the use and enjoyment of Hosted Solutions received by other authorized Users;

(iii) Promoting or distributing software, services or address lists that have the purpose of facilitating spam;

- (iv) Providing false or misleading information in message headers or other content, using non-existent domain names or deceptive addressing, or hiding or obscuring information identifying a message's point of origin or transmission path;
- (v) Violating personal privacy rights, except as permitted by law;
- (vi) Sending and collecting responses to spam, unsolicited electronic messages or chain mail; and
- (vii) Engaging in any activities that Hyland believes, in its sole discretion, might be harmful to Hyland's operations, public image or reputation.

III. ENFORCEMENT:

If a User violates this AUP, Hyland may, depending on the nature and severity of the violation, suspend the hosting of any Hosted Solution that such User accesses for so long as necessary for steps to be taken that, in Hyland's reasonable judgment, will prevent the violation from continuing or reoccurring.

IV. NOTICE:

Unless prohibited by law, Hyland shall provide User with written notice via e-mail or otherwise of a violation of this AUP so that such violation may be corrected without impact on the hosting of Hosted Solutions; Hyland shall also provide User with a deadline for User to come into compliance with this AUP. Hyland reserves the right, however, to act immediately and without notice to suspend the hosting of Hosted Solutions in response to a court order or government notice that certain conduct of User must be stopped or when Hyland reasonably determines: (1) that it may be exposed to sanction, civil liability or prosecution; (2) that such violation may cause harm to or interfere with the integrity or normal operations or security of Hyland's network or networks with which Hyland is interconnected or interfere with another of Hyland's customer's use of Hyland services or software products; or (3) that such violation otherwise presents imminent risk of harm to Hyland or other of Hyland's customers or their respective employees. In other situations, Hyland will use commercially reasonable efforts to provide User with at least seven (7) calendar days notice before suspending the hosting of Hosted Solutions. User is responsible for all charges or fees due to Hyland up to the point of suspension by Hyland, pursuant to the agreement in place between User and Hyland related to such Hosted Solutions.

V. DISCLAIMER:

Hyland disclaims any responsibility for damages sustained by User as a result of Hyland's response to User's violation of this AUP. User is solely responsible for the content and messages transmitted or made available by User using a Hosted Solution. By using a Hosted Solution, User acknowledges that Hyland has no obligation to monitor any activities or content for violations of applicable law or this AUP, but it reserves the right to do so. Hyland disclaims any responsibility for inappropriate use of a Hosted Solution by User and any liability for any other third party's violation of this AUP or applicable law.

VI. INDEMNIFICATION:

User agrees to indemnify Hyland from and against all liabilities, obligations, losses and damages, plus costs and expenses, including reasonable attorney's fees, arising out of any claim, damage, loss, liability, suit or action brought against Hyland by a third party as a result of the conduct of User that violates this AUP.

VII. WAIVER:

No failure or delay in exercising or enforcing this policy shall constitute a waiver of the policy or of any other right or remedy. If any provision of this policy is deemed unenforceable due to law or change in law, such a provision shall be disregarded and the balance of the policy shall remain in effect.

VIII. QUESTIONS:

If you are unsure of whether any contemplated use or action is permitted, please contact Hyland, at 440-788-5000.

ATTACHMENT C
TO
HOSTING AGREEMENT

QUALIFIED EMPLOYEE REQUIREMENTS

“Qualified Employee” means an employee of Customer that fulfills the following knowledge and reporting requirements in connection with any communication to Hyland for Maintenance and Support:

- (a) is at the computer where the Error or problem that is being reported occurred or has viewed captured screen shots of all error messages appearing on the computer where the Error or problem that is being reported occurred;
- (b) knows and reports the version of the Supported Software that Customer is using;
- (c) knows and reports any hardware interacting with or impacting the efficiency or effectiveness of the Supported Software;
- (d) knows and reports any Third Party Software interacting with or impacting the efficiency or effectiveness of the Supported Software;
- (e) knows and reports any recent changes to any hardware or Third Party Software described in clause (c) and (d) above;
- (f) knows and reports the wording of any “error messages” or other messages that appeared on the computer screen; and
- (g) knows and reports what happened, step-by-step, when the Error or problem occurred and any steps completed to attempt to rectify the Error or problem.

HYLAND[®] SOFTWARE

PROFESSIONAL SERVICES PROPOSAL

Park City Municipal
Corporation

DOCUMENT VERSION : 1

DOCUMENT DATE : 08-Feb-2013

THIS PROPOSAL IS VALID FOR A
PERIOD OF 90 DAYS FROM THE
ABOVE DATE.

©2013 Hyland Software, Inc.[®]

All Rights Reserved

Information in this document is subject to change and does not represent a commitment on the part of Hyland Software, Inc.[®] until attached to a services contract.

The information contained in this document is confidential and proprietary to Hyland Software, Inc.[®] It is provided solely for the use of Park City Municipal Corporation to describe the approach and work being proposed. This information may not be used for any other purpose and may not be further distributed. Any recipient of this document who is unwilling to agree to these conditions should return the document to Hyland Software, Inc.[®] without reviewing the contents or making further distribution. Review of this document shall constitute agreement to the restrictions stated above.

TABLE OF CONTENTS

INTRODUCTION 2

PROPOSAL TERMS & USAGE 2

PROJECT AREAS 3

 Project 1 – **Agenda Plus/Minutes Plus/Video Plus** 3

DESCRIPTION OF SERVICES..... 5

DESCRIPTION OF DELIVERABLES..... 6

PRICING ESTIMATE 7

KEY ASSUMPTIONS 8

CUSTOMER RESPONSIBILITIES/OBLIGATIONS 9

INTRODUCTION

The purpose of this document is to define the goals, scope, and important details supporting the delivery of professional services related to one or more projects defined in the Project Areas section. This document is used by Hyland Software to provide services estimates applicable to the current stage of a project.

PROPOSAL TERMS & USAGE

Hyland Software, Inc.[®] (“Hyland”) is pleased to provide the following estimate for professional services related to the use of the SIRE Software (“Software”) for Park City Municipal Corporation (“Customer”) as shown in the Description of Services section of this document.

This proposal describes the services offered to Customer in conjunction with the use of the Software for Customer. The content of this document is subject to review and revision by both Hyland and Customer. After this proposal has been mutually reviewed and agreed to by both Hyland and Customer, this proposal will be attached to a services contract and delivered to Customer for final review and signature.

Once executed by both Hyland and Customer, the Hyland solution delivery team will contact Customer project team to discuss project logistics and potential start dates. Once a project start date has been determined, resources will be assigned and scheduled to begin delivery of the services described in this proposal.

PROJECT AREAS

Project 1 – Agenda Plus/Minutes Plus/Video Plus

Scope

The scope of the project includes:

- Installation of Software in one (1) hosted production environment including
 - SIRE Server Core
 - SIRE Agenda Plus
 - SIRE Minutes Plus
 - SIRE Video Plus
- Configuration of one (1) meeting type with the ability/training for customer to build additional meeting types as necessary.
 - City Council
- Setup of SIRE Pub (Public Display to the Web of Meeting information)
- Creation of reference materials;
- Delivery of the following training:
 - SIRE Agenda Admin Training;
 - SIRE Agenda End User Training;
 - SIRE Minutes Plus/Meeting Video Recording Training

Services

Discovery, Basic Installation , Implementation, Project Management, Training

Deliverables

Software Solution, Reference Material

Assumptions

This proposal is based upon the below assumptions being true. If for some reason these assumptions prove not to be true, this could result in a scope change and may have an impact on the proposed cost and timeline to deliver.

- Customer will commit a minimum of eight (8) working hours per day to testing the Solution during the Customer Testing Support phase, which may be performed by multiple Customer personnel;
- Hyland estimates twenty four (24) hours for the training phase. Customer may request additional hours for such service under a future agreement;
- Hyland estimates twelve (12) hours for the Customer testing support phase. Customer may request additional hours for such service under a future agreement;

- Hyland estimates four (4) hours for the go live support phase. Customer may request additional hours for such service under a future agreement;
- One (1) prototype reviews are estimated for the proposal. Additional prototype reviews may be requested by the Customer and are not included in this proposal;
- Customer has all necessary pre-requisite hardware purchased and installed for the video encoder server;
- Solution includes one (1) meeting type for city council (one (1) agenda document template in MS Word format and one (1) minutes document template in MS Word format);
- SIRE Pub will be delivered from one (1) of the preconfigured layout templates;
- Additional test environment(s) is not included in the scope of this project;
- Configuration of SIRE Form(s) is not included in the scope of this project;
- Configuration of SIRE Workflow(s) is not included in the scope of this project;
- Creation of custom SIRE Report(s) is not included in the scope of this project; and
- Customer will provide necessary technical resources and network changes to support the on the premise based solution.

DESCRIPTION OF SERVICES

The types of services outlined below are included in one or more of the project areas covered in this services proposal, and are encompassed in Hyland's standard engagement methodology. Please refer to the specific project described in the Project Areas section of this document to determine which of these services are in scope for a particular project.

1. Discovery

Discovery services cover the requirements analysis and design of the Software solution(s) and include the following major activities:

- a. Project kickoff meeting;
- b. Discovery sessions with Customer subject matter experts from the business areas and technical experts from IT, interfaces and applications;
- c. Review and refinement of the solution requirements with Customer experts; and
- d. Sign off on Solution Requirement Document.

2. Implementation Services

Services include the implementation of a solution per agreed upon solution requirements which have been identified during the discovery phase.

- a. Configuration of the solution substantially in accordance with the mutually agreed upon documentation;
- b. Testing Software modules and/or functionality implemented, per solution requirements;
- c. User testing kickoff;
- d. Issue support for solution testing;
- e. Creation of solution training materials;
- f. Creation of documentation for administrative use;
- g. Execution of "train-the-trainer" session for up to ten (10) customer designated testers and/or trainers;
- h. Execution of administrative training specific to the solution and administration of Software;
- i. Preparation for go-live; and
- j. Go live support.

3. Project Management

Project Management services cover the overall coordination of Hyland team resources and general coordination of solution delivery. The Hyland Project Manager will:

- e. Provide supervisory project services to facilitate project scheduling, communicate project status and budget, update project issue log, and

DESCRIPTION OF DELIVERABLES

The types of deliverables outlined below are included in one or more of the project areas covered in this services proposal, and are encompassed in Hyland's standard engagement methodology. Please refer to the specific project described in the Project Areas section of this document to determine which of these deliverables are in scope for a particular project.

- 1. Software Solution and Workflow Solution (collectively referred to as the "Solution")**
 - a. The implementation of the requirements defined in the Solution Requirements Document created during discovery.
- 2. Reference Guide:**
 - a. A technical reference document intended for Software solution administrators and IT management/support staff; and
 - b. Guide contains the technical configuration details of a specific solution and is provided in both Microsoft Word and PDF formats.

PRICING ESTIMATE

Customer acknowledges that the services estimated are based solely on the information provided to Hyland and referenced in the above project area(s).

Project Name	Estimate Type	Total Project Hours	Amount
Agenda, Minutes, Video	Fixed Fee	88	\$14,850.00
Total			\$14,850.00

The pricing estimate described above represents a fixed price services engagement, plus travel and expenses. Payment milestones for this engagement will be invoiced as follows:

Payment Milestone 1:

- \$7,425.00 of the total fixed price will be invoiced by Hyland to Customer upon contract signing.

Payment Milestone 2:

- \$7,425.00 of the total fixed price will be invoiced by Hyland to Customer upon successful completion of acceptance testing or any use of the solution in a production environment.

Travel and Expenses:

- Travel and expenses will be invoiced by Hyland to Customer on a monthly basis, with a final invoice upon final completion of the applicable services under this proposal.

Payment in full will be due net thirty (30) days after invoice date.

KEY ASSUMPTIONS

The cost estimates were created using the following assumptions:

- a. Hyland provides train-the-trainer services. Customer is responsible for the training of Customer's end users;
- b. Customer will have a system administrator that will or has attended system administrator training for the Software, and will participate actively in the entire project lifecycle for knowledge transfer. The Customer system administrator will support the Software environments and solutions at the completion of the project;
- c. Project start date(s) are subject to a mutually agreed upon schedule after execution of contract;
- d. The above pricing estimate includes estimated services fees only;
- e. Where applicable, travel time for services personnel is charged at ½ (one half) applicable services rates and will not exceed eight (8) hours per one-way trip;
- f. Where applicable, travel expenses are not included in this estimate and will be charged separately;
- g. Each deliverable created during this project will use Hyland's standard deliverable templates. Customer requested changes to the deliverable template may increase project costs or introduce timeline delays; and

CUSTOMER RESPONSIBILITIES/OBLIGATIONS

To facilitate Hyland's performance of the above services, Customer agrees, at a minimum, to provide the following:

Network Environment:

- A properly configured processing environment;
- All necessary components including, but not limited to, power, lighting, network connections and environment controls deemed necessary for the proper functioning of the system;
- Installation and support of all hardware and operating, database, and application software; and
- Customer will provide systems access and include third-party vendors or subject /technical matter experts as required.

Personnel:

The following resources are critical for the success of this project:

- Collaboration with Hyland resources on the project schedule deliverable;
- Coordination of key departmental decision maker(s), subject matter expert(s), end-user representative(s), third party software application resources, project team representative(s) related to the project area, steering committee, project sponsorship;
- Facilitate timely decision making and resolution of issues;
- Coordination of Customer resources for the testing and regression testing cycles of the configured Software solution;
- Tracking and reporting test results; and
- Arrange for physical workspace and tools (desks, meeting rooms, training rooms, conference phones, etc.) for duration of the project to accommodate scheduled onsite activities.
- Availability of Customer's business process owners;
- Availability of Customer's technical resources responsible for the Software;
- At least one (1) Information Services ("IS") / Information Technology ("IT") representative to assist with the installation with regards to network and system administration;
- At least one (1) Software Administrator to assist in establishing network rights to appropriate disk groups on Customer's file servers for Customer's users; and
- Availability of Customer's resource to coordinate the above listed resources.

The parties acknowledge and agree that the absence of the foregoing environment or personnel may result in the delay of the performance and completion of the services.

Park City Municipal Corporation
By :
Name : (Print)
Title :
Date :

*** END OF DOCUMENT ***

City Council Staff Report



Application No: PL-12-01629
Subject: Lot 17, 18, and 19 Echo Spur
Development Replat
Author: Francisco Astorga, Planner
Date: October 17, 2013
Type of Item: Administrative - Plat Amendment

Summary Recommendation

Staff recommends the City Council review the Lot 17, 18 and 19 Echo Spur Development Replat located at 489 Echo Spur. The Planning Commission forwarded a negative recommendation to the City Council based on the findings of fact and conclusions of law as found in the draft denial letter.

Description

Applicant: Leeto Tlou represented by Scott Jaffa, architect
Location: Lots 17, 18, and 19, Block 58, Park City Survey
489 Echo Spur (formerly platted as McHenry Avenue)
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-Family Residential, Vacant Land

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background & Timeline

On August 10, 2012, the City received a completed application for the Lot 17, 18 and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record. The proposed lot contains 5,625 square feet. All three lots are currently vacant, platted lots of record.

September 12, 2012

The Planning Commission reviewed the requested Plat Amendment during their regular meeting on September 12, 2012. During this meeting the Planning Commission expressed concerns with the road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, increased setback/square footage limitations/footprint placement, contextual neighborhood analysis, future plat amendment to the south, and future site visit. The Planning Commission continued the item to a date uncertain. See Attachment 9, Exhibit E - 09.12.2012 Staff Report & Exhibit F - 09.12.2012 Planning Commission Meeting Minutes.

December 12, 2012

The Planning Commission visited the site and reviewed the requested Plat Amendment. During this meeting the Planning Commission expressed concerns with the vantage point analysis, 2007 property dispute settlement agreement, limitations on the proposed structure, neighborhood compatibility, road/improvements dedication, extensive ridgeline analysis, and future traffic generation. See Attachment 9, Exhibit G - 12.12.2012 Staff Report & Exhibit H - 12.12.2012 Planning Commission Meeting Minutes.

June 26, 2013

The Planning Commission studied the application by reviewing a model that was prepared by his architect, as well as associated exhibits, Alta Survey showing the original topography before the road was built, plat map, and vantage point analysis provided by the applicant.

Commissioner Savage pointed out that there was a fundamental disagreement between certain Commissioners as to what the appropriate definition of a ridgeline and its interpretation within the context of the Land Management Code (LMC), and it was causing polarity on this particular application. He did not think the Commissioners could resolve the issue amongst themselves without further clarification from Staff regarding the basis for their interpretation. Commissioner Savage stated that his direction would be for the Staff to clarify, substantiate and make their position known so the Planning Commission could understand it and decide whether or not they agree with it.

Commissioner Wintzer stated that his concern with combining the lots was the ridgeline encroachment on Lot 19. It is a plotted lot with access to a street. By combining the lots and going further down the hill, they increase the ridgeline encroachment. If the applicant was willing to increase the setbacks on the downhill side as a way of mitigating some of that on Lot 17, he thought they could find a way to make it work by controlling how far it goes down the hill. If the applicant was willing to look at decreasing the setback, he would feel like they had tried to mitigate the ridgeline encroachment.

Commissioner Thomas agreed with Commissioner Wintzer about mitigating the effect of the ridgeline. He noted that as it gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

Commissioner Strachan thought the analysis of the ridgeline on page 217 of the Staff report was the Staff's best attempt at their interpretation of the ridgeline ordinance, and he was comfortable with that. He also agreed with Commissioner Wintzer. If they could pull back Lots 17 and 18 from the nose of the ridgeline it might resolve the problem.

Commissioner Savage supported the interpretation of the ridgeline analysis that was incorporated in the Staff report. He personally could see no reason to modify the application design in a way that changes the boundary conditions on the lot to change the ridgeline encroachment. In his opinion, if it encroaches it should not matter by how much. It was either encroachment or not encroachment.

Commissioner Hontz moved to continue the plat amendment to July 31, 2013. Commissioner Thomas seconded the motion.

See Attachment 8 - Planning Commission Minutes 6.26.2013 & Attachment 9 - Planning Commission Staff Report 06.26.2013

July 31, 2013

During this meeting Staff presented the Supplement Staff Report which laid the discussion on ridgeline development/vantage point analysis. Staff found that the proposed structure on the ridgeline did not break the skyline when viewed from any of the vantage points. Staff reiterated that on June 26, 2013 the Staff was directed to come back to this meeting with interpretation and clarification related to vantage points, ridgelines and skyline analysis. Based on that interpretation and analysis Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance in the June 26, 2013 Staff report.

After deliberation and the required public hearing, Commissioner Strachan moved to forward a negative recommendation to the City Council for the plat amendment application and directed the Staff to craft Findings of Fact and Conclusions of Law based on their discussion consistent with the motion.

Commissioner Hontz seconded the motion, with suggestions for potential places to look for information when drafting the findings. The previous minutes contain a lot of support for the different concerns; specifically good cause, significance of the HR-1 District, neighborhood impacts, precedents for ridgelines and for number of lots, and issues with health, safety and welfare. Another source is LMC Section 15-7.3-1 regarding safety. Commissioner Strachan suggested that Commissioner Hontz provide the stated direction to Staff in written format to make sure it is accurately included in the findings. Commissioner Hontz handed Planner Astorga a written copy. See Attachment 3 –

Commissioner Hontz's Notes. The Planning Commission voted 4-1 to forward a negative recommendation to the City Council. On August 6, 2013 Commissioner Wintzer delivered his notes to staff, see Attachment 4 – Commissioner Wintzer's notes.

See Attachment 5 - Planning Commission Minutes 7.31.2013 & Attachment 6 - Planning Commission Supplemental Staff Report 7.31.2013 including Exhibit A - Topography Analysis & Attachment 7 - Cross Canyon Analysis presented on 7.31.2013.

September 11, 2013

As directed during the July 31, 2013 Planning Commission meeting staff crafted Findings of Fact and Conclusion of Law consistent with the motion to forward a negative recommendation to the City Council. The prepared staff report included all previous staff reports and minutes. The Planning Commission made a motion to forward a negative recommendation to the City Council. The motion passes unanimously. Commissioner Thomas, Hontz, Gross, and Wintzer attended this meeting. See Attachment 1 - Planning Commission Minutes 9.11.2013 & Attachment 2 - Planning Commission Staff Report 9.11.2013.

Analysis

The proposed plat amendment creates one (1) lot of record from Lot 17, 18, and 19, found in Block 58 of the Park City Survey. The three (3) lots are legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot combination is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The applicant has indicated that they do not request to build a duplex as they have submitted a Historic District Design Review application for a single family dwelling. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

Staff has identified the following development standards of the HR-1 District as summarized below:

Provision	Requirements
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)
Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are Old Town lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Prior to the issuance of a Historic District Design Review (HDDR) or a building permit, the applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

The proposed plat amendment facilitates a transition opportunity between the neighborhood composed on Ontario and Marsac Avenue (Old Town) and the neighborhood composed of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots on Ontario Avenue towards the west consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots towards the north (Roundabout Subdivision) and towards the east side, also within the HR-1 District, consist of much larger lots ranging from approximately 9,700 to 15,500 square feet. The lots towards the south, on the west side of the road, consists of standard Old Town lots (25'x75') of record. The lots on the east side consist of much larger lots.

Road Dedication

The existing improvements have complied with the required warranty period. The City Council accepted the improvements on September 26, 2013. The City Council also officially changed the name of the Right-of-Way to Echo Spur.

The Land Management Code (LMC) indicates that no building permit shall be issued for a Lot unless such Lot has frontage on a street shown as a private or public street. Staff recommended adding a condition of approval which would indicate that before a building permit can be issued, the street shall be either a private drive or a public street. Staff also recommends adding another condition of approval which indicates that the access to the site shall not take place over platted Fifth Street (formerly Third Street) per the previous Planning Commission comments.

2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lied within the wire fence and shed, over Lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19, of Block 58, of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City did not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and

Kelleher) shall proceed forward with the Alternative Development and shall transfer the disputed property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

Ridgeline Development/Vantage Point Analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines vantage points as the following:

A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;*
- (B) Treasure Mountain Middle School;*
- (C)Intersection of Main Street and Heber Avenue;*
- (D) Park City Ski Area Base;*
- (E) Snow Park Lodge;*
- (F) Park City Golf Course Clubhouse;*
- (G) Park Meadows Golf Course Clubhouse;*
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;*
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;*
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and*
- (K) Across valley view.*

The LMC definition of Vantage Points includes ten (10) specific sites plus an across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that a cross valley view has to be at approximate similar elevation as the site.

The LMC defines a Ridge Line Area as the “top, ridge or Crest of Hill, or Slope” plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. Staff considers this area to be a ridge, however, the proposed development activity including replatting these three (3) lots of record to accommodate one (1) single family dwelling, cannot be viewed from any of the eleven (11) vantage points including Vantage Point K, across valley view.

Attachment 6 - Planning Commission Staff Report 7.31.2013 Exhibit A - Topography Analysis shows the vicinity of the subject site with ten foot (10') elevation/contour lines. As represented on this Exhibit, the site contains two (2) valleys adjacent to the site, across Deer Valley Drive (north of the site), and across the Old Town/Main Street area (west of the site). The applicant submitted photographs showing these vantage points within Attachment Planning Commission Staff Report 6.26.2013 Exhibit K - Vantage Point Analysis, across valley view. By looking at the photographs and this contour map, staff found that when viewing the site from across canyon (or any of the other ten [10] LMC defined vantage points), at approximately the same elevation, the site is framed by the existing higher topography behind the proposed development.

During the July 31, 2013 meeting, staff also indicated that there are set ridges that were part of the Sensitive Lands Overlay (SLO). The SLO protects waterways, steep topography, ridges, etc. No construction is allowed on ridges. This subject site is outside of the SLO. Furthermore, sections of the General Plan mention specific protection of development within ridgelines, which is currently supported by the SLO ordinance.

The Planning Commission disagreed with these Staff findings as indicated during the 7.31.2013 Planning Commission meeting. During this meeting the Planning Commission directed staff to make craft findings to forward a negative recommendation to the City Council which was ratified on September 11, 2013.

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen (16) lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. The east side of Ontario contains the following:

Plat amendment/ Lot combination	Number of lots	Lot width (feet)	Lot area (square feet)
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.

Ella Sorenson property*	1*	50.0	4,463.25
-------------------------	----	------	----------

*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to “remove” the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

Staff recommended that additional restrictions needed to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation).

Staff recommended adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff found that the compatibility would be better maintained and consistency is achieved by this gross floor area limitation.

Possible Plat Amendment to the South

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to re-subdivide in the form of a condominium Record of Survey at a later date. This property owner requested to build eight (8) single family dwellings over the twelve (12) lots. This proposal included no curb cuts as it has one (1) shared underground access and the units are platted in the form of Record of Survey, privately owned while the yards, etc., are platted as common ownership. This application has been withdrawn by the property owner as they have submitted Historic District Design Review applications to building on four (4) single family dwellings, over four (4) lots of record. The neighboring property no longer seeks to shift property lines.

Traffic & Access

Staff finds that traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street). This ROW has not been built and the City does not plat to build this a

road. The Planning Commission indicated that if this application is approved access to platted Fifth Street should be prohibited.

Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The LMC currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There are areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. Prior to the issuance of a Historic District Design Review (HDDR) or a building permit, the applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a HDDR application and ultimately a building permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may deny the Lot 17, 18 and 19 Echo Spur Development Replat according to the findings of fact and conclusions of law in the draft denial letter;
or

- The City Council may approve the Lot 17, 18, and 19 Echo Spur Development Replat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance under Attachment 9 - Planning Commission Staff Report 6.26.2013 which included the following conditions of approval:
 - a. *Before a building permit can be issued, the street shall be either be identified as either private drive or a public street.*
 - b. *Access to the site shall not take place over platted Fifth Street (formerly Third Street).*
 - c. *Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.*
 - d. *Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.*
 - e. *The drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.*
 - f. *The north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.*
 - g. *A note on the plat shall be placed which will limit development to a single family dwelling.*
- The City Council may approve as conditioned above or amended; or
- The City Council may continue the discussion on Lot 17, 18 and 19 Echo Spur Development Replat.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of taking the Planning Commission's Recommendation

The lots would remain as is and no construction could take place across the existing lot lines. The three (3) lots are currently platted Old Town lots of record and each one could be built upon. The property owner could extend access of the current road, Echo Spur, to Lot 17 and 18 since the road was only completed to reach approximately half of Lot 19. The property owner could also build improvements on platted Fifth Street (formerly Third Street) from Ontario Avenue to access Lot 17 and possibly Lot 18 from the North.

Summary Recommendation

Staff recommends the City Council review the Lot 17, 18 and 19 Echo Spur Development Replat located at 489 Echo Spur. The Planning Commission forwarded a

negative recommendation to the City Council based on the findings of fact and conclusions of law as found in the draft denial letter.

Exhibits

Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment

Attachments

Attachment 1 – Planning Commission Minutes 9.11.2013

Attachment 2 – Planning Commission Staff Report 9.11.2013

Attachment 3 – Commissioner Hontz's Notes

Attachment 4 – Commissioner Wintzer's Notes

Attachment 5 – Planning Commission Minutes 7.31.2013

Attachment 6 – Planning Commission Supplemental Staff Report 7.31.2013

Exhibit A – Topography Analysis

Attachment 7 – Cross Canyon Analysis presented on 7.31.2013

Attachment 8 – Planning Commission Minutes 6.26.2013

Attachment 9 – Planning Commission Staff Report 6.26.2013

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006

Exhibit D – County Tax Map

Exhibit E – 09.12.2012 Staff Report

Exhibit F – 09.12.2012 Planning Commission Meeting Minutes

Exhibit G – 12.12.2012 Staff Report

Exhibit H – 12.12.2012 Planning Commission Meeting Minutes

Exhibit I – Enlarged Artistic Renderings

Exhibit J – Deer Valley Drive View Site Analysis

Exhibit K – Vantage Points Analysis – Across Canyon View

Exhibit L – Site Plan

Exhibit M – Elevations

Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment

**FINAL ACTION DENYING THE LOT 17, 18 AND 19 ECHO SPUR DEVELOPMENT
REPLAT LOCATED AT 489 ECHO SPUR, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 489 Echo Spur has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 12, 2012, a work session discussion on December 12, 2013, a public hearing on June 26, 2013 and July 31, 2013, and September 11, 2013 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 11, 2013, forwarded a negative recommendation to the City Council; and,

WHEREAS, on October 17, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to deny the Lot 17, 18, and 19 Echo Spur Development Replat.

NOW, THEREFORE the City Council of Park City, Utah finds as follows:

SECTION 1. DENIAL. The Lot 17, 18 and 19 Echo Spur Development Replat as shown in Exhibit A is denied subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.

9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The Planning Commission has expressed major concerns with access over platted Fifth Street (formerly Third Street).
13. Platted Fifth Street has not been built and the City does not plat to build this a road.
14. When the road and utilities were built in 2009, the topography was slightly altered.
15. The highest point on the site is six feet (6') higher than the October 2006 survey.
16. The improvements and the conditions regarding the road have not been dedicated to the City.
17. The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley Roundabout and looks extremely tall.
18. There is a private land settlement agreement related to lots in this vicinity that could potentially affect access or the relationship with the site.
19. The site is located on a ridgeline.
20. According to LMC § 15-7.3-2 (D), ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.
21. There are concerns regarding vantage points because the site is very abrupt looking from the roundabout.
22. Without understanding the private land settlement agreement, it would be difficult to take look at these lots which would set a precedent for five to six lots leading up to this development.
23. The impacts of the neighborhood and the surrounding area are not understood.
24. There is not good cause to approve the proposed plat amendment.
25. The purpose statements of the HR-1 are not met; specifically:
 - A. Preserve present land Uses and character of the Historic residential Areas of Park City,
 - B. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
 - E. Development parameters that are consistent with the General Plan policies for Historic core,
26. According to LMC section 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.
27. The proposed plat amendment request does not comply with the following General Plan (GP) statements:
 - a. The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street. (GP page 3).

- b. New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape. (GP page 5).
 - c. Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape. (GP page 6).
 - d. Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town's link with nature..... (GP page 12).
 - e. Direct development to the "toe" of slopes, preserving the ridge tops, meadows and visible hillsides. (General Plan page 20).
 - f. Require new development to be more compatible with the historic scale of the surrounding area. (GP page 55).
 - g. Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios. (GP page 56).
 - h. Development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides. (GP page 57).
 - i. Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District. (General Plan page 148).
28. The intent of the General Plan is to protect ridge lines.
29. The LMC defines a ridge line area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.
30. The proposed development sits on a ridgeline and the site meets the definition of a ridgeline.
31. New development should not be allowed on ridges.
32. Ridges in Old Town should not be jeopardized.
33. This ridge is the entrance corridor to Old Town and Deer Valley.
34. The proposed house would be extremely visible from Deer Valley Drive and the roundabout.
35. The General Plan does not address the Sensitive Lands Overlay, but it does address ridgelines.
36. The subtle ridgelines are the only ridgelines left, which are being threatened when built upon.
37. The topographic map shows the site is clearly on a ridgeline.
38. Exhibit A, topographic map from the July 31, 2013 staff report does a great job indicating the ridgelines.
39. As the property gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

40. No increase in minimum setbacks or a reduction in height was proposed by the Applicant to mitigate the impacts on the ridgeline.

Conclusions of Law

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code.

Attachment 1 – Planning Commission Minutes 9.11.2013

VOTE: The motion passed unanimously.

**3. 489 McHenry Avenue – Ratification of Findings
(Application #PL-12-01689)**

Planner Astorga reported that on July 31, 2013 the Planning Commission directed the Staff to prepare findings of fact and conclusions of law for a negative recommendation for Lots 17, 18, and 19 Echo Spur Development replat. The Planning Commission was being asked to ratify the findings of fact and conclusion of law this evening. The Staff report included all Staff reports, supplemental Staff reports and minutes from previous meetings.

The applicant, Leeto Tlou had questions regarding the findings of fact. He noted that Finding #17 states that, "The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley roundabout and looks extremely tall." He asked whether that was actually a finding of fact or an opinion.

Commissioner Hontz understood that the intent was to build the case for the visual impact on the ridgeline. Assistant City Attorney McLean stated that it under a finding of fact and the language was in the appropriate place as a finding.

Mr. Tlou indicated on the number of statements regarding the visual impact of the proposal, particularly from Deer Valley Drive. If the concern is the size and scope of the house, comparing those with the houses above and behind his lots, he did not understand why there was a concern with his proposal versus the existing houses.

Assistant City Attorney McLean informed Mr. Tlou that the purpose this evening was to ratify the findings and conclusions on the motion to forward a negative recommendation. She requested that he address his comments to the actual findings and conclusions for ratification. Mr. Tlou replied that he was only trying to get clarification, but he understood if this was not the appropriate forum. Planning Manager Sintz pointed out that Mr. Tlou would have the opportunity to make his comments and state his concerns at the City Council level.

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Hontz moved to forward a NEGATIVE recommendation to the City Council for Lots 17, 18, 19 Echo Spur Development Replat Amendment located at approximately 49 McHenry Avenue, based on the Findings of Fact and Conclusions of Law as outlined in the Staff report.

Vice-Chair Thomas stated that he was not present for the July 31st meeting; however, he had read the Staff report and the minutes in detail and he felt comfortable voting this evening. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 489 McHenry

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The Planning Commission has expressed major concerns with access over platted Fifth Street (formerly Third Street).
13. Platted Fifth Street has not been built and the City does not plat to build this a road.
14. When the road and utilities were built in 2009, the topography was slightly altered.

15. The highest point on the site is six feet (6') higher than the October 2006 survey.

16. The improvements and the conditions regarding the road have not been dedicated to the City.

17. The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley Roundabout and looks extremely tall.

18. There is a private land settlement agreement related to lots in this vicinity that could potentially affect access or the relationship with the site.

19. The site is located on a ridgeline.

20. According to LMC § 15-7.3-2 (D), ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.

21. There are concerns regarding vantage points because the site is very abrupt looking from the roundabout.

22. Without understanding the private land settlement agreement, it would be difficult to take look at these lots which would set a precedent for five to six lots leading up to this development.

23. The impacts of the neighborhood and the surrounding area are not understood.

24. There is not good cause to approve the proposed plat amendment.

25. The purpose statements of the HR-1 are not met; specifically:

(A). Preserve present land Uses and character of the Historic residential Areas of Park City;

(B). encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;

(E). Development parameters that are consistent with the General Plan policies for Historic core.

26. According to LMC section 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.

27. The proposed plat amendment request does not comply with the following General Plan (GP) statements:

a. The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street. (GP page 3).

b. New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape. (GP page 5).

c. Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape. (GP page 6).

d. Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town's link with nature..... (GP page 12).

e. Direct development to the "toe" of slopes, preserving the ridge tops, meadows and visible hillsides. (General Plan page 20).

f. Require new development to be more compatible with the historic scale of the surrounding area. (GP page 55).

g. Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios. (GP page 56).

h. Development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides. (GP page 57).

i. Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District. (General Plan page 148).

28. The intent of the General Plan is to protect ridge lines.

29. The LMC defines a ridge line area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

30. The proposed development sits on a ridgeline and the site meets the definition of a ridgeline.

31. New development should not be allowed on ridges.

32. Ridges in Old Town should not be jeopardized.

33. This ridge is the entrance corridor to Old Town and Deer Valley.
34. The proposed house would be extremely visible from Deer Valley Drive and the roundabout.
35. The General Plan does not address the Sensitive Lands Overlay, but it does address ridgelines.
36. The subtle ridgelines are the only ridgelines left, which are being threatened when built upon.
37. The topographic map shows the site is clearly on a ridgeline.
38. Exhibit A, topographic map from the July 31, 2013 staff report does a great job indicating the ridgelines.
39. As the property gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.
40. No increase in minimum setbacks or a reduction in height was proposed by the Applicant to mitigate the impacts on the ridgeline.

Conclusions of Law – 489 McHenry

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code.

4. Land Management Code – Amendments to Chapter 2.4 (HRM)

Planner Francisco Astorga handed out public input from Clark Baron that he had received that day. He apologized for not being able to forward the electronic version to the Commissioners earlier in the day.

Planner Astorga reviewed the request to have the Planning Commission review the proposed amendments to the Land Management Code, specifically changes to the Historic Resident

Attachment 2 – Planning Commission Staff Report 9.11.2013

Planning Commission Staff Report



Subject: Lot 17, 18, 19 Echo Spur
Development Replat
Author: Francisco Astorga, Planner
Date: September 11, 2013
Type of Item: Administrative - Plat Amendment Ratification of Findings

Summary Recommendation

Staff recommends the Planning Commission ratify the Findings of Fact and Conclusions of Law to forward a negative recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat Plat Amendment application located at approximately 489 McHenry Avenue.

Topic

Applicant: Leeto Tlou represented by Scott Jaffa, architect.
Location: Lots 17, 18, and 19, Block 58, Park City Survey
489 McHenry Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-Family Residential, Vacant Land

Background & Timeline

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

In 2012 lots 17, 18, & 19 were purchased by Leeto Tlou, the current applicant, who is now requesting approval to combine three (3) Old Town lots of record into one (1).

September 12, 2012 (See Attachment 5, Exhibit E & F)

The Planning Commission reviewed this request. During this meeting the Planning Commission expressed concerns with the road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, increased setback/square footage limitations/footprint placement, contextual neighborhood analysis, future plat amendment to the south, and future site visit. The Planning Commission continued the item to a date uncertain.

December 12, 2012 (See Attachment 5, Exhibit G & H)

The Planning Commission visited the site and reviewed the requested Plat Amendment. During this meeting the Planning Commission expressed concerns with the vantage point analysis, 2007 property dispute settlement agreement, limitations on the proposed structure, neighborhood compatibility, road/improvements dedication, extensive ridgeline analysis, and future traffic generation.

June 26, 2013 (See Attachment 4 & 5)

The Planning Commission studied the application by reviewing a model that was prepared by his architect, as well as associated exhibits, Alta Survey showing the original topography before the road was built, plat map, and vantage point analysis provided by the applicant.

Commissioner Savage pointed out that there was a fundamental disagreement between certain Commissioners as to what the appropriate definition of a ridgeline and its interpretation within the context of the Land Management Code (LMC), and it was causing polarity on this particular application. He did not think the Commissioners could resolve the issue amongst themselves without further clarification from Staff regarding the basis for their interpretation. Commissioner Savage stated that his direction would be for the Staff to clarify, substantiate and make their position known so the Planning Commission could understand it and decide whether or not they agree with it.

Commissioner Wintzer stated that his concern with combining the lots was the ridgeline encroachment on Lot 19. It is a plotted lot with access to a street. By combining the lots and going further down the hill, they increase the ridgeline encroachment. If the applicant was willing to increase the setbacks on the downhill side as a way of mitigating some of that on Lot 17, he thought they could find a way to make it work by controlling how far it goes down the hill. If the applicant was willing to look at decreasing the setback, he would feel like they had tried to mitigate the ridgeline encroachment.

Commissioner Thomas agreed with Commissioner Wintzer about mitigating the effect of the ridgeline. He noted that as it gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

Commissioner Strachan thought the analysis of the ridgeline on page 217 of the Staff report was the Staff's best attempt at their interpretation of the ridgeline ordinance, and he was comfortable with that. He also agreed with Commissioner Wintzer. If they could pull back Lots 17 and 18 from the nose of the ridgeline it might resolve the problem.

Commissioner Savage supported the interpretation of the ridgeline analysis that was incorporated in the Staff report. He personally could see no reason to modify the application design in a way that changes the boundary conditions on the lot to change the ridgeline encroachment. In his opinion, if it encroaches it should not matter by how much. It was either encroachment or not encroachment.

Commissioner Hontz moved to continue the plat amendment to July 31, 2013.
Commissioner Thomas seconded the motion.

July 31, 2013 (See Attachment 1, 2, & 3)

During this meeting Staff presented the Supplement Staff Report which laid the discussion on ridgeline development/vantage point analysis. Staff found that the proposed structure on the ridgeline did not break the skyline when viewed from any of

the vantage points. Staff reiterated that on June 26, 2013 the Staff was directed to come back to this meeting with interpretation and clarification related to vantage points, ridgelines and skyline analysis. Based on that interpretation and analysis Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance in the June 26, 2013 Staff report.

After carefully deliberation and the required public hearing, Commissioner Strachan moved to forward a negative recommendation to the City Council for the plat amendment application and directed the Staff to craft Findings of Fact and Conclusions of Law based on their discussion consistent with the motion.

Commissioner Hontz seconded the motion, with suggestions for potential places to look for information when drafting the findings. The previous minutes contain a lot of support for the different concerns; specifically good cause, significance of the HR-1 District, neighborhood impacts, precedents for ridgelines and for number of lots, and issues with health, safety and welfare. Another source is LMC Section 15-7.3-1 regarding safety. Commissioner Strachan suggested that Commissioner Hontz provide the stated direction to Staff in written format to make sure it is accurately included in the findings. Commissioner Hontz handed Planner Astorga a written copy. See Attachment 6. The Planning Commission voted 4-1 to forward a negative recommendation to the City Council.

On August 6, 2013 Commissioner Wintzer delivered his notes to staff, see Attachment 7.

Findings of Fact and Conclusions of Law regarding forwarding a negative recommendation for the Lot 17, 18, and 19 Echo Spur Development Replat.

The Planning Commission hereby ratifies the Findings of Fact and Conclusions of Law as follows:

Findings of Fact

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.

8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The Planning Commission has expressed major concerns with access over platted Fifth Street (formerly Third Street).
13. Platted Fifth Street has not been built and the City does not plat to build this a road.
14. When the road and utilities were built in 2009, the topography was slightly altered.
15. The highest point on the site is six feet (6') higher than the October 2006 survey.
16. The improvements and the conditions regarding the road have not been dedicated to the City.
17. The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley Roundabout and looks extremely tall.
18. There is a private land settlement agreement related to lots in this vicinity that could potentially affect access or the relationship with the site.
19. The site is located on a ridgeline.
20. According to LMC § 15-7.3-2 (D), ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.
21. There are concerns regarding vantage points because the site is very abrupt looking from the roundabout.
22. Without understanding the private land settlement agreement, it would be difficult to take look at these lots which would set a precedent for five to six lots leading up to this development.
23. The impacts of the neighborhood and the surrounding area are not understood.
24. There is not good cause to approve the proposed plat amendment.
25. The purpose statements of the HR-1 are not met; specifically:
 - A. Preserve present land Uses and character of the Historic residential Areas of Park City,
 - B. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
 - E. Development parameters that are consistent with the General Plan policies for Historic core,
26. According to LMC section 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.
27. The proposed plat amendment request does not comply with the following General Plan (GP) statements:
 - a. The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street. (GP page 3).

- b. New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape. (GP page 5).
 - c. Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape. (GP page 6).
 - d. Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town's link with nature..... (GP page 12).
 - e. Direct development to the "tow" of slopes, preserving the ridge tops, meadows and visible hillsides. (General Plan page 20).
 - f. Require new development to be more compatible with the historic scale of the surrounding area. (GP page 55).
 - g. Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios. (GP page 56).
 - h. Development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides. (GP page 57).
 - i. Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District. (General Plan page 148).
28. The intent of the General Plan is to protect ridge lines.
29. The LMC defines a ridge line area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.
30. The proposed development sits on a ridgeline and the site meets the definition of a ridgeline.
31. New development should not be allowed on ridges.
32. Ridges in Old Town should not be jeopardized.
33. This ridge is the entrance corridor to Old Town and Deer Valley.
34. The proposed house would be extremely visible from Deer Valley Drive and the roundabout.
35. The General Plan does not address the Sensitive Lands Overlay, but it does address ridgelines.
36. The subtle ridgelines are the only ridgelines left, which are being threatened when built upon.
37. The topographic map shows the site is clearly on a ridgeline.
38. Exhibit A, topographic map from the July 31, 2013 staff report does a great job indicating the ridgelines.
39. As the property gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

40. No increase in minimum setbacks or a reduction in height was proposed by the Applicant to mitigate the impacts on the ridgeline.

Conclusions of Law

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code.

Attachments

Attachment 1 – Planning Commission Minutes 7.31.2013

Attachment 2 – Planning Commission Supplemental Staff Report 7.31.2013

Exhibit A – Topography Analysis

Attachment 3 – Cross Canyon Analysis presented on 7.31.2013

Attachment 4 – Planning Commission Minutes 6.26.2013

Attachment 5 – Planning Commission Staff Report 6.26.2013

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006

Exhibit D – County Tax Map

Exhibit E – 09.12.2012 Staff Report

Exhibit F – 09.12.2012 Planning Commission Meeting Minutes

Exhibit G – 12.12.2012 Staff Report

Exhibit H – 12.12.2012 Planning Commission Meeting Minutes

Exhibit I – Enlarged Artistic Renderings

Exhibit J – Deer Valley Drive View Site Analysis

Exhibit K – Vantage Points Analysis – Across Canyon View

Exhibit L – Site Plan

Exhibit M - Elevations

Attachment 6 – Commissioner's Hontz's Notes

Attachment 7 – Commissioner's Wintzer's Notes

Attachment 3 – Commissioner's Hontz's Notes

The Staff recommended that the Planning Commission conduct a public hearing, discuss the items outlined, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Leeto Tlou, the applicant, has lived in Park City for ten years. He did not have issues with the Staff report and the disagreement with Planner Astorga was actually a minor conversation. Mr. Tlou commented on the setbacks. He stated that the designs were not set at this point and he was unsure how the setbacks would work. He asked if the 15' setback increase would be set with the plat amendment or not until the CUP. Mr. Tlou referred to the 3600 square foot maximum. He was not interested in building a 6,000 square foot home, but as indicated in the Staff report, he was considering a 3,000 to 4,000 square foot house. When he communicated that to the Staff, he neglected to communicate conditioned versus unconditioned space. He was unsure whether additional square footage for a garage would be available.

Planner Astorga remarked that Criteria 7 of the Steep Slope Conditional Use permit indicates that the Planning Commission may add additional setbacks to designs through the CUP.

Commissioner Hontz asked if the roundabout at Deer Valley Drive was a designated vantage point. Planner Astorga looked it up in the Land Management Code and found that it was not a vantage point.

① Commissioner Hontz understood that the improvements and the conditions regarding the road had not been dedicated to the City. City Engineer, Matt Cassel, replied that the road had not been dedicated yet. He explained that the applicant is currently in a warranty period that ends in November. If everything goes well, it would go before the City Council for dedication in December or January. Commissioner Hontz commented on past issues with retaining. She understood that if everything goes well, the City would accept those improvements and it would become a public street. Mr. Cassel replied that this was correct. Commissioner Hontz wanted to know what could happen with platted Third Street to the north of Lot 17. Mr. Cassel stated that it is too steep for a road, but it could be used as a utility corridor. Commissioner Hontz clarified that access to those lots would not take place off of that street, and she suggested making that a condition of approval. Commissioner Hontz thought the retaining wall was very noticeable from the Deer Valley roundabout and looked extremely tall. Mr. Cassel assumed she was talking about the lower concrete retaining wall at the bottom. He could not recall the height of the retaining wall. However, the landscaping that was put in had died and new landscaping would need to be established. The purpose of the landscaping is to help hide the retaining wall. Commissioner Hontz asked how the lot would gain access. Mr. Cassel stated that there is enough space to get on to Lot 19 and access from there. Commissioner Hontz stated that until the time when the City accepts the improvements to make that Echo Spur, she assumed they could still access along the private road. Commissioner Hontz asked if there was a bond for replanting the landscaping. Mr. Cassel answered yes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

-topographic map

Planning Commission Meeting
September 12, 2012
Page 22

② Commissioner Hontz stated that in researching the public data base, she found a development in the land use agreements related to lots in this vicinity that could potentially affect access or relationship with the Echo Spur lot. She had presented the information she found to the Legal Department. Commissioner Hontz recommended that the Planning Commission continue this item to allow time for our legal counsel to review and confirm that it may or may not have impacts to the relationship with these properties. Her interpretation is that it does and that causes her concern.

③ Commissioner Hontz rejected the notion that this was not part of a ridgeline, based on the Land Management Code. She stated that LMC 15-7.3-1(D) is important when taking into account the very sensitive nature of this particular area. She understood that the surrounding area has been developed and much of that occurred prior to the most recent LMC amendments. Commissioner Hontz concurred with the Staff recommendation regarding the setback area. Commissioner Hontz also concurred with the Staff request for additional limitations on maximum square footage. She was very concerned about the vantage point because it is very abrupt looking from the roundabout. If you can see the retaining wall, the house would be much more visible.

④ Commissioner Hontz pointed out that these are lots at the end of what may be a future subdivision. As shown in the Staff report, it comes with a variety of configurations. She felt it was difficult to take the step to look at these lots with an existing land use agreement in place that would affect the lots, but secondly, it would set precedent for five to six lots leading up to this. She did not understand the impacts to the neighborhood and the surrounding area and that should be taken into account based on what the Planning Commission is allowed to do under good cause and the purpose statements of the HR-1 District. ① ② ③ ④ ⑤

③ Commissioner Thomas believed the issues warranted a group site visit, and possibly looking at the property with balloons flying from the site at a reasonable structure height to consider the visual impacts.

Commissioner Strachan agreed that a site visit would be worthwhile. He would like to see exactly where the building footprint would be with the new proposed setbacks. He was particularly concerned with the north side. In addition to view issues, there were also major issues in terms of drainage and topography that a site visit would allow them to digest. Commissioner Strachan echoed Commissioner Hontz regarding a precedent that could be set for nearby lots. One of the requirements for good cause for plat amendments is to utilize best planning practices. A best planning practice would be to see how this would align with the other lots that may be developable in the Echo Spur area. He was unsure how to look that far into the future. Commissioner Strachan did not think they could say that Lot 17, 18, and 19 could be combined into one lot and disregard Lots 20, 21 and 22 when they will probably end up using the same access point of the newly constructed and to be dedicated road. Commissioner Strachan believed the plat amendment needed to be looked at from a larger perspective than just lots 17, 18 and 19. The Code allows it and directs them to use best planning and design practices, resolve existing issues and non-conformities and to provide positive benefits and mitigate negative impacts. Commissioner Strachan directed the Staff to look at the status of Lots 20 and 21 and what implication this plat amendment would have for those lots.

Attachment 4 – Commissioner’s Wintzer’s Notes

Francisco Astorga, Planner

Aug. 6, 2013

Re: Lots 17,18, and 19 Echo Spur

Here are my comments about this project, as I will not be able to attend the next meeting.

Purpose of HR-1

I do not think it complies with:

A--Preserve present land Uses and character of the Historic residential Areas of Park City,

C—encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

E—define Development parameters that are consistent with the General Plan policies for Historic core,

I also believe with 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.

General Plan

Pg.3 The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street.

Pg.5 New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape.

Pg.6 Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape.

Pg.12 Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town's link with nature.....

Pg.34 Direct development to the "tow" of slopes, preserving the ridge tops, meadows and visible hillsides.

Pg.55 Require new development to be more compatible with the historic scale of the surrounding area.

Pg.56 Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios.

Pg.57 Direct development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides.

Pg.148 Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District.

I know that all of these points will not apply in this area but I do believe it shows that the intent of the General Plan was to protect ridge lines.

Charlie Wintzer

Attachment 5 – Planning Commission Minutes 7.31.2013

if he was interested in representing the Planning Commission at the City Council meeting on August 15th. If he could not attend, the Planning Commission would send another representative.

Planner Astorga stated that the tentative agenda for the August 28th meeting is very heavy and the Planning Commission should plan for a long night. Chair Worel asked about the possibility of starting the meeting earlier. Planner Astorga stated that as the Staff finalizes the agenda they could consider an earlier start time if necessary. They would know the agenda three weeks prior to the meeting when the legal notice is published. Commissioner Wintzer asked the Staff to forward a copy of the legal notice to the Planning Commission so they could see the agenda in advance of the meeting.

Assistant City Attorney McLean pointed out that since the legal notice is posted so far in advance, sometimes items on the legal notice drop out before the meeting.

Commissioner Savage reported that he would be absent from both Planning Commission meetings on September 11th and 25th. Commissioner Hontz stated that she was unable to attend the September 25th meeting. Chair Worel reported that she would also be absent on September 11th. Commissioner Strachan stated that he was unable to attend on September 11th and 25th. Planning Manager Sintz would check with Commissioner Thomas to see if he could attend both meetings to make sure they have a quorum.

CONTINUATION(S) – Public Hearing and continuation to date specified.

Land Management Code – Amendments to Section 15-1-21 Notice Matrix,
Chapter 2.24, Chapter 9, and Chapter 15.

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to CONTINUE the Amendment to Section 15-1-12, Chapter 2.24, Chapter 9, and Chapter 15 to September 11, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

**1. 489 McHenry Avenue, Echo Spur – Plat Amendment
(Application PL-12-01629)**

Planner Francisco Astorga reported that the Planning Commission previously reviewed this application on June 26, 2013. During that meeting he was directed to come up with a Planning Department interpretation for discussion on ridgeline development and vantage point analysis. He noted that there were two Staff reports for this item. The first was a short Staff report outlining the

Planning Department interpretation of ridgeline development construction as shown on page 91 of the Staff report. The second was the Staff report from the June 26th meeting, which was unchanged. Planner Astorga clarified that due to the late hour the discussion on June 26th was continued to this meeting

Planner Astorga noted that the language from the Land Management Code was reflected in the Staff report dated July 31, 2013. The language indicates that the Planning Commission may place restrictions when reviewing subdivisions due to the character of the land. He noted that the Planning Commission interpreted that the site of Lots 17, 18 and 19, also known as Echo Spur, is on a ridgeline. Planner Astorga remarked that the Staff wanted to move forward with the language from another part of the LMC as outlined in the second paragraph of the July 31st Staff report, which indicates that ridges shall be protected from development, and which development would be visible on the skyline from the designated Vantage Points in Park City.

Planner Astorga noted that the Staff report also included the definition of a vantage point, as well as the ten vantage points listed as A through K. Planner Astorga stated that he had personally visited all the reasonable vantage points to see what could be viewed from the site to be developed. The only vantage point that applies is (K), which is the Across Valley View. He asked the Planning Commission to keep in mind that Across Valley View could be multiple points.

Planner Astorga presented an example of the Copper Top Structure on Masonic Hill, and he understood from the contractor that it was a controversial project when it was built in 1981. The contractor told him that the home was originally intended to be bigger and taller. Planner Astorga stated that it was difficult to pinpoint the specific structure from vantage point (A), the Osguthorpe Barn, and the Staff finds that the structure breaks the skyline when viewed from this specific vantage point. He noted that the Staff found that the Copper Top House also breaks the skyline from vantage point (C), Heber Avenue and Main, and (D) the Park City Ski Area base. The copper top house also breaks the skyline from the intersection of Thaynes and State Road 224.

Planner Astorga presented Exhibit A, the Topography Analysis, included in the Staff report. He noted that the contour lines were taken from an aerial photograph and only estimated. It was not intended to replace an actual survey. Planner Astorga noted that the base elevation was approximately 7130 feet. As shown in the July 26th Staff report, the applicant, Leeto Tlou, had taken photographs from the opposite side. Planner Astorga explained the topographic features and contour lines and he used the photographs provided on June 26th to confirm the elevations and topographic features. He stated that taking a photograph from the same elevation, the Staff finds that the structure would not break the skyline and; therefore, it would not meet the specific regulations stating that "the ridgeline shall be protected from development when the development breaks the skyline." Planner Astorga noted that Park City is an interesting place topographically and there are set points throughout town to protect the ridgelines so they do not see development like the copper top house on the Aerie.

Planner Astorga reiterated that on June 26, 2013 the Staff was directed to come back to this meeting with interpretation and clarification related to vantage points, ridgelines and skyline analysis. Based on that interpretation and analysis the Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council

based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance in the June 26, 2013 Staff report.

Scott Jaffa presented photos of the property with the proposed house inserted into the images. Another photos imposed trees to minimize the concrete retaining walls. Additional photos showed houses that meet the current Code that would be built on the adjoining lots at a 28' height with the appropriate setbacks. Mr. Jaffa pointed out the house proposed for this applicant in relationship to the other homes. Mr. Jaffa stated that landscaping was added on top of the retaining wall as requested by the Planning Commission. He showed photos of the wall with and without landscaping.

Mr. Jaffa stated that the proposed house was designed to sit low and hug the topography so it would not stand out.

Planner Astorga pointed out that this was a plat amendment application to combine three lots into one. Development of the home would necessitate a conditional use permit for construction over steep slopes due to the access.

Chair Worel asked for the square footage of the proposed house. Mr. Jaffa stated that it was calculated to at 2,701 square feet.

Commissioner Gross asked if the applicant would have the ability to put landscaping in front of the retaining wall. Mr. Leeto stated that it is a right-of-way and he did not have the ability to make that decision without discussing it with the other developers and the City.

Chair Worel opened the public hearing.

There were comments.

Chair Worel closed the public hearing.

Commissioner Wintzer thought the pictures of the Copper Top house on the Aerie that Planner Astorga presented as examples shows why the Planning Commission needed to be very careful. If a previous Planning Commission makes a mistake it sets a precedent that cannot be taken back. He noted that the house and City were involved in lawsuits over the design and 7-feet was eventually cut off the top of the house. Commissioner Wintzer felt strongly that precedent was the reason for paying close attention to the ridgeline.

Commissioner Wintzer believed this was a ridgeline and that it met the definition of a ridgeline. He read from page 6 of the General Plan, "New development should not be allowed on ridges." He found similar language on pages 57 and 148. Commissioner Wintzer stated that he was still uncomfortable with the idea of allowing a subdivision on the ridge that would increase the ridgeline encroachment by allowing the applicant to build further down the hit. If the encroachment could be mitigated with different setbacks, etc., he would be willing to consider it. However, he could not support it as proposed.

Planner Astorga understood that there are set ridges that were part of the Sensitive Lands Overlay. The SLO indicates protection for waterways and steep topography, including ridges. He presented a zoning map showing that everything outside the red line was part of the sensitive lands overlay. Planner Astorga had found a map that was utilized historically in the Planning Department that had the nine vantage points and identified which ridges were important. When that map was compared to the zoning map the Staff realized that it was a pattern for the Sensitive Lands Overlay. Based on that information, the Staff was able to determine that no construction is allowed on ridges in any circumstance in terms of the Sensitive Lands Overlay analysis. Planner Astorga recognized the sections of the General Plan that Commissioner Wintzer mentioned; however, the Staff interpretation is that the Sensitive Lands Overlay does not apply to this particular site and development. Planner Astorga noted that the house on the Aerie was on the Sensitive Lands Overlay. He believed it the SLO was adopted to keep other developments from breaking the skyline.

Commissioner Wintzer took exception to the Staff interpretation. He did not believe that any ridge in Old Town should be jeopardized. In addition, this ridge is the entrance corridor and the proposed house would be extremely visible from Deer Valley Drive and the roundabout. He thought the ridge should be protected. Commissioner Wintzer pointed out that the General Plan does not address Sensitive Land Overlays, but it does talk about ridgelines. He was concerned that allowing this development would weaken the Code for other ridgelines in Old Town.

Commissioner Strachan incorporated his comments from the June 26th meeting. He could not find new information that would change his interpretation of the Code. He respected the Staff's interpretation of the Code, but he interprets it differently. Commissioner Strachan thought the photograph of the Aerie House was comparing apples to oranges because that house was an obvious ridgeline break. The subtle ridgelines are the only ones left in Park City that are being threatened. He agreed with Commissioner Wintzer that the Planning Commission needs to look at the ridgelines very carefully. In looking at a topo map, he believed this was clearly a ridge.

Commissioner Hontz concurred with Commissioners Strachan and Wintzer. She also incorporated her comments from the June 26th meeting because nothing had changed her mind. Commissioner Hontz thought that Exhibit A, the Topography Analysis, did a great job of indicating the ridgelines. She counted three or four other ridgelines in Old Town that would be set up for failure. Commissioner Hontz understood that the Aerie house was the catalyst for creating the SLO regulations and at one point it was supposed to include all of Old Town. That was changed because the SLO regulations were so restrictive it would have made a significant number of lots outside of ridgelines unbuildable in Old Town. In terms of setting precedent and because it is a ridgeline, Commissioner Hontz was not persuaded to change her initial opinion.

Commissioner Savage appreciated the work Planner Astorga had done in trying to clarify the underlying topographical facts associated with the site. He noted that the Planning Commission was reviewing an application that is subject to the current Land Management Code, and he believed this situation called for the Planning Commission to take a careful look the Land Management Code and craft a definition for ridgeline that could be applied across the range of different ridge situations. In his opinion this was not a ridgeline based upon the current LMC and a reasonable interpretation of the definition of a ridgeline. He thought the evidence presented showed that the proposed house

had no issues with breaking the skyline, which he believed is the definition of the ridgeline that is pertinent to protecting the view corridors. On that basis, Commissioner Savage supported the application.

Commissioner Savage remarked that often times the Planning Commission is faced with situations that are marginal in terms of fitting the definition. The problem is that the LMC does not provide a meaningful definition of a ridgeline that eliminates subjective interpretation. He encouraged the Planning Commission to consider implementing a process to review the LMC Code for the purpose of creating a definition for ridgeline that could be properly applied in future situations. Commissioner Savage pointed out that if they do not take that step, these situations would be repeated.

Commissioner Gross understood the vested lots a little better than before; however, he believed the issue was still the ridge. Commissioner Gross noted that the LMC does define ridgeline and specifies 150 feet on either side of it. In his opinion, the definition as written would eliminate the entire lot all the way up and anything else in Echo Spur. Commissioner Gross stated that in his opinion it is clearly a ridgeline as defined in the LMC. The applicant may be able to mitigate the impact through landscaping and other measure, but he was concerned about the ridgeline and the fact that there were very few left.

Leeto Tlou stated that he could see a bit of subjectivity in the discussion. He remarked that when the LMC document and the professional opinion of the Planning Department support the application, he wanted to know how much that little bit of subjectivity weighs into the decision. Mr. Tlou also heard in previous meetings that the Legal Department advised the Planning Commission to carefully consider a negative recommendation because it would be difficult to defend.

Mr. Tlou stated that if this is a subjective decision, he wanted clarity on how they would move forward with ridgelines in the future. He understood that Commissioner Savage had touched on that issue, and he was looking for clarity himself. If the Planning Commission believed this was a ridgeline, then what would not be a ridgeline.

Planner Astorga clarified that the Staff was not disputing the ridgeline in their interpretation. They were simply saying that under 15-7.32(d), it does not break the skyline, based on their interpretation of the language, "Ridges shall be protected, which development will be visible on the skyline from the designated vantage points."

Commissioner Hontz asked the City Engineer if there were updates to the status of the road. Mr. Cassel stated that the road would close for request of vacation of Fourth Street, but that would not impact Echo Spur Drive. When it went before the City Council the Council has that a few things be done before they would consider dedication. Mr. Cassel remarked that from an engineering perspective the road meets Code. He noted that the full intent was to take it back to the City Council for a decision.

Commissioner Hontz pointed to the minutes from a previous meeting regarding a different application on the same road, where statements were made regarding the process with the City Engineer, which did not coincide with the history as she remembered it. Commissioner Hontz requested that the City Engineer read the minutes to make sure the statements were correct or

correct them if necessary so they have accurate information in the record if that application comes back. Mr. Cassel stated that he had not read the minutes but the road was built to City standards.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council regarding the plat amendment for 489 McHenry Avenue. The motion died for lack of a second.

Commissioner Strachan noted that Exhibit A, the topography analysis, was the only new information presented this evening and it should be incorporated into the findings.

MOTION: Commissioner Strachan moved to forward a NEGATIVE recommendation to the City Council for the plat amendment application for Lots 17, 18 and 19 of the Echo Spur Development replat, and direct the Staff to craft Findings of Fact and Conclusions of Law consistent with the motion.

Commissioner Hontz seconded the motion, with suggestions for potential places to look for information when drafting the findings. The previous minutes contain a lot of support for the different concerns; specifically good cause, significance of the HR-1 District, neighborhood impacts, precedents for ridgelines and for number of lots, and issues with health, safety and welfare. Another source is LMC Section 15-7.3-1 regarding safety.

Commissioner Strachan suggested that Commissioner Hontz provide the stated direction to Staff in written format to make sure it is accurately included in the findings. Commissioner Hontz handed Planner Astorga a written copy.

Planner Astorga asked about process and whether the Staff needed to schedule a public hearing when the Findings and Conclusions are ratified. Assistant City Attorney McLean replied that the item would be scheduled for ratification of findings, and there would be no public input. She explained that the evidence had been collected and the Staff would memorialize it for City Council review. There would be an opportunity for public hearing at the City Council level.

VOTE: The motion passed 4-1. Commissioner Savage voted against the motion.

The Park City Planning Commission meeting adjourned at 7:50 p.m.

Approved by Planning Commission: _____

Attachment 6 – Planning Commission Supplemental Staff Report 7.31.2013
Exhibit A – Topography Analysis

Planning Commission Staff Report



Subject: Lot 17, 18, and 19 Echo Spur
Development Replat
Author: Francisco Astorga, Planner
Application #: PL-12-01629
Date: July 31, 2013
Type of Item: Administrative – Plat Amendment
Discussion on Ridgeline Development/Vantage Point Analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

"Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger."

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines vantage points as the following:

A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
- (I) State Road 224, one-half mile south of the intersection with Kilby Road;
- (J) Intersection of Thaynes Canyon Drive and State Road 224; and
- (K) Across valley view.

The LMC definition of Vantage Points includes ten (10) specific sites plus an across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that a cross valley view has to be at approximate similar elevation as the site.

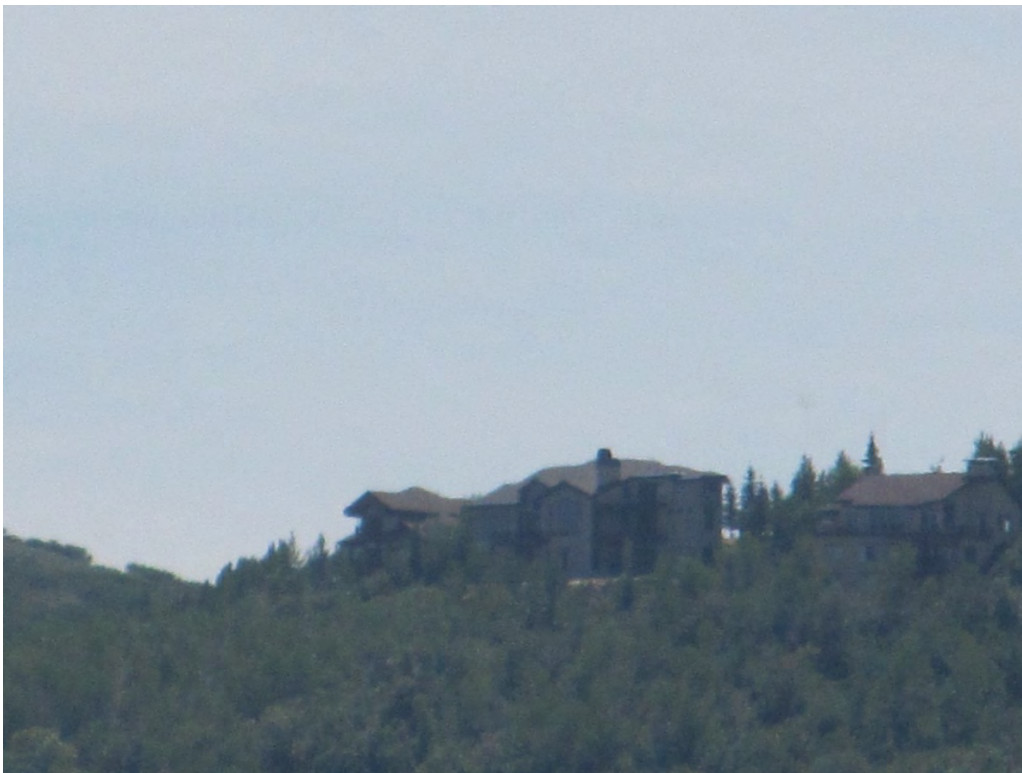
The LMC defines a Ridge Line Area as the “top, ridge or Crest of Hill, or Slope” plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. Staff considers this area to be a ridge, however, the proposed development activity including of a single family dwelling cannot be viewed from any of the eleven (11) vantage points including an across valley view.

Exhibit A shows the vicinity of the subject site with ten foot (10') elevation/contour lines. As represented on this Exhibit, the site contains two (2) valleys adjacent to the site, across Deer Valley Drive (north of the site), and across the Old Town/Main Street area (west of the site). The applicant submitted photographs showing these vantage points within Exhibit K of the June 26, 2013 Planning Commission Staff Report. By looking the photographs and this contour map, one can learn that when viewing the site from across canyon (or any of the other ten [10] LMC defined vantage points), at approximately the same elevation, the site is framed by the existing higher topography behind the proposed development.

Background Analysis

Staff interprets that the following site located in the Aerie breaks the skyline when viewed from the following vantage points:

- Osguthorpe Barn – Vantage point A:



- Intersection of Main Street and Heber Avenue – Vantage point C:



- Park City Ski Area Base – Vantage point D:



- Intersection of Thaynes Canyon Drive & State Road 224 – Vantage point J



Staff interprets that this development on the Aerie (Masonic Hill) was indeed built on this ridgeline. Furthermore, this development does not meet the current ridgeline protection ordinance as it breaks the skyline from these four (4) vantage points. This development was built in the early 1980's. The ridge line protection ordinance was adopted in 2001. The Sensitive Lands Overlay (SLO) ordinance, further restricting development on ridge lines, was adopted in 2000 and amended in 2005 and 2007.

Unlike the four (4) photographs shown herein with the Aerie development, the proposed plat amendment combining Lot 17, 18, & 19, Block 58, Park City Survey, consisting of a plat amendment lot consolidation from three (3) into one (1) does not break the skyline when viewed from any of the adopted vantage points, including the across canyon view shown on Exhibit K of the June 26, 2013 staff report supported by Exhibit A of this report. This subject site is also not within the SLO area.

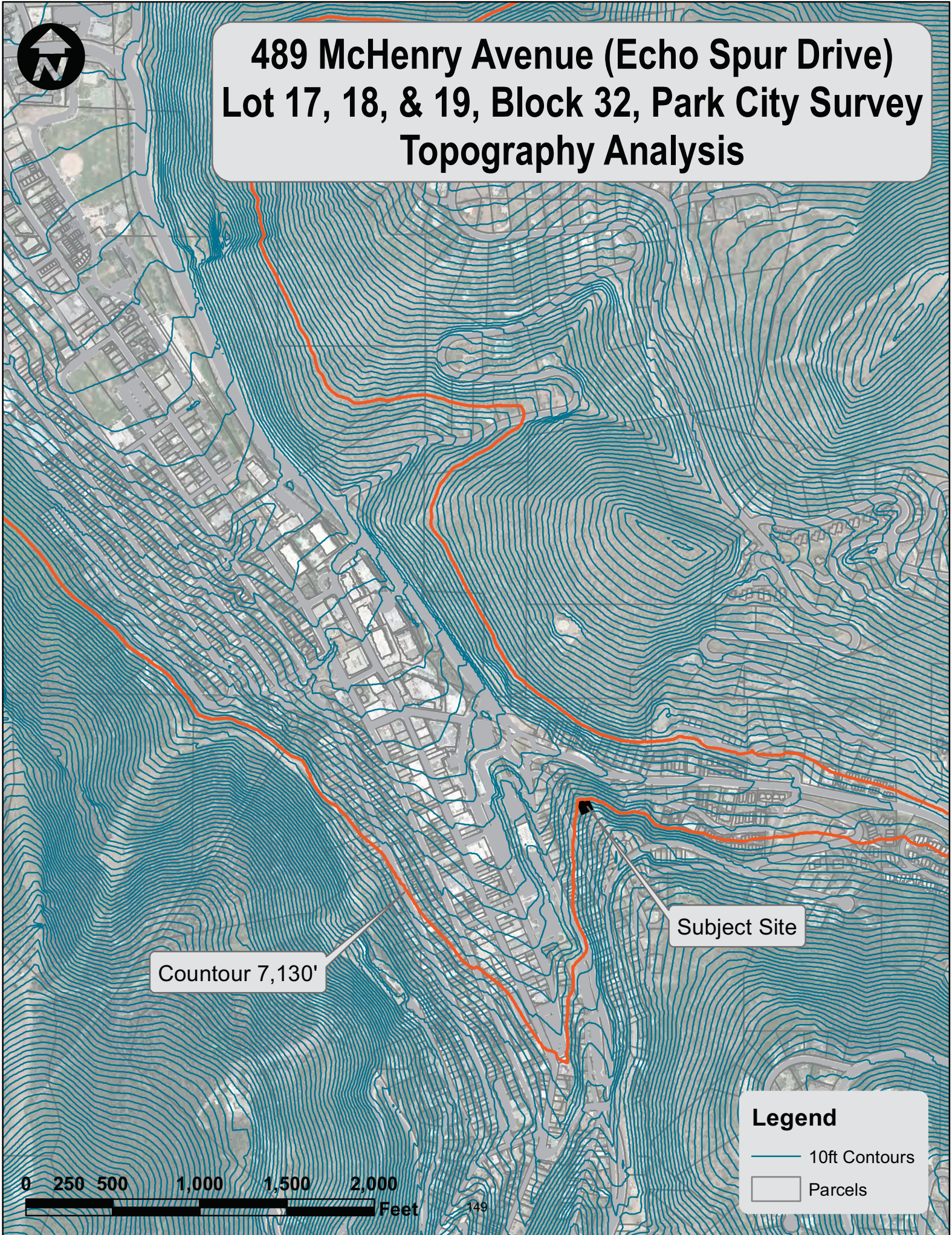
Question for Discussion

Does the Planning Commission concur with this assessment of ridgeline development?

Exhibit A – Topography Analysis



489 McHenry Avenue (Echo Spur Drive) Lot 17, 18, & 19, Block 32, Park City Survey Topography Analysis



Countour 7,130'

Subject Site

Legend

- 10ft Contours
- Parcels

0 250 500 1,000 1,500 2,000 Feet

Attachment 7 – Cross Canyon Analysis presented on 7.31.2013



Echo Spur Lot 17-19



Echo Spur Lot 17-19



Echo Spur Lot 17-19



Echo Spur Lot 17-19



Echo Spur Lot 17-19

Attachment 8 – Planning Commission Minutes 6.26.2013

Conditions of Approval – 124 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall resolve the wood tie retaining wall which encroaches onto 52 King Road by obtaining an encroachment agreement from that neighboring property owner or by removal of the wood tie retaining wall before the plat recordation.
4. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the Property's frontage on Norfolk Avenue.

**4. 489 McHenry Avenue, Echo Spur – Plat Amendment
(Application PL-12-01629)**

Planner Astorga reviewed the application for Lots 17, 18 and 19 of the Echo Spur Development Replat located at approximately 489 McHenry Avenue, which is to be known as Echo Spur Drive in the future. The request is to combine the three Old Town lots into one lot of record.

Planner Astorga reported that the Planning Commission reviewed this request during a work session on September 12th, 2013. The various items discussed at the work session were outlined on page 214 of the Staff report. A site visit and another work session were held on December 12th. Items for discussion included specific questions related to the road dedication, the 2007 Settlement agreement, discussions regarding ridgeline development, a vantage point analysis, and possibly placing a square footage limitation on the proposed plat amendment and future plat amendments for the adjacent property owners to the south. The discussion also addressed traffic and access, and height and topography.

Planner Astorga stated that the applicant was proposing to build a single-family dwelling over the three lot combination of these platted historic Old Town lots. The applicant was not interested in building a duplex and has already moved forward with plans to build a single-family dwelling. Planner Astorga noted that the applicant had submitted a model that was prepared by his architect.

Planner Astorga reviewed the plat amendment and the associated exhibits. He presented an Alta Survey that was done on a previous submittal. The Alta Survey showed the original topography before the road was built. Planner Astorga reviewed the plat map showing the three lots at the very end of what is being called Echo Spur Drive.

Planner Astorga reviewed a vantage point analysis provided by the applicant. He clarified that Deer Valley Drive was not an official vantage point; however, the applicant had submitted the analysis to show the project would look from Deer Valley Drive from the roundabout, as well as a closer view.

The applicant had also submitted a cross-valley view analysis showing the approximate elevations from PCMR.

Commissioner Savage asked Planner Astorga to further explain the cross-valley analysis. Planner Astorga stated that as defined in the LMC, the point of the ridge analysis from various vantage points is to determine whether or not the structure breaks the skyline. If it does, it creates an issue. The applicant had taken the photograph from the same elevation on the opposite side of the valley.

Commissioner Wintzer assumed the proposed house would come down to the lowest lot. Commissioner Savage asked if the house was modeled into the photograph presented. Planner Astorga answered no. Commissioner Savage asked if they would eventually see it modeled into the photograph.

Scott Jaffa, representing the applicant, explained that the analysis was only done to show that the site did not break the ridgeline. The house would be located further down the hill. Commissioner Savage asked where the photo was taken from. Mr. Leeto Tlou, the applicant, replied that it was taken from the Green Condos on the Aerie, which is an equivalent elevation to the site.

Planner Astorga clarified that there was no dispute with the elevation. The issue is that the elevation goes down and then up again on both sides, regardless of whether it is viewed from east to west or north to south.

Planner Astorga reviewed the elevations. Mr. Jaffa stated that the houses in front were the existing elevations that were surveyed on those homes. The proposed single-family house would be behind those homes. They had projected how the neighborhood would look at build-out.

Planner Astorga noted that the Staff and applicant had spent time reviewing the minutes from the September 12th and December 12th meetings, and believe they have addressed all the concerns.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval. Planner Astorga stated that if the Planning Commission were to forward a positive recommendation and the City Council approved the plat amendment, the application would have to come back to the Planning Commission for a Steep Slope CUP.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Wintzer questioned how the Staff could find that it was not on the ridgeline. Going through the topo map and what he saw on Google Earth, he was certain it was a ridge. He could run a pencil lines down the contour line on the map provided as an exhibit and it was clearly a ridge.

Planner Astorga replied that they were calling it a ridge and read the language on page 217 of the Staff report. "The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City." He stated that of the ten listed vantage points, the only one that would qualify as being visible was the cross valley view. Commissioner Wintzer noted that the Staff report also states that, "The Staff does not consider this area to be a ridge due to the difference in the ridgelines." He disagreed with that statement.

Planner Astorga stated that the Staff could change that specific finding based on the statement read from page 217. He clarified that it would be a ridge; however, it is not a ridge that needs to be protected because as viewed from the cross valley view it does not break the skyline.

Commissioner Wintzer emphasized the importance of having it defined. They have all said that ridges are the most important views in Park City and they cannot choose to say this was not a ridge but argue that the next application is a ridge. They need to call it a ridge and specify the reasons why it can be developed on. Planner Astorga commented on development that has already occurred on that ridge.

Commissioner Hontz pointed out that some of those developments may have come in before the ridgeline Code. She knew for sure that most of the developments came in before they had the Steep Slope CUP, which would have affected where those could have been built and probably would have restricted them from going as high up on the ridge. Planner Astorga agreed. However, he noted that most of those developments would not break the skyline. Commissioner Hontz did not believe those developments set a precedent because they were done under a different Code and a different time. They could not be compared.

Commissioner Wintzer stated that if the Planning Commission were to approve this plat amendment, he wanted to make sure they had a good reason they could defend on the next ridgeline.

Assistant City Attorney McLean stated that with the surrounding developments, it would be challenging to defend a lawsuit. She recognized that things have been built over a series of years, but some of it was built recently.

Commissioner Hontz referred to page 243 of the Staff report, the minutes of September 12, 2012, fifth paragraph, and the question she had asked about the road. As reflected in the minutes, she was told that it would go before the City Council for dedication in December 2012. She noted that when the Planning Commission visited the site it still had not been done and she asked if progress has been made. Planner Astorga replied that there was some progress. The City Engineer, Matt Cassel, intend to have the City Council review it during a meeting in May and accept the road and dedicate it. However, the City Council decided to move the item to a date in September. Planner Astorga reported that he had received additional clarification from Matt Cassel that if for some reason the City Council does not accept the road, it would then become a private drive.

Commissioner Hontz pointed out that in September 2012 the Planning Commission was told that there were issues with that road that would have to be addressed, paid for, managed and mitigated. In December 2012, as reflected in the minutes on page 255 of the Staff report, they were told that

there were issues with the road. She noted that the issues are still pertinent and it road is still not dedicated to the City. Commissioner Hontz stated that it would be an entire year from the first time the Planning Commission heard it and the issues still remain. There are obviously problems and she had concerns related to the safety of that road as well as the roads around it.

Council Member Alex Butwinski explained that there were two primary issues. One is that the gate at the end of the road was not adequate and it basically ended in a cliff. The City Council had other issues with accepting the road itself, such as the retaining wall and how it was mitigated. The City Council also wanted time to discuss whether or not they had any recourse for the way it was mitigated.

Commissioner Wintzer asked if the City Council would eventually accept it as a City road. Council Member Butwinski stated that it would depend on what the Staff comes back with in September. He recalled that safety was the main reason for the delay. Council Member Butwinski stated that there was an issue that the aesthetics of the wall and the way it was built did not conform. The wall started to fail and it was mitigated again, but not to their satisfaction.

Commissioner Hontz asked about the bond for the landscaping. Council Member Butwinski stated that the applicant could have bonded for that but the City decided not to.

Commissioner Wintzer referred to page 294 of the Staff report, and asked for the dimension from the lowest lot line to the house and the setback. Mr. Jaffa replied that it was 15-feet. The Code requires 10-feet.

Commissioner Thomas asked if all the topos were taken off of the Alta Survey that were done by Jack Johnson. He also asked if the existing natural grade had been documented based on the Alta Survey. Planner Astorga stated that the discrepancy between the Alta Survey and the other survey was a 6-foot difference from the highest to lowest elevation.

Commissioner Hontz pointed out that the front yard setback would be Third Street. Planner Astorga stated that if that were the case, the minimum setback would be 10-feet. Commissioner Thomas recommended that they establish that for the applicant moving forward. Planner Astorga remarked that if this plat amendment is approved, a condition of approval would prohibit access off of Third Street. Commissioner Hontz clarified that every time this application came before the Planning Commission, access from Third Street has been a significant concern. Planner Astorga replied that the Staff heard her concerns, which is why they added the condition of approval prohibiting construction and access.

Commissioner Hontz stated that as she goes through the previous minutes and details the Planning Commission's concerns and issues, she did not believe any of their requests or issues had been addressed. In her opinion, the design does not do enough to mitigate the ridge. Commissioner Hontz stated that the issue is not whether or not it breaks the skyline. The issues relates to LMC Section 15-7.3-1(D) Subdivision requirements, where the Planning Commission can place restrictions due to the character of the land. She believed the LMC requirements make it very challenging to build on these lots in this manner.

Commissioner Hontz had concerns about the road dedication. Based on their capabilities in terms of reviewing a plat, the streets master plan, street development patterns and public health, safety and welfare are issues they can take into consideration. Those issues have not been addressed because they do not know whether the road and the retaining wall are safe and would be accepted by the City. She personally preferred that they not be accepted because she would not want the taxpayers to pay for any of that moving forward; however, it stills needs to be safe.

Commissioner Hontz commented on the landscaping and stated that the bare retaining wall from all the vantage points is a concern. She noted that in addition to the combination of these lots, they have to take into account the other lots in the vicinity, which was an application they would discuss later this evening. They need to consider how the cumulative impacts of these plat amendments would impact the neighborhood. Commissioner Hontz referred to page 256 of the Staff report and noted that the first, third, and fourth paragraphs mention that Third Street is a dedicated roadway that is unacceptable for access, and the traffic impacts generated from this one proposed house. She pointed out that it was a public health, safety, and welfare good cause limitation that the Planning Commission needed to understand before they could move forward. She reiterated that none of the issues have been addressed and they keep coming back.

Planner Astorga asked if the other Commissioners concurred with Commissioner Hontz. Commissioner Wintzer agreed with her comments with the exception of traffic. These are platted lots and thought it would be difficult to say that the roads to not accommodate the lots; particularly since the applicant was reducing the density from what could be built. Commissioner Hontz clarified that she based her comments on the plat amendment checklist, which indicates that the Planning Commission can use the streets master plan and their limitations as substandard. In her opinion, the roads are dangerous, which is much worse than substandard. She did not believe the burden should be on the public to accommodate any extra traffic that might be unsafe to themselves or to others.

Commissioner Savage questioned the statement that it should not be the burden of the public to make sure that the roads to platted lots are safe. Commissioner Hontz replied that it was her personal opinion, but she felt the burden should be on the developer if they want to develop the property. The road is not suitable, which is why the City has not accepted it as a public road.

Commissioner Savage understood that the road would either be integrated into the City public road system or not. If not, the developers would be responsible for it as a private road, and he assumed the City Engineer would have oversight to make sure it adhered to a certain level of standards related to health, safety and welfare.

Assistant City Attorney McLean understood that the road has been built to City standards. Commissioner Wintzer argued that her understanding was not quite correct. The road failed once and it was corrected; therefore, he was uncertain whether it was built to City standards. Commissioner Wintzer pointed out that it was an issue for the City Engineer and not the Planning Commission.

The applicant, Leeto Tlou recalled from another meeting that the City Engineer had said that Rossi Hill and the proposed Echo Spur were built to Code, and that Ontario was the only substandard

road. Commissioner Wintzer believed that both Rossi Hill and Ontario were substandard streets.

Commissioner Savage commented on the ridgeline issue and noted that the current Code is ambiguous as to the definition of a ridge line. He noted that Planner Astorga had tried to provide examples of the current definition as it relates to breaking the skyline from various vantage points, which was better than nothing. He agreed with Commissioners Wintzer and Hontz, that if you look at the piece of property within the context of a relatively small geographic area, it is an elevated feature. In the process of working on the next iteration of amending the Land Management Code in conjunction with the General Plan, Commissioner Savage thought it was important to come up with a geometric model that defines whether something is or is not a ridgeline within the context of a topological map of the area and certain agreed to distances from which that metric would be measured. As opposed to taking photographs, it would produce a straightforward topological analysis. Commissioner Savage stated that on every topological map things go up and thing go down. Wherever something goes up, stops and starts going down could be called a ridgeline. He pointed out that it can happen on a large or small scale, and the Planning Commission needs to determine how they want it defined in a way that is consistent with the objectives of how they want development to proceed as a consequence of the revisions of the General Plan.

Planner Astorga remarked that another provision in the Code, the Sensitive Lands Overlay, talks about various features such as waterways, etc., and it mentions specific mitigation and prohibiting construction on specific ridgelines. He noted that this property was not within the Sensitive Lands Overlay which would prohibit such development on these geographic features.

Commissioner Savage stated that he was not in favor of allowing people to build houses on ridgelines. However, he was also not in favor of prohibiting people from building homes in areas where there may be a ground swell that could be conceived as a ridge by looking at a relatively close-in topological map. Commissioner Savage thought it was important to resolve that issue in an appropriate way in the LMC. The Staff would be able to do the analysis and the result would be black and white without any ambiguity.

Commissioner Thomas agreed with the idea of being able to define a ridge in both written word and geographically on drawings. However, that is a future process and they needed to resolve the current issue. He stated that 100 years ago they would have defined it as a ridgeline, but as it was pointed out early, now it would not be defensible in a court case. Commissioner Thomas was comfortable with the ridgeline aspect.

Commissioner Strachan believed it was a ridgeline from the beginning as evidenced in previous minutes. However, that would be the end of the analysis, assuming the applicant would get enough votes to move forward. Commissioner Strachan felt the good cause standard could not be met because of the unique attributes of the site. Good cause standards require mitigation of the negative impacts. The Planning Commission has not been able to see how combining these lots together would mitigate the impacts. They have seen a proposal but no mitigation solution efforts. They have also seen health, safety and welfare concerns with the road and the access on the substandard streets. Commissioner Strachan questioned how they could find good cause for this plat amendment. He stated that without the combination, if they were kept as three separate lots,

they would still have the problems of substandard streets, building on a ridgeline and mitigating the negative impacts that would be caused by building in that location.

Regarding the fact that other houses were built around the ridgeline, Commissioner Strachan stated that the problem was that a prior owner came in and destroyed the ridgeline. Therefore, the other houses viewed at this point in time all look different than they would have if that ridgeline had remained intact. He did not think they could say it did not violate the Code because other houses exist around it and there is no ridgeline. He believes it violates the Code now and it certainly would have violated the Code before any illegal activity of removing the ridge occurred. Commissioner Strachan thought the applicant had an uphill battle on Good Cause.

Mr. Tlou how much weight the Planning Commission puts on documentation, the LMC, the vantage points and documentation to support, and the professional opinions of others versus a declaration of I'll know it when I see it. Commissioner Strachan replied that it is not a simple declaration that it is a ridgeline, because there is a ridgeline definition in the Code that says, "Breaks the skyline from certain vantage points." It defines the vantage points and one is the cross canyon view. He noted that the Staff report contained a cross canyon view, which is objective documentation of a violation of the ridgeline ordinance. Commissioner Strachan stated that regardless of whether the applicant had pictures taken from other vantage points that did not show ridgeline violations, if there is a ridgeline violation from the cross canyon view or any of the formal vantage points outlined in the Code, they could not build on it.

Commissioner Savage was unclear why Commissioner Strachan thought the cross canyon view showed that the house would break the skyline. Commissioner Strachan clarified that the broken skyline is one that is created by the ridge they were proposing to develop on or around. Mr. Tlou stated that if that is the skyline that is broken and it is declared a ridgeline, anything over 150 feet in any direction could not be built upon. Commissioner Strachan replied that this was correct based on his reading of the Code.

Commissioner Savage stated that from his reading of the Code, the house shown on the left-hand side of the slide did not break the ridgeline from that particular vantage point, which differed from Commissioner Strachan's opinion. However, if he were to move closer and close to the house and his relative perspective gets larger and larger, it would eventually break the skyline and he would see the shape of the house in the sky. Commissioner Strachan pointed out that Commissioner Savage would no longer be cross across canyon if he moved closer and closer to the house. Commissioner Savage stated that in looking across the canyon, the ridgeline that you see according to the skyline is the highest most ridgeline. That is the ridgeline that meets the sky. He did not think it was every ridgeline below it. Commissioners Hontz and Strachan disagreed. The Commissioner discussed several examples with differing opinions on what breaks the skyline.

Commissioner Savage stated that as a practical definition of ridgeline as something that intersects the skyline, there is no way to convince him that the cross valley view is a skyline.

Commissioner Thomas stated that in his mind there was no doubt that it was a ridgeline based on the topography seen from an aerial photo. He pointed out that whether or not the house breaks the skyline depends on where you stand. Commissioner Savage agreed. His point is that the Staff had

done an analysis consistent with the definition in the Code. According to their interpretation, the house does not break the skyline from any of the vantage points. Commissioner Savage agreed that it was a ridge, but he also agreed that it did not break the skyline. Commissioner Strachan stated that the Code does not use the word "Skyline". He read the definition of a ridgeline area from the LMC, "The top ridge or crest of a hill or slope." Crest of a hill is defined as, "the highest point on a hill or slope that is measured continuously throughout the property. Any given property may have one crest of hill." He reiterated that Skyline is never mentioned.

Planner Astorga referred to LMC Section 15-7.3-2(D) and the language that mentions skyline. Commissioner Strachan read the languages, "...which development would be visible on the skyline from the designated vantage points." He pointed out that skyline was not in the definition of a ridgeline. Commissioner Hontz stated that the paragraph she was reading had other concerns for subdivision, including ridgelines. She had identified other general health, safety and welfare concerns related to that and not just the ridgeline issue. She agreed with Commissioner Strachan that the ridgeline definition was not tied to the skyline.

Commissioner Savage stated that if the ridgeline does not include a skyline based definition, he estimated that 50% of the homes in Park City violate the definition of ridgeline.

Planner Astorga clarified that he was not disputing that this was a ridgeline or an elevated feature. However, the language in LMC Section 15-7.3-2(D) stated that they shall protect ridges which will be visible on the skyline from a designated vantage point. In this case, the structure would not be visible from nine of the ten vantage points. The tenth vantage point where it was visible was the cross valley view. Commissioner Strachan did not think it was possible to ever break the skyline on a cross valley view. Commissioner Savage disagreed.

Since the Commissioners had agreed to a 10:00 stop time and it was evident that this item needed further discussion, Assistant City Attorney McLean advised the Planning Commission to conduct a public hearing and continue the item to the next meeting.

Chair Worel opened the public hearing.

Sean Kelleher commented on the wall and the road. He stated that the wall was completed approximately two years ago and it has gone through the last two winters. He explained that the road was not brought to dedication because the City Engineer, Matt Cassel, was very sick last fall and the entire process was delayed. Mr. Kelleher stated that everything done for both the wall and the road were done to Mr. Cassel's specifications. He noted that the retaining wall was entirely rebuilt after it collapsed and it was rebuilt to the City specs. The road was always fine, but they spent the last year working on bullet points to make sure some of the minor elements were addressed. Mr. Kelleher stated that Matt Cassel had recommended that the City Council accept all the infrastructure. At the time that was done, two remaining items were in the process of being complete. One was the barrier at the end of the road, which is now complete. The second was the removal of landscape. Mr. Kelleher remarked that the City remains fully bonded with a deposit for more than the value of what is left to do. They plan to take it back to the City Council for acceptance within the next few months. He pointed out that the road was built with a sidewalk and to the right

width. Therefore, he could not imagine why they could consider the road or the retaining wall to be substandard.

Commissioner Wintzer indicated two large planters at the bottom of the retaining wall. He was always under the impression that they would be planted with landscaping that would screen the concrete face of the wall.

Mr. Kelleher understood that originally it was part of the landscaping plan, but that was before he became involved. In discussions with the neighbors, they adjusted some of the landscaping to the top of the wall and along the sides too meet the requests of the neighbors.

Commissioner Wintzer suggested that putting landscaping in those planters would soften the wall and make it a nicer looking project.

Mr. Kelleher understood from Matt Cassel that acceptance of the infrastructure and whether the road is public or private was a separate issue from any of the replats being discussed in Echo Spur.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 10, 2013 with direction to Staff to clarify and state the interpretation of the ridgeline requirements and analysis with respect to this particular application and in general, with respect to the current generation of the Land Management Code.

Planner Astorga was concerned that July 10th would not give the Staff or the applicant time to address the issues and meet the deadline for the Staff report.

Assistant City Attorney McLean suggested that the Planning Commission provide their direction to Staff and then make a motion to continue. Commissioner Savage withdrew his motion.

Commissioner Savage pointed out that there was a fundamental disagreement between certain Commissioners as to what the appropriate definition of a ridgeline and its interpretation within the context of the LMC, and it was causing polarity on this particular application. He did not think the Commissioners could resolve the issue amongst themselves without further clarification from Staff regarding the basis for their interpretation. Commissioner Savage stated that his direction would be for the Staff to clarify, substantiate and make their position known so the Planning Commission could understand it and decide whether or not they agree with it.

Commissioner Wintzer stated that his concern with combining the lots was the ridgeline encroachment on Lot 19. It is a plotted lot with access to a street. By combining the lots and going further down the hill, they increase the ridgeline encroachment. If the applicant was willing to increase the setbacks on the downhill side as a way of mitigating some of that on Lot 17, he thought they could find a way to make it work by controlling how far it goes down the hill. If the applicant was willing to look at decreasing the setback, he would feel like they had tried to mitigate the ridgeline encroachment.

Commissioner Thomas agreed with Commissioner Wintzer about mitigating the effect of the ridgeline. He noted that as it gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

Commissioner Strachan thought the analysis of the ridgeline on page 217 of the Staff report was the Staff's best attempt at their interpretation of the ridgeline ordinance, and he was comfortable with that. He also agreed with Commissioner Wintzer. If they could pull back Lots 17 and 18 from the nose of the ridgeline it might resolve the problem.

Commissioner Savage supported the interpretation of the ridgeline analysis that was incorporated in the Staff report. He personally could see no reason to modify the application design in a way that changes the boundary conditions on the lot to change the ridgeline encroachment. In his opinion, if it encroaches it should not matter by how much. It was either encroachment or not encroachment.

MOTION: Commissioner Hontz moved to CONTINUE the plat amendment for 489 McHenry Avenue to July 31, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Due to the late hour and the earlier decision for a 10:00 p.m. stop, the remaining agenda items were continued.

5. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3 and Chapter 2.16 regarding Building Height (Application PL-13-01889)

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the LMC Amendments to July 10, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

7. Lots 21-32, Echo Spur – 9 Lot Subdivision (Application PL-12-01717)

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Attachment 9 – Planning Commission Staff Report 6.26.2013

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006

Exhibit D – County Tax Map

Exhibit E – 09.12.2012 Staff Report

Exhibit F – 09.12.2012 Planning Commission Meeting Minutes

Exhibit G – 12.12.2012 Staff Report

Exhibit H – 12.12.2012 Planning Commission Meeting Minutes

Exhibit I – Enlarged Artistic Renderings

Exhibit J – Deer Valley Drive View Site Analysis

Exhibit K – Vantage Points Analysis – Across Canyon View

Exhibit L – Site Plan

Exhibit M - Elevations

Planning Commission Staff Report



Subject: Lot 17, 18, and 19 Echo Spur
Development Replat
Author: Francisco Astorga, Planner
Application #: PL-12-01629
Date: June 26, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Leeto Tlou
Surveyor: Rob McMahan
Architect: Scott Jaffa
Location: Lots 17, 18, & 19, Block 58, Park City Survey
489 McHenry Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.

Purpose

The purpose of the Historic Residential (HR-I) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and

- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

In 2012 lots 17, 18, & 19 were purchased by Leeto Tlou, the current applicant, who is now requesting approval to combine three (3) Old Town lots of record into one (1). The Planning Commission reviewed this request during their September 12, 2012 meeting (See Exhibit E – 09.12.2012 Staff Report and Exhibit F – 09.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, increased setback/square footage limitations/footprint placement, contextual neighborhood analysis, future plat amendment to the south, and future site visit. The Planning Commission continued the item to a date uncertain.

On December 12, 2012 The Planning Commission visited the site and reviewed the requested Plat Amendment (See Exhibit G – 12.12.2012 Staff Report and Exhibit H – 12.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the vantage point analysis, 2007 property dispute settlement agreement, limitations on the proposed structure, neighborhood compatibility, road/improvements dedication, extensive ridgeline analysis, and future traffic generation.

Analysis

The proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

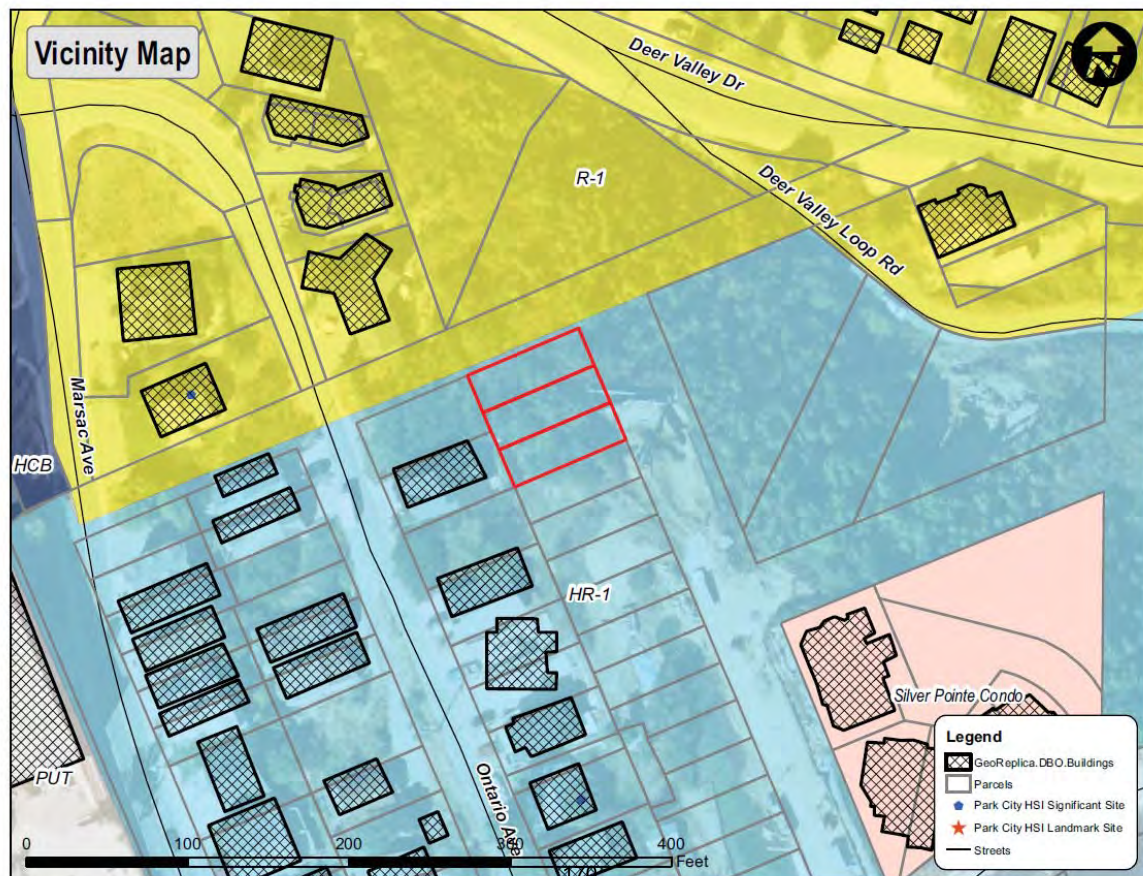
The applicant has indicated that he would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)

Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are Old Town lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds that the proposed plat amendment will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood composed of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots on Ontario Avenue towards the west consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots towards the north (Roundabout Subdivision) and towards the east side, also within the HR-1 District, consist of much larger lots ranging from approximately 9,700 to 12,500 square feet. The lots towards the south on the west side of the road consists of standard Old Town Lots (25'x75'), however, the owner of these other lots has also filed a plat amendment application which proposes eight (8) residential units over approximately twelve (12) Old Town lots. The lots on the east side consist of much larger lots. The map below describes the character of the lots:



Road Dedication

The existing improvements have complied with the required warranty period. In May 2013 the City Engineer recommended to the City Council to accept the improvements as a public street. The City Council continued this item to September 2013. The City Engineer has indicated that if the City Council does not accept the improvements as a public street, it would become a private drive. The City Engineer also recommended to officially change the name to Echo Spur Drive.

The Land Management Code (LMC) indicates that no building permit shall be issued for a Lot unless such Lot has frontage on a street shown as a private or public street. Staff recommends adding a condition of approval which would indicate that before a building permit can be issued, the street shall be either a private drive or a public street. Staff also recommends adding another condition of approval which indicates that the access to the site shall not take place over platted Fifth Street (formerly Third Street) per the previous Planning Commission comments.

2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lied within the wire fence and shed, over lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19 of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City did not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and Kelleher) shall proceed forward with the Alternative Development and shall transfer the disputed property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

Ridgeline Development/Vantage Point Analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

"Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning

Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger."

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]).

The LMC definition of Vantage Points outlines ten (10) specific sites including across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that across valley view has to be at an approximate elevation. The LMC indicates that their function is to assist in analyzing the visual impact of development on hillsides and steep slopes.

The applicant has submitted several exhibits showing renderings (see Exhibit I – Enlarged Artistic Renderings), the proposed structure from six (6) sites on Deer Valley Drive and (see Exhibit J – Deer Valley Drive Site Analysis). The applicant also submitted several photographs across valley view, from PCMR looking east and from the Arie/Masonic Hill (sees Exhibit K – Vantage Point Analysis). Both of these photographs taken at the approximately elevation do not show the proposed structure (development) breaking the skyline from these designated vantage points.

The LMC defines a Ridge Line Area as the “top, ridge or Crest of Hill, or Slope” plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three (3) sides of this site.

Staff does recognize the need to mitigate for proper drainage, steep slopes, etc., and thus Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen (16) lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. The east side of Ontario contains the following:

Plat amendment/ Lot combination	Number of lots	Lot width	Lot area (square feet)
------------------------------------	-------------------	--------------	---------------------------

		(feet)	
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to “remove” the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

Staff recommends that additional restrictions need to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation).

Staff recommends adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation.

Possible Plat Amendment to the South

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to re-subdivide in the form of a condominium Record of Survey at a later date. This property owner requests to build eight (8) single family dwellings over the 12 lots. This proposal includes no curb cuts as it has one (1) shared underground access and the units are platted in the form of Record of Survey, privately owned while the yards, etc., are platted as common ownership. See June 26, 2013 Staff Report – Echo Spur Subdivision within this same packet. However, this application is independent of development to the South.

Traffic & Access

Staff finds that traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street). This ROW has not been built and the City does not plat to build this a road. The Planning Commission indicated that if this application is approved access to platted Fifth Street should be prohibited. Staff has added this provision as a conditional of approval.

Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The LMC currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There are areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. Prior to the issuance of a Historic District Design Review (HDDR) or a building permit, the applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation.

Good Cause

Staff finds good cause for this plat amendment as the reconfiguration will lessen the impact of the future structures as viewed from Deer Valley Drive at the round-about. The larger lot created by the reconfiguration allows the neighborhood to provide better transition from the historic Old Town layout containing 25' x 75' platted lots to larger lots east and north of the area.

Process

This recommendation will be forwarded to City Council to make a determination on the plat amendment application. Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a HDDR application and ultimately a building permit application. The approval of this plat amendment application by the City Council

constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Lot 17, 18, and 19 Echo Spur Development Replat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The lots would remain as is and no construction could take place across the existing lot lines. The three (3) lots are currently platted Old Town lots of record and could be built upon. The property owner could extend access of the current road (Echo Spur Drive) to Lot 17 and 18 since the road was only completed to reach lot 19. The property owner could also build platted Fifth Street (formerly Third Street) from Ontario Avenue to get access for Lot 17 from the North.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006
Exhibit D – County Tax Map
Exhibit E – 09.12.2012 Staff Report
Exhibit F – 09.12.2012 Planning Commission Meeting Minutes
Exhibit G – 12.12.2012 Staff Report
Exhibit H – 12.12.2012 Planning Commission Meeting Minutes
Exhibit I – Enlarged Artistic Renderings
Exhibit J – Deer Valley Drive View Site Analysis
Exhibit K – Vantage Points Analysis – Across Canyon View
Exhibit L – Site Plan
Exhibit M – Elevations

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 13-XX

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 12, 2012, a work session discussion on December 12, 2012, and a public hearing on June 26, 2013 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 26, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on _____, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Lot 17, 18, and 19 Echo Spur Development Replat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.

6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street).
16. Platted Fifth Street has not been built and the City does not plat to build this a road.
17. When the road and utilities were built in 2009, the topography was slightly altered.
18. The highest point on the site is six feet (6') higher than the October 2006 survey.
19. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
20. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
21. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).
22. Traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the

requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Before a building permit can be issued, the street shall be either be identified as either private drive or a public street.
4. Access to the site shall not take place over platted Fifth Street (formerly Third Street).
5. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
6. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
7. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
8. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
9. Modified 13-d sprinklers will be required for all new construction.
10. The north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
11. A note on the plat shall be placed which will limit development to a single family dwelling.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of _____, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

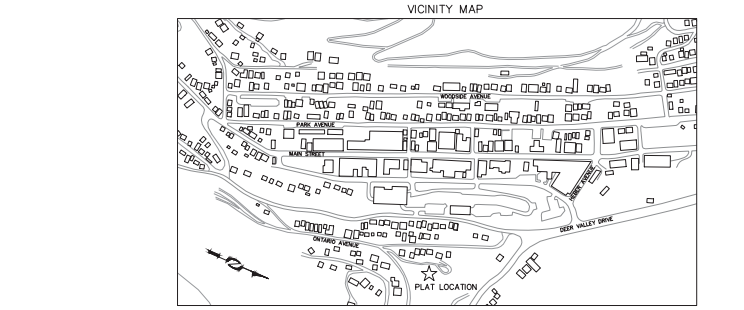
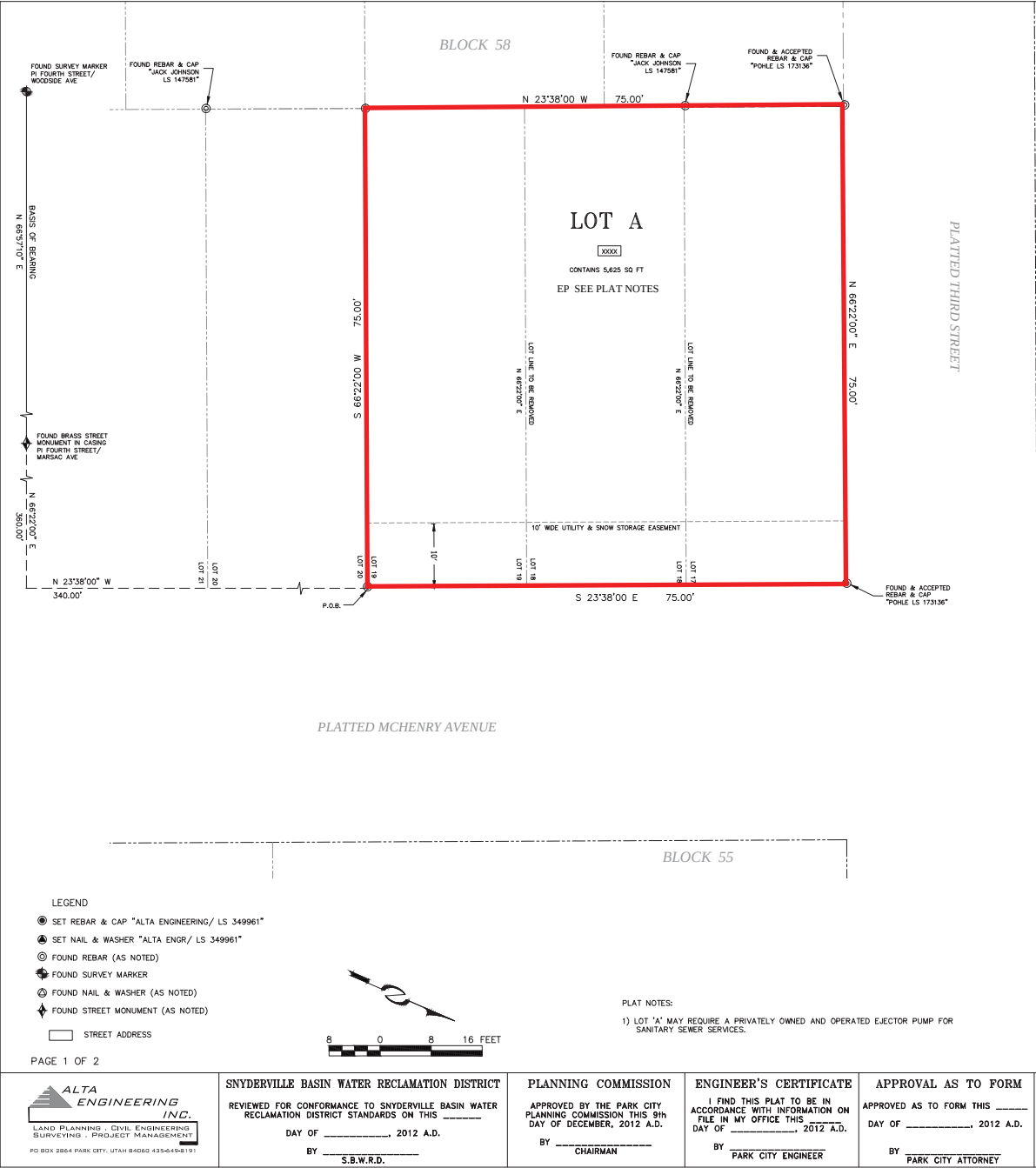
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961, as prescribed by the laws of the State of Utah, and that by the authority of the owner(s), I have prepared this Record of Survey of the XXX MCHENRY AVENUE REPLAT. I further certify that this plat is a true representation of said property.

Robert J. McMahon
LS No. 349961-2201

PROFESSIONAL LAND SURVEYOR
No. 349961
ROBERT J. MCMAHON
STATE OF UTAH

LEGAL DESCRIPTION

All of Lots 17, 18, and 19; Block 58, of the the AMENDED PARK CITY SURVEY, according to the official plat thereof, on file and of record in the Office of the recorder, Summit County, Utah.

LOT A (COMBINATION OF Lots 17, 18 and 19)

BEGINNING at a point that is North 66°22'00" East 360.00 feet and North 23°38'00" West 340.00 feet from the intersection of Marsac Avenue and Fourth Street as shown on the the Amended Monument Control Map by Bush & Gudgeon (1981) on file and of record as Entry No. 199887 in the Office of the Recorder, Summit County Utah, said point being the Southeast corner of Lot 19, Block 58 of the Amended Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County Utah; thence South 66°22'00" West 75.00'; thence North 23°38'00" West 75.00 feet; thence North 66°22'00" East 75.00 feet; thence South 23°38'00" East 75.00 feet; to the Point of Beginning.

Description contains 5,625.00 square feet more or less.

A LOT COMBINATION PLAT
XXX MCHENRY AVENUE REPLAT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Ryan Bilbrey Holdings, L.L.C. a Utah Limited Liability Company the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Ryan Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Ryan Bilbrey personally appeared before me, the undersigned Notary Public, in and for said state and county. Ryan Bilbrey, having been duly sworn, acknowledged to me that he is the Managing Member of Ryan Bilbrey Holdings L.L.C., A Utah Limited Liability Company, owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Dali Investments, L.L.C. a Utah Limited Liability Company the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Jennifer Ann Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Jennifer Ann Bilbrey personally appeared before me, the undersigned Notary Public, in and for said state and county. Jennifer Ann Bilbrey, having been duly sworn, acknowledged to me that she is the Managing Member of the Dali Investments, L.L.C., A Utah Limited Liability Company, owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the XXX MCHENRY AVENUE REPLAT, do hereby certify that I have caused this Lot Combination Plat to be prepared, and I Stephen Connolly hereby consent to the recordation of this Lot Combination Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Stephen Connolly

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Stephen Connolly personally appeared before me, the undersigned Notary Public, in and for said state and county. Stephen Connolly, having been duly sworn, acknowledged to me that he is the owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in

Printed Name

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Real Estate and Development, L.L.C., a Utah Limited Liability Company the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Connie Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Connie Bilbrey personally appeared before me, the undersigned Notary Public, in and for said state and county. Connie Bilbrey, having been duly sworn, acknowledged to me that she is the Managing Member of Park City Real Estate and Development, L.L.C., A Utah Limited Liability Company, owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name

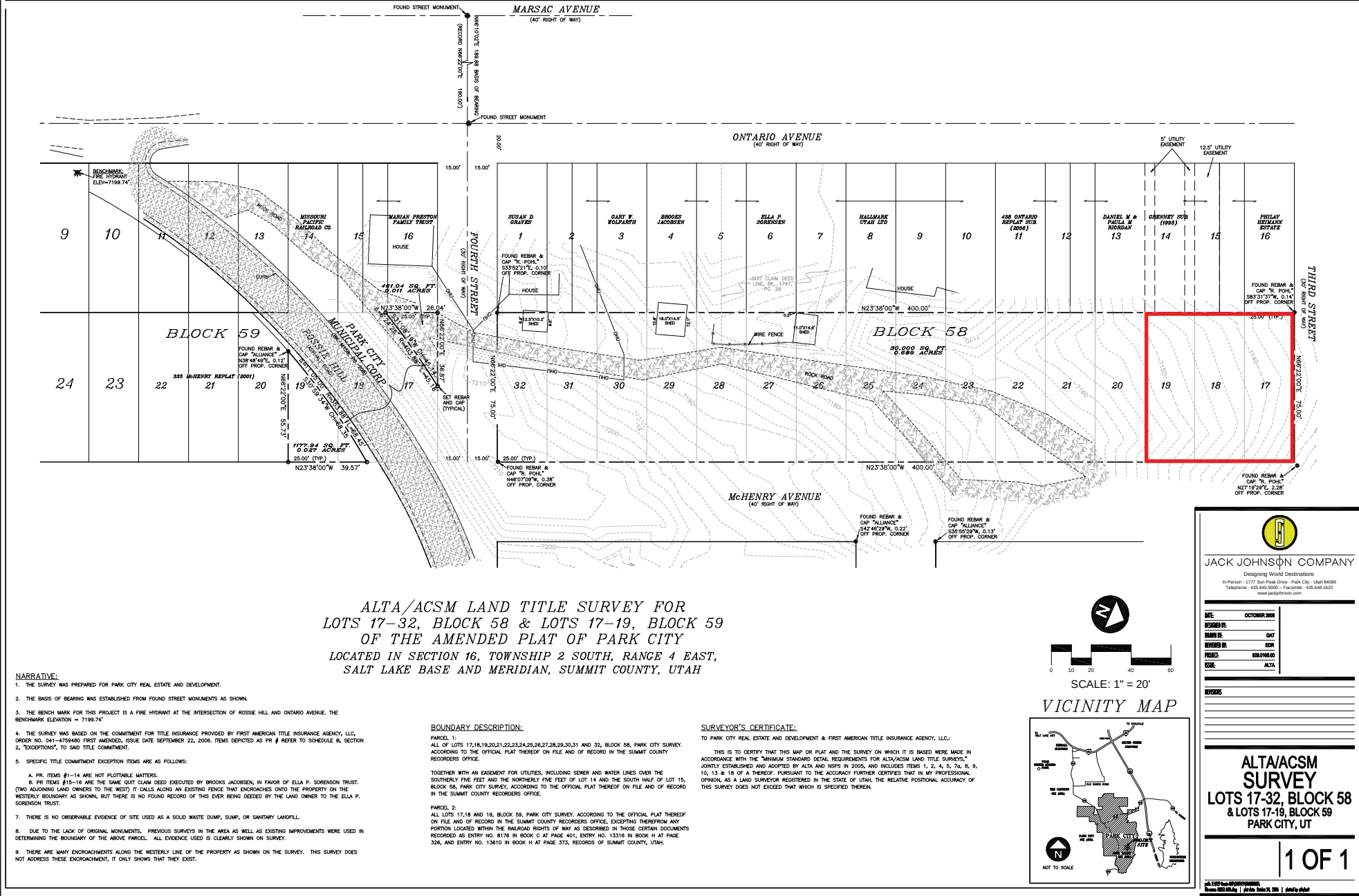
Residing in: _____

My commission expires: _____

A LOT COMBINATION PLAT

XXX MCHENRY AVENUE REPLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

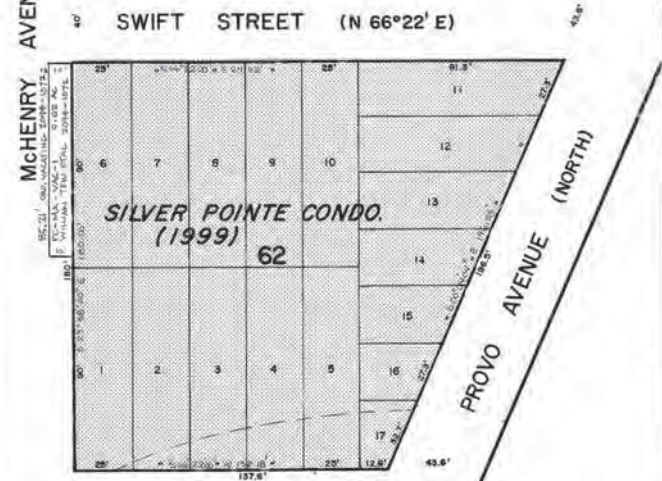
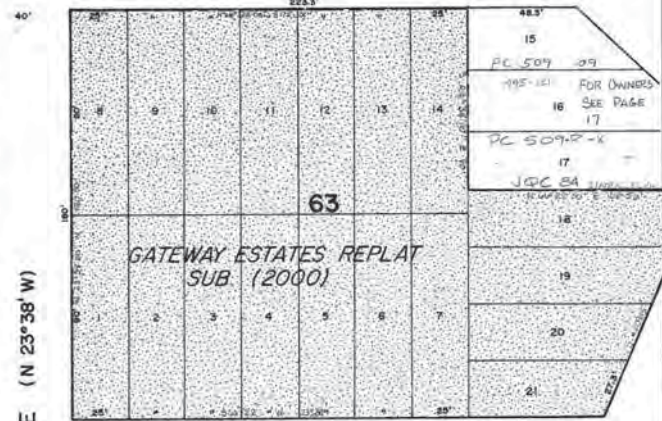
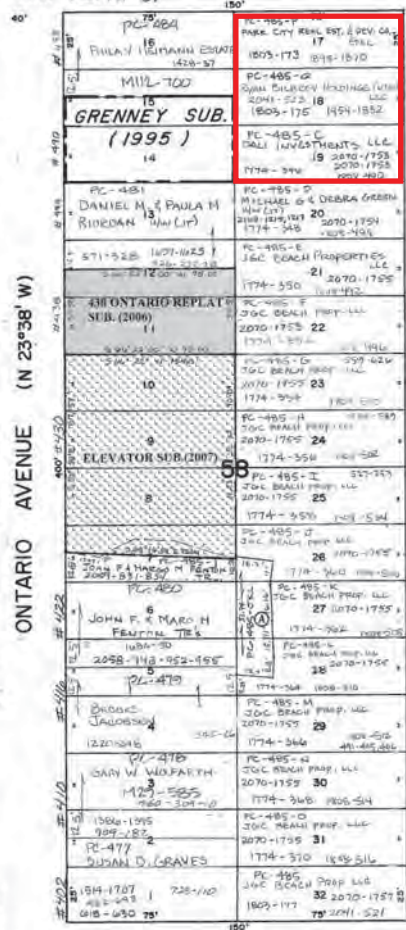


PARK CITY — BLOCKS 55,58,62,63,SECTION 16,T2S R4E,S.L.B.&M.

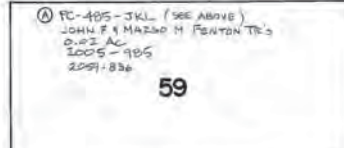
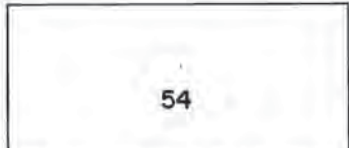
57

Note: # REFERS TO STREET ADDRESS

THIRD STREET (N 66°22' E)
AKA - FIFTH ST



FOURTH STREET (N 66°22' E)



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	Sept 27, 2011	

Date By
Engineering Associates Inc.

SUMMIT COUNTY, UTAH

SCALE
ONE INCH 40 FEET
BOOK PAGE

Planning Commission Staff Report



Application #: PL-12-01629
Subject: Lot 17, 18, and 19 Echo Spur Development Replat
Author: Francisco Astorga, Planner
Date: September 12, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Leeto Tlou
Location: Lots 17 – 19, Block 58, Park City Survey
489 McHenry Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.

Purpose

The purpose of the Historic Residential (HR-I) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

2007 Plat Amendment

In April 2007, the City received an application for a plat amendment to lots 17-32, Block 58 of the Park City Survey. The applicant proposed to combine the sixteen (16) lots into seven (7) lots; four (4) of the lots were of sufficient size to have a duplex built on each although one lot was proposed to be deed restricted to a single unit. Ten (10) units were possible.

In July 2007, the Planning Commission discussed the original submittal at both a work session and public hearing. The primary issue at that time was the vacation of platted, but un-built McHenry Avenue adjacent to the lots in question. At the hearing the Planning Commission requested a joint hearing with the City Council to get direction on the street vacation request. The joint meeting was held in August 2007. Based on the outcome of the joint meeting, the applicant revised their plans and was no longer requesting the vacation of McHenry but requested to construct an access road within the right of way.

In May 2008, the Planning Commission reviewed the applicant's additional request of the street vacation of platted Fourth Street (approximately 1,831 square feet) in exchange for a dedicated access and paved drive for neighboring Ontario Avenue lots (approximately 1,875 square feet). A second driveway between Lots 5 and 6 would be platted as an easement to provide necessary fire truck turnaround.

The revised application also reflected a dedication of land to Ella Sorenson, owner of property fronting Ontario Avenue but with historical access and use of land on the eastern border of her property. Also shown was possible widening of Rossi Hill Drive for street parking between platted McHenry and Lot 13, block 59. As the City does not have right of way across Lot 14, block 59, except by prescriptive use, this pullout was likely to be shorter than proposed. The Planning Commission voted unanimously to direct staff to prepare findings for a negative recommendation to the City Council. In July 2008, the application was withdrawn by the applicant.

2010 Plat Amendment

In March 2010, the City received another application for a plat amendment to lots 17-29, Block 58 of the Park City Survey. This proposed plat reconfigures the thirteen (13) lots into nine (9) lots. The developer was in the final stages of improving McHenry Avenue on the east side of the property. In March 2010 the Planning Commission reviewed the application for compliance with the Land Management Code in regards to lot combination, access and lot layout during a work session and provided feedback to the applicant.

In 2011 the applicant amended their application to only include the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The applicant requested approval to re-plat the three (3) lots of record into two (2) lots equally divided, on a north and south alignment parallel to Echo Spur Drive, creating two (2) lots with 37.5'x75' dimensions each. This application was later withdrawn by the applicant.

Analysis

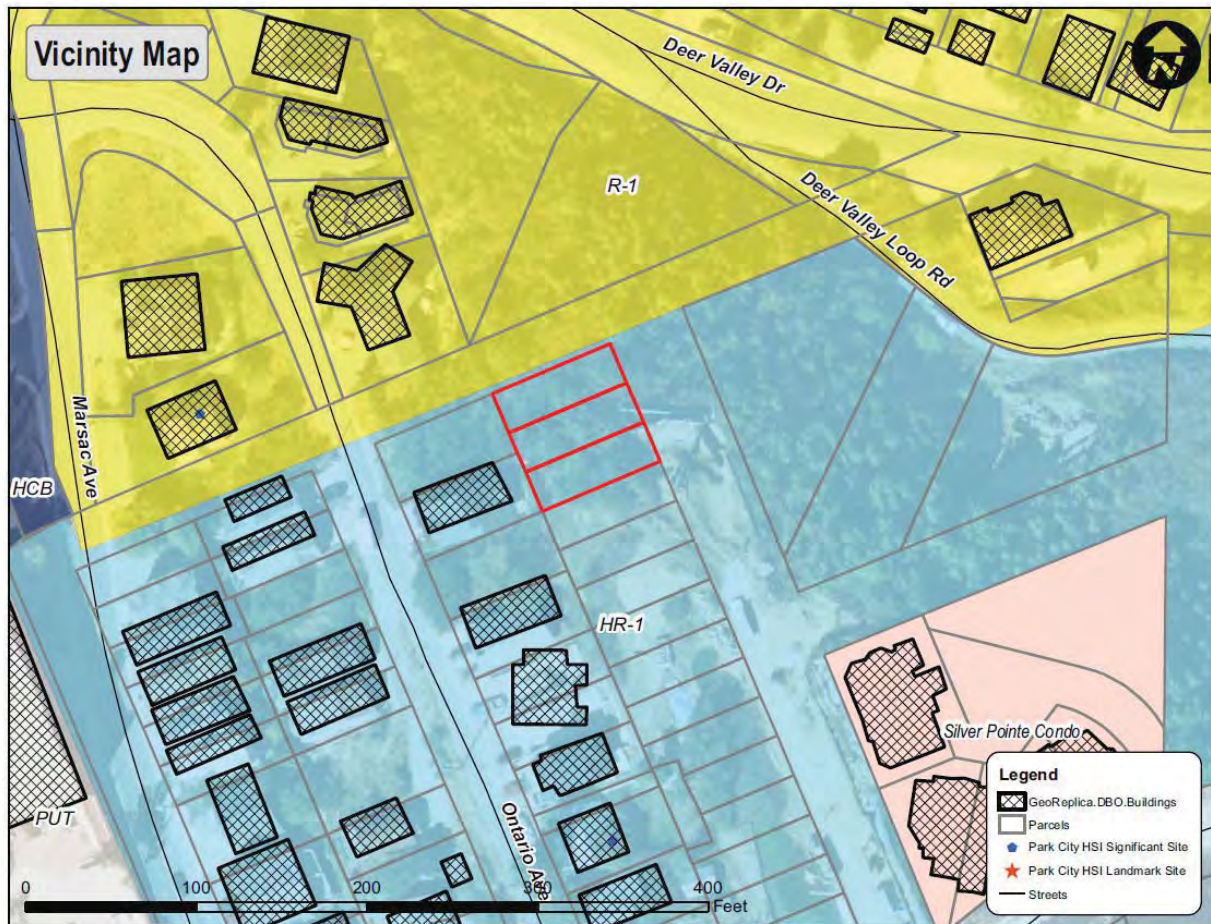
The current proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

The applicant has indicated that they would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)
Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots on the east side, also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. See Exhibit below showing the character of the lots:



Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The Land Management Code (LMC) currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There appear to be areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. The applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the

topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation.

Ridge Line Development

The LMC indicates that ridges shall be protected from development, which development would be visible on the skyline from the designated vantage points in Park City (LMC § 15-7.3-2[D]). The LMC defines a ridge line area as *the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.*

LMC § 15-7.3-1(D), under Restrictions due to Character of the Land indicates that land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, physical mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

Discussion requested: Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. **Does the Planning Commission concur with Staff related to the requested increased setback area?**

Square footage

The LMC indicates that the maximum dwelling or unit square footage may be required to be placed as a note on the plat. Limited building heights may also be required for visually sensitive areas.

Discussion requested: Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum square footage in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). The property owner indicated that they would like to build a single

family dwelling ranging from 3,000-4,000 square feet. Staff recommends adding a note on the plat limiting the gross maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?

Good Cause

Staff finds good cause for this plat amendment as the reconfiguration will lessen the impact of the future structures as viewed from Deer Valley Drive at the round-about. The larger lot created by the reconfiguration allows the neighborhood to provide better transition from the historic Old Town layout containing 25' x 75' platted lots to larger lots east and north of the area.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The lots would remain as is and no construction could take place across the existing lot lines. The lots are currently platted lots of record. The property owner would have to extend access of the current road since the road was only completed to reach lot 19.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Existing Conditions & Topographic Survey
Exhibit C – ALTA/ACSM Survey dated October 2006
Exhibit D – County Tax Map

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 12-__

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 12, 2012 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on _____, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on _____, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.

7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. When the road and utilities were built in 2009, the topography was slightly altered.
16. The highest point on the site is six feet (6') higher than the October 2006 survey.
17. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
18. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
19. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).

Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
4. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
5. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
6. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
7. Modified 13-d sprinklers will be required for all new construction.
8. the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

8. Modified residential 13-D sprinklers shall be required for all new construction.
 9. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
 10. The plat shall include an encroachment easement for the Quittin' Time condominiums wood step and foot path from the step to the north property line.
 11. The plat shall contain a note indicating that the northwest area of the Lot is identified as year-round access to adjacent neighbors.
 12. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall include the method and means of protecting the historic house during construction.
 13. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
 14. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
 15. Conditions of Approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
 16. All Standard conditions of approval shall apply.
 17. The applicant stipulates to these conditions of approval.
4. **Echo Spur, Lots 17-19 – Plat Amendment**
(Application #PL-12-01629)

Planner Francisco Astorga reviewed the application to reconfigure Lots 17, 18 and 19 of Block 58 of the Park City Survey. The site is located north of the intersection of Rossi Hill Drive and platted McHenry. The street is currently platted as McHenry Avenue and that will be the official address until the City Engineer changes the name to Echo Spur. Per the City Engineer, this plat amendment is to be referred to as Lots 17, 18 and 19, Echo Spur development replat. The applicant, Leeto Tlou purchased the property in August and is now the owner of Lots 17, 18 and 19.

Mr. Astorga stated that Mr. Tlou filed an application for a plat amendment to combine the three lots of record into one lot. These lots are part of the Historic Park City Survey. The proposed lot would contain 5,625 square feet.

Planner Astorga reviewed the history of the 2007 and 2010 applications that were submitted by the previous property owner. He noted that both applications were eventually withdrawn and no official action was taken. One of the previous applications included up to 16 lots. The other application started with 16 and was later revised to the same three lots as the current application.

Planner Astorga reported that the minimum lot area for a single family dwelling is 1875 square feet, and the standard configuration of a 25' x 75' lot. The minimum lot area for a duplex is 3750 square feet. Planner Astorga stated that the current proposed lot area was 5,625 square feet, which meets the criteria for a duplex. However, a duplex is a conditional use and would require approval by the Planning Commission. At this point, the applicant was not requesting a duplex.

Planner Astorga reviewed the requirements of the HR-1 zone, as outlined on page 181 of the Staff report. He stated that the building footprint formula would trigger approximately 2,000 square feet maximum due to the lot combination.

Planner Astorga outlined three discussion items for the Planning Commission. Due to the regulation of the building footprint and the limit of three stories under the current Code, they could potentially see a 6,000 square foot building. Gross floor area is not regulated in the HR-1 District, but it is indirectly regulated through the footprint and the maximum number of stories. The Staff report contained an analysis of the sites on Ontario Avenue, where most of the properties have a combination of 1-1/2 lots, which triggers a footprint of 1,200 square feet. Given that number, times the number of stories, the Staff recommends adding a regulation that would cap the gross floor area to approximately 3600 square feet to be more compatible with the Ontario Avenue area. Planner Astorga pointed out that there were larger lots of record east of the subject area which trigger a larger footprint.

Planner Astorga reported that the applicant disagreed with his recommendation and he would let Mr. Tlou explain his plan. Planner Astorga requested input from the Planning Commission on whether the additional limitation was appropriate in conjunction with this plat amendment.

Planner Astorga commented on the second discussion item. Ridgeline development per the LMC indicates that the Planning Commission may add additional restrictions in specific ridgelines. He pointed out that these were historic platted lots of record and the City has approved development in the past on both the Ontario side of this neighborhood and Silver Pointe MPD that was approved with the larger lots on the west side of McHenry. However, in order to mitigate for proper drainage, steep slopes, etc., the Staff requests that the north side yard minimum be increased to 15' on that side, plus the other five per Code. The Code requires 18' total, however, the Staff was requesting 20' on the north side.

The third discussion item related to height and topography. The Staff was able to find a survey dated 2006, which indicated that the older survey had a different highest point on this site, mainly due to the construction of the road. The Staff recommended measuring the maximum height from the older survey because it has a lower elevation.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the items outlined, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Leeto Tlou, the applicant, has lived in Park City for ten years. He did not have issues with the Staff report and the disagreement with Planner Astorga was actually a minor conversation. Mr. Tlou commented on the setbacks. He stated that the designs were not set at this point and he was unsure how the setbacks would work. He asked if the 15' setback increase would be set with the plat amendment or not until the CUP. Mr. Tlou referred to the 3600 square foot maximum. He was not interested in building a 6,000 square foot home, but as indicated in the Staff report, he was considering a 3,000 to 4,000 square foot house. When he communicated that to the Staff, he neglected to communicate conditioned versus unconditioned space. He was unsure whether additional square footage for a garage would be available.

Planner Astorga remarked that Criteria 7 of the Steep Slope Conditional Use permit indicates that the Planning Commission may add additional setbacks to designs through the CUP.

Commissioner Hontz asked if the roundabout at Deer Valley Drive was a designated vantage point. Planner Astorga looked it up in the Land Management Code and found that it was not a vantage point.

Commissioner Hontz understood that the improvements and the conditions regarding the road had not been dedicated to the City. City Engineer, Matt Cassel, replied that the road had not been dedicated yet. He explained that the applicant is currently in a warranty period that ends in November. If everything goes well, it would go before the City Council for dedication in December or January. Commissioner Hontz commented on past issues with retaining. She understood that if everything goes well, the City would accept those improvements and it would become a public street. Mr. Cassel replied that this was correct. Commissioner Hontz wanted to know what could happen with platted Third Street to the north of Lot 17. Mr. Cassel stated that it is too steep for a road, but it could be used as a utility corridor. Commissioner Hontz clarified that access to those lots would not take place off of that street, and she suggested making that a condition of approval. Commissioner Hontz thought the retaining wall was very noticeable from the Deer Valley roundabout and looked extremely tall. Mr. Cassel assumed she was talking about the lower concrete retaining wall at the bottom. He could not recall the height of the retaining wall. However, the landscaping that was put in had died and new landscaping would need to be established. The purpose of the landscaping is to help hide the retaining wall. Commissioner Hontz asked how the lot would gain access. Mr. Cassel stated that there is enough space to get on to Lot 19 and access from there. Commissioner Hontz stated that until the time when the City accepts the improvements to make that Echo Spur, she assumed they could still access along the private road. Commissioner Hontz asked if there was a bond for replanting the landscaping. Mr. Cassel answered yes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Hontz stated that in researching the public data base, she found a development in the land use agreements related to lots in this vicinity that could potentially affect access or relationship with the Echo Spur lot. She had presented the information she found to the Legal Department. Commissioner Hontz recommended that the Planning Commission continue this item to allow time for our legal counsel to review and confirm that it may or may not have impacts to the relationship with these properties. Her interpretation is that it does and that causes her concern.

Commissioner Hontz rejected the notion that this was not part of a ridgeline, based on the Land Management Code. She stated that LMC 15-7.3-1(D) is important when taking into account the very sensitive nature of this particular area. She understood that the surrounding area has been developed and much of that occurred prior to the most recent LMC amendments. Commissioner Hontz concurred with the Staff recommendation regarding the setback area. Commissioner Hontz also concurred with the Staff request for additional limitations on maximum square footage. She was very concerned about the vantage point because it is very abrupt looking from the roundabout. If you can see the retaining wall, the house would be much more visible.

Commissioner Hontz pointed out that these are lots at the end of what may be a future subdivision. As shown in the Staff report, it comes with a variety of configurations. She felt it was difficult to take the step to look at these lots with an existing land use agreement in place that would affect the lots, but secondly, it would set precedent for five to six lots leading up to this. She did not understand the impacts to the neighborhood and the surrounding area and that should be taken into account based on what the Planning Commission is allowed to do under good cause and the purpose statements of the HR-1 District.

Commissioner Thomas believed the issues warranted a group site visit, and possibly looking at the property with balloons flying from the site at a reasonable structure height to consider the visual impacts.

Commissioner Strachan agreed that a site visit would be worthwhile. He would like to see exactly where the building footprint would be with the new proposed setbacks. He was particularly concerned with the north side. In addition to view issues, there were also major issues in terms of drainage and topography that a site visit would allow them to digest. Commissioner Strachan echoed Commissioner Hontz regarding a precedent that could be set for nearby lots. One of the requirements for good cause for plat amendments is to utilize best planning practices. A best planning practice would be to see how this would align with the other lots that may be developable in the Echo Spur area. He was unsure how to look that far into the future. Commissioner Strachan did not think they could say that Lot 17, 18, and 19 could be combined into one lot and disregard Lots 20, 21 and 22 when they will probably end up using the same access point of the newly constructed and to be dedicated road. Commissioner Strachan believed the plat amendment needed to be looked at from a larger perspective than just lots 17, 18 and 19. The Code allows it and directs them to use best planning and design practices, resolve existing issues and non-conformities and to provide positive benefits and mitigate negative impacts. Commissioner Strachan directed the Staff to look at the status of Lots 20 and 21 and what implication this plat amendment would have for those lots.

Planner Astorga stated that the Staff would look at the land use agreement Commissioner Hontz mentioned. He noted that Lot 20 is currently owned by Mike Green and he plans to build one single family dwelling. Lots 21-32 are currently owned by Sean Kelleher. He has come in many times, but has not committed to submitting a plat amendment to combine lots to build single family dwellings.

Commissioner Strachan thought it would be worthwhile for the Planning Commission to look at the old plat amendment submittals from Kelleher and Bilbrey. It would at least give them an idea of what could be done and how it would work with the plat amendment to combine Lots 17, 18 and 19.

Commissioner Strachan stated that the impact of a home on Lots 17, 18 and 19 may not be significant in and of itself, but the homes that could be built on the rest of the lots cumulatively could significantly disrupt the vantage point on Deer Valley Drive.

Commissioner Strachan recommended that the Staff bring this back for a work session. The suggestion was made to schedule a site visit and the work session on the same night.

Planner Astorga requested that the item be continued to a date uncertain to give the applicant and his architect time to come up with a preliminary design for the Planning Commission to review.

MOTION: Commissioner Strachan moved to CONTINUE this item to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

5. 200 Ridge Avenue - Subdivision
(Application #PL-10-00977)

Planner Evans reviewed the request for a plat amendment to combine 9 Old Town lots and approximately 21 partial lots to create a six lot subdivision. The Planning Commission reviewed this application at three previous meetings. The applicant was proposing to create six lots ranging in size from 3,700 square feet to 6100 square feet. The minimum lot size in the HRL Zone is 3,750 square feet. Therefore, each proposed lot would meet or exceed the minimum.

Planner Evans reported that the application first came before the Planning Commission in June 2010 as a work session item. At that time the Planning Commission raised a series of issues outlined in the Staff report. The applicant came back on April 24, 2012 and the Planning Commission had additional concerns. The first was that the slope of each lot was very steep and questioned whether homes could be built on each lot without a variance. The second issue was that unplatted Ridge Avenue is very narrow and raised concerns regarding emergency access. The third issue related to mitigation and preservation of the existing vegetation on the site to accommodate six lots. There was concern about destabilizing the hillside and impacts to the homes on Daly Avenue. The fourth issue was that the concerns raised during the 2010 work session had not been addressed or mitigated. The fifth issue was that the proposed subdivision did not meet the purpose of the HRL zone, particularly with consideration to Section A of the purpose statement, which says to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. The last issue was that this

Planning Commission Staff Report



Application #: PL-12-01629
Subject: Lot 17, 18, and 19 Echo Spur Development Re-plat
Author: Francisco Astorga, Planner
Date: December 12, 2012
Type of Item: Administrative – Plat Amendment Site Visit and Work Session Discussion

Summary Recommendations

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

Description

Applicant: Leeto Tlou represented by Scott Jaffa, architect
Location: Lots 17, 18, & 19, Block 58, Park City Survey
489 McHenry Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The proposal includes the consolidation of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) standard Old Town lots into one (1) lot of record to be able to build one single family dwelling.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and

- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Re-plat plat amendment. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

The Planning Commission reviewed this plat amendment request during the September 12, 2012 meeting. At this meeting the Commission continued this item to a date uncertain. During this meeting the Commission was concerned with the following:

- 2007 settlement agreement
- Ridgeline development/vantage point analysis
- Increased setback/maximum square footage limitations
- Future plat amendment to the south
- Footprint placement on the proposed lot

The September 12, 2012 Planning Commission staff report and meeting minutes are attached (see Exhibit A). The Commission recommended that this plat amendment be reviewed as a work session discussion as well as scheduling a site visit. Staff has prepared an analysis of the items mentioned above. Additional background information dating back to 2007 and 2010 can be found in the September 2012 Staff report (see Exhibit B).

Analysis

The current proposed plat amendment creates one (1) lot of record from three (3) Old Town legal lots of record, Lot 17, 18, & 19, Block 58 of the Park City Survey. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

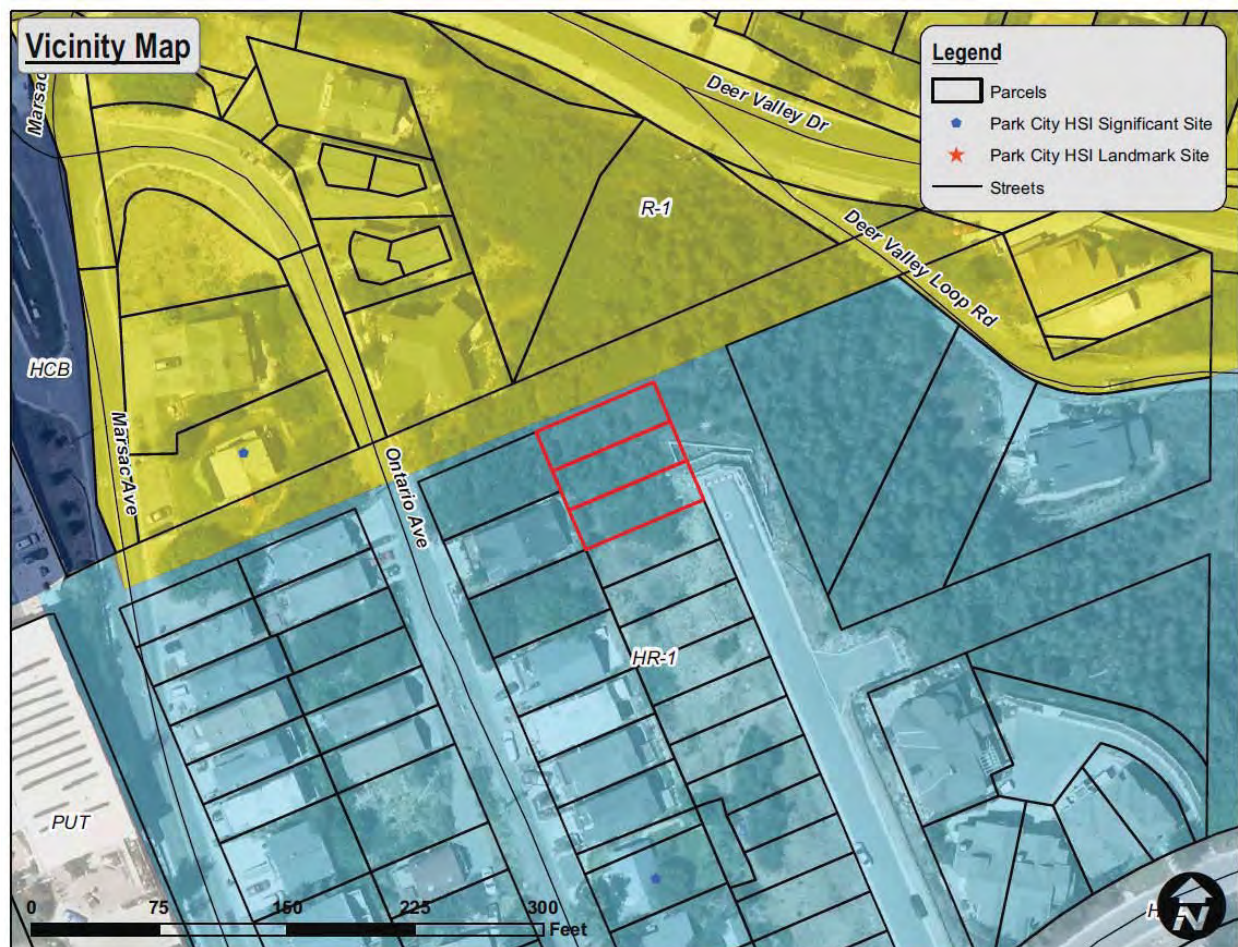
The applicant has indicated that they would like to build a single family dwelling on the proposed lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)

Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, maximum
Number of stories	A structure may have a maximum of 3 stories
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are legal lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.



2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lies within the wire fence and shed, specifically over lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19 of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City does not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and Kelleher) shall proceed forward with the Alternative Development and shall transfer the Disputed Property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

Ridgeline development/vantage point analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

“Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.”

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines a Ridge Line Area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. The Vantage Points LMC definition outlines ten (10) specific vantage points as well as across valley view. It also defines it as a height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes.

The applicant has submitted several exhibits showing the proposed structure on the proposed lot from six (6) vantage points on Deer Valley Drive as well as several renderings of the proposed structure (see Exhibit C - Vantage Point Analysis & Exhibit D - Renderings).

Discussion requested: Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three (3) sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. **Does the Planning Commission concur with Staff related to the requested increased setback area? Does the Planning Commission consider the area of development a Ridgeline? If so, can the Commission provide direction as to how this can be mitigated?**

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. This east side of Ontario contains the following

Plat amendment/ Lot combination	Number of lots	Lot width (feet)	Lot area (square feet)
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to "remove" the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

Discussion requested: Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this

site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). Staff recommends adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. **Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?**

Future plat amendment to the south

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to later re-subdivide at a later date (see Exhibit F - Adjacent Property Owner's future plans/statement). Please note that at this time the application for these adjacent lots has not been formally reviewed or approved. The property owner indicated in the past that he would like to build 7 - 9 single family dwellings over the 12 lots.

Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) subject lots, certified by a surveyor, which indicates the topography of the site. The Land Management Code (LMC) currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There appear to be areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. The applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation. **Does the Planning Commission concur with this condition of approval?**

Recommendation

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

Exhibits

Exhibit A – 9.12.2012 Planning Commission meeting minutes

Exhibit B – 9.12.2012 Staff Report & Exhibits including:

- Proposed Plat
- Existing Conditions & Topographic Survey
- ALTA/ACSM Survey dated October 2006
- County Tax Map

Exhibit C – Vantage Point Analysis

Exhibit D – Renderings

Exhibit E – Site, Floor, & Elevation Plans

Exhibit F – Adjacent Property Owner's future plans/statement

individual smaller components that are compatible with the District. The garage must be subordinate in design of the main building. Commissioner Strachan believed the language encourages having a separated garage. It would be hard to predict whether or not someone would try to enclose it eventually. Commissioner Strachan felt that overall the dwelling mass and volume was incompatible with the surrounding houses, with the exception of 205 Norfolk which should not be a basis for compatibility analysis. He views the analysis as a bell curve and the proposed project should be near the middle to be considered even close to compatible.

Mr. DeGray asked if the compatibility issue was the size of the building or the mass above grade. Mr. Strachan replied that it was mass of the building above grade. Mr. DeGray pointed out that the average for the area came in at 3700 square feet. The proposed project is larger at 4500 square foot gross, but they are comparable to the other structures at 60 Sampson, 50 Sampson and the recently approved projects at 16 Sampson and 201 Sampson. Commissioner Strachan remarked that the smaller structures such as the one at 41 Sampson are the ones that need to be taken into account. He clarified that in addition to the size above grade, it is also the size of the entire living space. Commissioner Strachan pointed out that the purpose statements in the Code do not differentiate between above grade and below grade. His primary concern was the massing above grade; however, the CUP process analysis will also look at the total area.

Commissioner Savage thought the applicant was in the zone they needed to be in as it relates to the comparables in that particular part of the neighborhood. The house looks nice and interesting and it appears to adapt to an extremely challenging lot situation. Commissioner Savage suggested that the applicant look at changing the façade of the home to make it look and feel more historic in terms of presentation. From his perspective, the design and configuration as proposed was not inconsistent with what exists in the neighborhood. He felt it was difficult to be consistent with a hodgepodge of structures.

Commissioner Hontz noted that page 73 of the Staff report showed the size of surface parking and asked for the dimensions. Mr. DeGray replied that it was 9' x 18'.

Vice-Chair Thomas agreed that it was a difficult argument to fit within the purpose statements and the burden was on the applicant to demonstrate compatibility with the historic fabric of the community in terms of mass, scale and height, and how it is consistent with the purpose statements.

He noted that the Planning Commission has the purview to reduce height on a Steep Slope CUP and he would prefer to see the height reduced. Vice-Chair Thomas struggled with the drawings presented and questioned how it was not one house based on the design. The roof is connected to the elevator and the elevator is connected to the garage, which makes it one structure exceeding three stories. Vice-Chair Thomas felt the argument was whether or not this was one house.

Mr. DeGray stated that the deck and patio are required to meet setback requirements, which treats them like a structure. Having a deck or patio connect from an accessory structure to a main structure does not technically connect buildings. Vice-Chair Thomas understood the point Mr. DeGray was making, however, he wanted to see that defined in the drawings to prove his point. Planner Evans remarked that it would definitely be an issued if the foundation was connected. Mr. DeGray noted that the deck touches the elevator shaft, but it is an open air connection.

Lot 17, 18 and 19 Echo Spur Development – Plat Amendment

(Application PL-12-01629)

Planner Francisco Astorga noted that on September 12, 2012 the Planning Commission requested a site visit and work session for the Echo Spur Development Replat. The applicant also submitted additional information that was requested, including preliminary plans of the site. Planner Astorga noted that the plans were more specific than preliminary and the Staff was still working on reviewing the plans.

Planner Astorga reviewed the application for a plat amendment on platted McHenry. As previously noted, the City Engineer would eventually change the name of the road once it is fully dedicated to the City.

Planner Astorga reported that the applicant had submitted an application for a plat amendment to combine lots 17, 18 and 19. He presented slides to orient the Planning Commission to what they had seen during the site visit. He also presented the County Plat showing the ownership of the property. On September 12, 2012 the Planning Commission discussed vantage points per the Land Management Code. Planner Astorga noted that the LMC does not have a defined vantage point from where the development would be visible. However, the LMC identifies cross-canyon view as a vantage point. The applicant had submitted a total of six vantage points; three on Deer Valley Drive by the access to Main, one by the entrance at the Summit Watch, one at the roundabout, and another closer to the property. Planner Astorga reviewed slides from the stated vantage points.

Commissioner Savage concluded from the photographs that the development was basically invisible. Commissioner Gross concurred. Commissioner Hontz stated that she personally stood at each of the vantage points and concluded that the development would be visible, particularly the retaining wall. Commissioner Strachan remarked that the brown house behind the retaining wall was also visible. He pointed out that photographs are not entirely reflective of what the human eye would actually see.

Scott Jaffa, the project architect stated that the intent was never to make the house invisible. The existing scrub oak is 12 feet high and the house would sit approximately 12 feet above. It is surrounded by houses at the bottom on Ontario, as well as houses above it. The house is nestled in its surrounding environment.

Planner Astorga reviewed the elevations. He noted that the site is zoned HR-1 which has a 27' foot height limitation and a required 10 feet setback on the downhill façade. Planner Astorga stated that at the last meeting the Planning Commission discussed the 2007 settlement agreement. He had verified with Jack Fenton that the disputes with the settlement agreement had been resolved and both parties were satisfied with the outcome. Planner Astorga had done a more specific analysis of the Ontario neighborhood as shown on page 9 of the Staff report. The analysis concluded that the average width is approximately 36 feet and the average lot area is approximately 2800 square feet for those lots.

Planner Astorga referred to an Exhibit showing the outskirts of the Park City survey. He commented on the Gateway Estates subdivision. Because of the orientation of the houses and access off of Deer Valley Loop Road, it provided a better way to transition Old Town to what is called the Deer Valley entry area. In terms of house size the two houses that were originally platted for Gateway

Estates were planned to be much larger than the Old Town historic character.

Planner Astorga requested that the Planning Commission discuss whether this Echo Spur neighborhood provides an appropriate area for transitioning between the larger lots of record versus the Ontario neighborhood, which tends to follow a different pattern than the standard 25' x 75' configuration. Since September the Staff has held several meetings with the owner to review the current definition of gross residential floor area and how that applies. The Staff recommendation was to limit the gross residential floor area to 3600 square feet. The Staff reviewed the preliminary plans submitted and found that the proposal would comply with the Staff recommendation of limiting the gross residential floor area.

Commissioner Wintzer remarked that the three lots are contiguous to a neighborhood of historic platted lots of 25' x 75'. That is the neighborhood they need to look at rather than the homes above or below. Planner Astorga pointed out that after the General Plan update is completed the next task is to do an analysis of the zoning districts to see how that can be improved.

Vice-Chair Thomas stated that he was on the Planning Commission when the Deer Valley Loop Road lots were approved, and there was a dramatic effort to minimize the massing and to make the units fit into the hillside. He pointed out that the grading on those three lots was dramatically different than the grading on the three Echo Spur lots. Vice-Chair Thomas believed that would have to be highly considered in this process. Planner Astorga noted that only one house was actually built and the other two houses lost their approval because they did not move forward on the building permit.

Planner Astorga recalled that another discussion point in September was what would happen in the neighborhood. Since the September meeting the Staff met with Mike Green, the owner of Lot 20. Mr. Green plans to build a single family dwelling and is currently working on an application. The other twelve lots are owned by Sean Kelleher, who submitted a complete application yesterday. The Planning Commission would review Mr. Kelleher's application during a work session in January. He proposes to build seven single family units through a condominium plat on his 12 lots of record. Vice-Chair Thomas stated that he would be recusing himself from the Kelleher discussion and he was uncomfortable talking about that proposal this evening.

Planner Astorga stated that ridgeline development was another issue carried over from the September meeting. He noted that Lot combinations in the HR-1 zone require an overall setback of 18 feet, with a minimum of 5 feet. The Staff request that the setback on the northern side be increased to 15 feet to aid with drainage issues and slope mitigation issues. Planner Astorga asked for input from the Planning Commission regarding the Staff analysis.

Planner Hontz referred to the minutes from the September 12, 2012 meeting on page 15 of the Staff report, fifth paragraph, and revisited a number of issues that were still pertinent. The first was that the road is still not dedicated to the City. In speaking with Matt Cassel during the site visit she understood that some conditions have not been fulfilled and issues still remain. Commissioner Hontz was not comfortable with the safety of the road related to the gate, the vegetation that needs to be replaced and enhanced, the retaining wall and other issues. She thought there could be possible pressure from the applicant to whoever was responsible for fulfilling the conditions if it was a requirement to move forward with this application. Since the City Engineer had decided to place

the road under the City's road system, they should do nothing until they know for sure that the road is acceptable to the City. A second point is that Third Street, which is located to the north of Lot 17, is currently a platted dedicated right-of-way. Because it was a right-of-way, someone decided to dig it up and put in a road. If this application moves forward, Commissioner Hontz wanted to make sure that no access would ever be provided to any lots in any area off of that existing right-of-way. A third point was that lots 17, 18 and 19 had to be combined in order to have access. In looking at the plat, lot 19 is the only lot that has access off of Echo Spur. Commissioner Hontz thought it was unrealistic to say that Lots 17 and 18 would be developed off of the current configuration of Echo Spur Drive. Standing at the gate and looking over a 40 foot drop, the amount of retaining required to get to the lots makes them unbuildable. Commissioner Hontz remarked that in reality this was one lot.

Commissioner Hontz referred to page 15 of the Staff report regarding the settlement area. She appreciated that the Staff took the extra step to confirm that an agreement was reached. However, she would like to see how the land was deeded. According to the publicly available agreement, the land would change hands and there would be different lot configurations for the lots adjacent to this property further north that could possibly have an effect.

Commissioner Hontz referred to Item 5 on page 15 and reiterated that the property and the road are part of a ridgeline. They cannot change the definition of a ridgeline because of what has happened around it. She thought they may be able to say that due to setbacks, the structure is placed far enough off of the ridgeline, but regardless, the property is part of the ridgeline and the setbacks should be closely scrutinized. Commissioner Hontz commented on LMC 15-7.3-1(D) and noted that this is a very sensitive area and there are impacts related to the ridgeline.

Commissioner Hontz referred to Items 6 and 7, additional limitations on maximum square footage and visibility from the roundabout. She felt it was a unique strategy to separate these lots from what was previously reviewed as a subdivision, because they now have to look at it as a new application.

If this application moves forward, the applicant would have to maximize the number of lots on this particular substandard road, which can only be reached by other substandard Old Town streets. Based on traffic impact models, Commissioner Hontz understood that one house would generate approximately 12 vehicle trips per day. Assuming build-out on the nine lots, the per day vehicle trips would exceed 108 per day on this substandard street. She thought it was ludicrous to create that much additional traffic into that neighborhood on substandard streets. Commissioner Hontz pointed out that it was not just one home. They need to consider the compound impacts of all the lots.

Commissioner Gross asked about the cars backing out of the driveway and how they would get up the street. In his opinion it looked very tight and he was unsure how a car would get out. He requested a diagram showing how it would work. Commissioner Gross had spoken with City Engineer Matt Cassel about the fire safety issues and there is a turnaround below for fire trucks. He assumed that once the street is accepted by the City it would provide the proper access for people to build.

Planner Astorga asked if the Planning Commission would feel comfortable approving the propose development once the road is accepted by Matt Cassel, particularly regarding the road compliance issue raised by Commissioner Hontz. Planner Astorga noted that LMC 15-7.3 indicates that these

types of development must be approved by the Planning Commission and that upon recommendation of a qualified engineer these items can be mitigated. The burden is on the applicant to hire a qualified engineer to determine whether the issues are mitigated. Planner Astorga clarified that the LMC implies that the applicant is allowed to find appropriate mitigation for these types of unforeseen development conditions on the land.

Commissioner Wintzer pointed out that the applicant has that ability with everything except the ridgeline. He read language in the same Chapter of the LMC that states, "For other features including ridgelines." Commissioner Hontz remarked that per the LMC the impact mitigation is formulated by the developer and approved by the Planning Commission. The applicant can propose a solution but the Planning Commission has the purview to determine whether the solution is suitable to mitigate the problem. Planner Astorga agreed. However, his interpretation of the LMC language is that the burden of mitigation is on the applicant, which also includes the ridgeline. He wanted to make sure the Planning Commission shared his interpretation. Commissioner Wintzer agreed with the interpretation with regards to geological hazards. His reading of the LMC language did not include the ridgeline. Commissioner Wintzer recalled that this same paragraph was read to the previous owner five years ago and at that time the Planning Commission had the same concerns that combining these three lots would encourage development to move down the hill further on the ridgeline. They faced the same issue with this application and he could see no way around it.

Planner Astorga remarked that the Staff interpretation was that ridgeline impacts could be mitigated if adequate methods are formulated. Due to the discrepancy in interpretation, he believed further discussion was necessary. He asked if the Staff was interpreting the Code incorrectly. The Commissioners answered yes.

Commissioner Strachan questioned whether the applicant could even find adequate methods. In addition, language in LMC 15-17.3-2(D) prohibits ridgeline development. There was no qualifier in the language to indicate that it would be allowed with adequate mitigation methods. Commissioner Strachan felt the LMC was clear that ridgeline development would not be allowed in any circumstance. In his opinion, this was still a ridgeline, even though the previous owner tried to eliminate that fact by digging a road through the property.

Planner Astorga understood that the Planning Commission would be prepared to make findings that this is a ridgeline and construction is prohibited on a ridgeline. Commissioner Savage stated that the Planning Commission was looking at a set of platted lots that also included other lots along that same ridgeline, and there were property rights associated with those particular lots. He understood the ridgeline issue; however, the fact that the lots were platted and exist as platted lots entitles the owners of those lots to some level of development rights independent of the ridgeline.

Assistant City Attorney McLean agreed that City cannot take away all rights to the use of a property; however, there are restrictions in the Code that prohibit structures on ridgelines. Therefore, those two issues need to be balanced. Commissioner Savage asked if the contextual precedence in that particular area has any influence on how the Planning Commission should view ridgeline development. In looking at the topography, it is clear that a ridgeline runs along the road and through the middle of the lots. He pointed out that existing homes above those lots on the ridgeline have already compromised the ridgeline in that area. He asked if that should have any impact on how these applications are reviewed. Commissioner Savage asked if the applicant would have the

ability to say that within the constraints of this particular development site, as well as the existing homes, this is the ridgeline visual impact with the proposed home versus not building at all. Ms. McLean replied that the Planning Commission could have that discussion. Commissioner Savage wanted the applicant to pursue that direction unless it would be a waste of time because it is a ridgeline and development would be denied.

Mr. Jaffa pointed out that this was a new subdivision that was still in the process of dedicating the road to the City. He questioned why the subdivision would have been approved with platted lots if the lots could not be built on. Commissioner Wintzer noted that the previous subdivision application never came before the Planning Commission and it was never approved. Planner Astorga explained that it was a historic part of the Park City survey that was historically platted a hundred years ago.

Commissioner Strachan asked Assistant City Attorney McLean for her interpretation of LMC 15-7.3-1(D) as opposed to 15-7.3-2(D). Ms. McLean stated that when there are competing ordinances in the Code, they look at the plain meaning of the language. She noted that when language is added to address restrictions due to the character of the land, they try to have the statutes comport. Ms. McLean thought that should be balanced with making sure property rights are not being taken away from an existing lot. She believed that sub (D) in 15-7.3-1 also goes to health and safety issues; whereas, in 15-7.3-2(D), ridgeline development, the issue is more aesthetic.

Commissioner Strachan recalled that when the LMC provisions conflict the policy is to follow the one that is most specific. He considered the language in 15-7.3-1 to be more general than the language in 15-7.3-2.

Commissioner Savage asked to look at the topo map. Commissioner Wintzer pointed out the top of the ridge on the map to identify the exact ridgeline. Assistant City Attorney McLean read the definition of ridgeline area in the LMC. "The top ridge or crest of hill or slope, plus the land located within a 150 feet on both sides of the top crest or ridge." Commissioner Hontz pointed out that Lot 19 was different than in the previous proposal. Commissioner Wintzer personally believed it was a ridgeline and combining the lots would allow the applicant to move further down the ridgeline. He has walked the property and drawn the ridgeline on the topo. Commissioner Wintzer could see no way of getting around that fact. It is an important issue and the General Plan and the LMC address ridgelines in several places. Commissioner Hontz did not believe the Planning Commission should compromise on ridgeline development.

Vice-Chair Thomas remarked that the reason for being sensitive to ridgelines is based on the observation from the community of what appears to be a ridgeline and the problems created when the ridgeline is broken. The type of ridge is irrelevant. this is a ridgeline with regard to a large percentage of the community. Commissioner Savage did not disagree that this was a ridgeline. He was only pointing out that there are many ridgelines in that area and some of those ridgelines had been compromised.

Assistant City Attorney McLean read the language from LMC 15-7.3-2(D) - General Subdivision Requirements for Ridgeline Development. "Ridges shall be protected from development in which development would be visible on the skyline from the designated vantage points in Park City." The specific vantage points are the Osguthorpe Barn, Treasure Mountain Middle School, the intersection

of Main Street and Heber Avenue, the Park City ski area base, Snow Park Lodge, the Park City golf course clubhouse, the Park Meadows Golf Course Clubhouse, State Road 248 at the turnout one-quarter mile west from US Highway 40, State Route 224 one-half mile south of the intersection of Kilby Road, the intersection of Thaynes Canyon Drive and State Road 224 and across valley views.

Commissioner Hontz stated that the cross valley view could be from any point across the valley. Vice-Chair Thomas remarked that the intersection of Main Street and Heber Avenue would be a critical vantage point in this situation.

Commissioner Savage thought an important piece of the language was the reference regarding visibility on the skyline from the designated vantage points. Vice-Chair Thomas informed Mr. Jaffa that the Planning Commission would need to see visuals from the specific vantage points mentioned. Commissioner Strachan stated that the three related vantage points were Heber Avenue, the base of PCMR and the base of the Park City golf course. Commissioner Strachan suggested that the Planning Commission could personally visit those vantage points.

Mr. Jaffa asked for clarification on across valley. The Planning Commission discussed other potential vantage points where the development might be visible. Commissioner Savage believed the analysis could be done using the topography map without a site visit to the vantage points. Commissioner Wintzer stated that in his opinion it was very clear that development would hit the ridge and penetrate the skyline. Commissioner Savage remarked that every object would penetrate the skyline from some given point. Vice-Chair Thomas agreed, but noted that there were primary valleys in the community that needed to be protected.

Assistant City Attorney McLean stated that height restrictions or other limitations are often placed in subdivisions to address the issues on a problematic property. She noted that the applicant has submitted a subdivision application and provided a conceptual idea of what they would like build. She suggested that the Planning Commission could discuss placing restrictions on the site to make sure it complies with all the elements of the Code. Commissioner Strachan remarked that the Planning Commission was being asked whether or not there was good cause for a plat amendment.

In his opinion, there would not be good cause if the site is on a ridgeline and no structure, regardless of the height, could be built. Ms. McLean agreed, if the Planning Commission finds to that extreme. However, if as an example, if they find that a one story structure would not violate the elements of the Code, they could place those restrictions. Commissioner Strachan was unsure whether the Planning Commission would be able to make that finding. Ms. McLean stated that if the Planning Commission could not find good cause they would need to define very specific findings related to the vantage points and visibility on the skyline.

Mr. Jaffa used the color coded map to point out that while this may be a ridgeline, it was definitely not the highest element in that neighborhood. He indicated three houses that are substantially higher than the proposed structure. Commissioner Wintzer reiterated that those houses were approved in that location as a trade-off to stop development from coming further down the ridge. This is a different process and if this application is approved they would be putting one house on the ridge.

Vice-Chair Thomas requested that the Staff delineate the ridge that separates Deer Valley Drive from Main Street. If that ridge goes through this property the argument would be resolved. He directed the applicant to work with the Staff and seriously consider the comments made this

evening.

Commissioner Savage clarified that he was not arguing whether or not it was a ridgeline. He was concerned that there was not a working definition on how to make that analysis. Commissioner Wintzer pointed out that the Planning Commission can only adhere to the Code. He agreed that the Code is sometimes vague, but the Planning Commission is tasked with interpreting the Code to make their decisions.

Commissioner Gross asked if the applicant could build on any part of Lots 17, 18 and 19. Commissioner Wintzer stated that Lot 19 is a platted lot on a ridge. The applicant could build a house on Lot 19 based on the current Code. The issue is that combining the lots would require a Steep Slope analysis. Planner Astorga remarked that all three lots would require a Steep Slope CUP.

The applicant, Leeto Thlou understood the comments expressed this evening. He asked if the other landowners in that area would have the same problem. Commissioner Savage replied that it would depend on the steepness of the individual lot and whether a Steep Slope CUP would be required. It was clear that Lots 17, 18 and 19 would require a Steep Slope CUP; therefore, the ridgeline issue needs to be resolved.

Commissioner Hontz clarified that the points she identified earlier in the discussion also apply to all the lots in that same area.

The Work Session was adjourned.



ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





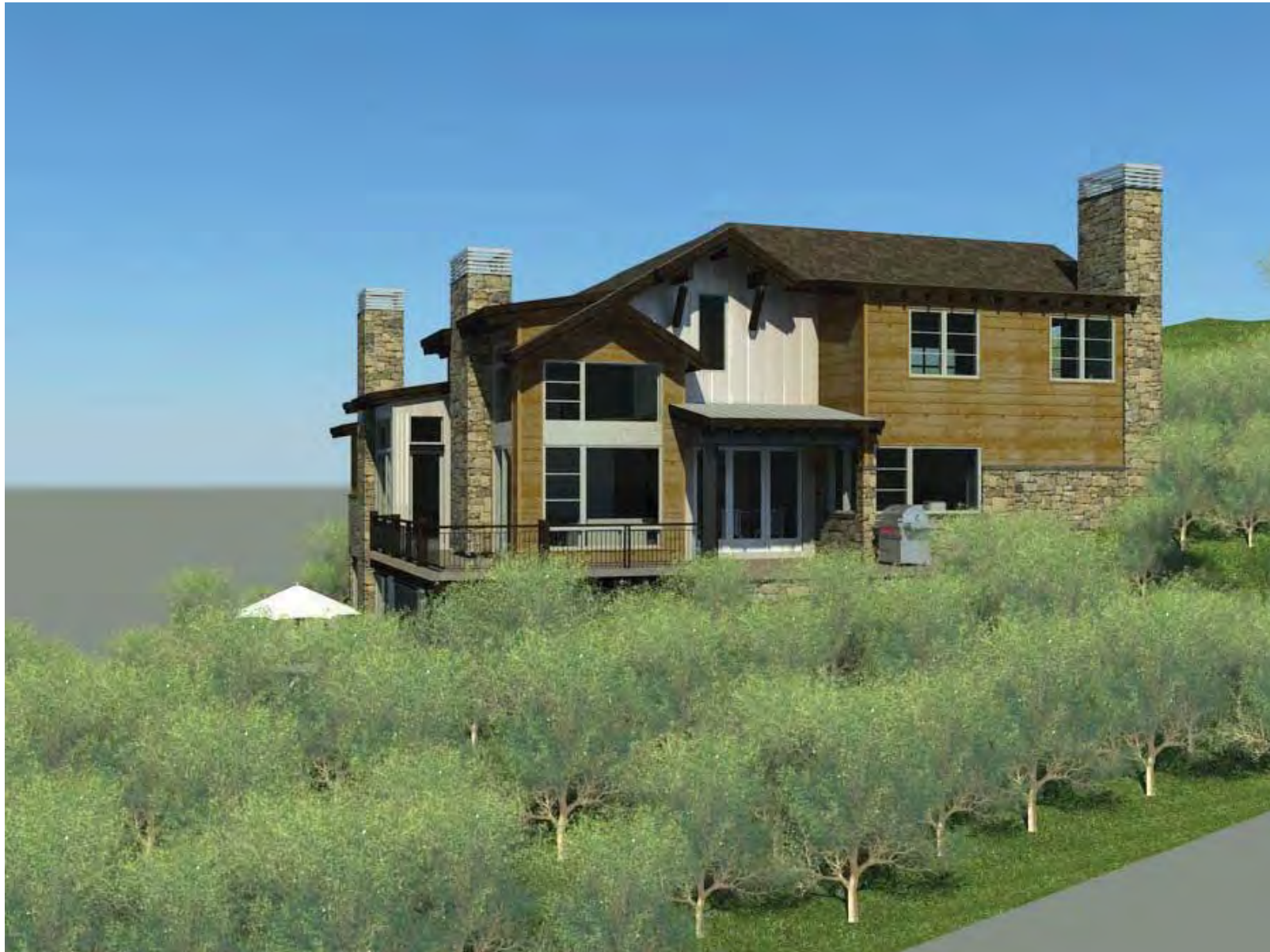
ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 1: EYE ELEVATION 7000'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 1: EYE ELEVATION 7000'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 2: EYE ELEVATION 7022'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 2: EYE ELEVATION 7022'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 3: EYE ELEVATION 7045'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES

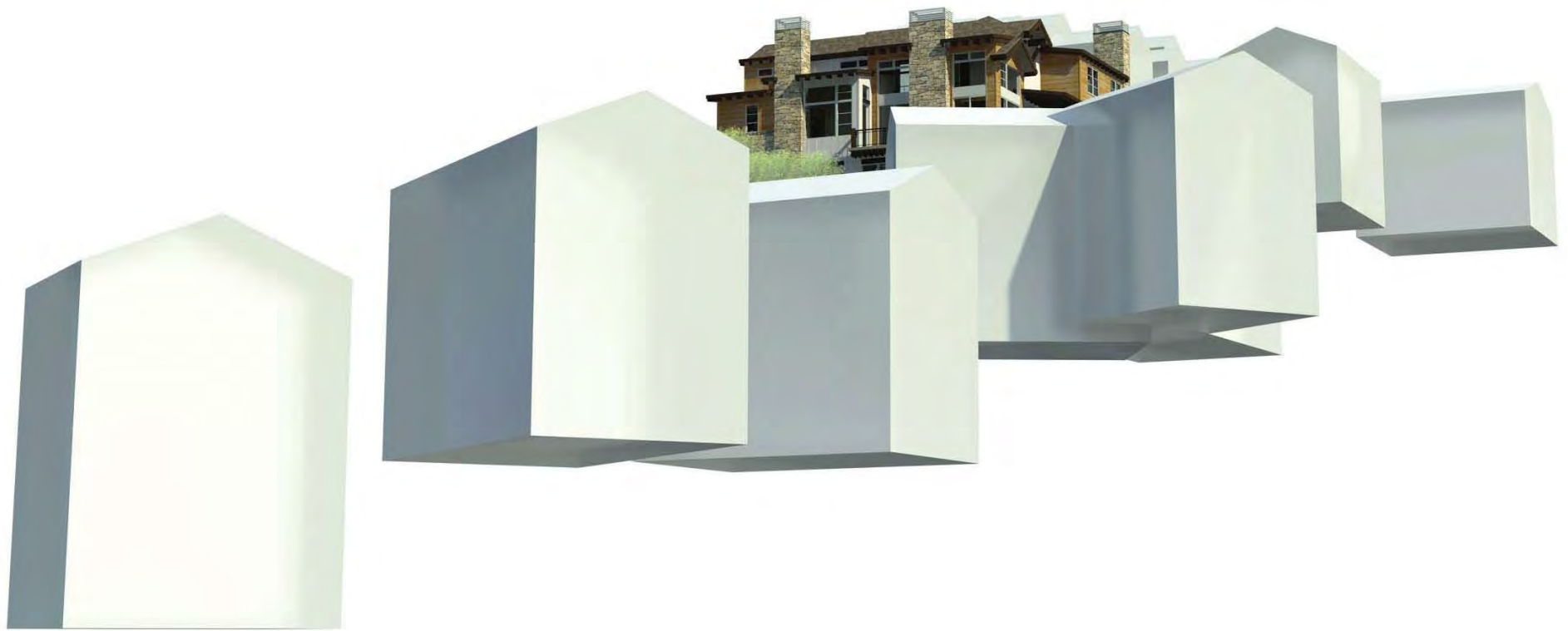




ENLARGED ARTISTIC RENDERING-

PT 3: EYE ELEVATION 7045'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES

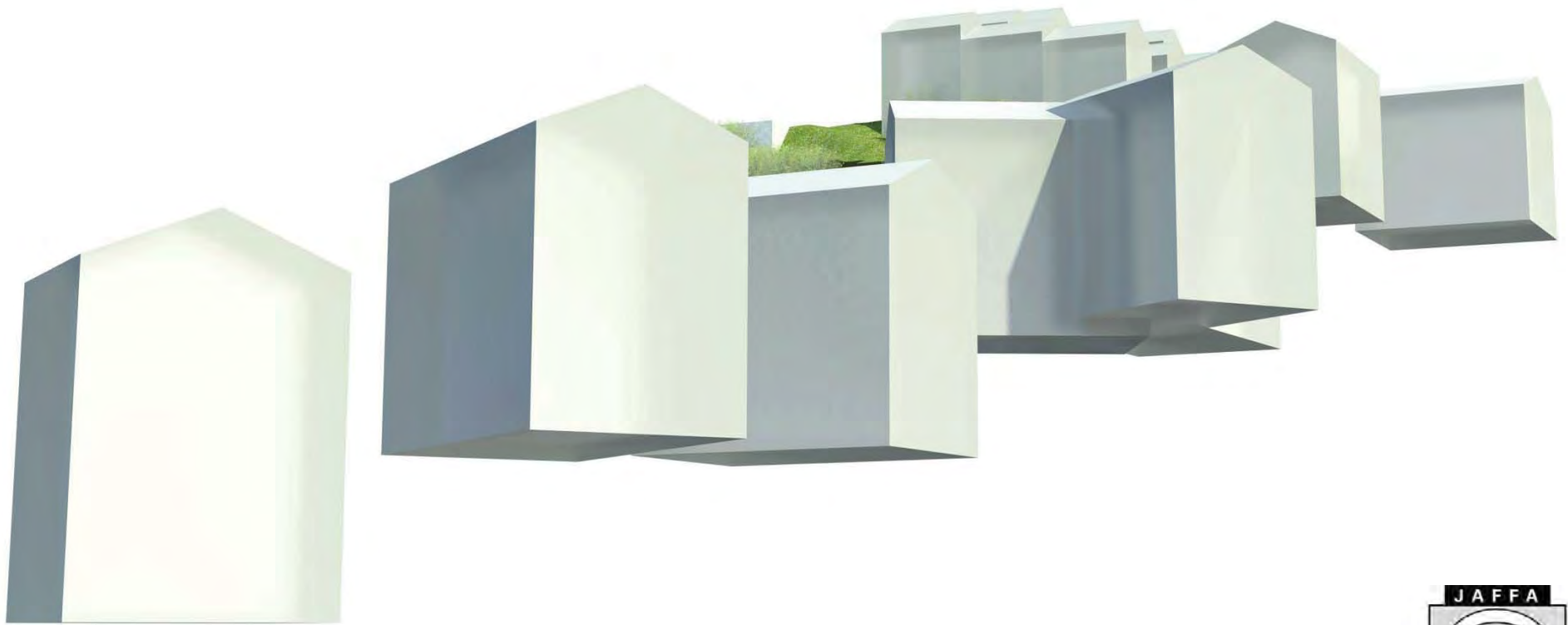




ENLARGED ARTISTIC RENDERING-

PT 4: EYE ELEVATION 7066'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 4: EYE ELEVATION 7066'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 5: EYE ELEVATION 7082'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 5: EYE ELEVATION 7082'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 6: EYE ELEVATION 7097'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

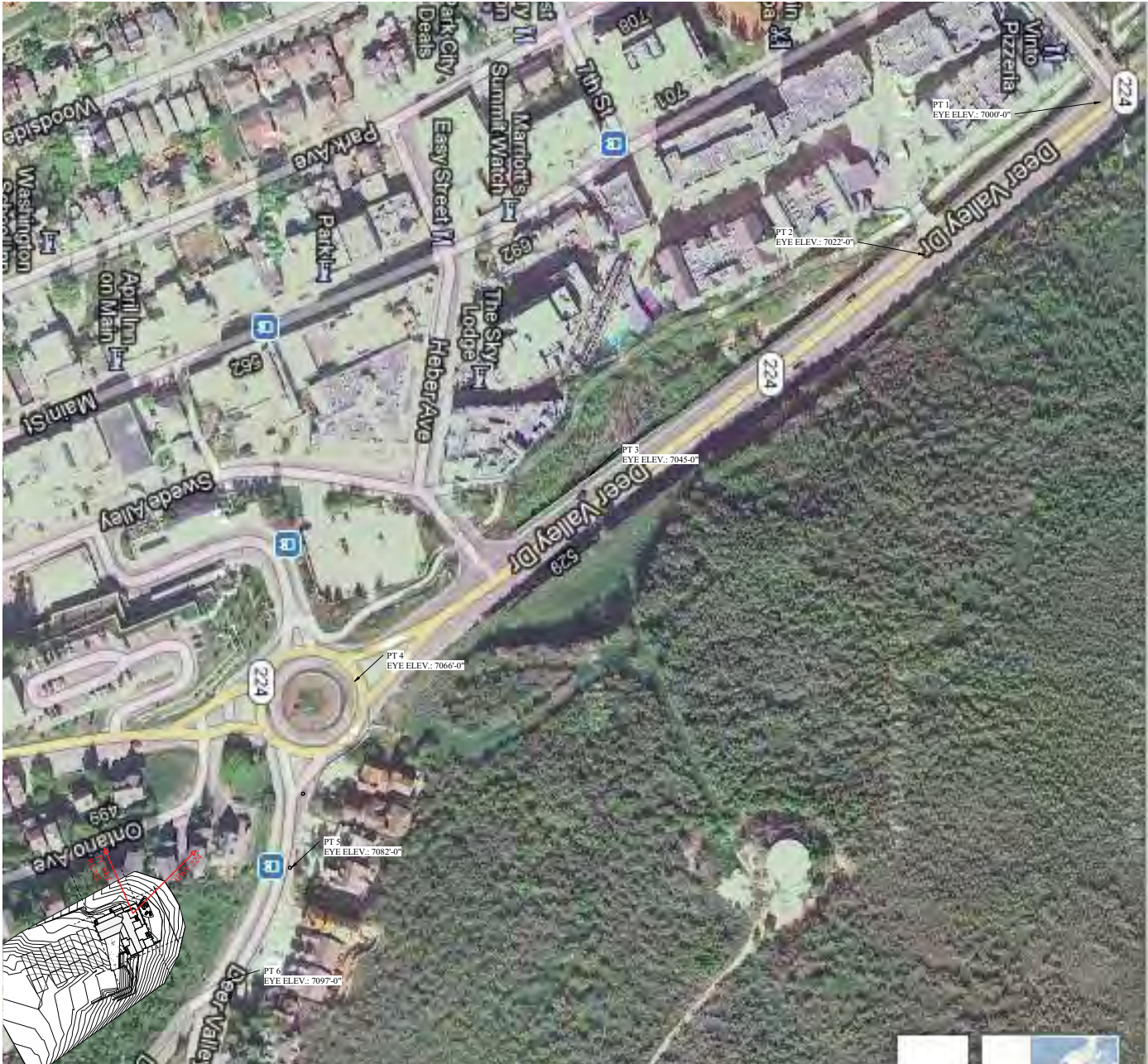
PT 6: EYE ELEVATION 7097'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES



*PLEASE SEE 11X17
DOCUMENTS FOR VANTAGE
PT RENDERINGS*



2 GARAGE VIEW FROM ECHO SPUR
12" = 1'-0"



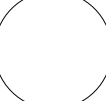
1 VANTAGE POINT LOCATIONS AND
ELEVATIONS
1" = 60'-0"



JAFFA GROUP

1960 SIDERWIND DRIVE,
SUITE 101
PARK CITY, UT 84060
(435) 615-6875

THIS PLAN AND ANY OTHER INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF JAFFA GROUP AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JAFFA GROUP. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.



ECHO SPUR
489 MCHENRY AVE PARK CITY, UT
DISNEY DEVELOPMENT GROUP
LOT 1.1.1.6
PLAT 17-19

REVISION SCHEDULE
DRAWN BY: Author
PROJECT #: 17-19
2/20/2013 1:37:34 PM
SCALE: As indicated

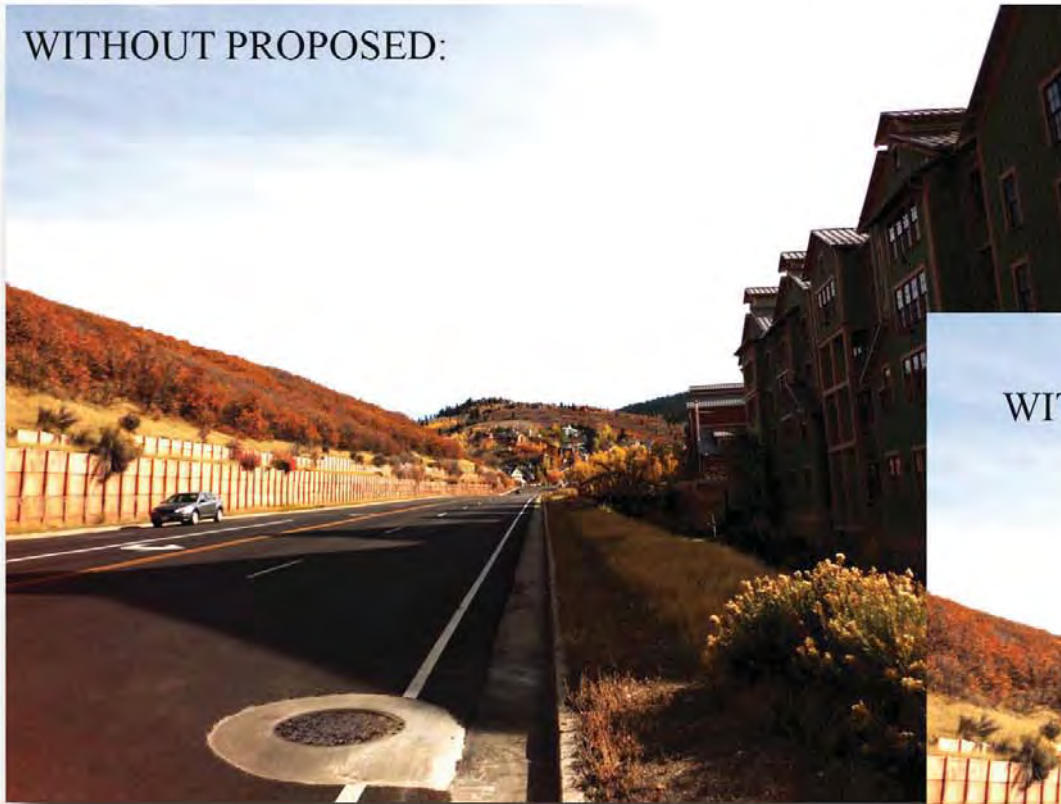
DEER VALLEY DRIVE

A1.0a

PT 1: EYE ELEVATION 7000'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 2: EYE ELEVATION 7022'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 3: EYE ELEVATION 7045'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 4: EYE ELEVATION 7066'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 5: EYE ELEVATION 7082'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 6: EYE ELEVATION 7097'-0"

WITHOUT PROPOSED:



WITH PROPOSED:



Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from PCMR and Woodside Ave. Ski run at PCMR (elevation 7,204 ft) and below the ski run (elevation 7,167 ft).





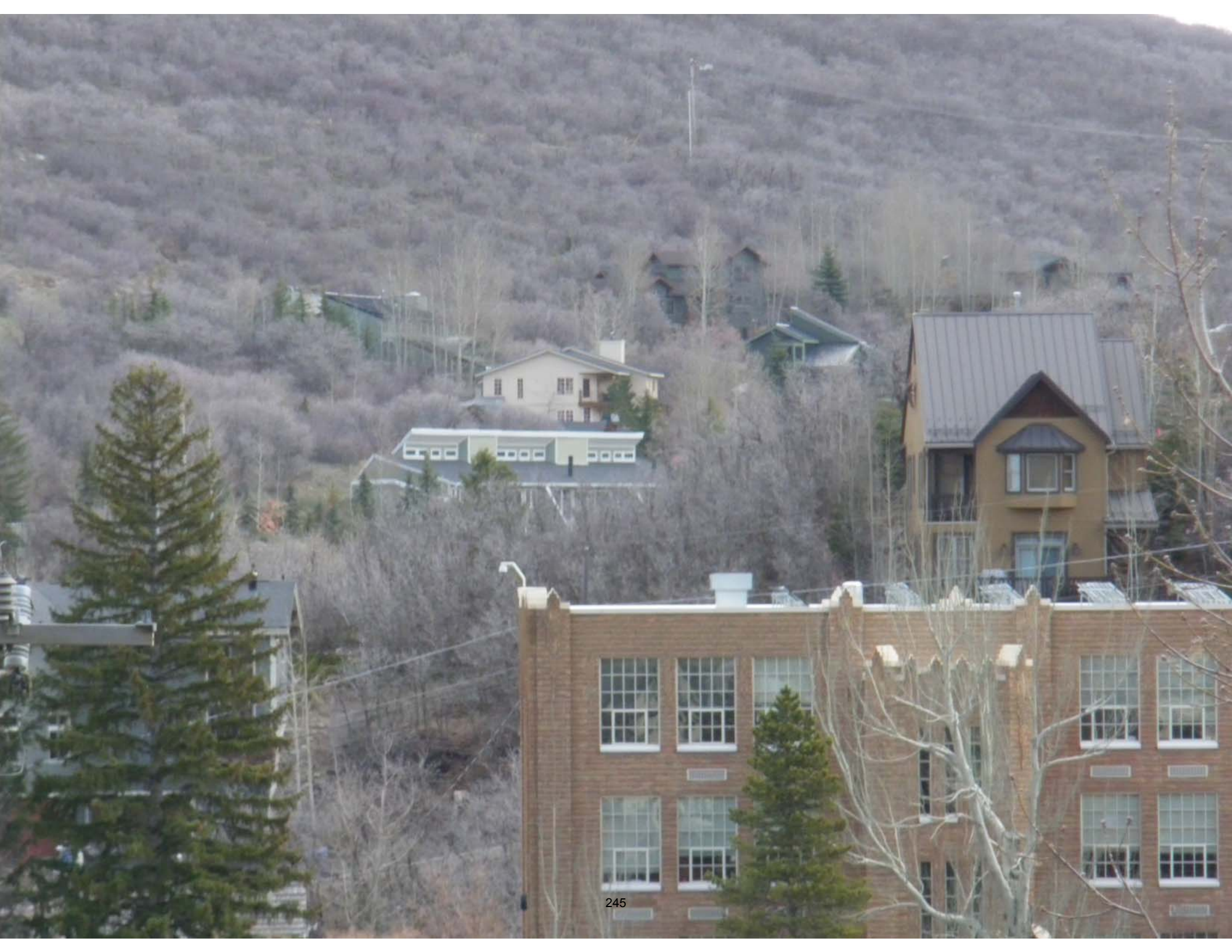
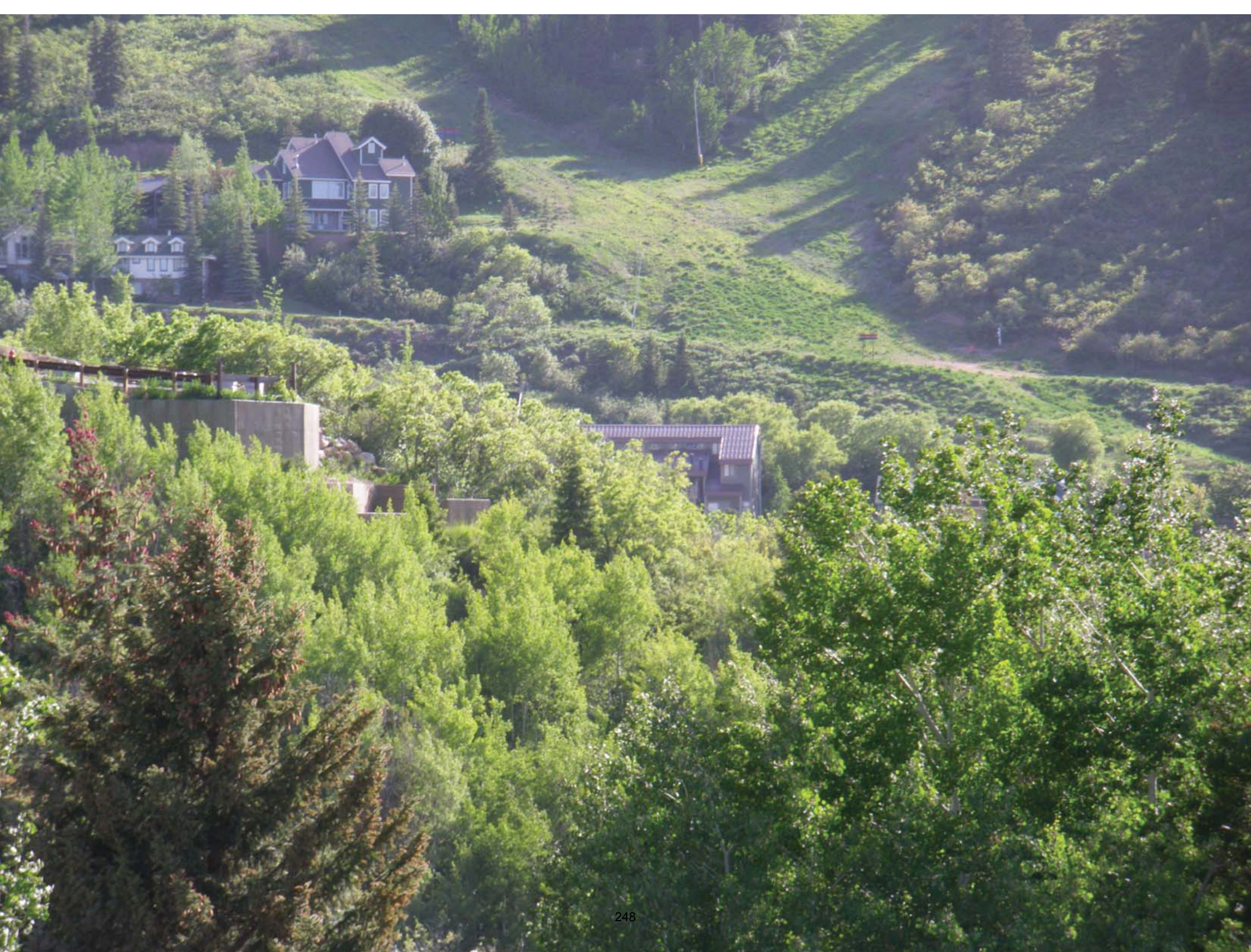
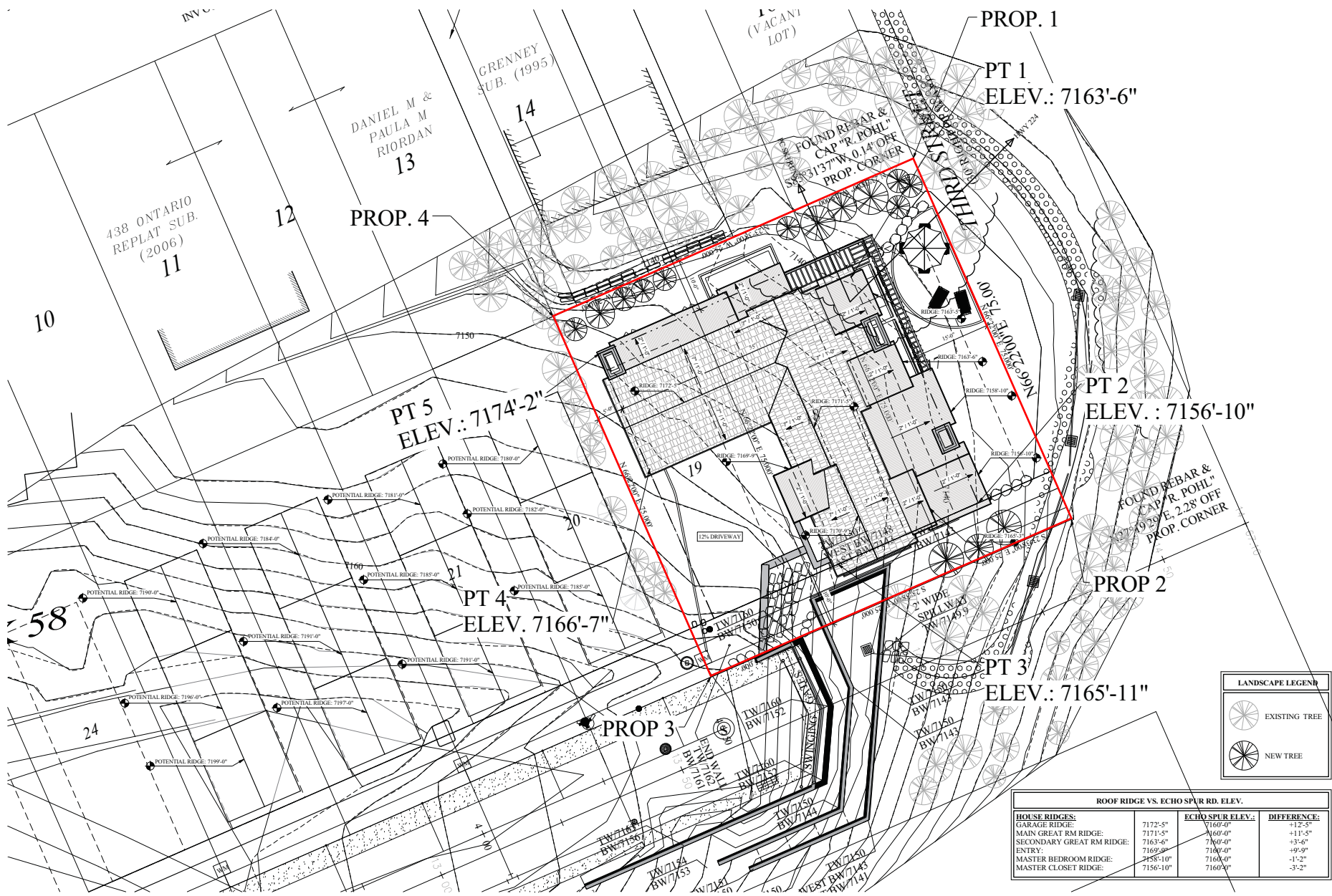


Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from between the two green condo buildings on Arie. The altitude was 7,150 ft. Close ups and a few with a wider view to capture the big house on the left in some of the pictures.









JAFFA GROUP

JAFFA GROUP

1960 SIDERWINDER DRIVE, SUITE 101
PARK CITY, UT 84090
(435) 615-6875

ECHO SPUR

489 MCCHENRY AVE PARK CITY, UT

DISVELOPMENT ECHO SPUR

LOT: 17-19
PLAT: 17-19

REVISION SCHEDULE

DRAWN BY: DO

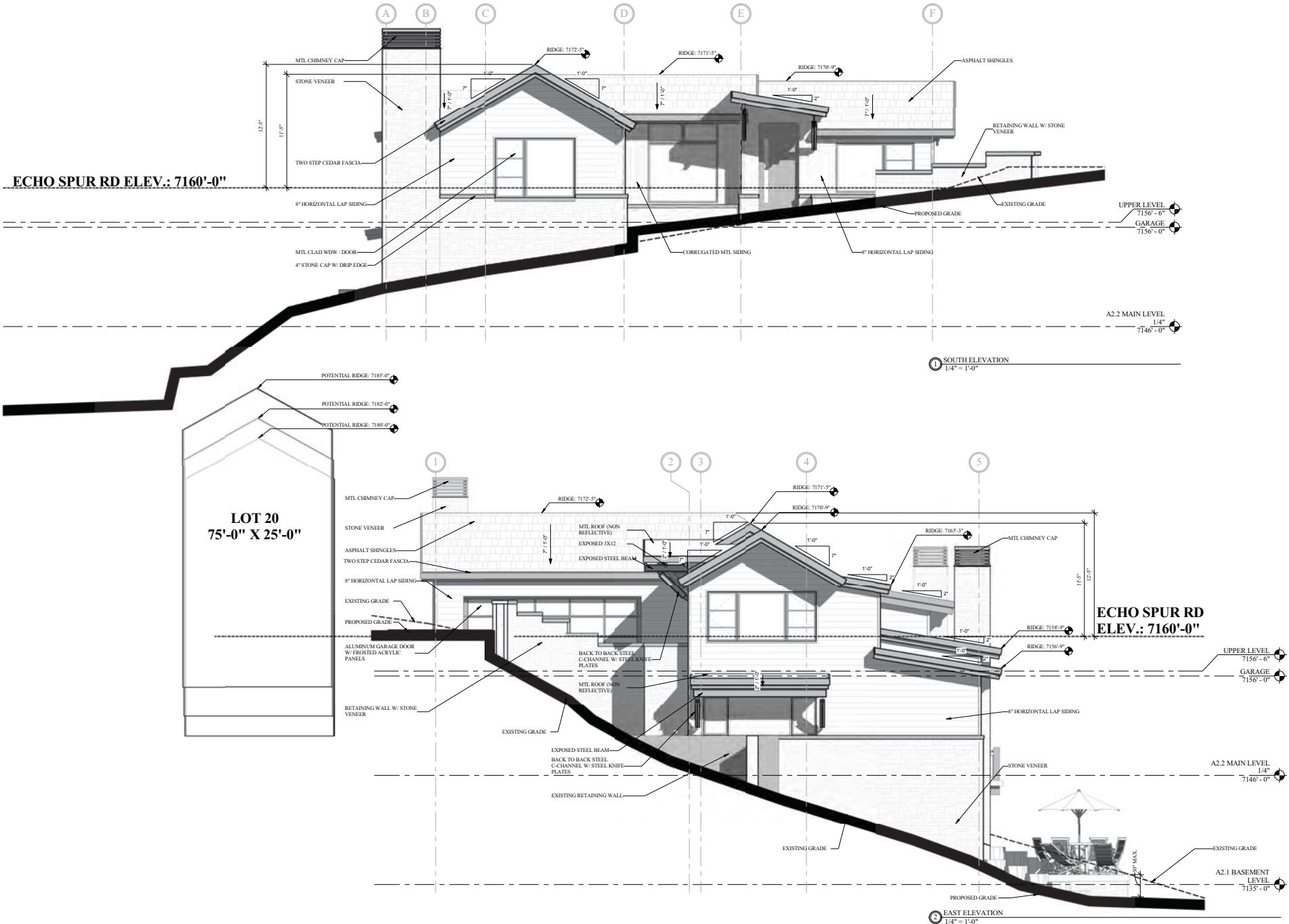
PROJECT #: 17-19

2/20/2013 1:37:33 PM

SCALE: 1/8" = 1'-0"

SITE PLAN

A1.0



JAFFA GROUP

1960 SIDERWINDER DRIVE, SUITE 101
PARK CITY, UT 84060
(435) 615-6875

ECHO SPUR
489 MCHEKRY AVE. PARK CITY, UT
DESIGN ORIENTED ECHO SPUR
LOT 17-19
PLAT 17-19

REVISION SCHEDULE

DRAWN BY:	Author
PROJECT #:	17-19
2/20/2013 1:38:12 PM	
SCALE:	1/4" = 1'-0"

Exterior Elevations

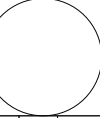
A3.1



JAFFA GROUP

1960 SIDERWIND DRIV.
SUITE 101
PARK CITY, UT 84060
(435) 615-6875

THESE DOCUMENTS ARE PREPARED BY JAFFA GROUP FOR THE PROJECT DESCRIBED HEREIN. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THESE DOCUMENTS WITHOUT THE WRITTEN CONSENT OF JAFFA GROUP IS PROHIBITED. JAFFA GROUP DOES NOT WARRANT THE ACCURACY OR COMPLETENESS OF THESE DOCUMENTS. THE USER ASSUMES ALL LIABILITY FOR THE USE OF THESE DOCUMENTS. JAFFA GROUP SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE, LOSS, OR INJURY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THESE DOCUMENTS, EVEN IF SUCH DAMAGE, LOSS, OR INJURY IS CAUSED BY THE NEGLIGENCE OF JAFFA GROUP OR ANY OF ITS AGENTS, EMPLOYEES, OR SUBCONTRACTORS.

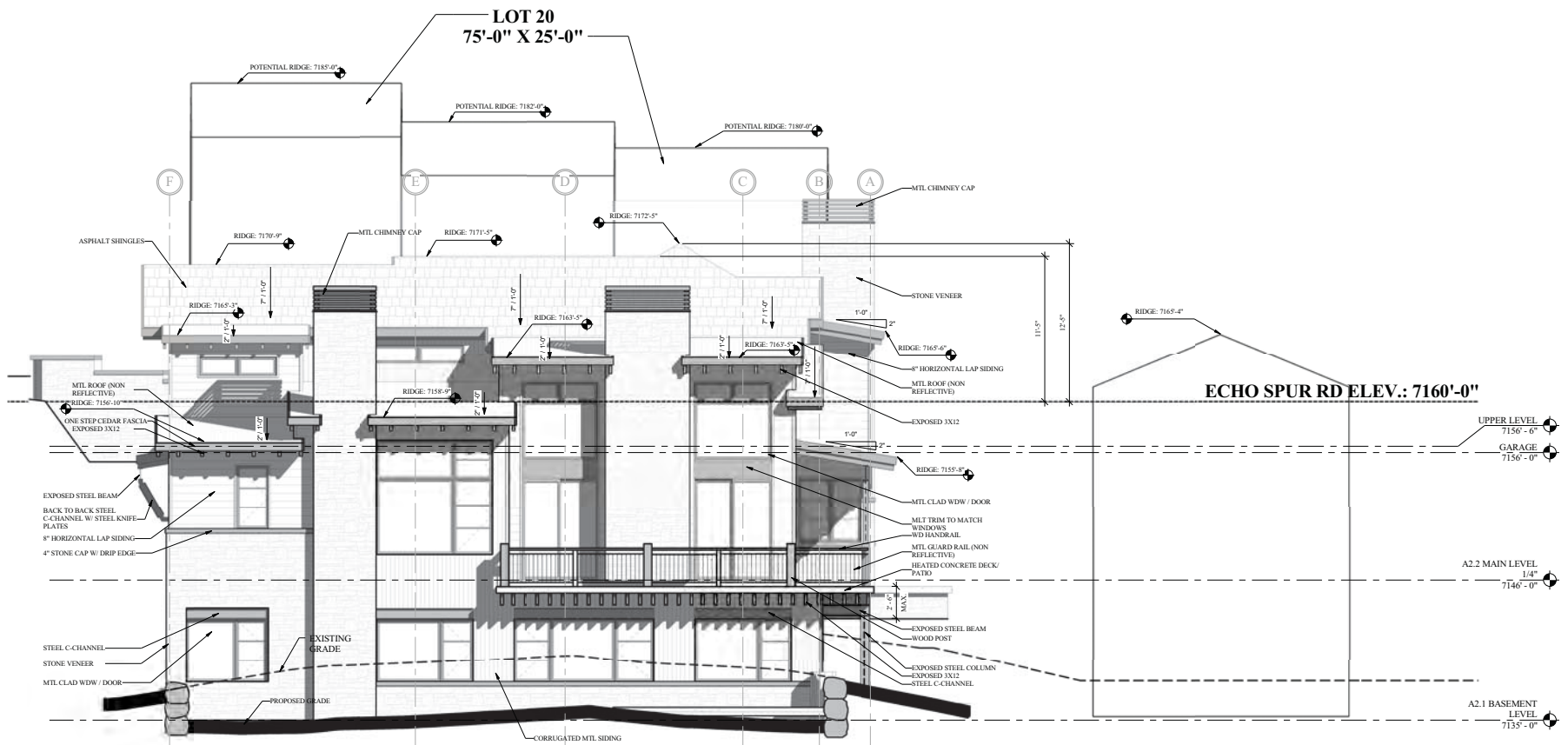


ECHO SPUR
489 MCHEVY AVE. PARK CITY, UT
DESIGN: ORIENTECHO SPUR
LOT: 17-19
PLAT: 17-19

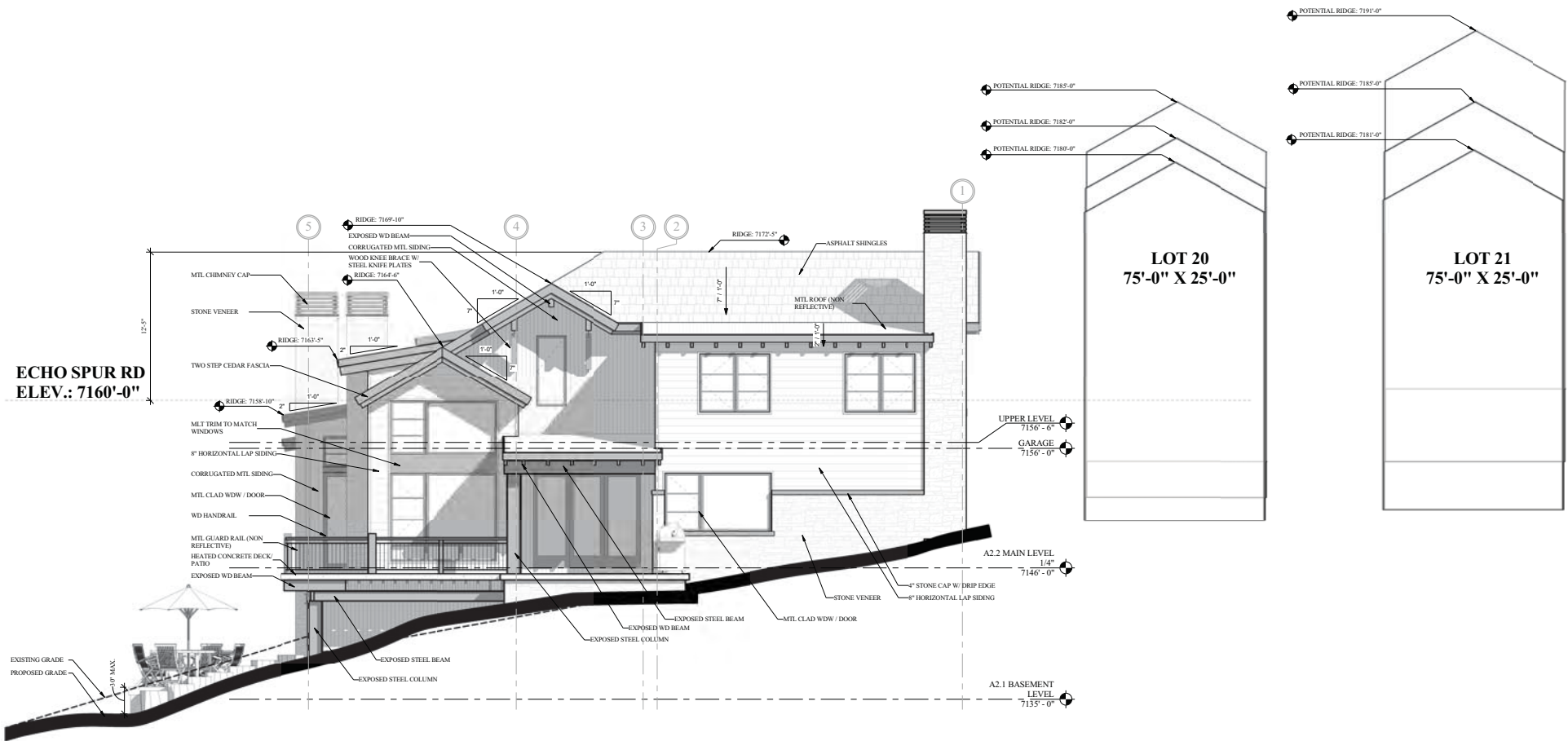
REVISION SCHEDULE
DRAWN BY: Author
PROJECT #: 17-19
2/20/2013 1:38:35 PM
SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATIONS

A3.2



ECHO SPUR RD
ELEV.: 7160'-0"



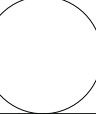
1 WEST ELEVATION
1/4" = 1'-0"



JAFFA GROUP

1960 SIDERWINDER DRIVE
SUITE 101
PARK CITY, UT 84060
(435) 615-6875

THESE PLANS AND SPECIFICATIONS ARE PREPARED BY JAFFA GROUP FOR THE PROJECT DESCRIBED HEREIN. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF JAFFA GROUP IS PROHIBITED. JAFFA GROUP SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES IN THESE PLANS OR FOR ANY CONSEQUENCES ARISING FROM THEIR USE. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR COMPLYING WITH ALL APPLICABLE CODES AND REGULATIONS. JAFFA GROUP SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES CAUSED BY ANY CAUSE OTHER THAN ITS NEGLIGENCE. THESE PLANS ARE THE PROPERTY OF JAFFA GROUP AND SHALL REMAIN SUCH EVEN IF THEY ARE LOANED TO ANY OTHER PARTY. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF JAFFA GROUP IS PROHIBITED.



ECHO SPUR
489 MCHEERY AVE. PARK CITY, UT
DISVEL ORIENT ECHO SPUR
LOT: 17-19
PLAT: 17-19

REVISION SCHEDULE
DRAWN BY: Author
PROJECT #: 17-19
2/20/2013 1:38:58 PM
SCALE: 1/4" = 1'-0"

EXTERIOR
ELEVATIONS

A3.3

City Council Staff Report



Subject: Second Amended Stag Lodge Phase
IV condominium plat for Unit 52 located at 8200 Royal Street
East
Authors: Kirsten A Whetstone, AICP Senior Planner
Christy J. Alexander, Planner
Date: October 17, 2013
Type of Item: Administrative – Condominium Record of Survey Amendment
Project Number: PL-13-02025

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the Second Amended Stag Lodge Phase IV amended condominium plat for Unit 52 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Description

Applicant: Bruce Baird, representative of owner and HOA
Location: 8200 Royal Street East
Zoning: Estate (E) as part of the Deer Valley MPD
Adjacent Land Uses: Stag Lodge Condominium units, ski terrain of Deer Valley Resort, single family homes.
Reason for Review: Plat amendments require Planning Commission review and City Council approval.

Proposal

The applicant is requesting to amend the existing Stag Lodge Phase IV record of survey plat for Unit 52 (Exhibit A). This unit is a detached, single family unit (Exhibit C). The amendment is a request to identify additional basement and sub-basement areas for these units as private area. This area is currently common area because it isn't designated as either private or limited common on the plats. This additional basement area exists and is located within the existing building footprint. . If approved, the private area of Unit 52 increases by 1,718 sf. The footprint of the Unit will not change and no additional parking is required.

Background

On August 16, 2013, the owner submitted an application for an amended record of survey for the Stag Lodge Phase IV condominiums. The applicant wishes to amend the plat to identify additional basement areas as private area for Unit 52, and will allow the owner to finish the basement area for private living space. The lower level basement area will have a walkout to the exterior finished grade.

Stag Lodge Phase IV First Amended plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51 & 52, was first amended on June 6, 2002 and

recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.

Stag Lodge is subject to the 11th Amended Deer Valley Master Plan Development (DVMPD) that allows 52 units for Stag Lodge. There are 52 existing Stag Lodge units and the proposed amendments do not create additional units. Within the DVMPD, a developer can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per or develop the allowed number of units without a stipulated unit size.

In the case of Stag Lodge the developer utilized the number of units with no size restriction. The Stag Lodge Condominium project consists of 52 units ranging in size from 2,213 sf to 4,921 sf. Unit 52 is currently platted as 3,180 sf. If approved, the private basement area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.

The proposed amendment does not change the number of units. Exterior changes include adding natural stone veneer, French doors, and windows to the exposed foundation wall beneath the decks. The parking requirement for this unit is 2 spaces. The unit has an attached two car garage. No additional parking is required.

Unit 52 was constructed in 1985. At the time of initial construction, the subject basement areas included partially excavated, unfinished crawl space, with unpaved floors. On August 30, 2013 the applicant submitted a building permit to complete the excavation and finish the basement, including adding exterior doors and windows to the walk out portion of the basement. On September 25, 2013, the Planning Commission held a public hearing and voted unanimously, 4-0, to recommend approval of the Second Amended Stag Lodge Phase IV amended condominium plat for Unit 52.

Analysis

The zoning for Unit 52 within the Deer Valley MPD is Estate (E). The area was not part of the original Deer Valley MPD that was zoned RD-MPD during the approval of that Master Planned Development. The Estate area of Stag Lodge was included in the Deer Valley MPD during the approval process for the Stag Lodge Condominiums. The property is subject to the following criteria:

	Permitted through MPD/CUP	Proposed
Height	28'-35'	No changes are proposed.
Setbacks	Per the record of survey plat.	No changes are proposed.
Units/ UE	52 units	No change proposed to the allowed number of units.
Parking	2 spaces for Unit 52	2 spaces for Unit 52. No changes are proposed

Good Cause

Planning Staff finds that there is good cause for this record of survey amendment to reflect the as-built conditions and allow the owner to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent

with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the Second Amended Stag Lodge Phase IV record of survey plat for Unit 52 as conditioned or amended; or
- The City Council may deny the Second Amended Stag Lodge Phase IV record of survey plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Second Amended Stag Lodge Phase IV record of survey plat to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The additional basement areas will not be identified as private areas and will remain as common area. This area will not be considered to be part of Unit 52 for the exclusive use of Unit 52.

Recommendation

Staff recommends the City Council hold a public hearing, consider input and consider approving the Second Amended Stag Lodge Phase IV amended condominium plat for Unit 52 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A -Amended plat
Exhibit B - Existing plats for Unit 52
Exhibit C - Elevations and photos
Exhibit D - 9.25.13 Planning Commission Minutes

City Council Staff Report



Subject: Second Amended Stag Lodge Phase
IV condominium plat for Unit 52 located at 8200 Royal Street
East

Authors: Kirsten A Whetstone, AICP Senior Planner
Christy J. Alexander, Planner

Date: October 17, 2013

Type of Item: Administrative – Condominium Record of Survey Amendment

Project Number: PL-13-02025

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the Second Amended Stag Lodge Phase IV amended condominium plat for Unit 52 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Description

Applicant: Bruce Baird, representative of owner and HOA

Location: 8200 Royal Street East

Zoning: Estate (E) as part of the Deer Valley MPD

Adjacent Land Uses: Stag Lodge Condominium units, ski terrain of Deer Valley Resort, single family homes.

Reason for Review: Plat amendments require Planning Commission review and City Council approval.

Proposal

The applicant is requesting to amend the existing Stag Lodge Phase IV record of survey plat for Unit 52 (Exhibit A). This unit is a detached, single family unit (Exhibit C). The amendment is a request to identify additional basement and sub-basement areas for these units as private area. This area is currently common area because it isn't designated as either private or limited common on the plats. This additional basement area exists and is located within the existing building footprint. . If approved, the private area of Unit 52 increases by 1,718 sf. The footprint of the Unit will not change and no additional parking is required.

Background

On August 16, 2013, the owner submitted an application for an amended record of survey for the Stag Lodge Phase IV condominiums. The applicant wishes to amend the plat to identify additional basement areas as private area for Unit 52, and will allow the owner to finish the basement area for private living space. The lower level basement area will have a walkout to the exterior finished grade.

Stag Lodge Phase IV First Amended plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51 & 52, was first amended on June 6, 2002 and

recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.

Stag Lodge is subject to the 11th Amended Deer Valley Master Plan Development (DVMPD) that allows 52 units for Stag Lodge. There are 52 existing Stag Lodge units and the proposed amendments do not create additional units. Within the DVMPD, a developer can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per or develop the allowed number of units without a stipulated unit size.

In the case of Stag Lodge the developer utilized the number of units with no size restriction. The Stag Lodge Condominium project consists of 52 units ranging in size from 2,213 sf to 4,921 sf. Unit 52 is currently platted as 3,180 sf. If approved, the private basement area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.

The proposed amendment does not change the number of units. Exterior changes include adding natural stone veneer, French doors, and windows to the exposed foundation wall beneath the decks. The parking requirement for this unit is 2 spaces. The unit has an attached two car garage No additional parking is required.

Unit 52 was constructed in 1985. At the time of initial construction, the subject basement areas included partially excavated, unfinished crawl space, with unpaved floors. On August 30, 2013 the applicant submitted a building permit to complete the excavation and finish the basement, including adding exterior doors and windows to the walk out portion of the basement. On September 25, 2013, the Planning Commission held a public hearing and voted unanimously, 4-0, to recommend approval of the Second Amended Stag Lodge Phase IV amended condominium plat for Unit 52.

Analysis

The zoning for Unit 52 within the Deer Valley MPD is Estate (E). The area was not part of the original Deer Valley MPD that was zoned RD-MPD during the approval of that Master Planned Development. The Estate area of Stag Lodge was included in the Deer Valley MPD during the approval process for the Stag Lodge Condominiums. The property is subject to the following criteria:

	Permitted through MPD/CUP	Proposed
Height	28'-35'	No changes are proposed.
Setbacks	Per the record of survey plat.	No changes are proposed.
Units/ UE	52 units	No change proposed to the allowed number of units.
Parking	2 spaces for Unit 52	2 spaces for Unit 52. No changes are proposed

Good Cause

Planning Staff finds that there is good cause for this record of survey amendment to reflect the as-built conditions and allow the owner to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent

with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the Second Amended Stag Lodge Phase IV record of survey plat for Unit 52 as conditioned or amended; or
- The City Council may deny the Second Amended Stag Lodge Phase IV record of survey plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Second Amended Stag Lodge Phase IV record of survey plat to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The additional basement areas will not be identified as private areas and will remain as common area. This area will not be considered to be part of Unit 52 for the exclusive use of Unit 52.

Recommendation

Staff recommends the City Council hold a public hearing, consider input and consider approving the Second Amended Stag Lodge Phase IV amended condominium plat for Unit 52 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A - Amended plat
Exhibit B - Existing plats for Unit 52
Exhibit C - Elevations and photos
Exhibit D - 9.25.13 Planning Commission Minutes

Ordinance No. 13-

**AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE STAG LODGE
PHASE IV CONDOMINIUMS FOR UNIT 52, LOCATED AT 8200 ROYAL STREET
EAST, PARK CITY, UTAH.**

WHEREAS, the owner of the property known as the Stag Lodge Phase IV condominium Unit 52, has petitioned the City Council for approval of a request for an amendment to the record of survey plat to designate additional basement area as private area; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 25, 2013, to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission, on September 25, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 17, 2013, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Stag Lodge Phase IV record of survey plat for Unit 52 to reflect as-built conditions and allow the owner to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11th Amended MPD).

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Second Amended Stag Lodge Phase IV condominium record of survey plat for Unit 52, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8200 Royal Street East, Unit 52.
2. The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase IV plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51, & 52, was first amended on June 6, 2002 and recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.
6. On August 16, 2013, a complete application was submitted to the Planning Department for an amendment to the Stag Lodge Phase IV record of survey plat for Unit 52.
7. The plat amendment identifies additional basement area for Unit 52 as private area for this unit. The area is currently considered common area because it is not designated as either private or limited common on the plats.
8. The additional basement area is located within the existing building footprint and crawl space area and there is no increase in the footprint for this building.
9. Unit 52 contains 3,180 sf of private area. If approved, the private area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.
10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.
11. Unit 52 was constructed in 1985. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.
12. The HOA voted unanimously for approval to convert common to private space
13. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the

record of survey.

2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the record of survey will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Stag Lodge Condominium record of survey plats as amended shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of certificates of occupancy for the interior basement finish work.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ___ day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

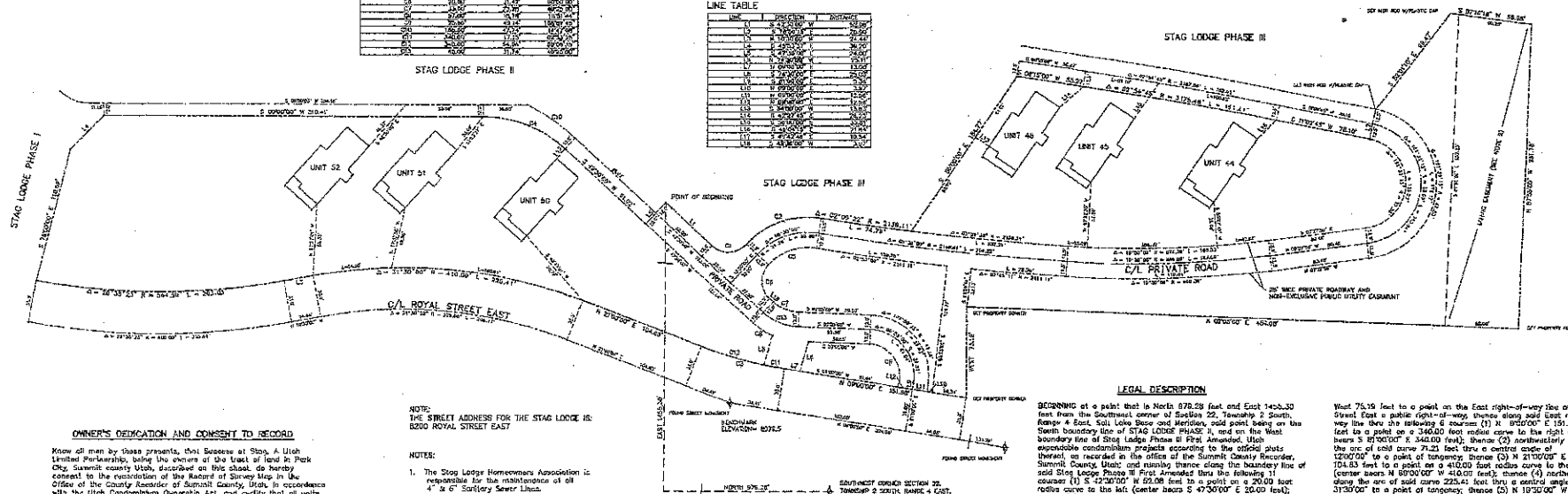
City Recorder's Office

APPROVED AS TO FORM:

Mark Harrington, City Attorney

[illegible]

Time	Distance	Time	Distance
1	3:45.00	W	21.00
2	3:45.00	W	21.00
3	3:45.00	W	21.00
4	3:45.00	W	21.00
5	3:45.00	W	21.00
6	3:45.00	W	21.00
7	3:45.00	W	21.00
8	3:45.00	W	21.00
9	3:45.00	W	21.00
10	3:45.00	W	21.00
11	3:45.00	W	21.00
12	3:45.00	W	21.00
13	3:45.00	W	21.00
14	3:45.00	W	21.00
15	3:45.00	W	21.00
16	3:45.00	W	21.00
17	3:45.00	W	21.00
18	3:45.00	W	21.00
19	3:45.00	W	21.00
20	3:45.00	W	21.00
21	3:45.00	W	21.00
22	3:45.00	W	21.00
23	3:45.00	W	21.00
24	3:45.00	W	21.00
25	3:45.00	W	21.00
26	3:45.00	W	21.00
27	3:45.00	W	21.00
28	3:45.00	W	21.00
29	3:45.00	W	21.00
30	3:45.00	W	21.00
31	3:45.00	W	21.00
32	3:45.00	W	21.00
33	3:45.00	W	21.00
34	3:45.00	W	21.00
35	3:45.00	W	21.00
36	3:45.00	W	21.00
37	3:45.00	W	21.00
38	3:45.00	W	21.00
39	3:45.00	W	21.00
40	3:45.00	W	21.00
41	3:45.00	W	21.00
42	3:45.00	W	21.00
43	3:45.00	W	21.00
44	3:45.00	W	21.00
45	3:45.00	W	21.00
46	3:45.00	W	21.00
47	3:45.00	W	21.00
48	3:45.00	W	21.00
49	3:45.00	W	21.00
50	3:45.00	W	21.00
51	3:45.00	W	21.00
52	3:45.00	W	21.00
53	3:45.00	W	21.00
54	3:45.00	W	21.00
55	3:45.00	W	21.00
56	3:45.00	W	21.00
57	3:45.00	W	21.00
58	3:45.00	W	21.00
59	3:45.00	W	21.00
60	3:45.00	W	21.00
61	3:45.00	W	21.00
62	3:45.00	W	21.00
63	3:45.00	W	21.00
64	3:45.00	W	21.00
65	3:45.00	W	21.00
66	3:45.00	W	21.00
67	3:45.00	W	21.00
68	3:45.00	W	21.00
69	3:45.00	W	21.00
70	3:45.00	W	21.00
71	3:45.00	W	21.00
72	3:45.00	W	21.00
73	3:45.00	W	21.00
74	3:45.00	W	21.00
75	3:45.00	W	21.00
76	3:45.00	W	21.00
77	3:45.00	W	21.00
78	3:45.00	W	21.00
79	3:45.00	W	21.00
80	3:45.00	W	21.00
81	3:45.00	W	21.00
82	3:45.00	W	21.00
83	3:45.00	W	21.00
84	3:45.00	W	21.00
85	3:45.00	W	21.00
86	3:45.00	W	21.00
87	3:45.00	W	21.00
88	3:45.00	W	21.00
8			



Know all men by these presents, that Success at Stag, A Utah Limited Partnership, being the owners of the tract of land in Park City, Summit county Utah, described on this deed do hereby consent to the revocation of the Record of Survey Map in the Office of the County Recorder of Summit County, Utah in accordance with the Utah Condominium Ownership Act, and certify that all units will be constructed as shown on these two sheets.

Executed the 2nd day of June 1992

F. Road
Partner

By: Stephen M. Schett
General Partner

State of Utah }
County of Summit }

On the 2nd day of June, 1992, personally appeared before me Harry F. Reed, who, being by me duly sworn, did say that he is a General Partner of Success at Stop, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Limited Partnership as such general partner, and said Harry F. Reed duly acknowledged in me that said partnership executed the same.

Patricia Marchant
Notary Public
My Commission Expires 8/28/94
Residing at Stamford, CT

State of Utah
County of Summit

On the 2nd day of April, 1952, personally appeared before me Stephen M. Schirt, who, being by me duly sworn, did say that he is a General Partner of Success at Salt, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Limited Partnership as such general partner, and said Stephen M. Schirt duly acknowledged to me that said partnership executed the same.

Valerie A. Merchant
Notary Public
My Commission Expires: 8/28/14
Residence: 117

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5166 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the owner(s), this Record of Survey Map of Stag Lodge Phase IV, a Utah Expendable Condominium Project, in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

John D. Lee

6-2-92

[illegible]

West 75.95 feet to a point on the East right-of-way of Royal
 Street a public right-of-way, thence along said East right-
 of-way thru the following 6 courses: (1) N 107°00' E 135.61
 feet to a point on the East right-of-way of Royal Street
 hence S 70°00' W 334.00 feet, (2) southeasterly along
 the arc of said curve 225.43 feet, (3) S 10°00' E 120.00
 feet to a point of tangency, thence (4) S 21°00' E
 70.53 feet to a point, (5) a 410.00 foot radius curve to the left
 along the arc of said curve 225.43 feet thru a central angle of
 100°00' to a point, (6) S 10°00' E 120.00 feet to a point, (7)
 24.44 feet to a point on a 225.43 foot radius curve in the right
 of way of the City of Seattle, thence (8) S 10°00' E 120.00
 feet along the arc of said curve 203.03 feet thru a central angle
 of 100°00' to the southwest corner of STAG LEAD Phase I a Utah
 street, (9) S 45°00' E 145.00 feet to a point in the office of
 the City of Seattle, (10) S 45°00' E 145.00 feet to a point
 thereat as in the office of the Summit County Recorder, Summit
 County, Utah, (11) S 45°00' E 145.00 feet to a point in the
 office of the City of Seattle, (12) S 45°00' E 145.00 feet
 thru the following 2 courses: (1) S 76°00' E 110.53
 feet to a point, (2) S 76°00' E 110.53 feet to a point in the
 office of the City of Seattle, (13) a 410.00 foot radius curve
 of STAG LEAD Phase I a Utah street to a point in the office of
 the City of Seattle, (14) S 45°00' E 145.00 feet to a point
 thereat as in the office of the City of Seattle, (15) S 45°00' E
 145.00 feet to a point in the office of the City of Seattle, (16)
 a boundary line of said STAG LEAD Phase I thru the following 4
 courses: (1) S 45°00' E 145.00 feet to a point, (2) S 45°00' E
 145.00 feet to a point, (3) S 45°00' E 145.00 feet to a point
 at the right corner below NE 38.53 feet, thence (2)
 southeasterly along the arc of said curve 74.00 feet thru a central
 angle of 100°00' to a point, (3) S 45°00' E 145.00 feet to
 a point, (4) S 45°00' E 145.00 feet to a point, (5) S 45°00' E
 145.00 feet, thence (6) S 45°00' E 145.00 feet to a point, (7)
 S 45°00' E 145.00 feet, thence (8) S 45°00' E 145.00 feet to a

RECORD OF SURVEY MAP OF:
STAG LODGE PHASE IV

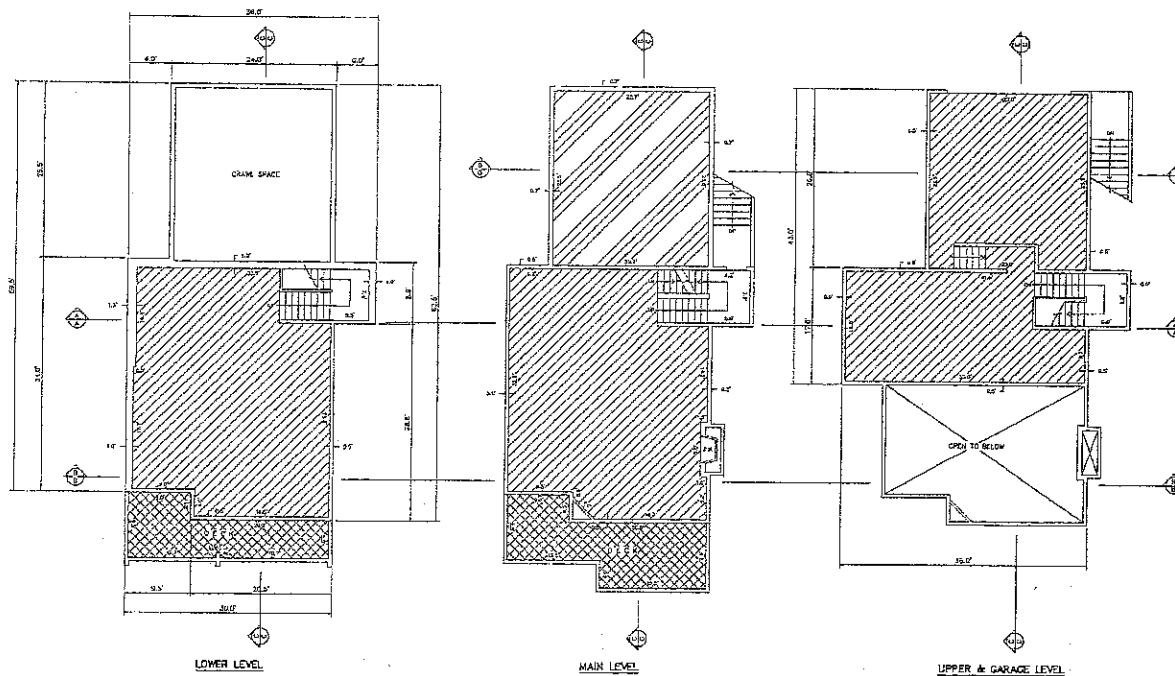
A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

363084

PAGE 1 OF

ALLIANCE ENGINEERING INC. P.O. BOX 2666 373 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>19</u> DAY OF <u>JULY</u> 1992 A.D. BY <u>[Signature]</u> CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>20</u> DAY OF <u>JULY</u> 1992 A.D. BY <u>[Signature]</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>20</u> DAY OF <u>JULY</u> 1992 A.D. BY <u>[Signature]</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTESTATION I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>27</u> DAY OF <u>MARCH</u> 1992 A.D. BY <u>[Signature]</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>27</u> DAY OF <u>MARCH</u> 1992 A.D. BY <u>[Signature]</u> MAYOR	# 343099 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FIELD AT THE REQUEST OF <u>Map of Park City</u> THE DATE <u>20-22-92</u> TIME <u>02:25 PM</u> BOOK <u>1</u> PAGE <u>1</u> BY <u>[Signature]</u> RECORDER
--	---	--	---	---	--	---

7/30/92



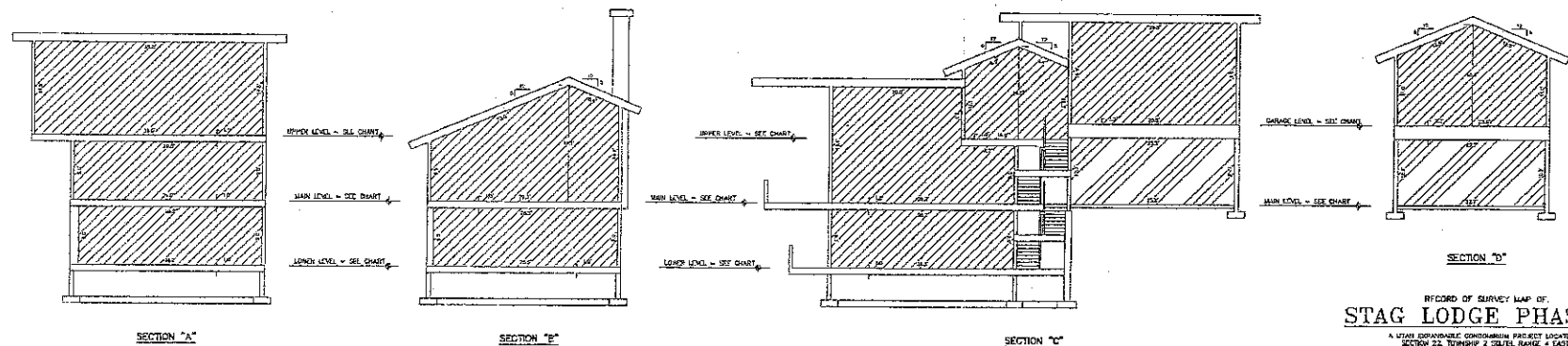
NOTES:

- Plans and dimensions shown on this plot were supplied from Architectural Services prepared by Richard Otto and Associates.
- Interior dimensions shown are to finished surfaces.
- All structural elements are designated as common areas.
- All physical features and improvements not shown are designated as common areas.
- Refer to Declaration of Condominium for complete description of ownership.
- BENCHMARK: See sheet 1 of 2 for location and elevation.

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP
ENCLOSED LIMITED COMMON OWNERSHIP

FLOOR AREA / FLOOR ELEVATION TABLE

	UNIT 44	UNIT 45	UNIT 46	UNIT 50	UNIT 51	UNIT 52	
LOWER LEVEL	8143.1' 1031 S.F.	8149.0' 1031 S.F.	8149.0' 1031 S.F.	8090.2' 1031 S.F.	8094.3' 1031 S.F.	8090.2' 1031 S.F.	SEA LEVEL ELEVATION
MAIN LEVEL	8153.1' 945 S.F.	8152.8' 945 S.F.	8152.8' 945 S.F.	8100.2' 945 S.F.	8104.3' 945 S.F.	8100.2' 945 S.F.	SEA LEVEL ELEVATION
UPPER LEVEL	8163.1' 622 S.F.	8169.0' 622 S.F.	8169.0' 622 S.F.	8110.2' 622 S.F.	8114.3' 622 S.F.	8110.2' 622 S.F.	SEA LEVEL ELEVATION
GARAGE LEVEL	8163.0' 2698 S.F.	8171.5' 2698 S.F.	8172.3' 2698 S.F.	8112.7' 2698 S.F.	8116.9' 2698 S.F.	8113.8' 2698 S.F.	SEA LEVEL ELEVATION
TOTAL SQ. FT.							



UNITS 44, 45, 46, 50, 51, & 52

0 5 10 FEET

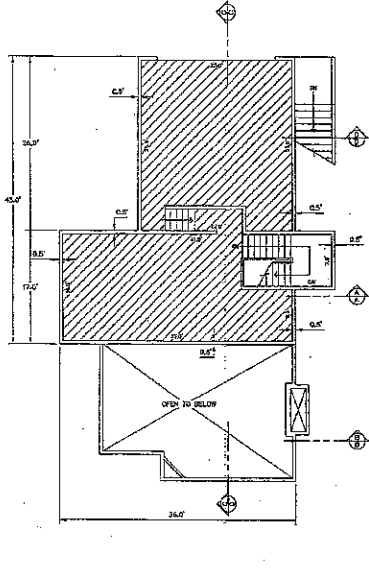
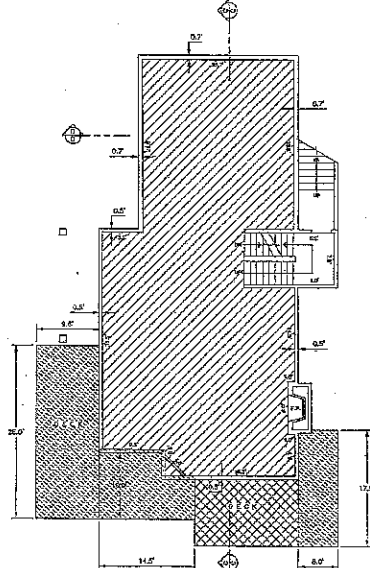
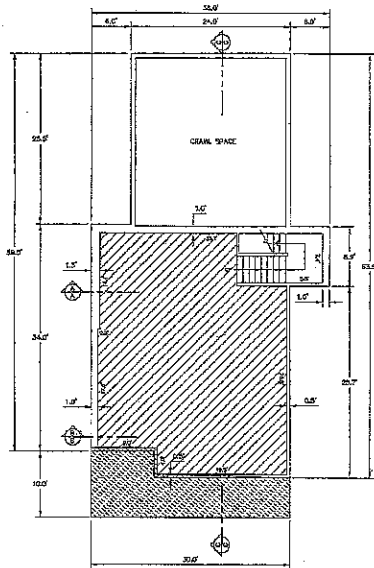
RECORD OF SURVEY MAP OF STAG LODGE PHASE IV

A UTAH SPRAWLABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 23, TOWNSHIP 2, RANGE 6E, EAST,
SALT LAKE BASIN AND MOUNTAIN, SUMMIT COUNTY, UTAH

PAGE 2 OF 2

#363084 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FREED
AT THE REQUEST OF Stag Lodge Phase IV
DATE 02-20-2024 TIME 02:00 PM BOOK 1 PAGE 2
BY Alison [Signature]
FEE 1.00 RECORDER

STAG LODGE PHASE IV



SURVEYOR'S CERTIFICATE

I, John Demonicus, certify that I am a Registered Land Surveyor and that I hold Certificate No. 156491, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the said owners of the STAG LODGE PHASE IV CONDOMINIUM PROJECT, a group in accordance with the Declaration of Condominium, Conditions, and Restrictions for STAG LODGE PHASE IV, a Utah Condominium Project, this Amended Record of Survey Map of STAG LODGE PHASE IV, which consists of sheet 2 in accordance with the provisions of Sections 37-3-1(1) of the Utah Condominium Ownership Act, I further certify the information shown herein is accurate.

John Demonicus
John Demonicus, L.S. #156491
Date: 11/16/02

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this map to be made and this Amended Record of Survey Map to be prepared and recorded, in accordance with the provisions of the Utah Condominium Ownership Act, I further certify the information shown herein is accurate.

David Scott
David Scott, President
Stag Lodge Condominium Homeowners Association, Inc.
Date: 12-10-02

ACKNOWLEDGMENT

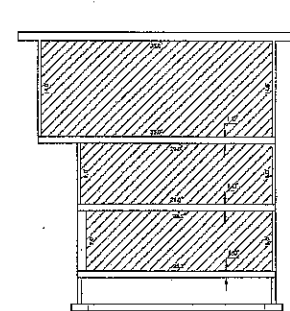
State of Utah
County of Summit

On this 10th day of December, 2002, personally appeared before me, the undersigned Notary Public, in and for said County and State, David Scott, being duly sworn, and acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Declaration and Consent to Record Map, on, and in behalf of all of the said owners of the Stag Lodge Phase IV Condominium Project, which is a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 37-1-1 to 37-1-11, as amended and supplements, and the Declaration of Condominium, Conditions, and Restrictions for Stag Lodge Phase IV Condominium.

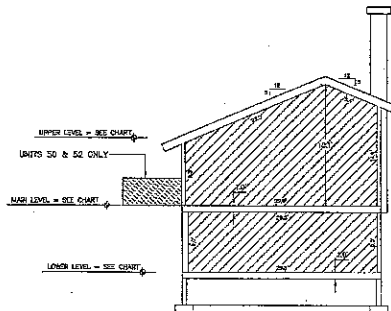
Theresa Gentry
Theresa Gentry
Residing in: Park City
My commission expires: 01-2004



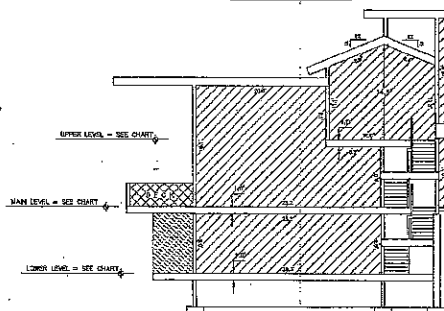
- NOTES:**
1. This Amended Record of Survey Map is an Amendment of Sheet 2 of the Stag Lodge Phase IV Condominium, recorded July 30, 1992, as Entry #150684 in the Summit County Recorder's Office. Sheet 2 of Stag Lodge Phase IV Condominium as recorded July 30, 1992, shall remain intact.
 2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
 3. Recorded contemporaneously herewith as Amendment to the Condominium Declaration for Stag Lodge, this Amended Record of Survey Map has been prepared in accordance with said Amended Declaration which provides for, but not limited to, the following:
 - "Private Ownership Area A" means and refers to all of the previously existing sheds owned properly or shown on the original map or maps, property previously owned prior to the Private Ownership Area B Effective Date.
 - "Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit as shown on this Amended Map, including by way of illustration but not limitation private ownership, lease, easement, license, right, title, interest, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit of additional bedrooms.
 4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.



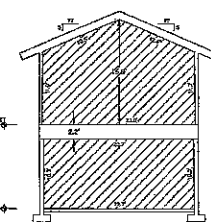
SECTION "A-A"



SECTION "B-B"



SECTION "C-C"



SECTION "D-D"

FLOOR AREA / FLOOR ELEVATION TABLE									
UNIT 45	UNIT 46	UNIT 50	UNIT 51	UNIT 52					
LOWER LEVEL	8145.0	8148.0	8090.2	8094.3	8090.2	SEA LEVEL ELEVATION			
MAIN LEVEL	1031.50	1031.50	1031.50	1031.50	1031.50	SEA LEVEL ELEVATION			
UPPER LEVEL	8158.7	8153.0	8102.7	8104.3	8102.7	SEA LEVEL ELEVATION			
GARAGE LEVEL	1027.50	1027.50	1027.50	1027.50	1027.50	SEA LEVEL ELEVATION			
TOTAL SQ. FT.	3160.50	3160.50	3160.50	3160.50	3160.50	SEA LEVEL ELEVATION			

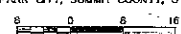
UNITS 45, 46, 50, 51, & 52

- NOTE:**
1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
 2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
 5. BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.

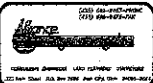


STAG LODGE PHASE IV

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH



FIRST AMENDED RECORD OF SURVEY MAP



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 2-12 DAY OF February, 2003 A.D.
BY *David Scott*
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 11-11 DAY OF November, 2002 A.D.
BY *David Scott*
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 20 DAY OF January, 2003 A.D.
BY *John Demonicus*
PARK CITY ENGINEER

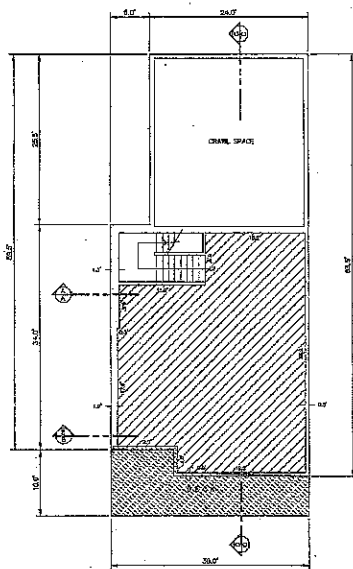
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 20 DAY OF January, 2003 A.D.
BY *John Demonicus*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 20 DAY OF January, 2003 A.D.
BY *David Scott*
PARK CITY RECORDER

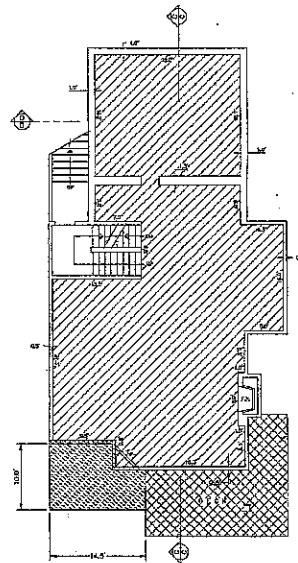
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 20 DAY OF January, 2003 A.D.
BY *David Scott*
MAYOR

SDR NO. 5-7-01 FILE # 2002-0004-0004-0004
#645385
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF David Scott
DATE 1-22-2003 REEL # 645385 PAGE 1
FEE 10.00
RECORDED *David Scott*

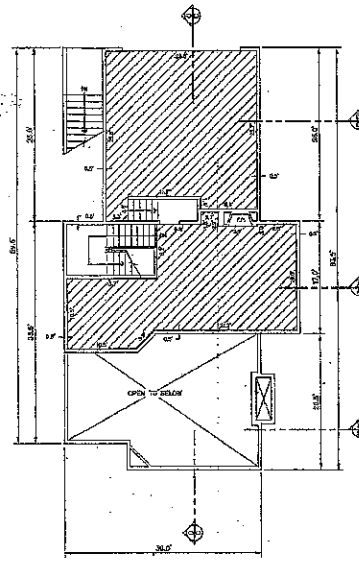
Stag Lodge Ph. IV 2nd



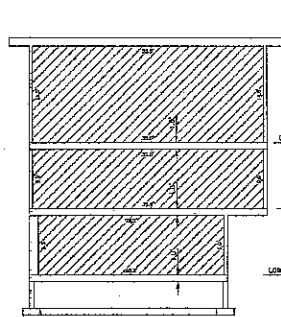
LOWER LEVEL



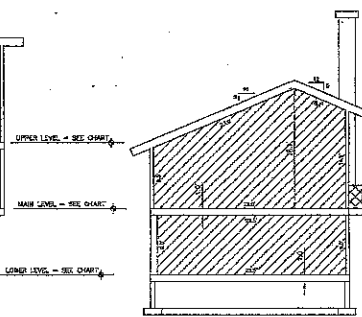
MAIN LEVEL



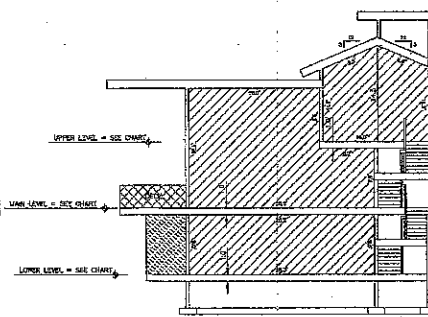
UPPER & GARAGE LEVEL



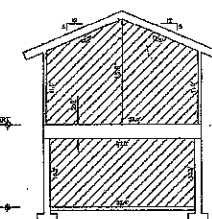
SECTION "A"



SECTION "B"



SECTION "C"



SECTION "D"

OWNERSHIP DESIGNATIONS	
	PRIVATE OWNERSHIP AREA "A"
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	PRIVATE OWNERSHIP AREA "B"

- NOTES:
1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
 2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREAS.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
 5. BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.

UNIT 44

- NOTES:
1. THIS AMENDED RECORD OF SURVEY MAP IS AN AMENDMENT OF Sheet 2 of the Stag Lodge Phase IV Condominium, recorded July 24, 1992, on Entry 885200 in the Summit County Recorder's Office, Sheet 1 of Stag Lodge Phase IV Condominium on recorded July 20, 1992, shall remain intact.
 2. ALL other conditions of record of the Stag Lodge Condominium project continue to apply.
 3. RECORDED CONSEQUENTLY HEREWITH AN AMENDMENT TO THE Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in accordance with said Amended Declaration which provides for, but not limited to, the following:

"Private Ownership Area A" means and refers to all of the property relating privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.

"Private Ownership Area B" means and refers to the property designed from Common Areas or Limited Common Areas to provide ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on the Amended Map, including by way of illustration but not limitation private ownership, lease, easements, license, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
 4. The dimensions of the private spaces and space footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of this unit will be as constructed.

FLOOR AREA / FLOOR ELEVATION TABLE

UNIT 44	
LOWER LEVEL	8143.1' SEA LEVEL ELEVATION
	890 S.F.
MAIN LEVEL	8153.1' SEA LEVEL ELEVATION
	1064 S.F.
UPPER LEVEL	8163.1' SEA LEVEL ELEVATION
	618 S.F.
GARAGE LEVEL	8163.1' SEA LEVEL ELEVATION
	3273 S.F.
TOTAL SQ. FT.	5895 S.F.

FIRST AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE IV

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

0 8 16 FEET

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF *High County Title*
DATE *8/6/93* TIME *1:00 PM* BOOK *1* PAGE *1*
FEE *66* RECORDER *Sherry*

JOB NO. 5-7-01 2\5\dwg\staged-Am\unit44

Stag Lodge Ph IV 3015











Conclusions of Law – 1255 Park Avenue

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan.

2. Second Amended Stag Lodge Phase IV, 8200 Royal Street Unit 52 – Amendment to Record of Survey (Application PL-13-02025)

Planner Christy Alexander reviewed the application amended plat the existing Stag Lodge record of survey plat for Unit 52, which is a detached single-family unit. The request is to identify additional basement and sub-basement area beneath the home. The area is currently listed as common area because it is not listed as private or limited common on the plat. The owner would like to make the area private and create a basement, which would increase the square footage of the unit by 1,718 sf. Planner Alexander noted that the plat was previously amended for Units 44, 45, 45, 50, 51 and 52 in 2002 and recorded in 2003. At that time 3,180 square feet was added to each of those units in the vacant area.

Planner Alexander noted that the plat amendment would not increase the footprint of the unit and additional parking would not be required. The height and setbacks would remain the same.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the amendment to the record of survey.

Bruce Baird, representing the applicant and the HOA, noted that this same request was approved last year for two other units. It is a strange function of having space below the unit that is somehow considered common area in the deep dirt. The area does not count as an extra unit and it does not require additional parking. Mr. Baird thanked the Staff for processing this application quickly, which could allow his client the opportunity to get some work done before Deer Valley shuts down construction for the year. Mr. Baird reiterated that this was a routine application and he was prepared to answer questions.

Commissioner Gross asked if the amended would affect the height from the ground floor to the top. Director Eddington replied that height is based on the structure and not the use. Therefore, it would not affect the height. Commissioner Gross asked if the additional square footage would have the ability to be leased out separately. Mr. Baird replied that it was not intended to be a lock-out. Given the layout of the building it would be nearly impossible to set it up as a lockout.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council on the Second Amended Stag Lodge Phase IV plat for Unit 52 based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Stag Lodge, Phase IV

1. The property is located at 8200 Royal Street East, Unit 52.
2. *The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).*
3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase IV plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51, & 52, was first amended on June 6, 2002 and recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.
6. On August 16, 2013, a complete application was submitted to the Planning Department for an amendment to the Stag Lodge Phase IV record of survey plat for Unit 52.
7. The plat amendment identifies additional basement area for Unit 52 as private area for this unit. The area is currently considered common area because it is not designated as either private or limited common on the plats.
8. The additional basement area is located within the existing building footprint and crawl space area and there is no increase in the footprint for this building.
9. Unit 52 contains 3,180 sf of private area. If approved, the private area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.

10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.

11. Unit 52 was constructed in 1985. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.

12. The HOA voted unanimously for approval to convert common to private space

13. The findings in the analysis section are incorporated herein.

Conclusions of Law – Stag Lodge, Phase IV

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Stag Lodge, Phase IV

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, the recorded plats, and the conditions of approval, prior to recordation of the amended plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Stag Lodge Condominium record of survey plats as amended shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of

certificates of occupancy for the interior basement finish work.

**3. Ontario Park Subdivision, 463 & 475 Ontario Avenue – Plat Amendment
(Application PL-13-02019)**

Planner Alexander reviewed the application for a plat amendment at 463 and 475 Ontario Avenue. Jeremy Pack, the owner, was requesting to combine the two lots.

Planner Alexander reported that in 1993, the previous owner, Joe Rush, owned Lot 19 as well as Lots 13 and 14 behind it on Marsac. Mr. Rush had wanted to build single family homes on Lots 13 and 14; however, with the diagonal of Marsac Avenue going across his property, Mr. Rush did not have enough area with the setbacks to build the home he wanted. Since Mr. Rush owned both of the properties he was granted a lot line adjustment, which made Lot 19 a substandard lot. At the time, Mr. Rush agreed to a deed restriction on Lot 19 which states, "The Grantor restricts construction on this lot alone. Construction can only occur with another lot adjacent to the property used for construction."

Planner Alexander noted that Joe Rush eventually sold the property and Jeremy Pack was the current owner. Due to the deed restriction, a single family home could not be built on the lot unless Lot 19 is combined with an adjacent lot. Mr. Pack was requesting to combine the lots together to build one single-family home. Because the lot would be larger, he could build a larger single-family home than what he could on the smaller lot. However, the setbacks would be increased on the larger lot. The applicant would be limited to a single family home because there is not enough square footage to build a duplex.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 463 & 475 Ontario Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Worel opened the public hearing.

Bonnie Peretti stated that she knows Old Town quite well and she wanted to know the maximum square footage if the lots were combined.

Director Eddington noted that page 112 of the Staff report identifies the maximum footprint as 1,486 square feet. He pointed out that three stories is allowed in the zone.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the 463 & 475 Ontario Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

City Council Staff Report



Subject: 463 & 475 Ontario Avenue - Plat Amendment
Author: Christy Alexander, Planner II
Date: October 17, 2013
Type of Item: Administrative – Plat Amendment
Project Number: PL-13-02019

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving the 463 & 475 Ontario Avenue Plat Amendment (Ontario Pack Subdivision) based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Description

Applicant: Jeremy Pack, owner
Location: 463 & 475 Ontario Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family and duplex dwellings
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a plat amendment (Exhibit A) for the purpose of combining Lots 19 and 20, Block 55 of the Park City Survey. There are no existing homes on these lots (Exhibit B). The applicant wishes to combine the lots into one lot of record for a new single family house.

Background

The property consists of two "Old Town" lots. The lots have frontage on Ontario Avenue and are located within the HR-1 zoning district. There is not an existing house on either property.

On August 6, 2013, the owner submitted an application for a plat amendment to combine the lots in order to create one (1) legal lot of record for a new single family house. The applicant wishes to combine the lots because Lot 19 currently is a non-conforming lot due to the square footage being less than that required in the Land Management Code. All the neighboring lots within the neighborhood meet the minimum lot requirements. The reason that Lot 19 does not meet the requirements is due to the previous owner of the property, Joe Rush, having received a Lot Line Adjustment in the August of 1994. At the time, Joe Rush owned Lots 13, 14, and 19. Mr. Rush had previously applied for a Historic District Design Review of his proposed house plans for Lots 13 and 14 in August of 1993. The two floor plans were very similar but due to Marsac Avenue abutting the properties at a diagonal, the house plans for Lot 14 had to

be setback further from the front and did not meet the required ten (10) feet rear yard setbacks within the zone. Mr. Rush then applied in April of 1994 for a Variance for Lot 14, to allow the rear yard setbacks to be reduced to three (3) feet instead of the required ten (10) feet. His variance request was denied by the Board of Adjustment. Mr. Rush still wanted to build the home on Lot 14 as was originally proposed so he then applied for the Lot Line Adjustment in July of 1994 affecting lots 14 and 19, which gave 100 sf (4 feet deep of the rear yard) of Lot 19 to the rear yard of Lot 14, so that the home would meet the required setbacks of the zone. Because Mr. Rush owned Lot 19, he was agreeable to placing the deed restriction upon Lot 19 which states that "Grantor restricts construction on this lot alone. Construction can only occur with another lot adjacent to the property used for construction." Due to this deed restriction, a single family home cannot be built upon the lot unless Lot 19 is combined with an adjacent lot. The current applicant and owner, Mr. Pack, owns Lot 19 and the adjacent Lot 20. He now requests that the proposed plat amendment be approved so that he may combine Lots 19 and 20 to build one single family home upon the land. The new home may have a larger footprint than would be allowed on one single lot but the required setbacks are then increased so that the larger home will not have an adverse impact upon the adjacent properties. There are also several duplexes within the neighborhood which have a larger footprint than a single family home is allowed so Mr. Pack's home will not be out of proportion to others within the neighborhood. Mr. Pack's application was deemed complete on August 30, 2013. On September 25, 2013, the Planning Commission held a public hearing and voted unanimously, 4-0, to recommend approval of the Ontario Pack Subdivision.

Analysis

The current application is a request to combine two lots into one lot of record containing 3,650 square feet of lot area. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family house and 3,750 square feet for a duplex. The lot meets the required lot size for a single family house.

The purpose of the Historic Residential (HR-I) District is to:

- A. Preserve present land uses and character of the Historic residential areas of Park City,
- B. Encourage the preservation of Historic Structures,
- C. Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. Encourage single family development on combinations of 25' x 75' Historic Lots,
- E. define development parameters that are consistent with the General Plan policies for the Historic core, and
- F. Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Plat Amendment (Ontario Park Subdivision)

- Min Lot Size: 1,875 square feet (sf) (3,650 sf existing with plat amendment)
- Max Footprint: 1,486 sf
- Min Front/Rear Setbacks: 10 feet
- Min Side Setbacks: 5 feet
- Maximum Height: 27 feet

The proposed plat amendment does not create any new non-conforming situations.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as the plat amendment resolves the conflict with Lot 19 currently being a nonconforming lot. Due to Lot 19 not containing the minimum lot size required as stated in the Land Management Code, no homes may be built on the lot. The lot has been deed restricted to prohibit “construction on this lot alone.” However, the restriction also states that “construction can only occur with another lot adjacent to the property used for construction.” By combining Lots 19 and 20, all of the land will then be usable for construction of one new single family home that meets all the parameters found in the Land Management Code. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. A Historic District Design Review application or pre-application is required prior to issuance of any building permits for new construction on the property. Any area proposed for future construction that meets requirements for applicability of a Steep Slope Conditional Use permit shall be reviewed for compliance with the Steep Slope Conditional Use permit review criteria, prior to issuance of any building permits.

Alternatives

- The City Council may approve the 463 & 475 Ontario Avenue Plat Amendment (Ontario Pack Subdivision) as conditioned or amended; or
- The City Council may deny the 463 & 475 Ontario Avenue Plat Amendment (Ontario Pack Subdivision) and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 463 & 475 Ontario Avenue Plat Amendment (Ontario Pack Subdivision) to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The lots would remain as they currently exist and Lot 19 would remain unbuildable as a single lot.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving the 463 & 475 Ontario Avenue Plat Amendment (Ontario Pack Subdivision) based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A - Plat

Exhibit B - Existing conditions site plan

Exhibit C - Aerial photo/vicinity Map

Exhibit D - Photos

Exhibit E - 9.25.13 Planning Commission Minutes

Ordinance No. 13-

**AN ORDINANCE APPROVING THE 463 & 475 ONTARIO AVENUE PLAT
AMENDMENT (ONTARIO PACK SUBDIVISION)
COMBINING LOTS 19 AND 20, BLOCK 55, AMENDED PLAT OF THE PARK CITY
SURVEY, LOCATED IN PARK CITY, UTAH**

WHEREAS, the owner of property located at 463 & 475 Ontario Avenue petitioned the City Council for approval of the 463 & 475 Ontario Avenue Plat Amendment (Ontario Pack Subdivision); and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 25, 2013, to receive input on the 463 & 475 Ontario Avenue Subdivision plat amendment;

WHEREAS, the Planning Commission, on September 25, 2013, forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on October 17, 2013 on the amended plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 463 & 475 Ontario Avenue plat amendment (Ontario Pack Subdivision) to combine Lots 19 and 20 in order to create a lot of record for a new single family home;

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 463 & 475 Ontario Avenue plat amendment (Ontario Pack Subdivision) as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 463 & 475 Ontario Avenue and consists of two "Old Town" lots, namely Lots 19 and 20, Block 55, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.

3. The property has frontage on Ontario Avenue and the combined lot contains 3,650 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
4. Single family homes are an allowed use in the HR-1 zone.
5. On August 6, 2013, the owner submitted an application for a plat amendment to combine the two lots into one lot of record for a new single family house.
6. The application was deemed complete on August 30, 2013.
7. The HR-1 zone requires a minimum lot area of 1,875 square feet.
8. The property has frontage on and access from Ontario Avenue.
9. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
10. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The maximum building footprint allowed for Lot One is 1,486 square feet per the HR-1 LMC requirements and based on the lot size.
13. The plat amendment secures public snow storage easements across the frontage of the lot.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions of approval below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lot.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.

5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lot with Ontario Avenue and shall be shown on the plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

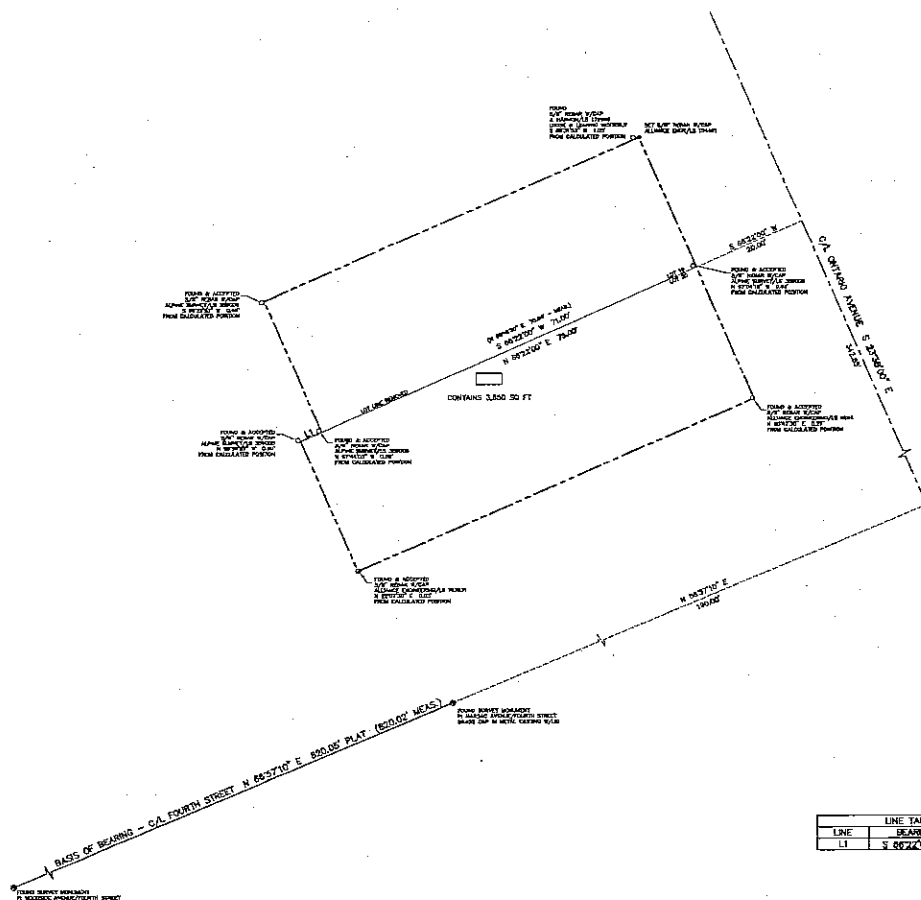
Dana Williams, MAYOR

ATTEST:

City Recorder's Office

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the ONTARIO PACK SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

LOT 19, BLOCK 55, except the westerly 4 feet thereof lying within the PARK CITY SURVEY, according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

LOT 20, BLOCK 55, PARK CITY SURVEY, according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Jeremy Pock, the undersigned owner of the herein described tract of land, to be shown hereinafter as ONTARIO PACK SUBDIVISION, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recording of this Plat.

ALSO, the owner or his representative, hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, monuments, parks, and required utility and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____, 2013.

Jeremy Pock, Owner

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2013, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, _____ acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

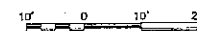
Printed Name _____
Residing in _____
My commission expires _____

LINE TABLE		
LINE	BEARING	DISTANCE
LI	S 86°22'00" W	4.00

A PARCEL COMBINATION PLAT A COMBINATION OF A PORTION OF LOT 19 & LOT 20 IN BLOCK 55, PARK CITY SURVEY

ONTARIO PACK SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



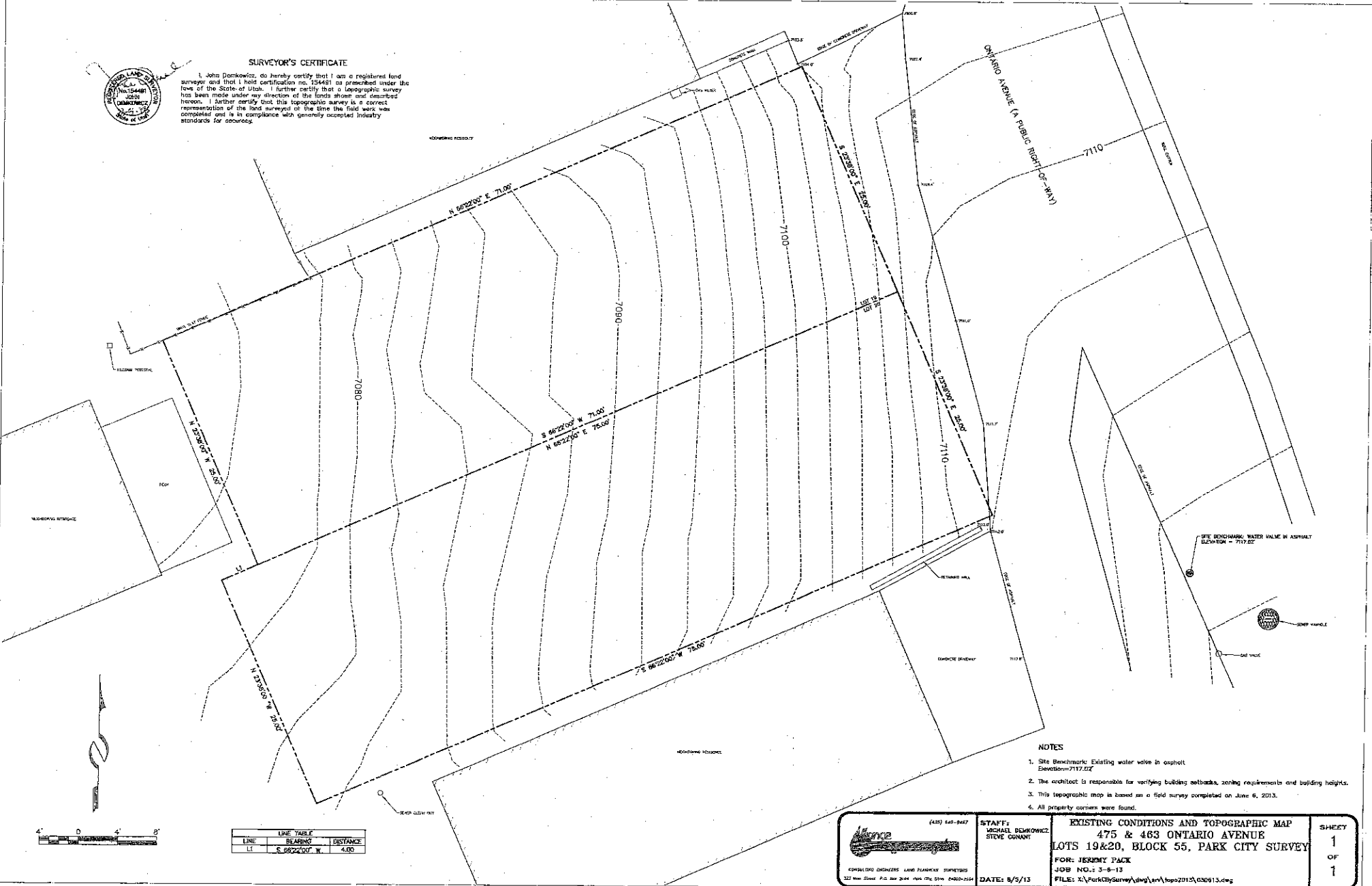
SHEET 1 OF 1

 (435) 948-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street, P.O. Box 2044, Park City, Utah 84302-2044	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D. BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER
--	--	--	---	---	---	---	--



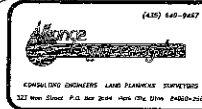
SURVEYOR'S CERTIFICATE

I, John Domkovic, do hereby certify that I am a registered land surveyor and that I hold certification no. 154481 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Existing water valve in asphalt. Elevation=7117.02'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey completed on June 6, 2013.
4. All property corners were found.

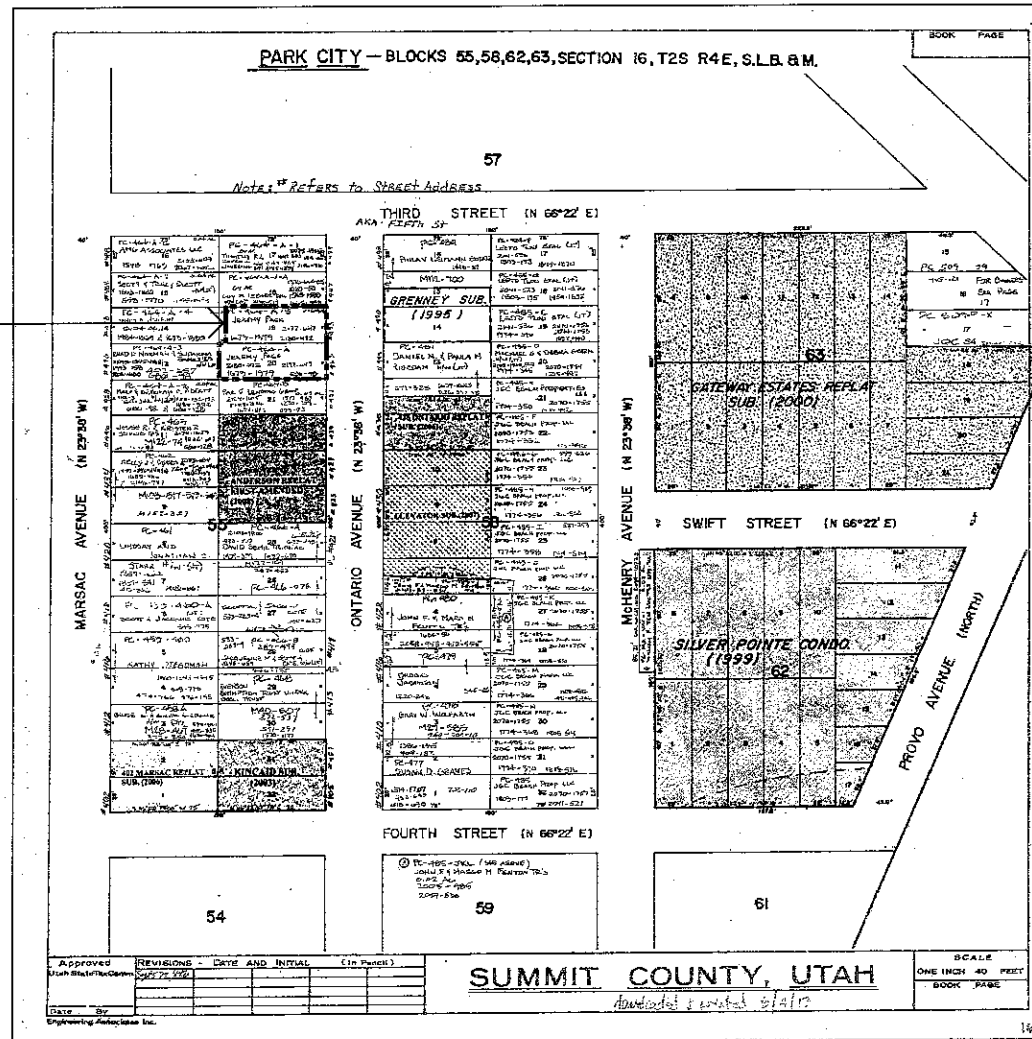


STAFF:
MICHAEL BEDKOWICZ
STEVE DONAHY

EXISTING CONDITIONS AND TOPOGRAPHIC MAP
475 & 463 ONTARIO AVENUE
LOTS 19&20, BLOCK 55, PARK CITY SURVEY
FOR: JERRY PACK
JOB NO.: 3-8-13
FILE: X:\ParkCitySurvey\dwg\env\topo2013\030913.dwg

SHEET
1
OF
1

SUBJECT PROPERTY



40' 0 40' 80'

 CONSULTING ENGINEER LAND PLANNING SURVEYING 323 Main Street P.O. Box 2094 Park City, Utah 84060-2094	(435) 540-5447 STAFF: MARSHALL KING STEVE SCHUELLER	OWNERSHIP PLAT 475 & 463 ONTARIO AVE. PARK CITY SURVEY	SHEET 1 OF 1
	DATE: 7/23/13	FOR: JEREMY PACK 030613	FILE: A:\Park City Survey \dwg\m\Applmt 2013\dwg\030613.dwg



500 FOOT EXHIBIT



10 SCALE ORTHO-PHOTO



475 & 463 ONTARIO AVE.

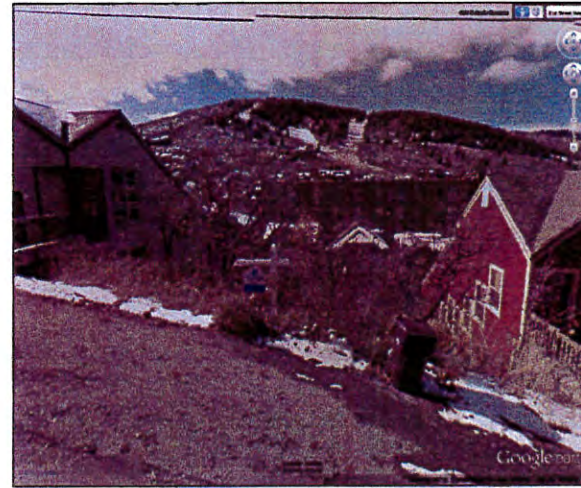
LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2844 Park City, Utah 84002-2844	(435) 848-2487 STAFF: MARSHALL KING STEVE SCHUELER	ORTHOPHOTOS 475 & 463 ONTARIO AVE. PARK CITY SURVEY FOR: JEREMY PACK JOB NO.: 3-6-13 FILE: X:\ParkCitySurvey\cwg\lrv\plot2013\030613.dwg	SHEET 1 OF 1
---	---	---	---



LOOKING NORTH FROM ONTARIO AVE.



LOOKING WEST FROM ONTARIO AVE.



LOOKING SOUTH FROM ONTARIO AVE.

NOTE:
EXISTING HOUSES ON MARSAC AVE. PRECLUDE
VIEWS OF THE WEST PROPERTY LINE.

 CONSULTING ENGINEERS LAND PLANNERS ARCHITECTS 100 Main Street, P.O. Box 2000, Park City, Utah 84050-2000	(435) 644-6467 STAFF: MARSHALL KING SEVE SCHUELER	STREETSCAPE IMAGES 475 & 463 ONTARIO AVE. PARK CITY SURVEY	SHEET 1 OF 1
	FOR: JEREMY PACK JOB NO.: 3-8-13 FILE: K:\ParkCitySurvey\dwg\wpd\p3d\030813.dwg	DATE: 7/23/13	

certificates of occupancy for the interior basement finish work.

**3. Ontario Park Subdivision, 463 & 475 Ontario Avenue – Plat Amendment
(Application PL-13-02019)**

Planner Alexander reviewed the application for a plat amendment at 463 and 475 Ontario Avenue. Jeremy Pack, the owner, was requesting to combine the two lots.

Planner Alexander reported that in 1993, the previous owner, Joe Rush, owned Lot 19 as well as Lots 13 and 14 behind it on Marsac. Mr. Rush had wanted to build single family homes on Lots 13 and 14; however, with the diagonal of Marsac Avenue going across his property, Mr. Rush did not have enough area with the setbacks to build the home he wanted. Since Mr. Rush owned both of the properties he was granted a lot line adjustment, which made Lot 19 a substandard lot. At the time, Mr. Rush agreed to a deed restriction on Lot 19 which states, "The Grantor restricts construction on this lot alone. Construction can only occur with another lot adjacent to the property used for construction."

Planner Alexander noted that Joe Rush eventually sold the property and Jeremy Pack was the current owner. Due to the deed restriction, a single family home could not be built on the lot unless Lot 19 is combined with an adjacent lot. Mr. Pack was requesting to combine the lots together to build one single-family home. Because the lot would be larger, he could build a larger single-family home than what he could on the smaller lot. However, the setbacks would be increased on the larger lot. The applicant would be limited to a single family home because there is not enough square footage to build a duplex.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 463 & 475 Ontario Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Worel opened the public hearing.

Bonnie Peretti stated that she knows Old Town quite well and she wanted to know the maximum square footage if the lots were combined.

Director Eddington noted that page 112 of the Staff report identifies the maximum footprint as 1,486 square feet. He pointed out that three stories is allowed in the zone.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the 463 & 475 Ontario Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

City Council Staff Report



Application No: PL-13-02070
Subject: LMC Amendment
Author: Francisco Astorga, Planner
Date: October 17, 2013
Type of Item: Legislative – LMC Amendments HRM District

Summary Recommendation

Staff recommends the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report, open the public hearing, and consider approving and adopting the ordinance as presented in Exhibit A - Proposed Ordinance.

Description

Project Name: LMC Amendments to Chapter 2.4 HRM District
Applicant: Planning Department
Approximate Location: Both side of Park Avenue from 15th Street to 13th Street and from 13th Street to 10th Street on the east side of Park Ave.
Proposal: Amendments to the Land Management Code require Planning Commission review and recommendation and approval by the City Council.

Background

The HRM District is bifurcated by the Park Avenue street corridor and consists of a diverse mix of residential housing, ranging from historic single family dwellings to multi-unit condominiums. The purpose of these amendments are to encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along an important corridor that is compatible with historic structures in the surrounding area, as well as being consistent with the rest of the LMC.

On July 31, 2013 the Planning Commission had a work session discussion related to these proposed changes. During this meeting two (2) adjacent property owners shared negative public comments related to the proposed amendments. The Planning Commission discussed the proposed changes and the majority did not support the proposed amendments. The Commission showed interest in bringing back one (1) of the three (3) proposed amendments for further consideration. See Exhibit B - 7.31.2013 Planning Commission Minutes.

On September 11, 2013 the Planning Commission reviewed this request and held a public hearing. The Planning Commission showed concerns related to the affected properties and how much of open space can be accommodated on the required setback areas. The Planning Commission moved to continue the item to the September 25, 2013, with direction to Staff to identify all the properties that are affected by the

proposed changes on a two-dimensional diagram. See Exhibit C - 9.11.2013 Planning Commission Minutes.

The Planning Commission reviewed the proposed ordinance on September 25, 2013. The Commission amended the staff's recommendation as proposed to encourage the rehabilitation of existing historic structures AND providing affordable housing. The proposed amendments also provide consistency in terms of open space requirements, compliance with the Design Guidelines for Historic Sites and Historic Districts. The Planning Commission forwarded a 4-0 unanimous vote. Commissioner Worel, Gross, Thomas, and Wintzer were present. See Exhibit D - 9.25.2013 Planning Commission Draft Minutes.

General Plan

Park City Direction

Goal 7: Encourage a diversity of housing opportunities (pg. 7):

- The City should plan future land use to provide opportunities for a variety of housing types.
- The City should encourage and require private sector participation in providing a portion of housing for employees.

Community Character Element

Historic Core Policies (pg. 13):

The designated historic district, which is subject to special design and preservation regulations, best defines the historic core of the City. Citizens feel strongly that the core must continue to provide a range of services for residents, while also functioning as an attraction for tourists. The goal for the historic district is to maintain it as the center of the community, not just as a stage set for tourism. The following policies will help accomplish this goal:

- Keep City and other government offices and services in the downtown, to maintain the function of the historic core as a gathering place. Similarly, concentrate in the historic area certain commercial uses that attract and encourage interaction among local residents (e.g., bookstores, card shops, coffee shops, and post office).
- To maintain commercial viability, promote year-round demand by residents and workers for services, restaurants, entertainment, and similar uses in the core.
- Maintain the historic character of buildings.
- Support programs that make the downtown attractive to potential businesses.

- Promote the continuation and augmentation of a pedestrian-friendly environment in the downtown.
- Work to ensure the continued livability of residential areas around the historic commercial core.

Historic Core [Actions] (pg. 15-16):

[...]

- Allow expansion of existing residential structures, if such expansion can be made compatible with the integrity of historic structures and the surrounding neighborhood. Similarly, allow the addition of garages to historic structures if the addition can be done in a compatible fashion.

[...]

- Encourage residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation, and historic preservation objectives.

Analysis

As part of this staff report, staff has included Exhibit D – HRM District Map. This diagram includes a map of the entire district. It recognizes which sites are historic per Park City Historic Sites Inventory (HSI) as well as recognizes which sites are eligible to have a multi-unit building. The minimum lot area for a multi-unit dwelling consisting of four (4) or more units is 5,625 square feet (0.13 acres). The LMC indicates that for each additional unit the site shall have an additional 1,000 square feet.

The summary on the map reflects the following information:

Sites within the district: 73

Historic sites within the district: 27

Vacant sites within the district: 4

Sites with current access to Sullivan Rd: 19

Sites with current access to Sullivan Rd + historic: 2

Sites eligible for Multi-Unit (MU) buildings: 35

Sites eligible for MU bldgs + historic: 7

Sites eligible for MU bldgs + historic + possible access to Sullivan Rd: 3

Sites eligible for MU bldgs + vacant: 1

Open Space

LMC § 15-2.4-5(D) indicates that an applicant must provide open space equal to at least sixty percent (60%) of the total site for all triplex and multi-unit dwellings. For Master Planned Developments (MPDs), the LMC requires a minimum of sixty percent (60%) open space and a minimum of thirty percent (30%) open space for redevelopment.

In order to be consistent with the MPD language, Staff recommended amending the LMC to reflect the same language for triplex/multi-unit dwellings within redevelopment areas consisting of a minimum of thirty percent (30%) open space. The Planning Commission forwarding a positive recommendation if this amendment was also tied to fifty percent affordable housing requirements reflected on the following section below:

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** *The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.*

(B) **REAR YARD.** *The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.*

(C) **SIDE YARD.** *The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.*

(D) **OPEN SPACE.** *The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. **In cases of redevelopment of existing historic sites on the Historic Sites Inventory and contain fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).***

*(Amended by Ord. No. 09-10; 12-37, **13-XX**)*

In terms of sites affected by this proposed amendment, it would include seven (7) sites. In terms of open space requirements that can be accommodated within the setback areas, staff is prepared to show some scenarios related to this correlation. The setback requirements for multi-unit buildings are not affected by the size of the lot, however, the open space requirement is a percentage of the lot area. The bigger the lot, the more open space that can be incorporated into the setback area.

Staff supports the Planning Commission's recommendation as it meets several City goals including the rehabilitation of existing historic structures, providing for affordable housing, and create new development along an important corridor that is compatible with historic structures in the surrounding area.

Existing Historic Structures

LMC 15-2.4-6(A) indicates that in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the building setback for additions to historic buildings upon approval of a Conditional Use Permit (CUP), when the scale of the addition is compatible with the historic structure, and when the addition complies with all other provisions of the HRM District, and applicable Building Codes.

Staff finds that there are instances that this same exception should apply to new construction within this district, specifically when the project encourages the rehabilitation of existing historic structures and new development that is compatible with historic structures in the surrounding area. The Planning Commission forwarded a positive recommendation amending the LMC to reflect the following language to new construction within historic sites only:

15-2.4-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards ~~for additions to Historic Buildings~~:

- (1) *Upon approval of a Conditional Use permit,*
- (2) *When the scale of the addition or driveway is Compatible with the Historic Structure,*
- (3) *When the addition complies with all other provisions of this Chapter, and*
- (4) *When the addition complies with the International Building and Fire Codes.*

(Amended by Ord. No. 06-69, 13-XX)

The CUP review criteria includes the following items:

1. Size and location of the Site;
2. Traffic considerations including capacity of the existing Streets in the Area;
3. Utility capacity, including Storm Water run-off;
4. Emergency vehicle Access;
5. Location and amount of off-Street parking;
6. Internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
9. Usable Open Space;
10. Signs and lighting;
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.

Staff finds that the proposed separation of new construction within a historic site should be mitigated during the CUP review process by staff and the Planning Commission, specifically, when reviewing the building mass, bulk, orientation, and the location of buildings on the site. Staff does not recommend adding a prescriptive separation as each site contains deviating factors related to setbacks and overall siting within a lot. The HRM District allows for multiple buildings within the same lot based on specific standards. By allowing some flexibility in terms of setbacks, greater separation can be achieved when proposing separate buildings adjacent to historic structures.

In terms of sites affected by this proposed amendment, it would include the twenty seven (27) sites listed in the HSI. Of these historic sites only seven (7) are eligible for multiple buildings due to the size of these lots which includes multi-unit buildings as a conditional use within the district. These seven (7) historic sites have been recognized as a community value and are not eligible to be removed from the site.

Affordable Housing

In order to incentivize affordable housing in the HRM District, Staff recommends amending the LMC to removing the Sullivan Road Access requirements found in LMC § 15-2.4-9 if the development contains 50% or more deed restricted affordable housing units per the Affordable Housing Resolution as shown below:

15-2.4-9. SULLIVAN ROAD ACCESS.

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

(A) **CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.**

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

(B) **NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.** The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

(a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.

(b) Increased Front Yard Setbacks.

(c) Increased snow storage.

(d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.

(e) Elimination of Multi-Unit or Triplex Dwellings.

(f) Minimized Access to Sullivan Road.

(g) Decreased Density.

~~(3) **DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES.** Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.~~

(4 3) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE. Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

(5 4) PARKING MITIGATION. Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

~~**(6) — PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPE FEATURES.** This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.~~

~~**(C) AFFORDABLE HOUSING APPLICABILITY.** When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution, Section 15-2.4-9 (B) above does not apply.~~

(Amended by Ord. No. 06-69, **13-XX**)

In terms of sites affected by this proposed amendment, it would include nineteen (19) sites with current access to Sullivan Road. Four (4) of these sites are owned by the City and are currently developed as part of the City Park/skate park and a parking lot. There are no vacant sites with access to Sullivan Road. The uses of these other developed sites includes multi-unit residential, duplexes, single family dwellings, an office building, and a convenience store. Staff identifies three (3) sites with possible access to Sullivan Road.

The Planning Commission forwarded a positive recommendation on this proposed amendment.

Community Ideals

Staff finds that the proposed LMC Amendments do not detract from the community ideals: Sense of Community, Natural Setting, Small Town, and Historic Character; but rather enhance historic preservation and affordable housing, both of which are supported by the City's principles. Staff finds that the proposed LMC amendments are essential to the City Council vision of this neighborhood.

Green Park Cohousing

These changes will affect the current filed Conditional Use Permit (CUP) application at 1450 / 1460 Park Avenue, Green Park Cohousing development, in a positive manner. The site is currently owned by the City. These LMC Amendments were derived from

various Planning Commission deliberations as well as internal discussions within the Park City Planning Department and the City Council.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments were properly and legally noticed as required by the Land Management Code. Public comments were made during the July 31, 2013 work session, the September 11, 2013 Planning Commission regular meeting, and the September 25, 2013 regular meeting. See Exhibit B, C, & D.

Alternatives

- The City Council may approve the proposed LMC Amendments; or
- The City Council may deny the proposed LMC Amendments; or
- The City Council may continue the discussion on the proposed LMC Amendments.
- The City Council may remand the item back to the Planning Commission for specific discussion.

Significant Impacts

The proposed LMC Amendments encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along Park Avenue, an important corridor, to be compatible with historic structures in the surrounding area. The proposed amendments also provide consistency in terms of open space requirements.

Summary Recommendation

Staff recommends the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report, open the public hearing, and consider approving and adopting the ordinance as presented in Exhibit A .

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – 7.31.2013 Planning Commission Minutes
- Exhibit C – 9.11.2013 Planning Commission Minutes
- Exhibit D – 9.25.2013 Planning Commission Draft Minutes

Exhibit E – HRM District Map

Exhibit A – Proposed Ordinance

Draft Ordinance 13-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2.4 - HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM) SECTION 15-2.4-5 SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS, SECTION 15-2.4-6 EXISTING HISTORIC STRUCTURES, AND SECTION 15-2.4-9 SULLIVAN ROAD ACCESS.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, the City's goals include encouraging the rehabilitation of existing historic structures, providing affordable housing, and creating new development along an important corridor that is compatible with historic structures in the surrounding area; and

WHEREAS, Chapters 2.4 Historic Residential-Medium Density District (HRM), provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to update and revise. These revisions concern special requirements for multi-unit dwellings, existing historic structures and Sullivan Road access; and

WHEREAS, the Planning Commission held work session discussion on July 31, 2013 and provided input and direction; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on September 11, 2013 and September 25, 2013, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 17, 2013; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.4-5, 15-2.4-6, and 15-2.4-9. The recitals above are incorporated herein as findings of fact. Chapter 15-2.4 of the Land Management Code of Park City are hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2013

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

City Council Staff Report



Application No: PL-13-02070
Subject: LMC Amendment
Author: Francisco Astorga, Planner
Date: October 17, 2013
Type of Item: Legislative – LMC Amendments HRM District

Summary Recommendation

Staff recommends the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report, open the public hearing, and consider approving and adopting the ordinance as presented in Exhibit A - Proposed Ordinance.

Description

Project Name: LMC Amendments to Chapter 2.4 HRM District
Applicant: Planning Department
Approximate Location: Both side of Park Avenue from 15th Street to 13th Street and from 13th Street to 10th Street on the east side of Park Ave.
Proposal: Amendments to the Land Management Code require Planning Commission review and recommendation and approval by the City Council.

Background

The HRM District is bifurcated by the Park Avenue street corridor and consists of a diverse mix of residential housing, ranging from historic single family dwellings to multi-unit condominiums. The purpose of these amendments are to encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along an important corridor that is compatible with historic structures in the surrounding area, as well as being consistent with the rest of the LMC.

On July 31, 2013 the Planning Commission had a work session discussion related to these proposed changes. During this meeting two (2) adjacent property owners shared negative public comments related to the proposed amendments. The Planning Commission discussed the proposed changes and the majority did not support the proposed amendments. The Commission showed interest in bringing back one (1) of the three (3) proposed amendments for further consideration. See Exhibit B - 7.31.2013 Planning Commission Minutes.

On September 11, 2013 the Planning Commission reviewed this request and held a public hearing. The Planning Commission showed concerns related to the affected properties and how much of open space can be accommodated on the required setback areas. The Planning Commission moved to continue the item to the September 25, 2013, with direction to Staff to identify all the properties that are affected by the

proposed changes on a two-dimensional diagram. See Exhibit C - 9.11.2013 Planning Commission Minutes.

The Planning Commission reviewed the proposed ordinance on September 25, 2013. The Commission amended the staff's recommendation as proposed to encourage the rehabilitation of existing historic structures AND providing affordable housing. The proposed amendments also provide consistency in terms of open space requirements, compliance with the Design Guidelines for Historic Sites and Historic Districts. The Planning Commission forwarded a 4-0 unanimous vote. Commissioner Worel, Gross, Thomas, and Wintzer were present. See Exhibit D - 9.25.2013 Planning Commission Draft Minutes.

General Plan

Park City Direction

Goal 7: Encourage a diversity of housing opportunities (pg. 7):

- The City should plan future land use to provide opportunities for a variety of housing types.
- The City should encourage and require private sector participation in providing a portion of housing for employees.

Community Character Element

Historic Core Policies (pg. 13):

The designated historic district, which is subject to special design and preservation regulations, best defines the historic core of the City. Citizens feel strongly that the core must continue to provide a range of services for residents, while also functioning as an attraction for tourists. The goal for the historic district is to maintain it as the center of the community, not just as a stage set for tourism. The following policies will help accomplish this goal:

- Keep City and other government offices and services in the downtown, to maintain the function of the historic core as a gathering place. Similarly, concentrate in the historic area certain commercial uses that attract and encourage interaction among local residents (e.g., bookstores, card shops, coffee shops, and post office).
- To maintain commercial viability, promote year-round demand by residents and workers for services, restaurants, entertainment, and similar uses in the core.
- Maintain the historic character of buildings.
- Support programs that make the downtown attractive to potential businesses.

- Promote the continuation and augmentation of a pedestrian-friendly environment in the downtown.
- Work to ensure the continued livability of residential areas around the historic commercial core.

Historic Core [Actions] (pg. 15-16):

[...]

- Allow expansion of existing residential structures, if such expansion can be made compatible with the integrity of historic structures and the surrounding neighborhood. Similarly, allow the addition of garages to historic structures if the addition can be done in a compatible fashion.

[...]

- Encourage residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation, and historic preservation objectives.

Analysis

As part of this staff report, staff has included Exhibit D – HRM District Map. This diagram includes a map of the entire district. It recognizes which sites are historic per Park City Historic Sites Inventory (HSI) as well as recognizes which sites are eligible to have a multi-unit building. The minimum lot area for a multi-unit dwelling consisting of four (4) or more units is 5,625 square feet (0.13 acres). The LMC indicates that for each additional unit the site shall have an additional 1,000 square feet.

The summary on the map reflects the following information:

Sites within the district: 73

Historic sites within the district: 27

Vacant sites within the district: 4

Sites with current access to Sullivan Rd: 19

Sites with current access to Sullivan Rd + historic: 2

Sites eligible for Multi-Unit (MU) buildings: 35

Sites eligible for MU bldgs + historic: 7

Sites eligible for MU bldgs + historic + possible access to Sullivan Rd: 3

Sites eligible for MU bldgs + vacant: 1

Open Space

LMC § 15-2.4-5(D) indicates that an applicant must provide open space equal to at least sixty percent (60%) of the total site for all triplex and multi-unit dwellings. For Master Planned Developments (MPDs), the LMC requires a minimum of sixty percent (60%) open space and a minimum of thirty percent (30%) open space for redevelopment.

In order to be consistent with the MPD language, Staff recommended amending the LMC to reflect the same language for triplex/multi-unit dwellings within redevelopment areas consisting of a minimum of thirty percent (30%) open space. The Planning Commission forwarding a positive recommendation if this amendment was also tied to fifty percent affordable housing requirements reflected on the following section below:

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** *The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.*

(B) **REAR YARD.** *The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.*

(C) **SIDE YARD.** *The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.*

(D) **OPEN SPACE.** *The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. **In cases of redevelopment of existing historic sites on the Historic Sites Inventory and contain fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).***

*(Amended by Ord. No. 09-10; 12-37, **13-XX**)*

In terms of sites affected by this proposed amendment, it would include seven (7) sites. In terms of open space requirements that can be accommodated within the setback areas, staff is prepared to show some scenarios related to this correlation. The setback requirements for multi-unit buildings are not affected by the size of the lot, however, the open space requirement is a percentage of the lot area. The bigger the lot, the more open space that can be incorporated into the setback area.

Staff supports the Planning Commission's recommendation as it meets several City goals including the rehabilitation of existing historic structures, providing for affordable housing, and create new development along an important corridor that is compatible with historic structures in the surrounding area.

Existing Historic Structures

LMC 15-2.4-6(A) indicates that in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the building setback for additions to historic buildings upon approval of a Conditional Use Permit (CUP), when the scale of the addition is compatible with the historic structure, and when the addition complies with all other provisions of the HRM District, and applicable Building Codes.

Staff finds that there are instances that this same exception should apply to new construction within this district, specifically when the project encourages the rehabilitation of existing historic structures and new development that is compatible with historic structures in the surrounding area. The Planning Commission forwarded a positive recommendation amending the LMC to reflect the following language to new construction within historic sites only:

15-2.4-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards ~~for additions to Historic Buildings~~:

- (1) *Upon approval of a Conditional Use permit,*
- (2) *When the scale of the addition or driveway is Compatible with the Historic Structure,*
- (3) *When the addition complies with all other provisions of this Chapter, and*
- (4) *When the addition complies with the International Building and Fire Codes.*

(Amended by Ord. No. 06-69, 13-XX)

The CUP review criteria includes the following items:

1. Size and location of the Site;
2. Traffic considerations including capacity of the existing Streets in the Area;
3. Utility capacity, including Storm Water run-off;
4. Emergency vehicle Access;
5. Location and amount of off-Street parking;
6. Internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
9. Usable Open Space;
10. Signs and lighting;
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.

Staff finds that the proposed separation of new construction within a historic site should be mitigated during the CUP review process by staff and the Planning Commission, specifically, when reviewing the building mass, bulk, orientation, and the location of buildings on the site. Staff does not recommend adding a prescriptive separation as each site contains deviating factors related to setbacks and overall siting within a lot. The HRM District allows for multiple buildings within the same lot based on specific standards. By allowing some flexibility in terms of setbacks, greater separation can be achieved when proposing separate buildings adjacent to historic structures.

In terms of sites affected by this proposed amendment, it would include the twenty seven (27) sites listed in the HSI. Of these historic sites only seven (7) are eligible for multiple buildings due to the size of these lots which includes multi-unit buildings as a conditional use within the district. These seven (7) historic sites have been recognized as a community value and are not eligible to be removed from the site.

Affordable Housing

In order to incentivize affordable housing in the HRM District, Staff recommends amending the LMC to removing the Sullivan Road Access requirements found in LMC § 15-2.4-9 if the development contains 50% or more deed restricted affordable housing units per the Affordable Housing Resolution as shown below:

15-2.4-9. SULLIVAN ROAD ACCESS.

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

(A) **CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.**

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

(B) **NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.** The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

(a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.

(b) Increased Front Yard Setbacks.

(c) Increased snow storage.

(d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.

(e) Elimination of Multi-Unit or Triplex Dwellings.

(f) Minimized Access to Sullivan Road.

(g) Decreased Density.

~~(3) **DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES.** Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.~~

(4 3) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE. Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

(5 4) PARKING MITIGATION. Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

~~**(6) — PRESERVATION OF HISTORIC STRUCTURES AND LANDSCAPE FEATURES.** This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.~~

~~**(C) AFFORDABLE HOUSING APPLICABILITY.** When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution, Section 15-2.4-9 (B) above does not apply.~~

(Amended by Ord. No. 06-69, **13-XX**)

In terms of sites affected by this proposed amendment, it would include nineteen (19) sites with current access to Sullivan Road. Four (4) of these sites are owned by the City and are currently developed as part of the City Park/skate park and a parking lot. There are no vacant sites with access to Sullivan Road. The uses of these other developed sites includes multi-unit residential, duplexes, single family dwellings, an office building, and a convenience store. Staff identifies three (3) sites with possible access to Sullivan Road.

The Planning Commission forwarded a positive recommendation on this proposed amendment.

Community Ideals

Staff finds that the proposed LMC Amendments do not detract from the community ideals: Sense of Community, Natural Setting, Small Town, and Historic Character; but rather enhance historic preservation and affordable housing, both of which are supported by the City's principles. Staff finds that the proposed LMC amendments are essential to the City Council vision of this neighborhood.

Green Park Cohousing

These changes will affect the current filed Conditional Use Permit (CUP) application at 1450 / 1460 Park Avenue, Green Park Cohousing development, in a positive manner. The site is currently owned by the City. These LMC Amendments were derived from

various Planning Commission deliberations as well as internal discussions within the Park City Planning Department and the City Council.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments were properly and legally noticed as required by the Land Management Code. Public comments were made during the July 31, 2013 work session, the September 11, 2013 Planning Commission regular meeting, and the September 25, 2013 regular meeting. See Exhibit B, C, & D.

Alternatives

- The City Council may approve the proposed LMC Amendments; or
- The City Council may deny the proposed LMC Amendments; or
- The City Council may continue the discussion on the proposed LMC Amendments.
- The City Council may remand the item back to the Planning Commission for specific discussion.

Significant Impacts

The proposed LMC Amendments encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along Park Avenue, an important corridor, to be compatible with historic structures in the surrounding area. The proposed amendments also provide consistency in terms of open space requirements.

Summary Recommendation

Staff recommends the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2.4 – Historic Residential-Medium Density (HRM) District as described in this report, open the public hearing, and consider approving and adopting the ordinance as presented in Exhibit A .

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – 7.31.2013 Planning Commission Minutes

Exhibit C – 9.11.2013 Planning Commission Minutes

Exhibit D – 9.25.2013 Planning Commission Draft Minutes

Exhibit E – HRM District Map

Exhibit A – Proposed Ordinance

Draft Ordinance 13-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2.4 - HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM) SECTION 15-2.4-5 SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS, SECTION 15-2.4-6 EXISTING HISTORIC STRUCTURES, AND SECTION 15-2.4-9 SULLIVAN ROAD ACCESS.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, the City's goals include encouraging the rehabilitation of existing historic structures, providing affordable housing, and creating new development along an important corridor that is compatible with historic structures in the surrounding area; and

WHEREAS, Chapters 2.4 Historic Residential-Medium Density District (HRM), provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to update and revise. These revisions concern special requirements for multi-unit dwellings, existing historic structures and Sullivan Road access; and

WHEREAS, the Planning Commission held work session discussion on July 31, 2013 and provided input and direction; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on September 11, 2013 and September 25, 2013, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 17, 2013; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.4-5, 15-2.4-6, and 15-2.4-9. The recitals above are incorporated herein as findings of fact. Chapter 15-2.4 of the Land Management Code of Park City are hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2013

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 2.4

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.4 - HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM)
DISTRICT

15-2.4-1.	PURPOSE.....	1
15-2.4-2.	USES.....	1
15-2.4-3.	CONDITIONAL USE PERMIT REVIEW.	2
15-2.4-4.	LOT AND SITE REQUIREMENTS.....	3
15-2.4-5.	SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.....	8
15-2.4-6.	EXISTING HISTORIC STRUCTURES.	8
15-2.4-7.	BUILDING HEIGHT.	9
15-2.4-8.	PARKING REGULATIONS.....	9
15-2.4-9.	SULLIVAN ROAD ACCESS.	10
15-2.4-10.	ARCHITECTURAL REVIEW.....	11
15-2.4-11.	CRITERIA FOR BED AND BREAKFAST INNS.....	12
15-2.4-12.	OUTDOOR EVENTS AND MUSIC.	12
15-2.4-13.	VEGETATION PROTECTION.	13
15-2.4-14.	SIGNS.....	13
15-2.4-15.	RELATED PROVISIONS.....	13



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.4 - HISTORIC RESIDENTIAL - MEDIUM DENSITY
(HRM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.4-1. PURPOSE.

The purpose of the Historic Residential Medium Density (HRM) District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- (E) encourage Affordable Housing,
- (F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and

- (G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

15-2.4-2. USES.

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation

¹Nightly rental of Lockout Units requires a Conditional Use permit.

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments.

³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility Service, and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶
- (9) Bed and Breakfast Inn⁷
- (10) Boarding House, Hostel⁷
- (11) Hotel, Minor⁷
- (12) Office, General⁸

⁴ See LMC Chapter 15-4-9 for Child Care Regulations

⁵ See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁶ See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷ Allowed only in Historic Structures or historically Compatible Structures

- (13) Retail and Service Commercial, Minor⁸
- (14) Retail and Service Commercial, personal improvement⁸
- (15) Neighborhood Market, without gasoline sales⁸
- (16) Cafe, Deli⁸
- (17) Café, Outdoor Dining⁹
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement¹⁰
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events¹⁰
- (23) Fences greater than six feet (6') in height from Final Grade¹⁰

- (C) PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the

⁸ Allowed only in Historic Structures

⁹ Requires an Administrative Conditional Use permit. Allowed in association with a Café or Deli

¹⁰ Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

Design Guidelines for Park City’s Historic Districts and Historic Sites. The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

- (A) Consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites.
- (B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
- (C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
- (D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.
- (E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

- (F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.
- (G) Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.
- (H) All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

(Amended by Ord. No. 06-69; 12-37)

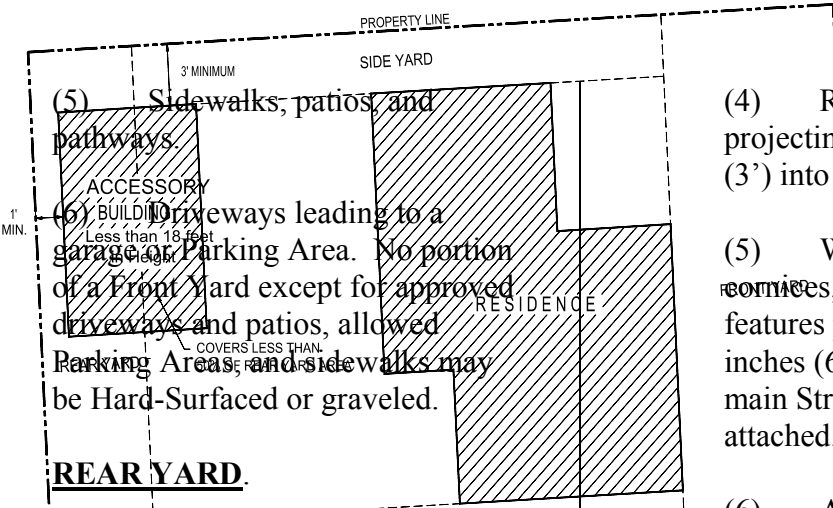
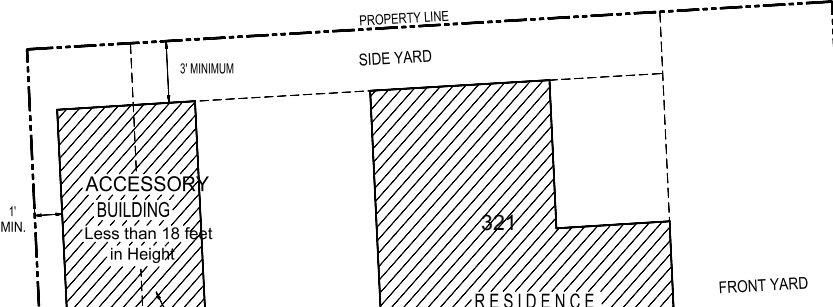
15-2.4-4. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- (A) **LOT SIZE.** Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at

- 
- (5) Sidewalks, patios, and pathways.
- (6) Driveways leading to a garage or Parking Area. No portion of a Front Yard except for approved driveways and patios, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled.
- (E) **REAR YARD.**
- (1) The minimum Rear Yard is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.
- (2) See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.
- (F) **REAR YARD EXCEPTIONS.**
- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
- (2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
- (4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.
- (5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.
- (6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:
- 

(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard for a detached Accessory Building, not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹¹

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window well and light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.¹²

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade.

(7) Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City staircase or pathway.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) **FRONT YARD.** The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing

¹¹ Applies only to Lots with a minimum Side Yard of five feet (5').

Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) **REAR YARD.** The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) **SIDE YARD.** The Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) **OPEN SPACE.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 (D) shall apply. Parking is prohibited within the Open Space. See Section 15-15 Open Space. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and contain fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

(Amended by Ord. No. 09-10; 12-37)

15-2.4-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-

Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

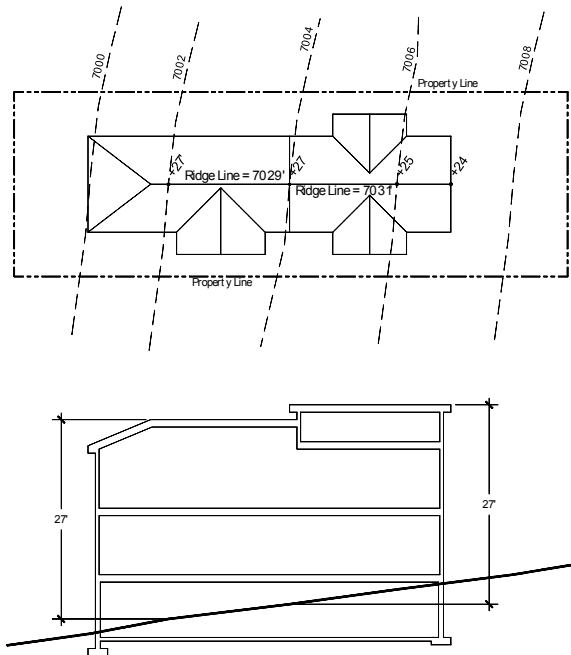
(A) **EXCEPTION.** For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-69)

15-2.4-7. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.



(A) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) Antennas, chimney, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) Church spires, bell towers, and like architectural features as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone

Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(4) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirements and the plans comply with height exception criteria in Section 15-2.1-6(10)(a-j).

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-8. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:
 - (1) the Development of individual Buildings that more closely conform to the scale of

Historic Structures in the District;
and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Section 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.4-9. SULLIVAN ROAD ACCESS.

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”). “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased

vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

(A) CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

(B) NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA.

The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) **UTILITY CONSIDERATIONS.** Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) **ENHANCED SITE PLAN CONSIDERATIONS.** These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

(a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.

(b) Increased Front Yard Setbacks.

(c) Increased snow storage.

(d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.

(e) Elimination of Multi-Unit or Triplex Dwellings.

(f) Minimized Access to Sullivan Road.

(g) Decreased Density.

(3) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE. Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

(4) PARKING MITIGATION. Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

(C) AFFORDABLE HOUSING APPLICABILITY. When the Development consists of fifty percent (50%)

or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution, Section 15-2.4-9(B) above does not apply.

(Amended by Ord. No. 06-69)

15-2.4-10. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 5-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.4-11. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use subject to an Administrative Conditional Use permit. No Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure, addition thereto, or a historically Compatible Structure.

(B) The Applicant will make every

attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.4-12. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must comply with Section 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(A) Notification of adjacent Property Owners.

(B) No violation of the City Noise Ordinance, Title 6.

(C) Impacts on adjacent Residential Uses.

(D) Proposed plans for music, lighting, Structures, electrical, signs, etc.

(E) Parking demand and impacts on neighboring Properties.

(F) Duration and hours of operation.

(G) Impacts on emergency Access and circulation.

15-2.4-13. VEGETATION

PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-69)

15-2.4-14. SIGNS.

Signs are allowed in the HRM District as provided in the Park City Sign Code, Title 12.

15-2.4-15. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-5-13.
- Telecommunication Facility. LMC Chapter 15-5-14.

- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3.3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JULY 31, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Mick Savage, Charlie Wintzer, Kayla Sintz, Francisco Astorga, Polly Samuels-McLean

Commissioners Thomas was excused.

City Manager Diane Foster introduced Matt Diaz, the new Assistant City Manager, and provided a brief history of his experience.

Mr. Diaz stated that he previous lived and worked in Park City he was very familiar with the City. He felt fortunate to be back in Park City and looked forward to meeting the Commissioners.

WORK SESSION ITEMS

LMC Amendments to the HRM District

Planner Astorga remarked that this work session item related to the LMC amendments in the HRM District. He referred to Exhibits B and C in the Staff report and noted that the Staff chose to put the District on two maps because it was too difficult to read on one map.

Planner Astorga stated that the HRM District is basically Park Avenue from 15th Street down to 12th Street on both sides. On the east side it goes down to 10th Street. Planner Astorga noted that page 3 and 4 of the Staff report contained information related to applicable compliance and general terms related to the General Plan. He explained that the primary changes begin on page 4. The first one addresses open space, where through an MPD the open space requirement is 60%. The proposed change for consideration suggests a reduction in open space.

Planner Astorga remarked that consistency was the main driver. The HRM District indicates that under special requirements for triplexes and multi-unit buildings, the open space requirement is 60%. Everywhere else in the Code mentions 60%, but it also indicates an exception that if the site can qualify as re-development, the open space requirements drops down to 30%. He noted that the first LMC amendment was proposed for the purpose of being consistent with the language included in the MPD requirement criteria for review or approval.

Planner Astorga stated that the second proposed change was to the language for existing historic structures, that the Planning Commission has the ability to reduce setbacks for additions to historic sites. Instead of going through a variance it is a conditional use permit through applicable compliance in terms of compatibility and form, mass, volume, and scale. The Planning Commission has that ability and they have exercised that right through specific requests. Planner Astorga explained that the Staff was proposing to add language indicating that it would apply to additions, but also new construction. In the HRM District multiple buildings are allowed on the site for whatever reason. The Staff asked if the Planning Commission was willing to entertain the concept of allowing the exception of reduced setback for new construction similar to the conditional use permit for additions to historic sites. Planner Astorga clarified that the exception would only apply to a historic sites listed on the Historic Sites Inventory.

Planner Astorga remarked that the last proposed change related to affordable housing. In an effort

to incentivize Affordable Housing in the HRM District, the Staff was proposing to deviate from some of the LMC requirements for the HRM District, specifically the one for compliance with access to Sullivan Road.

Planner Astorga noted that the Staff had drafted proposed language as shown on Exhibit A in the Staff report, the HRM District, Chapter 2.4. The potential changes were highlighted in red beginning on page 14 with the two amendments regarding open space and setback exceptions. The proposed amendment for Affordable Housing was outlined on page 17.

Planner Astorga disclosed that the proposed changes would affect the current application filed within the Planning Department for a conditional use permit for a multi-unit building, co-housing project at 1450/1460 Park Avenue. The amendments would change the requirements related to parking spaces of five or more and access off of Sullivan road. Planner Astorga stated that if the City decided to move forward with the proposed changes, it would positively affect that site.

Planner Astorga noted that this was a work session and a public hearing was not scheduled. However, members of the public were in attendance and he recommended that the Planning Commission take public input.

Assistant City Attorney remarked that even though the proposed amendments would affect issues that arose with a specific application, she felt it was important to recognize that it would be a legislative change and not specific only to the Green Housing project. Ms. McLean recommended that the Planning Commission focus on the policy decisions regarding the LMC amendments rather than on one project.

Commissioner Wintzer asked if an application would have to be resubmitted if it was originally submitted under the existing Code and the Code is changed. Ms. McLean replied that the applicants would have the benefit of the Code change without resubmitting the application. Commissioner Wintzer understood that if it was turned around they would not get that benefit. Ms. McLean replied that he was correct.

Planner Astorga believed it would depend on whether the Code was changed to be more restrictive or less restrictive. Ms. McLean stated that an application is vested under the current Code; however, the applicant could choose to take advantage of the changes and move forward with the revised Code.

Commissioner Hontz referred to page 4, the last bullet point under Historic Core Policies and noted that some of the words were missing to complete the sentence. She noted that words were missing from the second bullet point under Historic Core Actions and asked for clarification. Planner Astorga apologized for the error and offered to find the exact language from the General Plan.

Planner Astorga stated that he looked at the vicinity map to contemplate what the change might allow in terms of the properties in the zone. He was concerned about setting a precedent and creating a future problem. Planner Astorga stated that it was impossible to predict future problems because everything depends on what currently exists and what the property owner wants to do with his land. However, as indicated on the HRM maps on page 20 and 21, the second amendment proposed would only apply to the historic sites identified as significant or landmark on the Historic

Sites Inventory, and those were indicated on the map with yellow dots or orange triangles.

Commissioner Hontz clarified that for MPDs or anything else, any applicant could come in at any time and use the benefit of the Code changes. The benefit of the Code changes would affect every person in the HRM District. Commissioner Hontz commented on City-owned property in the HRM District, some of which was identified in blue on the map. She pointed out that the City would be one of the property owners affected, as well as private property owners.

Chair Worel opened the public hearing.

Planner Astorga handed out a letter that Clark Baron had emailed earlier in the day.

Clark Baron, an owner in the Struggler Condominiums located at 1470 Park Avenue adjacent to the project stated that he had made comments at the last two public hearings and the Planning Commission was given a written copy of comments. Mr. Baron stated that during the last two meetings the owners of the Struggler Condominiums have made it clear that the concept of co-housing is a good concept; however, putting ten units on a property of this size in the Historic District does not meet Code. They have tried to indicate that it is a good project but on the wrong property.

Mr. Clark stated that he and other Struggler owners were opposed to the changes in the LMC. Making public policy changes to benefit a specific private development looks bad for the City. The project is too large for the property and he encouraged the Planning Commission to consider the density. Mr. Clark stated that one of the changes in 15-2.4-9 attempts to exempt the project from all requirements related to Sullivan Road. He felt it was inappropriate to negate a full section of the building code based on the fact that a percentage of the project is affordable housing. The goal of the City is to maintain the historic nature of the area and also to do affordable housing. He believed they could both, but not with this project on that property. It is too big and does not match the surrounding development. Mr. Clark asked the Planning Commission not to support the proposed changes to the LMC.

Dan Moss, a Struggler Condominium owner, stated that there is very little developable land left in the historic district and this was not the time to compromise the standards they have all worked so hard to craft through the years. He felt it was important to hold fast to the values and not snub the efforts of the City forefathers who gave their all to ensure a future Park City that holds true to its beliefs. Mr. Moss stated that the wording that defines the City Code was well-thought out by those who had the foresight to know how best to proceed. He did not think those valiant efforts should be compromised. Mr. Moss remarked that the Historic District of Park City was the last place where they should ease the requirements to promote affordable housing. If the proposed project cannot be built on this parcel without the aid of compromise and the easing of standards, then it should be built on a different parcel of land that could better facilitate the proposal.

Chair Worel closed the public hearing.

Planner Astorga read the language from the General Plan to complete the incomplete sentences that Commissioner Hontz had pointed out earlier. The first was the last bullet point under Historic Core Policies. "Work to ensure the continued livability of residential areas around the historic commercial core." The second was the second bullet point under Historic Core Actions, "Encourage

residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation and historic preservation objectives."

Commissioner Hontz noted that pages 3 and 4 of the Staff report highlighted some of the sections of the General Plan that the Staff had chosen to support the potential Code changes. However, when she reads the language it does not support the changes. Commissioner Hontz stated that both of the bullets highlighted under Goal 7 do not relate to the changes proposed. She remarked that livability was a key element in the historic preservation objectives. She intended to focus on both issues in her comments.

Commissioner Hontz summarized her comments in six points as follows:

1) Open Space – In her opinion none of the proposed changes were acceptable and none of them would make for a better District or zone that would benefit the entire community and building district. Commissioner Hontz referred to the first bullet point in the consistency question regarding open space, and stated that if she had been aware that the unintended consequences of allowing MPDs in Old Town would mean reduced open space and not specifying no roof tops and no side yards, she would have never allowed MPDs in Old Town. Commissioner Hontz stated that the reason for having an open space requirement in MPDs and for larger units was due to the context of the neighborhood and the relationship with the historic structures. She believed the open space needed to be maintained, especially in Old Town, where a few feet is precious space. Commissioner Hontz remarked that open space is a mandatory requirement for larger density in order to fit into that part of Town. In her mind it was not a consistency issue.

2) Relationship – Commissioner Hontz felt like the City was shifting from the number one goal in the Historic District, the word "historic", to pushing another goal for affordable housing. She recognizes that affordable housing is important and she supports it, but it should not compromise the "historic". Commissioner Hontz noted that the current General Plan has supported existing affordable projects, and they can be done under the existing Code. She was not willing to further degrade the historic district and run the risk of making it less valuable and livable by allowing the proposed change outlined under Existing Historic Structures. Commissioner Hontz thought the situation would be worsened by making the conditions fit the historic structures instead of new construction.

Commissioner Hontz stated that a relationship has been established between the historic structures, other structures and the street, and she believed those needed to be maintained. She felt the proposed change was the wrong direction to go in Old Town.

3) Affordable Housing and the Sullivan Road Access – Commissioner Hontz stated that she has lived in Park City for 19 years, and she has learned over time that the Planning Commission exists for a good reason. She found it interesting that they would consider exasperating the problem in this area rather than to enforce the rules that were put in place to stop this type of situation from occurring. In looking at the corridor along Sullivan Road, the proposed change would undo the important regulations intended to stop the type of development in the parking lot and the facades that were occurring along the Park. Commissioner Hontz did not believe it fits the neighborhood and it was not a good direction to consider.

4) Commissioner Hontz believed the points she outlined shows that the proposed changes do not

support any of the community ideals and it would erode what they have worked hard to put into place.

5) Keeping her focus on the legislative action, Commission Hontz could see this policy change causing problems for the City in terms of how the process was initiated and moved forward.

6) Commissioner Hontz believed her points against making the Code changes were strong enough to convince them not to move forward in any aspect.

Commissioner Wintzer concurred with all of Commissioner Hontz's comments. However, he would put more emphasis on the comment that the process is flawed. If this is a big issue, the Planning Commission should be looking at it in comparison with the General Plan and looking at the bigger picture rather than just one isolated area. Commissioner Wintzer agreed that Sullivan Road needs to be maintained as a special area. It was abused when it was first put in and the proposed changes would weaken it even more.

Commissioner Strachan agreed with the comments. He believed the trend throughout the community is to increase the amount of open space. People have voted for million dollar bonds to gain more open space, and the idea of changing the Code to decrease the amount of open space is not in concert with the community trend. Commissioner Strachan stated that in Old Town where the houses are so close together, open space is an important element. There needs to be room between structures for storage of bikes, etc., but particularly for children. If they want to encourage families to move back into Old Town they need to have yards for their children. He remarked that yards are still important for projects along Sullivan Road, because even though the Park is on the other side of the road, people cannot send their children to play in the Park without having a parent with them. Families need to have open space next to their homes where the children can play and the parents can supervise.

Commissioner Strachan needed more time to think about the changes proposed to the Historic District section. This was the first time he had seen the changes and he needed to look at the map and physically walk by the historic structures to figure out what the Code change would mean for each of those homes.

In terms of process, Commissioner Strachan felt this was similar to when the Kimball Arts Center requested a Code change to accommodate their project. At that time the Planning Commission viewed it as being reactive planning instead of progressive planning. He thought they should be planning for the projects they want to see as opposed to reacting to projects that come before them.

Commissioner Strachan recognized that the change may be good overall, but putting it in front of the Planning Commission as an effort to approve what they all agree is a good project may have unintended consequences. Knowing the trends that occurred in the past when patchwork changes were done to the LMC, he would anticipate abuse of the Code.

Commissioner Savage stated that he had given the matter considerable thought and he spent a lot of time driving the area. He took exception to the earlier comments, not because of the unintended consequences, but rather trying to do something that supports intended consequences. He disagreed with Commissioner Hontz's comment that the proposed changes do not support any of the community ideals, since one of the primary community ideals is affordability and integrating

people of various economic means into the community as broadly as possible. The idea of bring families back into the historic area without providing a mechanism to achieve it was frustrating. Commissioner Savage believed this was an opportunity in this area to contemplate a range of possible projects that could help achieve some of the intended objectives. He remarked that in talking about open space in the area around Sullivan Road, he could not think of many places in all of Park City that offer a more direct access to significant open space for children and families and recreation in terms of having a Park all along the back of the homes. In relations to the yellow dots on the map, he felt the achievement of open space and the desirability of functional open space was well achieved in that area. If they could find a way to encourage development that would create that as an asset, it would attract the families they want to see in Old Town.

Commissioner Savage stated that when he looks at the purposes in this part of the General Plan and the Land Management Code, he finds it very supportive for what they were trying to achieve. Commissioner Savage supported the proposed changes because it makes sense for Park City. Commissioner Savage agreed that the desire to maintain historic compatibility was of paramount importance and they need to be good stewards of that, but not to the exclusion of flexibility as it relates to allowing the higher population of family units.

Commissioner Savage referred to the City properties in the area and he believed those properties were ripe for development in terms of higher density and affordability for families, particularly due to the proximity to the Park and transportation corridors.

Commissioner Gross believed that Lower Park Avenue would be a very important aspect of the City and some of the things being planned in the redevelopment areas. He thought the Code changes would help take it in the direction of additional density in the right places, walkability, transportation, etc. Commissioner Gross stated that in looking at the area identified in the Staff report, it appeared that the Struggler lots to the north only had five units on one lot equaling the same size of property as the two lots to the south with ten proposed units. Commissioner Gross was unsure if density was the real issue. He thought affordable housing was critical and there has been heard good feedback with regards to projects along Park Avenue. Without talking about the Green Co-housing project specifically, Commissioner Gross thought the Planning Commission needed to pay attention to the importance of setbacks and open space. He suggested that 60% open space may be too aggressive; but he would not want green roofs or patios being considered as part of the 30% open space.

Chair Worel stated that from her perspective open space was a key factor and she had an issue with potentially cutting the open space requirement in half. Chair Worel agreed that they need to protect the historic structures and carefully consider what they put next to historic structures in terms of additions, etc. Any additions or construction should be compatible with historic structures and with the streetscape. Chair Worel liked Commissioner Strachan's comment about planning rather than reacting. She was concerned about setting a precedent for changing the Code every time a project comes along that they all like and believe in. Chair Worel was opposed to setting the precedent by changing the Code.

Commissioner Savage stated that for the years he has been on the Planning Commission he could count on two fingers the number of times there has been a change in the LMC that has come to the Planning Commission as a consequence of a specific application. He was not particularly

concerned about the issue of precedence. However, he was concerned about the issue of higher purpose in terms of their intentions. He noted that the Planning Commission has had extensive discussions in relation to the development of the new General Plan having to do with the concept of gives and gets. Commissioner Savage stated that there was no perfect way. Any time they are faced with making a decision that supports the vision they want for the community in the future, there will have to be compromises. Commissioner Savage did not argue the fact that there were compromises associated with the proposed changes; but when he looks at the implication it could have relative to the integration of affordable housing in a very high-quality location in the community, he felt strongly that this was a good opportunity to act in a constructive way.

Commissioner Hontz stated that the City has four community ideals; historic character, small town, natural setting and community. She would argue that the historic core is what distinguishes Park City the most as a unique ski town that is both livable and interesting to visitors. In order to accept any of the proposed changes they would have to buy into the fact that it would benefit the four community ideals. Commissioner Hontz remarked that she has looked at this area for various projects and as a Planner she understands that the existing regulations work quite well. She was not convinced that the proposed changes would help someone succeed. She believed that accepting them would be reacting in a negative way.

Commissioner Hontz stated that a 50% reduction sounds significant, but on a plan with significant density, that could mean four feet on one side yard, which is important in Old Town. She realized that it was hard to understand what 30% means, but she does understand it and making it smaller would not work. Going back to the historic character, she was not willing to erode what they have any further.

Commissioner Wintzer stated that he had calculated the setbacks on a 50' x 150' lot and they equaled 36% open space. The proposed change would essentially mean that the Planning Commission was willing to accept only the setbacks as open space. Commissioner Wintzer remarked that he personally was not willing to accept setbacks as the only open space.

Planning Manager Sintz pointed out that MPDs are now allowed in the HRM zone. Under the current Code, reductions of open space from 60% to 30% can be granted when there is affordable housing or rehabilitation of historic structures. She liked the discussion regarding open space and whether it was enough in setbacks. Planning Manager Sintz noted that the variation of setbacks can be a bonus for historic structures if an applicant is not actually attaching an addition to, but is instead doing new construction. It allows a greater separation from two buildings. She was unsure if that had been contemplated as a mechanism.

Planning Manager Sintz asked if there was consensus among the Commissioners to bring back the proposed changes for further consideration. If the consensus was no, she asked if there were specific items or sections that the Staff should bring back for further discussion.

Commissioner Savage reiterated his support for implementing the changes as proposed.

Commissioner Strachan wanted to know the catalyst for proposing changes to the Historic District setbacks for new construction. Planning Manager Sintz replied that greater separation allows for more space between a historic structure and new construction on the same site or an addition to a

historic site. Planner Astorga stated that unlike the HR-1 or other districts, the HRM District allows multiple buildings within a lot. If new construction that is not necessarily attached to the building it could be shifted towards the back, it would achieve greater separation between the historic structure, but the setbacks would still be reduced.

Commissioner Hontz wanted to know what would keep the new construction from creeping closer to the historic structure but still be allowed a reduced setback. Planning Manager Sintz stated that it would be part of the Planning Commission review process. Commissioner Hontz remarked that it would not end up being a benefit unless the Code specified that in order to receive the reduced setback, the structure would have to be set back for further separation.

Planner Astorga clarified that the Staff chose not to specify the separation because compatibility is addressed in the conditional use permit criteria. Each site is different and it is better to address it on a case by case basis.

Chair Worel asked if the Planning Commission was interested in further discussing the proposed change regarding open space. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in discussing it further. Commissioner Gross was interested. Commissioner Savage had already made his position clear for supporting the proposed change.

Chair Worel asked if the Commissioners were interested in further discussing the proposed changes regarding Existing Historic Structures. Commissioner Strachan wanted to see additional analysis. He had walked around Rossi Hill and went up the Shorty steps. Some of the homes are close together and he found it to be quaint and interesting because it had the feel of an old mining town. Commissioner Strachan stated that if the proposed change allows the ability to shrink the setbacks to achieve that feeling, he would be willing to look at it. He understood that it was only for new construction and he recognized the issues related to a new structure abutting a historic structure. However, he was interested in seeing the Staff analysis and how that could be mitigated. If compatibility is the only regulator to address that problem, he would not support it.

Commissioner Hontz noted that all the pieces of the Code were entwined. If the other Commissioners concurred with Commissioner Strachan, she would want strong language in terms of what instances it would make sense, and she would also want to mandate more open space.

Commissioner Wintzer referred to Commissioner Strachan's comment about the quaint neighborhood up the Shorty Stairs. He explained that it is a unique neighborhood because there is no road and no cars. There is no chance for a mega-building in that area because it cannot be accessed by car. He pointed out that decreasing the amount of open space essentially increases the size of a structure. At this point, Commissioner Wintzer was not interested in pursuing it further. He believed the only way to draw families and children back into Old Town is to create more open space.

Commissioner Savage stated that in the category of gives and gets, having the ability to encourage people to build affordable housing in a location proximate to City Park and the park at the Library, was very consistent with the desire to encourage families to move back into Old Town. He believed they were putting so much emphasis on the open space issue that it becomes the defining constraint without looking at the benefits from developments that include a significant percentage of

affordable housing. Commissioner Savage thought the Planning Commission was being inconsistent. They talk about affordable housing but they are unwilling to do what is necessary to achieve it.

Commissioner Hontz reiterated that the point she made that was not resonating is that the amount of open space is three or four feet, which is not enough space to do anything or store anything. She emphasized that 30% open space is only the setbacks, which is not usable open space. Commissioner Hontz noted that there are still no yards in Old Town at 60% open space. Families are already forced to go to the Park. She believed that 60% open space was a necessity.

In response to the question of whether the Planning Commission wanted the Staff to come back with more analysis on existing historic structures, Commissioner Strachan answered yes. Commissioners Gross, Savage and Worel concurred. Commissioners Wintzer and Hontz were not interested in further analysis.

Chair Worel asked if the Commissioners were interested in further analysis regarding the proposed change to explore the concept of removing the Sullivan Road access requirements if the development contains 50% or more deed restricted affordable housing units. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in pursuing this change. Commissioner Gross and Savage were interested in more analysis. Commissioner Gross clarified that he would like to see more analysis because he still struggled with why they were calling it a parking lot and access road. He thought it needed further analysis so they could call it what it is. If they do not want housing and people they should put in another parking lot for the Park.

The Work Session was adjourned.

Exhibit C

Planning Commission Meeting
September 11, 2013
Page 16

33. This ridge is the entrance corridor to Old Town and Deer Valley.
34. The proposed house would be extremely visible from Deer Valley Drive and the roundabout.
35. The General Plan does not address the Sensitive Lands Overlay, but it does address ridgelines.
36. The subtle ridgelines are the only ridgelines left, which are being threatened when built upon.
37. The topographic map shows the site is clearly on a ridgeline.
38. Exhibit A, topographic map from the July 31, 2013 staff report does a great job indicating the ridgelines.
39. As the property gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.
40. No increase in minimum setbacks or a reduction in height was proposed by the Applicant to mitigate the impacts on the ridgeline.

Conclusions of Law – 489 McHenry

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code.

4. Land Management Code – Amendments to Chapter 2.4 (HRM)

Planner Francisco Astorga handed out public input from Clark Baron that he had received that day. He apologized for not being able to forward the electronic version to the Commissioners earlier in the day.

Planner Astorga reviewed the request to have the Planning Commission review the proposed amendments to the Land Management Code, specifically changes to the Historic Resident

Medium Density District (HRM). The Staff finds the changes to be appropriate in the District. Planner Astorga noted that the changes were introduced to the Planning Commission at a work session discussion on July 31, 2013. At that time the majority of the Planning Commission did not respond favorably to the proposed changes. Understanding that the proposed changes are critical to the future development of the HRM District, the Staff was reintroducing the LMC changes again this evening.

Planner Astorga referred to page 233 of the Staff report and noted that the first change related to Section 15-2.4-5, Special Requirements for Multi-unit Buildings, where the language specifies the front yard, rear yard and side yard requirements for a multi-unit building, which is a structure with more than four units. Planner Astorga noted that the open space requirement for this type of use is 60% open space. The Staff recommends changing the Code to be consistent with the language of the MPD, where in redevelopment areas the open space requirement is reduced to 30%.

Planner Astorga explained that the Staff believes this specific change is appropriate because of the proximity of the entire neighborhood to City Park, and how those opportunities for open space are directly within the neighborhood. The Staff had also done additional research and found that there were limited sites in the District with the capability to house a multi-unit building.

Planner Astorga reported that a multi-unit building is a conditional use and the size of the lot yields the number of allowed units. The minimum lot area for a four-plex multi-unit building is 5,625 square feet. Very few lots within the HRM District could accommodate a four-plex.

Planner Astorga referred to page 234 of the Staff report and noted that the second proposed amendment related to the Exception in the Code in Section 15-2.4-6, Existing Historic Structures, which indicates that for Historic Structures, the Planning Commission may reduce the minimum setbacks through the conditional use permit process for additions to historic structures. In the HRM District, multiple buildings are allowed on one lot. Therefore, the location of the newer buildings which are not attached to historic structures are limit because of the building envelope; the area of the lot minus the setback. The Staff finds that by allowing new construction to encroach on to the front, side, rear, or rear setbacks would allow for better separation between the historic structure and new construction. Through the compatibility analysis reviewed by the Planning Commission and through the CUP criteria, the Staff believed they could determine an appropriate number for encroachment into the side yard setback.

Planner Astorga referred to page 237 and the proposed revision related to the limited access off Sullivan Road. The Staff found it appropriate to have an incentive within this District for affordable housing. The Code revision would state, "When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, the requirements for the access off Sullivan Road would not apply to that specific site."

Planner Astorga stated that the Staff could provide the actual number of lots that would have access off Sullivan Road. He pointed out that it would be specifically for affordable housing units.

Planner Astorga disclosed that the proposed revision would positively affect the Green Park

Cohousing conditional use permit. The Staff was prepared to answer any questions related to compliance with the General Plan or the other community values from the 2009 Visioning results.

The Staff recommended that the Planning Commission review the proposed amendments to the Land Management Code for Chapter 2.4, Historic Residential Medium Density, conduct a public hearing, and forward a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Vice-Chair Thomas asked if Planner Astorga had a map of the HRM zone. Planner Astorga stated that he had created a map earlier today. Because the map was difficult to see on the monitors, the Planning Commission and the public gathered around the table to review a printed copy of the map. Planner Astorga outlined the boundaries of the HRM District. He identified the historic structures that would apply for the second proposed amendment, which would give the Planning Commission the authority to reduce the minimum setbacks. Planner Astorga pointed out where Sullivan Road begins and ends in the HRM District. Planner Astorga pointed out the lots that could qualify for the proposed changes. The remaining lots already have multi-units structures or the lots are not large enough to accommodate a multi-unit building.

Planner Astorga reported that there were a total of 24 historic sites within the HRM District; ten are Landmark sites and 14 are Significant sites.

Planning Manager Sintz remarked that under the Draft Ordinance 13-23, the HRM is now allowed to have MPDs. Therefore, the existing language indicating open space for redevelopment being reduced from 60% to 30% would only be allowed if someone came in with an MPD application. She noted that the ordinance was previously approved by the Planning Commission.

Vice-Chair Thomas opened the public hearing. He clarified that all comments should be general to the amendments proposed for the HRM District and not to a specific project.

Clark Baron, a resident at the Struggler Condominiums, stated that he has provided input at previous meetings regarding a particular project. He understood that they were not talking about that project this evening; however, in his experience, it is not good policy to make Code changes to benefit a specific project or a specific developer. He believed that was the direction they were going with the proposed amendments and he was uncomfortable with that thought. Mr. Baron stated that the City owns a piece of property that has been discounted significantly for sale. He noted that the project as designed did not meet the Code and the City is now trying to change the Code so a particular project could be approved. Mr. Baron felt the density in the area was already significant and he did not believe the project was a good choice for the property. To negate an entire section of the Code on mandatory neighborhood housing elements is not right. Mr. Baron commented on the amount of snow in Park City and noted that reducing the amount of open space also reduces the space for snow storage and other important elements and that would create additional problems.

Mr. Baron emphasized that it was bad public policy to make Code changes to benefit one

particular project, and from his perspective it appears to be an in-house job. He asked the Planning Commission to forward a negative recommendation to the City Council for the proposed changes because it is not good public policy and it would not benefit the citizens of Park City. Mr. Baron also thought it was inappropriate to negate large sections of the Code for the benefit of putting in affordable housing. They should not ignore the historic nature of the historic properties by putting in high density housing next to them. He thought they should maintain the green space and the historic character of the area.

Dan Mauss stated that his comments pertained to the proposed changes in general. He remarked that there is little developable land left in the Historic District this was not the time to be compromising the standards that previous Councils and Commissions worked so hard to establish over the years. He felt it was important now more than ever to hold to those values. Mr. Mauss did not believe they should snub the efforts of the City fathers who gave their all to assure a great future in Park City. He thought they should heed the lessons that were learned by those crafting the decisions years ago and embrace their wisdom and honor their vision for what they saw in moving the City forward. Mr. Mauss stated that cherry picking the elements of the Code they like and tossing aside the elements that hinder the progression of a specific development is shortsighted and establishes a dangerous precedent.

Mr. Mauss that those in the Struggler Condominiums have watched the City grow in a way they love. The consistency in the way they apply the Codes and the guidelines is what makes the City great. Exceptions and compromises create holes in what would otherwise be a consistently great city. Every project needs to stand on its own and meet the established criteria. It should not count on exceptions, changes and compromises to make their idea work. Mr. Mauss did not believe the proposed changes have a place in this area of town because it would compromise the Historic District and the gateway to the City.

Stu Johnson objected to the proposal to reduce the amount of open space in that area because it is the Gateway to the Historic District and an introduction to Old Town in general. Even if some of the lots would not allow for a four-plex, it could allow for a decent amount of expansion on to the existing structures. Mr. Johnson thought the green space between buildings creates an inviting feel into town. Also, he has lived in the east where houses come up to the roadway and it makes it feel dark and claustrophobic. He was concerned that allowing houses to encroach into the setbacks would create the same feeling. There is also an increased fire hazard when the houses are set closer together. Mr. Johnson echoed Mr. Baron's comment regarding snow removal.

Kaisi Baron, a full-time resident of the Struggler condos, requested that the Planning Commission not reduce the green space. The historic feel in the neighborhood is nice and charming and she enjoys how it looks living there.

Vice-Chair Thomas closed the public hearing.

Vice-Chair Thomas explained that periodically the City revises the Land Management Code when it is apparent that a change is needed. It occurred in the Historic Districts for the Steep Slope criteria a number of years ago when the City saw a transformation in Historic Old Town

that began to dominate the historic community with overly large homes. The City modified the Steep Slope criteria and changed the Code to protect the Historic District. Vice-Chair Thomas felt this was an appropriate time to examine this neighbor as well.

Vice-Chair Thomas noted that he had missed the work session in July, but he personally supports the idea of more affordable housing and some degree of flexibility.

Commissioner Hontz stated that in her profession she often looks at Codes to determine when it should change and how it benefits the community and/or the applicants. However, not every Code change proposed should be approved. She felt it was worthwhile to have the dialogue and she appreciates the public who attend multiple meetings to express their comments.

Commissioner Hontz recalled a lengthy discussion at the work session about open space and MPDs. She understood that moving forward, if someone were to propose an MPD in the HRM District, the open space could be reduced to 30%. She asked if that was correct or if it would be reduced to 30% as part of the give and take of an MPD application. Planning Manager Sintz recalled that for a redevelopment the open space starts at 30%. Commissioner Hontz asked Planner Astorga to check the LMC for clarification.

Commissioner Hontz stated that during the July work session she had not supported the proposed changes and nothing presented this evening had changed her mind in terms of how it impacts the community and particularly the Historic District. Commissioner Hontz noted that a lively piece of the MPD discussion was that if the MPD in redevelopment only allows 30%, they needed to look at changing it. She might be willing to go to 30% with the caveat that the mandatory setbacks are not counted as part of the 30% open space. Without that caveat, she would not support the reduction in open space. She agreed that this was the gateway to the Historic District and the initial impression people have of the Historic District. Commissioner Hontz noted that the issue was a matter of feet. Going from a 3' setback to a 5' setback would make a major difference in terms of how the project looks and feels, as well as affecting the neighborhood and the livability of the neighborhood.

Commissioner Hontz stated that affordable housing is discussed at nearly every meeting and it is important to figure out how it would work in Park City. She did not believe the proposed changes would do anything to help promote or address the problem. Commissioner Hontz believes that affordable housing is an important component that the City needed to address.

Commissioner Hontz remarked on the four community ideals that came out of visioning; community, natural setting, small town and historic character. She thought the proposed changes erode all four of the ideals in some way. Reducing the amount of open space and livability of the project erodes the fabric of how people interact from the street or Sullivan Road with the properties. Commissioner Hontz stated that she struggles with any change that erodes what they are supposed to continually look at to see if it fits within the four levers.

Commissioner Hontz thought the Staff report and the map were well done and actually helped indicate the potential impacts that would be caused by the revisions. She pointed out that nearly 100 properties would fall under the proposed changes and would allow structures to go bigger

and have less open space and narrower setbacks.

Commissioner Hontz commented on the Sullivan Road access. She understood how it could be supported as a good idea if it was specifically related to affordable housing. However, the rule was put into place to keep from expanding the look and feel of additional parking alongside of the Park. Commissioner Hontz believed that even with affordable housing they should not try to eradicate and re-create the rule. The Code regulation was put in place to stop devolving the Park and she did not think they should take it in the opposite direction.

Commissioner Wintzer concurred with Commissioner Hontz. He pointed out that there are no CC&Rs in Old Town. The Planning Commission and the LMC are the only protection the Old Town residents have. Speaking as an Old Town resident who has gone through major changes in his neighborhood, it is difficult when you do not have a vote on whether or not to change the rules in your zone. The Code changes are presented and the Planning Commission votes on them. Commissioner Wintzer appreciates the position that affordable housing is in and they need to find a way to work with it. However, he did not believe that changing the Code in this particular location would make it easier. After looking at the map he could see four or five properties that could potentially grow into large projects and he did not think the proposed changes for setbacks and reduced open space were the right application. Commissioner Wintzer was concerned that it could eventually push into the other zones.

Commissioner Gross clarified that a portion of the area was part of the Lower Park Avenue RDA. Planner Astorga replied that this was correct. Commissioner Gross was pleased to see a resolution to Sullivan Road in terms of it not really being a road. He did not believe 30% was enough open space, noting his previous comment about not having allowances for green roofs and other elements. Commissioner Gross thought there could be some resolution between 30% and 50%. He believed it was important to have affordable units along one of the few walkable areas of town that is accessible to services, transit, recreation and workforce. It was also important to find places to bring in additional density to help with the vision of the City moving forward.

Vice-Chair Thomas thought it was important to have an affordable housing component in the community and this was an opportunity to evolve the Code to do so. Vice-Chair Thomas suggested that if a project contains at least 50% of affordable housing the open space could be reduced to 30%. He asked if the Commissioners would find the reduction palatable if 50% of the project was affordable housing. Planning Manager Sintz asked if they would feel more comfortable restricting it to properties that only fronted the Park. It would recognize adjacent open space amenities offered by the Park for the same criteria.

Director Eddington clarified that the Staff proposal to reduce open space in this area was due to General Plan discussions regarding open space, potential infill opportunities and affordable housing. He stated that this particular area was the residential medium density zone within the Historic District and the entry corridor to town. The idea was that if a property is within walking distance to the Park, which is most of the HRM zone, that was the Planning Best Practice and why the 30% reduction was recommended. If the Planning Commission wanted to restrict it further, they could limit it to properties directly adjacent to the Park. He thought that would be an

appropriate compromise.

Commissioner Gross recalled a discussion nearly a year ago when they went through the variations of houses abutting each other and the psychological perspective from the pedestrian standpoint. He thought this was critical towards making Park Avenue a continuation of the walkable City. Commissioner Gross was interested in resolving the issue so they could move forward with projects in the area and enhance density in the appropriate places.

Commissioner Wintzer stated that if the Planning Commission chose to move forward, he would need to see how the other properties would be affected, including the parking lot. Commissioner Wintzer remarked that the larger the property, the lesser percentage of setbacks could be open space. He was not comfortable moving forward without first having a study of the adjacent properties and what they would look like if they were developed. He clarified that the study should include the City properties. Commissioner Wintzer felt it was important to properly look at the entire neighborhood. He would be more willing to support the proposed changes if all the criteria had 50% affordable housing.

Director Eddington suggested that the Staff could take the five or more properties adjacent to the Park on Sullivan Road and look at the size and the setbacks. He pointed out that the setbacks would not change on Park Avenue because of the historic structures. The only front setback that would change would be the Sullivan Road driveway. Director Eddington noted that it would preserve the Park Avenue right-of-way and protects the historic fabric, and at the same time separate the historic structures from the new building and push them closer to the Sullivan driveway road parking lot. He believed they could begin to look at the building envelopes and the setback and guesstimate what 30% versus 60% open space would look like. Director Eddington emphasized that it would only be a guesstimate. He noted that most of the existing buildings along Park Avenue do not meet 60% open space. Director Eddington explained that the Code was amended to include the requirements for Sullivan Road in 2006 after most of the existing development had already occurred. Planner Astorga pointed out that the ordinance that approved the special requirements for multi-unit buildings was adopted in 2009.

Planning Manager Sintz asked how many lots that would be restricted to fronting Sullivan Road also have historic structures. Planner Astorga answered two, which was the Green Park Cohousing site at 1450-1460 Park Avenue. He explained that there were a number of historic structures but none of them meet the minimum requirement of 1.3 of an acre for a four-plex. Planning Manager Sintz stated that another restriction could be to tie it to community visioning of historic preservation.

Commissioner Hontz stated that after the last meeting she was under the assumption that most of the Commissioners either questioned the setback change or were uncomfortable with it. She expected to see more clarification this evening rather than just a reiteration of the same language. She offered to provide a number of assumptions to conduct an analysis. Planning Manager Sintz believed it came down to give/gets. The question is whether they find that affordable housing projects are worthwhile, whether this is an appropriate location, and whether

they should incentivize people who preserve historic structures. Commissioner Hontz replied that all the Commissioners want affordable housing, but everyone knows that the existing affordable housing cannot be purchased. She was hesitant to change the Code for something that may not be able to be built or sold. Commissioner Hontz felt it was irresponsible not to talk about a holistic view.

Vice-Chair Thomas noted that the Planning Commission could move to approve, deny or continue. If they chose to continue this item, the Planning Commission needed to give clear direction to the Staff. He asked if the Staff could provide a diagram that would help bring clarity to the issue. Director Eddington requested direction from the Planning Commission relative to modeling from 60% to 30% open space. He understood that they would be taking away some of the green space and pushing people into the use of City Park.

Commissioner Hontz asked if the side yard setback would literally go from 3-foot to 5-foot. She did not understand what a 30% reduction in open space would do to the square footage. Commissioner Wintzer understood that the setbacks would not change. Director Eddington replied that the setback would only change if the building had to be pushed back from the historic structure towards Sullivan Avenue. The front yard setbacks that face Park Avenue would not change.

Planner Astorga clarified that the Code required setbacks for multi-unit buildings were 10-foot side yard, 10-foot rear yard, 20-foot front yard, or 25-feet for a front facing garage. The setbacks are standard for all multi-unit buildings. The Staff was not proposing to change any of the other requirements. Commissioner Hontz stated that she was not suggesting that any of the setbacks would be decreased; however, in some cases the setbacks could result in the entire 30% open space. The question was whether the Commissioners were comfortable with that going down the street. Vice-Chair Thomas replied that it would not necessarily replicate going down the street because it would depend on an individual parcel.

MOTION: Commissioner Gross moved to forward a POSITIVE recommendation to the City Council to modify the LMC Amendments to Chapter 2.4, Historic Residential Medium Density, per the ordinance presented in Exhibit A.

The motion failed for lack of a second.

Commissioner Wintzer preferred to continue the item with direction to Staff to use the map to identify every property that would be affected by the proposed changes. If it is only one property he would be more inclined to accept the change. Commissioner Wintzer was uncomfortable making a decision without seeing all the properties to understand the implications.

Planning Manager Sintz asked if the direction included historic structures. Commissioner Wintzer clarified that it would include any property that would be affected if the Code was changed. It would include historic structures, the ones that front Sullivan Road and open space. Planner Astorga asked if the lots with existing multi-unit structures should be included in the analysis. Commissioner Wintzer stated that most of the existing multi-unit structures were built in the 1970's and 1980's and he believed they would eventually be re-developed. He would like

the analysis to include those properties so he could see what would occur with redevelopment.

Vice-Chair Thomas asked if the Staff could prepare the requested diagram and analysis by the next meeting. Planner Astorga answered yes.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC Amendments to Chapter 2.4 to the September 25th meeting, with direction to Staff to identify all the properties that would be affected by the proposed changes on a 2-dimensional diagram. Vice-Chair Thomas seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into work session to discuss the General Plan Task Force recommendations for Small Town. That discussion can be found in the Work Session Minutes dated September 11, 2013.

The Park City Planning Commission meeting adjourned at 9:20 p.m.

Approved by Planning Commission: _____

**6. Land Management Code – Amendments to Chapter 2.4 (HRM)
(Application PL-12-02070)**

Planner Francisco Astorga reported that this was a legislative item regarding LMC amendments to the HRM District, specifically for the open space requirement for multi-unit dwellings, as well as the current exception for historic sites through a conditional use permit, and the Sullivan Access Road criteria. The Planning Commission held a public hearing and discussed these amendments on September 11th, at which time the Planning Commission directed the Staff to prepare a two-dimensional diagram showing the specifics of the HRM District. The Commissioners were provided with 11" x 17" copies of the diagram.

Planner Astorga handed out an email he received from Clark Baron for the record. Mr. Baron was out of the Country and could not attend this evening.

Planner Astorga stated that the HRM District consists of 73 sites. He noted that Condos were identified as one site. Planner Astorga reported that of the 73 sites 27 are historic, four sites are vacant, and 19 of the sites have current access to Sullivan Road. Two historic sites have possible access to Sullivan Road. Planner Astorga noted that the minimum lot area for a multi-unit building is 5,625 square feet. There are 35 eligible multi-unit sites, with or without a structure. Seven sites that are eligible for a multi-unit building are historic. Three historic sites eligible for a multi-unit building have possible access to Sullivan road. Only one vacant site that would be eligible for a multi-unit building would meet the criteria.

Planner Astorga stated that the first criteria for open space is to be consistent with the MPD requirement of 30%. He explained that the only reason for proposing this concept in the HRM District was due to the proximity to City Park and the park at the Library. The Staff had conducted an analysis and every lot is less than a quarter of a mile from either of the two parks. The Staff identified that the neighborhood is served by these two open spaces, which justifies the 30% requirement.

Planner Astorga was prepared to answer questions related to significant open space found within setbacks. He had prepared a few scenarios if the Planning Commission was interested in seeing them.

Planner Astorga reiterated that the first component of the LMC Amendment was to reduce the open space requirement from 60% to 30%. He pointed out that the regulation started with the amendments to the LMC in 2009. Due to the economy and other issues, the recent application for the Greenpark Co-housing located at 1450 and 1460 Park Avenue was the only request for a multi-unit building from 2009 to 2013.

Chair Worel asked Planner Astorga to review the scenarios he had prepared. Planner Astorga noted that the first scenario focused on a lot that met the minimum 5,625 square foot lot size for a multi-unit building. The lot would be exactly 75' x 75'. If only the area within the setback is counted the open space would be 56%. Planner Astorga presented a scenario of 1353 Park Avenue, which

is the largest lot within the District at approximately 141' in width and 150' deep, or half an acre. He noted that the larger the lot, the larger percentage of open space. There is no correlation between the setback and the open space requirement since open space is simply a function of a percentage, while the setbacks will always remain 10' at the front, 10' on the sides and 10' on the rear. Therefore, on the larger lot, the setback area that would count as open space would be 69%. The third scenario was a vacant lot within the District, which is approximately 6700 square feet. The open space requirement on the setback area was 49%. The last scenario was based on the average lot size eligible for the multi-unit building which equates to .24 of an acre or approximately 10,500 square feet. The open space requirement in the setback area would be approximately 43%.

Planner Astorga noted that the second proposed amendment would add language as outlined on page 207 of the Staff report. This amendment relates to the medium density district where multiple buildings are allowed within the same lot. A current provision states that the Planning Commission may reduce setbacks to additions to historic structures identified on the Historic Sites Inventory. The intent is to alleviate some of the pressures of having to meet the standard setbacks, and still achieve some type of separation of the historic structure.

Planner Astorga stated that this LMC Amendment in the HRM would affect the 27 historic sites found within the District. However, of those 27 sites only seven qualify for a multi-unit building because of the minimum lot size. Planner Astorga emphasized that the intent is to achieve greater separation between the new building and the historic structure. The Planning Commission would have to review the criteria for compatibility in terms of mass, scale, form, volume, etc. He did not believe it would be appropriate to dictate a prescriptive number on a specific separation, but instead be part of the dialogue and the discussion between the proposal and the regulation.

The third proposed amendment pertained to the Sullivan Road access, specifically for affordable housing. The intent is to come up with an incentive for creating affordable housing units within the community. The Staff recommended adding a provision indicating that whenever an application comes in that proposes 50% or more deed restricted affordable housing units per the current Code, the access of Sullivan Road may be exempt. Planner Astorga noted that 19 sites have current access to Sullivan Road. Some of those sites are currently owned by the City and would have to follow that same regulation.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

In response to the email from Clark Baron, Commissioner Thomas disclosed that he has no financial interest in any property in this neighborhood.

Chair Worel opened the public hearing.

Jane Crane, a resident in the Struggler condominiums, found it unbelievable that changes were being proposed to change the LMC for the whole lower section of Old Town Park City for the two properties next door to the Struggler. Ms. Crane believed it would change the look of the lower part

of Old Town if they allow all the properties identified for multi-unit housing. Increasing the number of people in additional units would increase the busyness of Old Town. It would decrease the parking and snow storage areas. It would not preserve or enhance Old Town Park City as it exists. Ms. Crane referred to Planner Astorga's comments about the lack of applications due to the economy; however, when the boom comes in the future all of this property would be open to have multi-units that would decrease the flow of the town. The entire community would be adversely affected by the changes proposed to accommodate one project.

Ms. Crane asked if all the properties on Sullivan have backyards. She did not understand the backyard section of the Code if the backyard is a parking structure. The Code requires 5 feet in the backyard, but the backyard access would be the parking structure along Sullivan Avenue.

Planner Astorga stated that the minimum rear yard setback for a multi-unit building is actually 10-feet. However, the Code allows for access off Sullivan Road if specific criteria is met. Ms. Crane pointed out that if the units that were pointed out have access to Sullivan, those units have no back yard.

Dan Moss remarked that they were talking about changes and amendments, but they were really talking about compromises and exceptions to the historic Code that was put into place. Talking about things such as open space and setbacks leads to an increase in density and parking problems. Mr. Moss believed this would be a disservice to those who complied with the Code by now exempting others from the same requirements. He stated that all housing, affordable housing or otherwise, should meet the Code for the protection and greater good of all. They should not sacrifice the historic Code for the benefit of specific developments, and it would establish a dangerous precedent for years to come. He commented on the number of properties that would have the ability to latch on to these same compromises and exceptions to the rule. It would build on itself and have a gradual deteriorating effect on the fabric of Old Town.

Mr. Moss was disappointed that Commissioner Hontz was not in attendance because she had good vision on the suggestion to decrease the open space. He read from previous minutes, "Commissioner Hontz believed the points she outlined shows that the proposed change do not support any of the community ideals, and it would erode what they have worked hard to put into place. She could see this policy change causing problems for the City in terms of how the process was initiated and moved forward." He asked the Planning Commission to consider her thoughts and insights as they consider their decision this evening. Mr. Moss believed they had gone from an attitude of glaring non-compliance to an attitude of what they can do to push this along, all at a time when they have seen no changes brought to bear from any developer.

Brooks Robinson, Senior Transportation Planner for the City and formerly in the Planning Department, had read the Staff reports and the minutes from previous meetings. However, he did not recall reading any discussion about the Sullivan Road access regulations and how they came about. Mr. Robinson clarified that he was not for or against the amendment, and his intent was only to provide background information on Sullivan Road.

Mr. Robinson stated that leading up to the Olympics and in the midst of a hot real estate market the City was concerned with the increase in the development and re-development of properties that

bordered both Park Avenue and Sullivan Road, particularly at a secondary or primary and sole access coming off of Sullivan Road. Mr. Robinson remarked that the current regulations in the Code were put in place not to prevent any development, but to direct access from Park Avenue since all the properties bordered Park Avenue. The big question of why is that Sullivan services the City Park. With kids, park events and other activities, it was important to have slower speeds and less traffic. They did not want additional traffic that was serving other properties that could have access off of Park Avenue. For that reason, the criteria listed in the Code was put into place.

Mr. Robinson stated that an important consideration is that from 13th Street North Sullivan Road is a park road and not a dedicated public right-of-way. As a park road it could be closed for any number of reasons. Therefore, primary or sole access coming off of Sullivan Road was discouraged at that time. He recalled that the access needed to be pre-existing and additional public benefits needed to be met. Mr. Robinson remarked that the with the current application that the LMC amendments allude to, those two properties currently have vehicular access on Park Avenue.

Assistant City Attorney McLean asked if Mr. Robinson was speaking on behalf of Public Works or as an individual. Mr. Robinson stated that he was speaking as an individual providing background information.

Craig Elliott, with the Elliott Work Group, complimented the Staff on a great report and the data that was requested was clear and easy to understand. Mr. Elliott added additional information into the data stream. He felt it was important to understand and compare two different places in town. Mr. Elliott noted that a traditional Old Town lot was 25' x 75' and 1875 square feet. A footprint is 844 square feet and a driveway is 180 square feet. The lot average is 1,024 square feet. The open space on a traditional Old Town lot is 45.4% open space, all basically being within the setbacks of the lot, and a little of that might be within the building boundary. Mr. Elliott thought it was important to understand what everyone thinks Old Town is and how it is set up. Mr. Elliott stated that he was not familiar enough with the statics of the entire HRM zone, but in the zone between 7-11 and the Miners Hospital there are five historic houses and multi-family projects with 11 buildings with over 50 units. Of those existing multi-unit structures, all of them are non-compliant structures and do not meet the criteria in the current Code. Mr. Elliott understood there was concerns about the potential of blowing out the existing multi-units projects, but it was highly unlikely because they could never be replaced with the open space that is required. The existing sites are all within the flood zone so the height of the building moves up several feet from the ground, which limits the height of the total structure to two habitable stories. Mr. Elliott believed it was very unlikely that someone would have an incentive to tear down the existing multi-unit, multi-ownership projects and rebuild them. However, if they did, they might build single family units, and the open space would still be 45% in that zone. Mr. Elliott thought it was important to understand the comparisons to the current discussion and how it would affect it.

Chair Worel closed the public hearing.

Commissioner Thomas thought it would be more palatable to reduce open space requirements and setbacks if they could ensure getting more deed restricted units in the zone. He suggested that they also tie 50% deed restricted housing to the 30% reduction in open space amendment.

Assistant City Attorney McLean suggested that the language could be revised to read, "In cases of development of existing sites where more than 50% is deed restricted affordable housing, the minimum open space shall be thirty percent (30%)."

Commissioner Thomas suggested that they also include 50% deed restricted housing to the second amendment regarding the Exception. Planner Astorga pointed out that the Planning Commission already had the ability to grant the exception for an addition to a historic structure. Planning Manager Sintz explained that the concept of the amendment is to achieve greater separation from a historic structure versus actually adding on to a historic structure. Commissioner Thomas stated that he was more comfortable with the first amendment because he was unsure how the second amendment would play out as proposed. Planner Astorga noted that the second proposed amendment would affect seven historic sites.

Director Eddington referred to page 206 and the amendment regarding open space. He asked if the opportunity to include 50% deed restricted affordable housing was the primary concern, or whether the amendment should read, "In cases of redevelopment of existing historic sites inventory properties the minimum open space could be 30%." Commissioner Thomas thought both were important.

Planning Manager Sintz clarified that two of the purpose statements for the HRM is to encourage rehabilitation of existing historic structures and encourage affordable housing. She stated that tying the exceptions back to the purpose statements strengthens the intent of the HRM zone.

In an effort to wrap historic and affordable housing into the first amendment regarding open space, Director Eddington recommended the following language, "In cases of redevelopment of existing historic sites on the historic sites inventory and contain 50% deed restricted affordable housing, the minimum open space requirement shall be 30%". The Commissioners were comfortable with the revised language.

Commissioner Gross referred to the second amendment regarding exceptions and thought it would read better if they rearranged the word to read, "For additions to historic buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards." The Commissioners were comfortable with the revision.

Planner Whetstone referred to page 209 of the Staff report, the Neighborhood Mandatory Elements Criteria. She noted that the proposed amendment states that the criteria does not apply if the development consists of at least 50% affordable housing. Planner Whetstone clarified that there was a requirement for a design review under the Historic District Design Guidelines in the RM zone. Now that the entire area is zoned HRM, she thought that saying the criteria does not apply could also be saying that the developer would not have to comply with the design guidelines.

Planner Astorga recommended that they remove Item 3 because it was no longer necessary, since the design review is required under the zoning. Planner Whetstone pointed out that Item 6 should

also be removed for the same reason. The Commissioners were comfortable striking Item 3 on page 209 and Item 6 on page 210. The remaining items would be renumbered.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation for the LMC Amendments to the HRM District as modified and edited during the discussion this evening. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Wintzer reiterated his previous request for the Staff to type the changes into a Word document as they are being discussed so the Commissioners could read it on their monitors to see exactly what they said before making a motion.

7. General Plan – Sense of Community

Commissioner Wintzer asked if there was a way for the Planning Commission to review the changes that were made during each General Plan meeting prior to the next General Plan meeting so the Planning Commission could keep current on each topic. If the Commissioners could not see the changes until the end of the document, they would have to back and read each set of minutes to piece the changes together. Director Eddington stated that the Staff would have to make the revisions within four days in order to have it in the Staff report for the next Planning Commission meeting. He suggested that the changes be included in the Staff report for the second meeting following the discussion on a specific topic.

Commissioner Gross suggested a one-page summary of the changes and discussion of the meeting.

Commissioner Thomas stated that if the Planning Commission has issues with a policy in one section that affects cascading items in the General Plan, it is important to have the ability to track those issues when they discuss the other sections. Making decisions without understanding the consequences could be difficult as it trickles through the entire document. He thought Commissioner Wintzer's request would help with that aspect.

Director Eddington believed the Staff could commit to a two week turnaround for providing the changes to the General Plan from each meeting. City Attorney Harrington thought the request was a good idea. However, the downside was unilateral document control since only a few people are skilled in the program to do the edits. It would create a prioritization crunch for the Staff and they would have to rely on their input in terms of practical turnaround. Mr. Harrington favored Commissioner Gross' suggestion to capture a quick punch list of items and have the Task Force meet within 72 hours to see where they were or were not in consensus to proceed with specific redlines, as opposed to having the changes sit on someone's desk while others are trying to recollect the sentiment of the discussion.

Commissioner Wintzer recognized that the comments were open to interpretation and whether it was a suggestion by one Commissioner or a consensus of the majority. Mr. Harrington pointed out they have solid recaps at the end of each item to make that determination. He noted that the Staff

Historic Residential-Medium Density (HRM) District Diagram Map

HRM District Summary:

Sites within the district: 73
 Historic sites within the district: 27
 Vacant sites within the district: 4

Sites with current access to Sullivan Rd: 19
 Sites with current access to Sullivan Rd + historic: 2

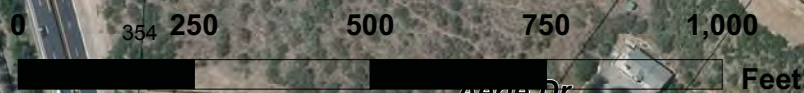
Sites eligible for Multi-Unit (MU) buildings: 35
 Sites eligible for MU bldgs + historic: 7
 Sites eligible for MU bldgs + historic + possible access to Sullivan Rd: 3
 Sites eligible for MU bldgs + vacant: 1

Minimum lot size for Multi-unit Buildings:

4 units - 0.13 acres
 5 units - 0.15 acres
 6 units - 0.18 acres
 7 units - 0.20 acres
 8 units - 0.22 acres
 9 units - 0.24 acres
 10 units - 0.27 acres
 11 units - 0.29 acres
 12 units - 0.31 acres
 13 units - 0.34 acres
 19 units - 0.49 acres

Legend

- Park City HSI Significant Site
- ▲ Park City HSI Landmark Site
- HRM District
- Sites eligible for a multi-unit bldg
- Parcels
- Streets



City Council Staff Report

Subject: Ontario Mine Bench Subdivision
Author: Kirsten A Whetstone, MS, AICP
Date: October 17, 2013
Type of Item: Extension of Subdivision Approval
Project Numbers: PL-10-01070 and PL-13-02013



Summary Recommendations

Staff recommends that the City Council conduct a public hearing and consider approving a request for a one year extension for the Ontario Mine Bench Subdivision approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Description

Applicant: United Park City Mines on behalf of itself and the Jordanelle Special Services District (JSSD)
Location: 7700 Marsac Avenue
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Open Space and Residential/Resort
Reason for Review: Extensions of subdivision plat approvals require review and final action by the City Council

Proposal

This is a request for a one year extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision plat, to allow the applicant additional time to complete the conditions of approval that must be satisfied prior to recordation of the plat. If approved the extension would be granted to August 9, 2014.

The plat subdivides an existing 30.56 acre parcel into two lots; Lot 1 is 2.01 acres, and Lot 2 which is the remaining portion of the property at 28.55 acres. Both new lots have existing structures and buildings which are associated with each of the two different property owners. The applicants are not proposing any new development on the properties at this time.

The subdivision application is proposed in order to officially establish the separate ownership of the two lots. Lot 1 encompasses an existing structure, a portion of which is owned and operated by the Jordanelle Special Services District (JSSD which is at the Number 3 shaft site of the Ontario Mine) and the other portion is owned by United Park City Mines. Lot 2 encompasses the balance of the Mine Bench property owned by the United Park City Mines Company which is used for offices, equipment and salt storage.

Background

On June 24, 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff

Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing, development approval process, as well as development conditions and amenities for each parcel. The Mine Bench property was included in the annexation, and was given the Zone Designation of Recreation Open Space (ROS).

The property has three permanent buildings and one temporary structure (yurt for salt storage) currently, houses two buildings that are used by United Park City Mines/Talisker, and the old Ontario Mine Building, which has an existing kitchen that is currently used as a bakery non-retail for the Talisker Resorts. Prior to these uses, the old mine building was used for the “Silver Mine Adventure Tour” which included a gift shop a kitchen for the preparation of food and eating area associated with the now closed Mine Adventure.

In August of 2002, a portion of the Mine Bench property was conveyed to JSSD by deed. However a subdivision was not applied for. The proposed subdivision concurrent condo-plat (a separate application) will memorialize the conveyance.

The original application for the proposed subdivision was received on September 27, 2010. Since that time the applicants and Staff have had several conversations about moving the project forward and the necessary steps to do so. Staff also made two site visits to the property to better understand all of the issues related to the proposed subdivision and condo-plat. On March 13, 2012, the application only lacked a copy of the Covenants, Conditions and Restrictions (CC&R's) to be complete. As a courtesy, Staff scheduled the public hearings on the applications pending receipt of the CC&Rs. In drafting the CC&R's the applicants ran into an issue that required they amend the drawings and the plat one additional time. On April 17, 2012 staff received a complete and updated application.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. On August 9, 2012, the City Council conducted a public hearing and approved the requested subdivision with conditions, as reflected in the attached Ordinance (Exhibit B).

On August 1, 2013, the applicant submitted a written request for an extension of the subdivision plat approval to allow additional time to address the conditions of approval that are required to be complied with prior to recordation, including resolution of the property tax assessment issues and completion of improvements as required consistent with the Flagstaff Master Trail Plan.

Analysis

Planning Staff finds there is good cause for the application to subdivide the existing parcel into two separate lots. The ROS Zone does not establish a minimum lot size, and both proposed lots are more than adequately sized for the buildings and uses currently on the property. Proposed Lot 1, which is 2.01 acres, contains the existing Mine Bench building (Number Ontario 3 shaft site) which is currently used by JSSD

(Main building and Hoist Building) and the balance of such is a portion of the old Silver Mine Adventure Building. Lot 2, which is 19.22 acres, includes a maintenance building, and office building, a salt storage yurt, and a parking lot. The remaining lands remain undeveloped and there are no immediate plans to develop them.

Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements. The ROS zone requires a 25 foot setback from between buildings and property lines.

Snyderville Basin Water Reclamation District (SBWRD) raised concern regarding the proposal to create a lot completely surrounded by another lot because SBWRD usually does not allow for a private sewer line to extend over a lot line. However, a letter from Bryan Atwood, District Engineer for SBWRD (exhibit "D") states that this will not be an issue due to the fact that a private sewer line current services all of the buildings on the property. SBWRD is requiring a conditional of approval that states:

"At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required"

A condominium plat is also proposed as a separate application (PL-10-01071). The applicants have also requested an extension to the condominium plat approval (see separate report). The purpose of the condo-plat is to memorialize JSDD's and United Park City Mines existing ownership of the land and improvements on proposed Lot 1 which includes the original Mine Bench building which is split by ownership.

The applicants are proposing to grant Park City Municipal Corporation a twenty-foot wide access easement atop of an existing Snyderville Basin Reclamation District access easement, for the purpose of gaining access to the Judge Tunnel water facility. The common driveway off of Marsac Avenue is currently used by the City to gain access to the water source, and is inspected monthly. Although the City has access to the site from Daly Avenue, the current means of access to the Judge Tunnel water source from Marsac Avenue is the easiest and safest way to access the source. The easement is granted within the "Owners Dedication" language on the plat which reads:

"The owners also hereby grant to Park City Municipal Corporation ('Grantee') a non-exclusive, twenty-foot wide easement for Grantees own use and not as a public dedication, for the purpose of vehicular travel by the Grantee across the Surface of the Land (the 'City Easement'), said City easement being in the same location as that certain access easement granted by the Owner to the Snyderville Basin Water Reclamation District by easement instrument recorded on March 3, 2008, as entry number 839515, in the offices of the Summit County Recorder, Summit County Utah, as depicted on this plat and being over the existing roadway on the Land."

The general property, which has frontage onto Marsac Avenue on two sides, has two access points. The first is the primary access for both proposed Lots 1 and 2, who currently share and will continue to share a common driveway, and the second access is for a separate parking lot. The existing driveway is also the location of several easements, including a right-of-way easement for Mountain Fuel and Snyderville Basin Water Reclamation District, JSSD, and once the subdivision is recorded, Park City Municipal Corp for access to the Judge Tunnel water source.

ROS Zone

According to Section 15-2.7-1 of the LMC, the purpose of the Recreation and Open Space (ROS) District is to:

- (A) Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) Permit recreational Uses and preserve recreational Open Space land,
- (C) Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) Encourage sustainability, conservation, and renewable energy.

The ROS Zone limits allowed uses to “Conservation Activity” and lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property is used for. The buildings used by JSSD are “Public Utility Uses” and the existing Talisker Bakery is “Resort Support” (and is an Existing Non Conforming use that has been in operation since prior to annexation of the property in 1999) category as previously determined by the Planning Director, Thomas Eddington. The bakery is still in operation as a non-conforming use.

The ROS Zone designation does not establish a minimum lot size or require that a Lot has frontage onto a public right-of-way, but does establish a setback requirement between property lines and buildings. The minimum setback between the property line and a building is twenty-five feet (25'). All existing buildings are currently setback 25' away from any existing property line. The new proposed two-lot subdivision will not create nonconformity with respect to setbacks. The new lot line is approximately 60 feet to the nearest building.

Taxes

It has come to the attention of the City that the property has been taxed as State

assessed “mining claims.” Staff understands that there are ongoing discussions with the State regarding this issue. As a Condition of Approval, prior to the recordation of the plat, Staff recommends that the County be notified of the use of the property as described in this Staff Report so that the correct tax assessment for the property can be levied. The applicant has not done this yet.

Water

The Water Department has informed the Planning Department that the original water impact fees paid for by United Park City Mines may not have included commercial uses at the 7700 Marsac Avenue location. As a Condition of Approval, Staff recommends the applicant, prior to the recording of the plat, resolve this issue with the Water and Building Departments and reconcile any errors in the impact fee assessment for the Mine Bench properties. If payment of back fees is required, such must be paid prior to recordation of the plat. This has not been done yet.

Process

Approval of this extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The extension provides an additional year for the applicant to record the subdivision plat at Summit County. Recordation shall occur prior to August 9, 2014 or the approval will expire, unless the applicant submits a written request for an additional extension.

Department Review

This project has gone through an interdepartmental review prior to approval. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC. The Snyderville Basin Water Reclamation District (SBWRD) will require a reconfiguration of the private sewer lateral or an extension of the Public Wastewater system at the time of redevelopment of the site or a new structure on Lot 2. The DRC determined that there were no public trails on the property, and thus there would be no requirement to show existing trails or trail easements since none exist.

There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make further changes to the proposed plat.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Council meeting on October 17, 2013.

Alternatives

- The City Council may approve the request for an extension of approval for the Ontario Mine Bench Subdivision as conditioned or amended; or
- The City Council may deny the request for an extension of approval and direct staff to make findings for this decision; or
- The City Council may continue discussion on the extension of approval Ontario Mine Bench Subdivision to a date certain and request additional information.
- There is not a no action option with this type of item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application which is an extension of approval of a subdivision plat creating two lots of record for existing buildings and uses. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

Consequences of not taking the Suggested Recommendation

The proposed subdivision plat would not be recorded and two lots of record for two individual property owners would not be created. The applicants would not be able to proceed with their proposed condominium plat, and thus the nonconformance of both parcels would continue until such time that a subdivision plat to resolve the issue is approved and recorded.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving a request for a one year extension for the Ontario Mine Bench Subdivision approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Plat

Exhibit B – Ordinance from August 9, 2013 approval

Exhibit C – Written request for extension

Ordinance No. 13-

**AN ORDINANCE APPROVING AN EXTENSION OF THE AUGUST 9, 2012
APPROVAL OF THE ONTARIO MINE BENCH SUBDIVISION LOCATED AT 7700
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Subdivision approval; and,

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and,

WHEREAS, proper legal notice was sent to all affected property owners; and,

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and approved the subdivision plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Subdivision plat approval.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision plat (Exhibit A) extension is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots to memorialize a prior conveyance to the JSSD which previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will also

memorialize the transfer/conveyance of property to the Jordanelle Special Services District.

4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building (a portion of which is now the Jordanelle Special Services District Hoist and Office Building), a maintenance building, and additional offices. The JSSD portion of the hoist building will be located on Lot 1, the other buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to reflect the split of the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, will properly memorialize a previous deed transfer through the subdivision process, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other facilities owned by the applicant that are served by the same water line.

17. Property tax assessment for this property may be incorrect based on state assessment as mining claims, and not based on current use. This issue must be resolved prior to the recording of the plat.
18. The Ontario Mine Bench Subdivision plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. This extension would allow an additional year, until August 9, 2014, for the plat to be recorded at Summit County.
19. On August 1, 2013, the applicant submitted a written request for an extension to the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
20. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
21. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this subdivision plat application and for the extension of the plat approval.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions and extension of the plat approval.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at the County by August 9, 2014. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat that Modified 13-D sprinklers are required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2.
5. A note shall be added to the plat stating that at the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.

6. Resolution of water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless all applicable impact fees imposed by the Building and Water Departments have been met.
7. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses on the property.
8. The plat shall dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation as contained in the "Owners Dedication" language on the draft plats.
9. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned (Owner) is the owner of the herein described land of Utah (the Land), and hereby dedicates the same to be divided into lots, subject to assessment as set forth and referred to in the Full Plat herein to be known as ONTARIO MINE BENCH SUBDIVISION.

In witness whereof the undersigned has executed this certificate of dedication and consent this _____ day of _____, 2012.

JOHNSVILLE SPECIAL SERVICE DISTRICT

By: _____
Title: _____

ACKNOWLEDGMENT

Subst. of _____
County of _____
This instrument was presented before me this _____ day of _____, 2012, by _____, the _____ of _____, JOHNSVILLE SPECIAL SERVICE DISTRICT and they did sign the foregoing Owner's Consent to Record as herein set forth and as authorized by its bylaws.

A Notary Public commissioned in Utah. Printed Name _____
Residing in _____ My commission expires _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned (Owner) is the owner of the herein described land of Utah (the Land), and hereby dedicates the same to be divided into lots, subject to assessment as set forth and referred to in the Full Plat herein to be known as ONTARIO MINE BENCH SUBDIVISION. The Owner also hereby grants to Park City Municipal Corporation (City) a non-exclusive, twenty-foot wide easement for utilities and use and for as a public easement, for the purpose of allowing water by gravity means the surface of the land (the City Easement), said City Easement being in the same location as that water easement depicted as the line to the Snyderville Basin Water Reclamation District by approved (City) located on March 3, 2008, as duly recorded in the office of the Summit County Recorder, Summit County, Utah, as depicted on this plat, and being said the existing easement on the land. The Owner also hereby grants to the City Easement to the extent necessary to accommodate any of Owner's uses of the line March, provides that any resolution does not unduly impair such easement.

In witness whereof the undersigned has executed this certificate of dedication and consent this _____ day of _____, 2012.

UNITED PARK CITY MINE COMPANY
A Delaware Limited Liability Company

By: _____
Title: _____

ACKNOWLEDGMENT

STATE OF UTAH _____
COUNTY OF _____
On this _____ day of _____, 2012, personally appeared before me Kary C. Gee, after duly sworn, a Notary Public, and she acknowledged to me that she is the Vice President of United Park City Mine Company and that she executed and signed by her or her authorized agent, said Kary C. Gee, the foregoing Owner's Consent to Record as herein set forth and as authorized by its bylaws.

A Notary Public commissioned in Utah. Printed Name _____
Residing in _____ My commission expires _____

SURVEYOR'S CERTIFICATE



I, John Demowicz, certify that I am a Registered Land Surveyor and that I have surveyed the herein described land, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the ONTARIO MINE BENCH SUBDIVISION. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

A parcel of land located in the southeast quarter of Section 21 and the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 88°09'24" East 286.75 feet along section line and north 254.21 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; then running thence North 70°23'37" East 787.73 feet to a point on a non-tangent curve to the left having a radius of 1020.77 feet, at which the radius point bears North 82°04'40" East, and point also being on the westerly boundary of the Maroon Avenue Right-of-Way, recorded September 17, 2007 as Entry No. 825754 in the office of the Summit County Recorder, thence along the westerly boundary of the Maroon Avenue Right-of-Way the following manner: (1) southerly along the arc of said curve 221.81 feet through a central angle of 12°05'40" to a point on a non-tangent curve to the left having a radius of 886.62 feet, of which the radius point bears North 74°37'10" East, thence (2) southerly along the arc of said curve 650.12 feet through a central angle of 3°12'32" to a point on a non-tangent curve to the left having a radius of 1020.77 feet, of which the radius point bears North 43°41'43" East, thence (3) southerly along the arc of said curve 88.58 feet through a central angle of 0°34'41" East, thence (4) South 57°02'24" East 142.82 feet to a point on a curve to the right having a radius of 880.00 feet, of which the radius point bears South 38°37'21" West, thence (5) along the arc of said curve 136.47 feet through a central angle of 0°00'33" to a point on a non-tangent curve to the right having a radius of 386.82 feet, of which the radius point bears South 57°10'28" West, thence (6) southerly along the arc of said curve 78.91 feet through a central angle of 0°14'28" East, thence (7) South 22°05'53" East 292.50 feet, thence (8) South 15°48'21" East 141.56 feet to a point on a non-tangent curve to the right having a radius of 486.32 feet, of which the radius point bears South 84°10'45" West, thence (9) southerly along the arc of said curve 18.42 feet through a central angle of 0°14'28" East, thence (10) South 23°30'00" East 53.08 feet to a point on a non-tangent curve to the left having a radius of 320.00 feet, of which the radius point bears North 82°25'55" East, thence (11) southerly along the arc of said curve 276.53 feet through a central angle of 49°30'45", thence South 79°36'18" West 301.62 feet (also South 78°38'18" West), thence South 17°05'40" East 36.98 feet to a point on a non-tangent curve to the left having a radius of 275.00 feet, at which the radius point bears South 52°22'52" West, said point also being on the westerly boundary of the Maroon Avenue Right-of-Way, recorded June 28, 2008, as Entry No. 833451 in the office of the Summit County Recorder, thence along the westerly boundary of the Maroon Avenue Right-of-Way the following manner: (12) southerly along the arc of said curve 62.75 feet through a central angle of 13°04'22", thence (13) North 47°41'30" West 172.80 feet to a point on a curve to the left having a radius of 541.58 feet, of which the radius point bears South 42°08'30" West, thence (14) along the arc of said curve 183.62 feet through a central angle of 30°15'03", thence (15) North 77°56'35" West 178.15 feet to a point on a curve to the right having a radius of 340.00 feet, of which the radius point bears North 12°03'27" East, thence (16) along the arc of said curve 123.47 feet through a central angle of 23°43'26", thence (17) North 52°12'57" West 74.75 feet to a point on a curve to the right having a radius of 375.00 feet, of which the radius point bears North 37°47'03" East, thence (18) along the arc of said curve 97.75 feet through a central angle of 14°50'10", thence (19) North 37°18'47" West 183.80 feet to a point on a curve to the right having a radius of 325.00 feet, of which the radius point bears North 32°43'12" East, thence (20) along the arc of said curve 45.48 feet through a central angle of 0°03'36", to a point of reverse curve to the left having a radius of 1020.00 feet, of which the radius point bears South 61°54'18" West, thence (21) southerly along the arc of said curve 302.32 feet through a central angle of 16°55'57" to a point of reverse curve to the right having a radius of 375.00 feet, of which the radius point bears North 44°05'20" East, thence (22) southerly along the arc of said curve 216.63 feet through a central angle of 33°07'47" to a point of reverse curve to the left having a radius of 1020.00 feet, of which the radius point bears South 77°27'40" West, thence (23) southerly along the arc of said curve 281.75 feet through a central angle of 27°17'56" to a point of reverse curve to the right having a radius of 725.00 feet, of which the radius point bears North 56°20'03" East, thence (24) southerly along the arc of said curve 187.19 feet through a central angle of 14°59'18" to the point of beginning.

BOUNDARY TABLE

LINE	BEARING	DISTANCE
L1	S 20°02'29" E	142.82
L2	S 19°40'21" E	141.56
L3	S 03°30'00" E	83.08
L4	S 17°08'46" E	32.98
L5	N 52°12'57" W	74.75

BOUNDARY TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	1050.77	221.81	02°05'40"
C2	1050.77	650.12	03°12'32"
C3	880.00	136.47	00°00'33"
C4	386.82	78.91	0°14'28"
C5	486.32	16.42	0°14'28"
C6	320.00	276.53	49°30'45"
C7	275.00	62.75	13°04'22"
C8	541.58	183.62	30°15'03"
C9	340.00	123.47	23°43'26"
C10	375.00	97.75	14°50'10"
C11	325.00	45.48	0°03'36"
C12	375.00	216.63	33°07'47"
C13	1020.00	281.75	27°17'56"
C14	725.00	187.19	14°59'18"

LOT 1 TABLE

LINE	BEARING	DISTANCE
L1	N 87°07'41" W	46.21
L2	N 10°08'16" E	25.64
L3	S 74°16'45" E	24.29
L4	N 17°36'10" E	50.76
L5	N 74°20'00" W	27.74
L6	S 48°15'46" E	15.23
L7	N 42°15'43" E	42.80
L8	S 84°09'40" E	45.23
L9	S 24°30'00" E	17.31
L10	S 10°26'35" W	22.84
L11	S 17°31'26" W	7.87
L12	S 14°44'25" E	16.25
L13	S 20°01'17" W	50.76
L14	S 17°51'26" W	34.01

ONTARIO MINE BENCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND
THE NORTHEAST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D. BY: _____ S.W.S.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012 A.D. BY: _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D. BY: _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D. BY: _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY: _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY: _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEC _____ RECORDER _____
						JOHNSVILLE SPECIAL SERVICE DISTRICT APPROVED BY THE JOHNSVILLE SPECIAL SERVICE DISTRICT COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY: _____

Ordinance No. 12-23

ORDINANCE APPROVING THE ONTARIO MINE BENCH SUBDIVISION LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Subdivision; and,

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and,

WHEREAS, proper legal notice was sent to all affected property owners; and,

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Subdivision as proposed.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.

8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.
17. Property tax assessment for this property may be incorrect based on old mining claims designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

Conclusions of Law:

1. There is good cause for this subdivision amendment.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

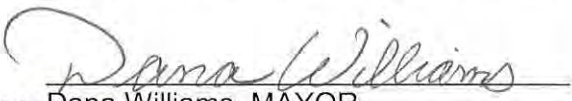
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
5. Additional water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.
6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.
7. The plat will dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
8. Improvements as required consistent with the Flagstaff Master Trails Plan shall be completed prior to plat recordation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of August, 2012.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:


Jan Scott, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney





EXHIBIT C

August 1, 2013

Mr. Matthew Evans
Planning Department
Park City Municipal Corporation
445 Marsac Avenue
P. O. Box 1480
Park City, UT 84060

***RE: Request for Extension of Approval for the Ontario Mine
Bench Subdivision Plat (Ordinance No. 12-23) and the
Related Ontario Mine Bench Condominium Plat (Ordinance 12-22)***

Dear Matthew:

On August 9, 2012, the City Council approved the above-referenced Subdivision Plat and Condominium Plat. Attached for processing is a separate Request for Extension, together with the appropriate supporting materials, for each of those Plat approvals.

These Requests for Extension are submitted to allow the Applicant to complete the Conditions of Approval that must be satisfied prior to recordation of the Plats including resolution of the tax assessment issue affecting the underlying property (related to state assessed mining claims), and to allow time to resolve any items that may need to be addressed with respect to the conformity of the Condominium Plat boundary to the Subdivision Plat boundary.

Sincerely,

A handwritten signature in black ink, appearing to read "DJS", is written over a horizontal line.

David J. Smith
Authorized Signing Officer

attachments

cc: D. Ogilvy – w/o attachments
B. Kelsey – w/o attachments



City Council Staff Report



Subject: Ontario Mine Bench Condominium
Author: Kirsten Whetstone, MS, AICP
Date: October 17, 2013
Type of Item: Extension of Condominium plat approval
Project Numbers: PL-10-01071 and PL-13-02014

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving a request for a one year extension for the Ontario Mine Bench Condominium plat approval, based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Description

Applicant: United Park City Mines on behalf of itself and the Jordanelle Special Services District (JSSD)
Location: 7700 Marsac Avenue
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Open Space and Residential/Resort
Reason for Review: Extensions of condominium plats require review and final action by the City Council.

Proposal

This is a request for a one year extension of the August 9, 2012 approval of the Ontario Mine Bench Condominium plat, to allow the applicant additional time to complete the conditions of approval that must be satisfied prior to recordation of the plat. If approved the extension would be granted to August 9, 2014.

The applicant is proposing a three (3) unit (Units 1, 2A and 2B) condominium record of survey plat conversion of an existing building located on Lot 1 of the Ontario Mine Bench Subdivision. The purpose of the condominium plat is to memorialize Jordanelle Special Services District (JSSD) and United Park City Mines existing ownership of the land and improvements on proposed Lot 1.

The proposed condominium plat would split ownership of the Mine Bench building, also known as the Number 3 shaft site of the Ontario Mine and the Silver Mine Adventure Tour building, into three units. Unit 1, which encompasses a majority of the building, Unit 2A, and Unit 2B which are connected by internal infrastructure, but not attached to one-another via a common wall. Only Units 1 and 2A are attached

Aside from any work required by the Building Department to make sure that the structures are separated by a fire-rated wall that meets current Building Code requirements, there are no other proposed developments, either internally or externally.

Any future expansion of the building would require a condominium plat amendment to show the additional private ownership areas.

Background

The Mine Bench building ceased operations in 1982 and eventually the building became a tourist attraction with the “Silver Mine Adventure Tour”. In 1999, the property and building were annexed into Park City as part of the Flagstaff Mountain Annexation. In 2001 the owners of the Mine Adventure Tour ceased its operation, and in August of 2002, a portion of the Silver Mine Bench property was conveyed to JSSD and conveyed to them by deed.



On September 27, 2010, an application for a two-lot subdivision and the Condominium Plat of the existing Mine Bench building was received by the Planning Department. On May 23, 2012, the applicant was deemed “complete”, as there were several iterations of revisions requested to complete the application.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. On August 9, 2012, the City Council conducted a public hearing and approved the requested condominium plat with conditions as reflected in the attached Ordinance (Exhibit B).

On August 1, 2013, the applicant submitted a written request for an extension of the condominium plat approval to allow additional time to address the conditions of approval that are required to be compiled with prior to recordation, including obtaining a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded.

Analysis

Planning Staff finds there is good cause for the Condominium plat extension. Lot 1 of the Ontario Mine Bench Subdivision is which is 2.01 acres, contains the existing Mine Bench building (Number 3 shaft site) which is currently used by JSSD (Main building and Hoist Building) and the balance of such is the old Silver Mine Adventure Building. Lot 2, which is 19.22 acres, includes a maintenance building, and office building, a salt storage yurt, and a parking lot. The remaining lands remain undeveloped.

The existing Mine Bench building has access to Marsac Avenue though a recorded access easement. The driveway contains several utilities (water, sewer, etc.) as well as an access easement for the City to gain access to the Judge Tunnel Water source, which is located on an adjacent property to the north. Easements are addressed with the concurrent subdivision plat for this property.

Allowed uses within the building are subject to those as outlined in Section 15-2.7-1 of the LMC. The ROS Zone has only one “permitted” use which is “Conservation Activity”. The Code also lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property has been used for. The portion of the building used by JSSD would fall under “Public Utility uses” and the existing “Mine Bench Bakery”, a non-retail bakery, falls under the “Resort Support” category as previously determined by the Planning Director, Thomas Eddington. No Conditional Use Permits will be required for any of the existing uses due to the fact that they were legal-nonconforming when the property as annexed in 1999.

In February 2008, the City received a code violation complaint about a bakery in operation inside of the Mine Bench Building. Soon after the complaint was filed an application for a business license for the “Mine Bench Bakery” was received by the Finance Department. Ultimately the business license was denied due to the fact that there was no Conditional Use Permit on file for business. The owners of the bakery, Talisker, argued that the bakery had been in place since the closure of the “Silver Mine Adventure Tour” and that it simply utilized the existing kitchen that had previously been permitted when the property was still in the unincorporated county. In researching the Bakery, the City discovered that a portion of the Mine Bench building had been sold to JSSD. The owners were ultimately informed that a Subdivision and Condo-Plat were necessary to mitigate setback and property line issues. Once the Condo-Plat is approved, a business license for the bakery will be issued due to the fact that the use is not in question, but the nonconformities due to the sale of the property without a subdivision are an issue without a recorded plat.

Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the bakery that was determine by the Planning Director to be a legal non-conforming use. Furthermore, the non-retail bakery is within compliance with the previous use of the building as a kitchen with a

commercial license as an accessory to the previous use as the “Silver Mine Adventure” tour and continues today as a resort support use to the Empire Pass, and other resorts.

Any proposed changes to the uses within the building that fall under the uses specified within the ROS zone will likely be subject to a “Conditional Use Permit”, uses not listed as “permitted” or “conditional” would not be allowed.

The applicant timely submitted a written request for an extension of the approval. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Process

Approval of the extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The extension provides an additional year for the applicant to record the condominium plat at Summit County. Recordation shall occur prior to August 9, 2014 or the approval will expire, unless the applicant submits a written request for an additional extension.

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make changes to the proposed plat.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Council meeting on October 17, 2013.

Alternatives

- The City Council may approve the request for an extension of approval for the Ontario Mine Bench Condominium Plat as conditioned or amended; or
- The City Council may deny the request for an extension of approval and direct staff to make findings for this decision; or
- The City Council may continue discussion on the extension request to a date certain and request additional information.
- There is not a “no action” option with this type of item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application which is an extension of approval of the condominium plat. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

Consequences of not taking the Suggested Recommendation

The proposed condominium plat would not be recorded and the ownership of the building would still be split by deed as previously recorded.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving a request for a one year extension of the Ontario Mine Bench Condominium plat approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Condominium Plat

Exhibit B – Ordinance from August 9, 2012 approval

Exhibit C – Written request for extension

Ordinance No. 13-

**AN ORDINANCE APPROVING AN EXTENSION OF THE AUGUST 9, 2012
APPROVAL OF THE ONTARIO MINE BENCH CONDOMINIUMS LOCATED AT 7700
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Condominiums approval;

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code;

WHEREAS, proper legal notice was sent to all affected property owners;

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on August 9, 2012, and approved the Ontario Mine Bench Condominium plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Condominium plat as proposed.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (Number 3 shaft) building.

4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.
5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat extension in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.
13. The Ontario Mine Bench Condominium plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. This extension would allow an additional year, until August 9, 2014, for the plat to be recorded.
14. On August 1, 2013, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
15. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
16. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this condominium plat application and for the extension of the plat approval.

2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County by August 9, 2014. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat stating that Modified 13-D sprinklers will be required for new construction and any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A

OWNERSHIP DESIGNATION

PRIVATE OWNERSHIP
ONTARIO MINE BENCH CONDOMINIUMS

LINE	BEARING	DISTANCE
L1	N 37°07'41" W	46.21
L2	N 124°51'32" E	20.66
L3	S 74°16'49" E	24.29
L4	N 17°56'16" E	50.76
L5	N 74°22'06" E	21.74
L6	S 46°12'46" E	15.23
L7	N 42°55'14" E	42.66
L8	S 64°02'40" E	45.23
L9	S 74°33'01" E	37.21
L10	S 152°02'22" W	25.64
L11	S 175°12'26" W	7.97
L12	S 14°44'25" E	16.25
L13	S 72°09'10" W	10.76
L14	S 17°51'26" W	34.01

NOTE
See the plat of ONTARIO MINE BENCH SUBDIVISION for easements and other information.

SURVEYOR'S CERTIFICATE

John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I have Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have prepared this map under my direction and to the satisfaction of the owners, this Condominium Plat of the ONTARIO MINE BENCH CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491 DATE _____

BOUNDARY DESCRIPTION

Lot 5, Ontario Mine Bench Subdivision, according to the official plat hereof, the plat of record in the office of the recorder, Summit County, Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

UNITED PARK CITY HILLS & SUMMIT COUNTY LIBRARY COMPANY

BY _____

TITLE _____

ACKNOWLEDGMENT

Date of _____

County of _____

This instrument was acknowledged before me this _____ day of _____, 2012.

By _____

Notary Public _____

OWNER'S DEDICATION AND CONSENT TO RECORD

UNITED PARK CITY HILLS & SUMMIT COUNTY LIBRARY COMPANY

BY _____

TITLE _____

ACKNOWLEDGMENT

Date of _____

County of _____

This instrument was acknowledged before me this _____ day of _____, 2012.

By _____

Notary Public _____

ONTARIO MINE BENCH CONDOMINIUMS

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND THE NORTHEAST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

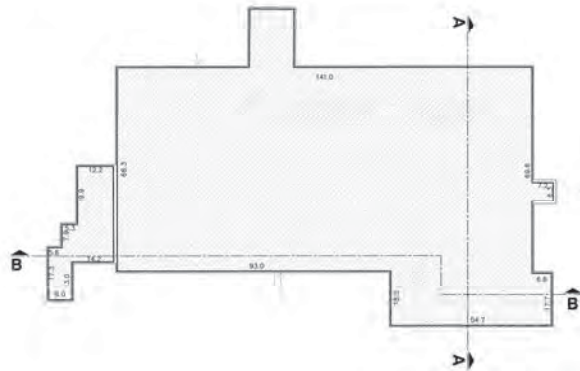
(435) 949-8447

CHOICE ENGINEERING

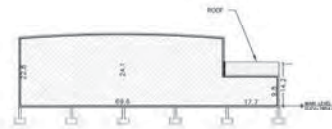
ENGINEERING (AND) PLANNING SERVICES

225 West 2nd Ave., P.O. Box 2009, Park City, Utah 84060-2009

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
---	--	--	--	--	--	--



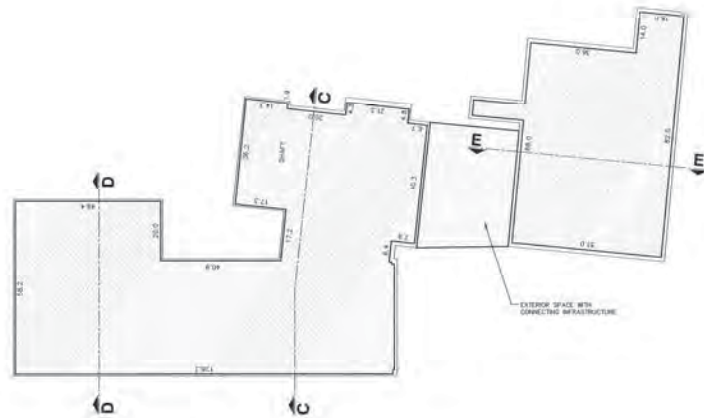
UNIT 1 PLAN VIEW



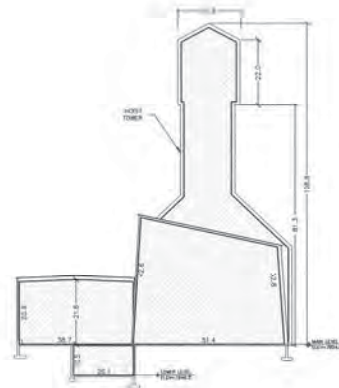
SECTION A



SECTION B



UNITS 2A & 2B PLAN VIEW



SECTION C



SECTION D



SECTION E

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP



ONTARIO MINE BENCH CONDOMINIUMS



SHEET 2 OF 2

FILE: X:\Engineering\dwg\mtd\010\010310\condo\2-1-12.dwg	
RECORDED	
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____	
DATE _____	TIME _____ BOOK _____ PAGE _____
FEE _____	RECORDER _____

EXHIBIT B

Ordinance No. 12-22

AN ORDINANCE APPROVING THE ONTARIO MINE BENCH CONDOMINIUMS LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Condominiums; and,

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and,

WHEREAS, proper legal notice was sent to all affected property owners; and,

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Condominium plat as proposed.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.

5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

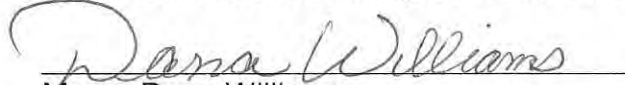
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of August, 2012.

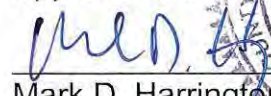
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

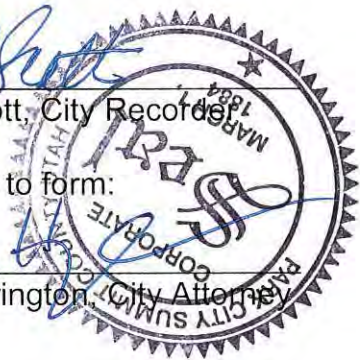




EXHIBIT C

August 1, 2013

Mr. Matthew Evans
Planning Department
Park City Municipal Corporation
445 Marsac Avenue
P. O. Box 1480
Park City, UT 84060

**RE: Request for Extension of Approval for the Ontario Mine
Bench Subdivision Plat (Ordinance No. 12-23) and the
Related Ontario Mine Bench Condominium Plat (Ordinance 12-22)**

Dear Matthew:

On August 9, 2012, the City Council approved the above-referenced Subdivision Plat and Condominium Plat. Attached for processing is a separate Request for Extension, together with the appropriate supporting materials, for each of those Plat approvals.

These Requests for Extension are submitted to allow the Applicant to complete the Conditions of Approval that must be satisfied prior to recordation of the Plats including resolution of the tax assessment issue affecting the underlying property (related to state assessed mining claims), and to allow time to resolve any items that may need to be addressed with respect to the conformity of the Condominium Plat boundary to the Subdivision Plat boundary.

Sincerely,

A handwritten signature in black ink, appearing to read "DJS", is placed above the typed name of the signing officer.

David J. Smith
Authorized Signing Officer

attachments

cc: D. Ogilvy – w/o attachments
B. Kelsey – w/o attachments



City Council Staff Report



Subject: Park City Heights, Phase 1
Subdivision plat
Author: Kirsten Whetstone, MS, AICP
Date: October 17, 2013
Type of Item: Extension of approval of Final Subdivision plat
Project #: PL-11-01355 and PL-13-02010

Summary Recommendations

Staff recommends the City Council conduct a public hearing for the Park City Heights Phase 1 Subdivision plat extension of approval request and consider approving the extension pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance.

Topic

Applicant: Ivory Development LLC
Location: Richardson Flat Road, east of SR 248 and west of US 40
Zoning: Community Transition (CT)
Adjacent Land Uses: Open Space, Rail Trail, US 40, Quinn's Water Treatment Plant, and vacant land

Proposal

This is a request for a one year extension of the approval of a final subdivision plat for the first phase of the Park City Heights Master Planned Development (MPD). This phase consists of 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The first phase final subdivision plat also includes four (4) [market unit] cottage home lots, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building. The lots, parcels, and street layout are consistent with the May 11, 2011, Park City Heights MPD. Conditions of approval of the MPD and the Park City Heights Annexation Agreement continue to apply to this extension request, as reiterated in the attached Ordinance.

Background

On September 13, 2011, the City Planning Department received a complete application for the first phase subdivision plat for the Park City Heights MPD. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT). Park City Municipal Corporation and Boyer Park City Junction were previously joint owners of the property. The property is currently owned by Ivory Development LLC.

On May 11, 2011, the Park City Planning Commission approved the Park City Heights

MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units for a total of 239 units on 239 acres. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat for the Park City Heights MPD.

On October 26, 2011, the Planning Commission voted to forward a positive recommendation to Council on the first phase subdivision plat. At the same meeting, the Commission voted to ratify the Park City Heights Development Agreement that spells out terms, requirements, and restrictions of the Development and memorializes the conditions of approval of the Master Planned Development.

On November 3, 2011, the City Council voted to approve the sale of the City's interest in the property to Ivory Development LLC.

On November 17, 2011, the City Council approved the Park City Heights Phase I subdivision plat subject to conditions of approval outlined in Ordinance 11-25. This is the approval which needs the extension. On January 24, 2013 the City Council approved an extension request extending the recordation deadline to November 17, 2013.

On July 30, 2013, the applicant submitted a written request for a second extension of the subdivision approval. The applicant also submitted a request for an amendment to the Master Planned Development, which if approved will trigger revisions to this approved Phase One plat. However, to preserve the current approved Phase One plat, in the event that the MPD amendments are not approved, the applicant requests this one year extension, to allow additional time to fully resolve the issues related to mine soils and the requested MPD amendments.

On October 9, 2013 the Planning Commission reviewed the proposed MPD amendments and provided positive feedback regarding the revised site plan. The Commission continued the MPD amendment discussion to November 6th to allow additional time to review details regarding the new small lot home concept and understand changes to the design guidelines. In the event that the MPD amendments are approved, the applicant will have to submit a revised Phase One plat for review by the Planning Commission with final action by the City Council.

Analysis

This application is a request for an extension of the Phase One Subdivision plat for Park City Heights Subdivision. Condition of approval #2 required the applicant to record the final signed plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, approval for the plat will be void, unless an extension request application is made in writing prior to the expiration date. The plat was approved on November 17, 2011 and the expiration date was November 17, 2012. The City Council approved a request for a one year extension to November 17, 2013.

The applicant has requested no changes to the plat other than a modification to

Condition of Approval #2 to extend the required recording of the plat for an additional year to November 17, 2014. The applicant submitted a written statement (Exhibit B) explaining the reason for the requested extension. The stated reason for the request is to have additional time to address historical mining tailings that were encountered on the property and prepare necessary environmental documents required by the State and Federal governments to resolve this issue, as well as proceed with the Master Planned Development amendments. The applicant believes these issues need to be resolved before an amended plat is recorded and desires to keep the current approval active.

The Land Management Code Section 15-7.1-6 (C) (5) allows the City Council to grant an extension to the approval of final subdivision plats when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the General Plan or the Land Management Code in effect at the time of the extension request.

Notice

The property was posted and notice of the extension request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record according to requirements of the Code.

Public Input

Staff has not received any public input regarding this plat extension application.

Future Process

Approval or denial of this subdivision plat extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Alternatives

- **Approve-** The City Council may approve the extension of approval of the Park City Heights Phase 1 subdivision plat as conditioned or amended, or
- **Deny-** The City Council may deny the extension of approval of the Park City Heights Phase 1 subdivision plat and direct staff to make Findings for this decision, or
- **Continue-** The City Council may continue discussion on the extension request to a date certain with specific direction to the applicant to return with any additional information necessary to make a final decision.
- **Do nothing** is not an option for legislative matters such as this application.

Significant Impacts

There are no significant negative fiscal or environmental impacts that result from taking the recommended action that have not been sufficiently mitigated with plat notes, conditions of approvals, and adherence to the approved MPD and Development Agreement.

Consequences of not taking the Suggested Recommendation

The property would remain as individual metes and bounds parcels. Separate lots of record would not be created for the approved Park City Heights MPD. Building permits could not be issued for the dwelling units.

Recommendation

Staff recommends the City Council conduct a public hearing for the Park City Heights Phase 1 Subdivision plat extension of approval request and consider approving the extension pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Proposed subdivision plat (2 pages)

Exhibit B- Applicant's letter

Exhibit C- Ordinance 11-25

Ordinance No. 13-

**AN ORDINANCE APPROVING AN EXTENSION OF THE PARK CITY HEIGHTS
PHASE 1 SUBDIVISION PLAT APPROVAL; LOCATED AT RICHARDSON FLAT
ROAD and US HWY 40, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Park City Heights Master Planned Development (MPD) located north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 1 subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2011, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on October 26, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 17, 2011, the City Council held a public hearing on the Park City Heights Phase 1 subdivision; and

WHEREAS, on November 15, 2012, the Applicant submitted a written request and application for an extension of the recording date to November 17, 2013; and

WHEREAS, on January 24, 2013, the City Council held a public hearing and approved the Park City Heights Phase 1 subdivision extension of approval application; and

WHEREAS, on July 30, 2013, the Applicant submitted a written request and application for an additional one year extension of the recording deadline to November 17, 2014; and

WHEREAS, on October 17, 2013, the City Council held a public hearing on the Park City Heights Phase 1 subdivision extension of approval application to extend the recording deadline to November 17, 2014; and

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of approval of the Park City Heights Phase 1 subdivision.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Park City Heights Phase 1 subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located on Richardson Flat Road east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and is zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD. The proposed plat is consistent with the preliminary subdivision plat.
5. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.
6. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. .
7. The proposed subdivision plat creates lots of record for 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes four (4) cottage home lots of record, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.
8. The townhome lots range in area from 1,898 sf to 4,779 sf for Lot T16, a corner lot with 3 front yard setbacks. The cottage lots range in area from 4,431 sf to 6,051 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD.
9. No non-conforming conditions are created by the subdivision.
10. An existing 50' wide power line easement for PacifiCorp traverses parcels G and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
11. The property is accessed from Richardson Flat Road, a public county road.
12. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets and drives are public.
13. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
14. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned

Development process as required by the Land Management Code.

15. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
16. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets; provides for future support commercial parcels; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.
17. The findings in the Analysis section are incorporated herein.
18. The City Council conducted a public hearing and approved the PC Heights Phase One Subdivision plat on November 17, 2011. The approval included a condition #2 requiring the subdivision plat be recorded at Summit County within one year of the approval date or submittal of a letter requesting an extension. The stated reason for the request is to have additional time to address historical mining tailings that were encountered on the property and prepare necessary environmental documents required by the State and Federal governments to resolve this issue.
19. On November 15, 2012, the Applicant submitted a written request and application for an extension of the recording date to November 17, 2013.
20. The applicant has requested no changes to the plat other than a modification to Condition of Approval #2 to extend the required recording of the plat for an additional year to November 17, 2014.
21. The applicant demonstrated that there have been no changes in circumstance that result in an unmitigated impact or that result in a finding of non-compliance with the General Plan or Land Management Code in effect at the time of the extension request. Conditions of Ordinance 11-25, reiterated in this Ordinance, continue to apply.
22. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this subdivision plat and for the extension of plat approval.
2. The subdivision plat complies with LMC 15-7.3 as conditioned.
3. The subdivision plat and extension request are consistent with the Park City Land Management Code and applicable State law regarding subdivision plats and extension of approvals.
4. The subdivision plat is consistent with the Park City Heights Annexation and the Park City Heights MPD, as conditioned.
5. The subdivision is consistent with the Park City Heights preliminary plat approved by the Planning Commission on June 22, 2011.
6. Neither the public nor any person will be materially injured by the subdivision plat or extension of approval, as conditioned herein.
7. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

8. The request for an extension of the plat recordation date was submitted in a timely fashion and is consistent with the Park City Land Management Code regarding extensions of subdivision plat approvals.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to November 17, 2014. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply.
4. Conditions of approval of the Park City Heights MPD, as memorialized in the Development Agreement, continue to apply.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets and drives, but not driveways on individual lots and parcels, within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
7. The City Park parcel shall be dedicated to the City upon recordation of the plat.
8. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved prior to building permit issuance.
12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines.
13. Confirmation of street names shall be provided by the City Engineer prior to plat

recordation.

14. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, as stated in the Annexation Agreement, MPD conditions of approval and as noted on the plat.
15. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
16. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval.
17. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals, amounting to 125% of the value of all required public improvements, including those public improvements identified in Condition #30 of the Master Planned Development (i.e. construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the MPD findings of fact, and other neighborhood amenities associated with the first phase), shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards prior to release of this guarantee. The twenty-five percent shall be held by the City through the warranty period and until such improvements are accepted by the City.
18. All standard project conditions shall apply.
19. Required street trees will be placed 30' on center along the main access road.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of _____, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

City Recorder

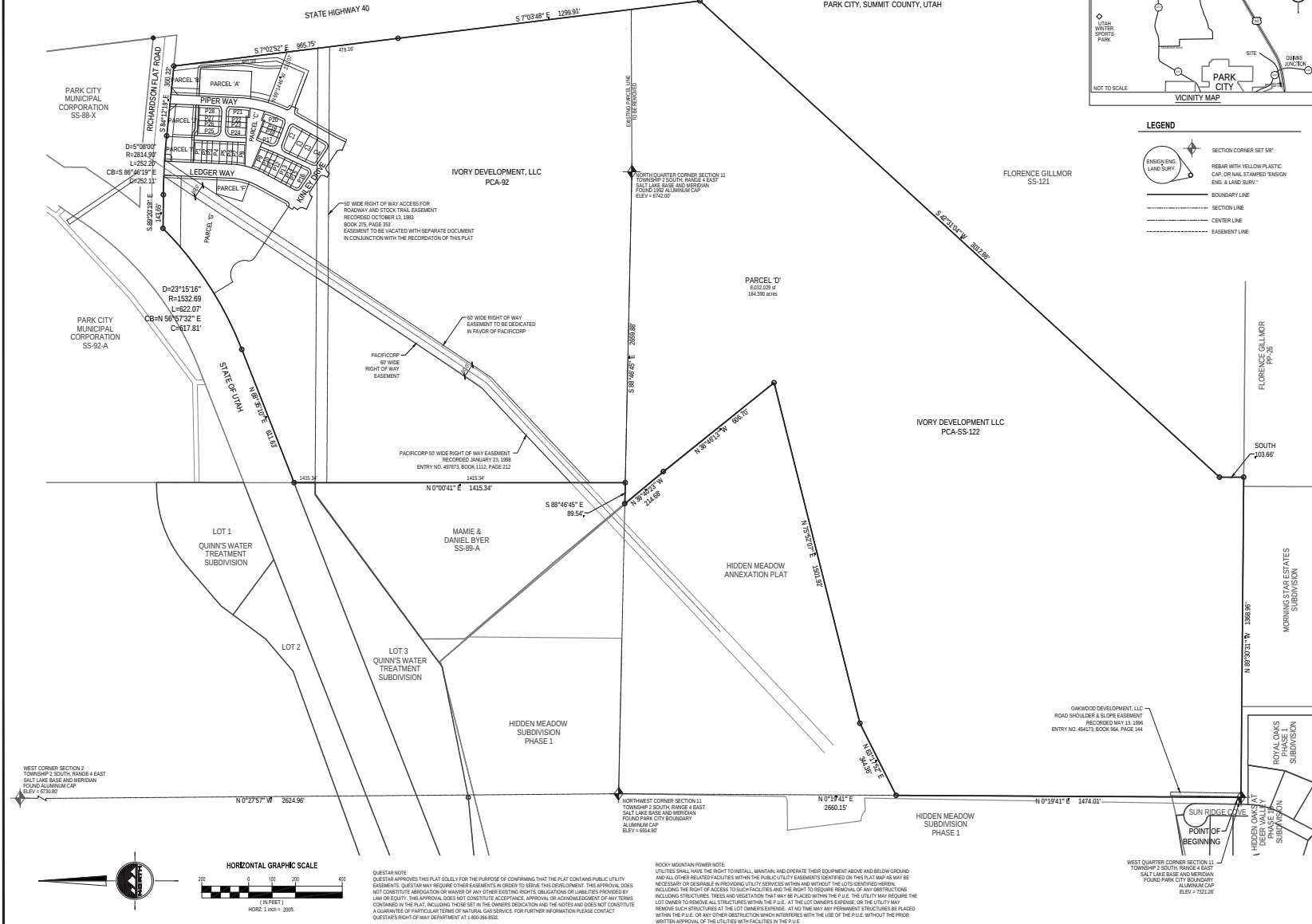
APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A

PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11,
AND THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, KAREN F. WHITE do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 191326 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as PARK CITY HEIGHTS PHASE 1 SUBDIVISION and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet footage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

A parcel of land located in the South Half of Section 2 and portions of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a Park City Boundary Aluminum Cap marking the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running

thence North 09°19'41" East 1,474.01 feet along the West Section Line of said Section 11, also being along the Eastern Boundary Line of the Hidden Meadows Subdivision Annexation Plat recorded as Entry No. 425892 in the Office of the Summit County Recorder; thence North 63°17'52" East 344.36 feet along the Eastern Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 75°52'07" East 1,501.92 feet along the Eastern Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 38°46'13" West 606.70 feet along the Eastern Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 39°42'23" West 214.68 feet along the Eastern Boundary Line of said Hidden Meadows Subdivision Annexation Plat to the North Section Line of said Section 11;

thence North 00°00'41" East 1,435.34 feet along the 1/16th Section Line of said Section 2 to the Southerly Right-of-Way Line of the abandoned Union Pacific Railroad Property;

thence North 68°35'10" East 611.63 feet along the Southerly Right-of-Way Line of said abandoned Union Pacific Railroad Property;
thence Northeasterly 622.07 feet along the arc of a 1,532.69 foot radius curve to the left (center bears North 21°24'50" West and the chord bears North 56°57'32" East 617.81 feet with a central angle of 23°15'16") along the Southerly Right-of-Way Line of said abandoned Union Pacific Railroad Property to the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B);

thence South 89°20'19" East 143.65 feet along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B);
thence Southeasterly 252.20 feet along the arc of a 2,834.90 foot radius curve to the right (center bears South 00°39'41" West and
the chord bears South 86°46'19" East 252.11 feet with a central angle of 95°08'00") along the Southerly Right-of-Way Line of Richardson
Flat Road (UDOT FAP 93-B);

thence South 84°12'19" East 300.22 feet along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-6) to the Westerly Right-of-Way Line of State Highway 40;

thence South 07°33'48" East 2,299.91 feet along the Western Right-of-Way Line of said State Highway 42,
thence South 42°31'04" West 3,012.86 feet,
thence South 103.66 feet to the projection of the Northerly Boundary Line of the Morning Star Estates Subdivision recorded as Entry
No. 376621 in the Office of the Summit County Recorder;
thence along the Northerly Boundary Line of said Morning Star Estates Subdivision, and to

Contains 8,518,648 Square Feet or 195.561 Acres

Date _____

KAREN F. WHITE _____

P.J.S. 191326

OWNER'S DEDICATION

Known all men by these presents that I (we), the undersigned owner(s) of the above described tract of land, having caused same to be

PARK CITY HEIGHTS PHASE 1 SUBDIVISION

do hereby consent to the recordation of this plat. Also, the owner, or its representative, hereby irrevocably offers for dedication to Park City and Snyderville Basin Water Reclamation District all the streets, land for local government uses, easements, parks, and required utility easements shown on this plat in accordance with the local government use of the plat.

In witness whereof I / we have hereunto set our hand (s) this _____ day of _____ A.D., 20 _____

By: _____
Its: _____

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

On the _____ day of _____, A.D., 20____,

personally appeared before me, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me sworn/affirmed, did say that he/she is the _____, a Limited Liability Company and that said document was signed by him/her in behalf of said Limited Liability Company for the purposes therein

MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____ RESIDING IN _____ COUNTY.

PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11,
AND THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAIL LAKE RANGE 2, MEDIAN

TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEES	SUMMIT COUNTY RECORDER
------	------------------------

EXHIBIT B

Park City Heights

Request for MPD Amendment

Park City Heights Master Planned Development (MPD) was approved on May 11, 2011 and the Development Agreement was ratified on October 26, 2011. In the spring of 2012, Ivory Development began the construction process of improving Phase 1. During the process it was discovered that portions of the site contain contaminated soils. Ivory Development brought this information to the attention of Park City and they have been working together to determine the best plan of action and a process for moving forward.

Ivory Development hired environmental consultants and began working with the State Department of Environmental Quality (DEQ) the Environmental Protection Agency (EPA) and Park City to mitigate the issues. The only viable option to clean the site and continue with development is to create an on-site repository for the contaminated soils. The on-site repository can only be used for soils generated from the site. No off-site soils can be placed in the repository.

The process of creating a repository and cleaning the site of contaminated soils is through the Voluntary Clean-up Process (VCP) with the DEQ. The amount of contaminated soils will require a repository and buffer area of approximately 7-8 acres. The repository area needs to be upland as far away from the Silver Creek stream corridor as possible. Ivory Development began to look at the approved master plan and start looking at conceptual plans that would accommodate the repository.

A work session was held with the Park City Planning Commission on June 26, 2013 in which a determination was made that the proposed changes will require an amendment process.

In light of this information and the need to modify the site plan and other items, we request an amendment to the approved MPD. In addition to the amended MPD, we also request an extension of approval. We request that an extension be granted for one (1) year from the date of the recorded MPD amendment. Modifications will consist of site plan, phasing, unit type designation/clarification, lot numbering and changes to the Park City Heights Neighborhood Design Guide. These items have been attached for your review.

EXHIBIT C

Ordinance No. 11-25

AN ORDINANCE APPROVING THE PARK CITY HEIGHTS PHASE 1 SUBDIVISION LOCATED AT RICHARDSON FLAT ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Park City Heights Master Planned Development (MPD) located north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 1 subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2011, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on October 26, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 17, 2011, the City Council held a public hearing on the Park City Heights Phase 1 subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Park City Heights Phase 1 subdivision.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Park City Heights Phase 1 subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located on Richardson Flat Road east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and is zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD. The proposed plat is consistent with the preliminary subdivision plat.
5. Park City Municipal Corporation and Boyer Park City Junction are joint owners of the property. The property was not purchased with open space revenues.
6. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.

7. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. .
8. The proposed subdivision plat creates lots of record for 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes four (4) cottage home lots of record, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.
9. The townhome lots range in area from 1,898 sf to 4,779 sf for Lot T16, a corner lot with 3 front yard setbacks. The cottage lots range in area from 4,431 sf to 6,051 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD.
10. No non-conforming conditions are created by the subdivision.
11. An existing 50' wide power line easement for PacifiCorp traverses parcels G and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
12. The property is accessed from Richardson Flat Road, a public county road.
13. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets and drives are public.
14. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
15. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
16. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
17. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets; provides for future support commercial parcels; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.
18. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as conditioned.
4. The subdivision is consistent with the Park City Heights preliminary plat approved by the Planning Commission on June 22, 2011.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not

adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply.
4. Conditions of approval of the Park City Heights MPD, as memorialized in the Development Agreement, continue to apply.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets and drives, but not driveways on individual lots and parcels, within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
7. The City Park parcel shall be dedicated to the City upon recordation of the plat.
8. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved prior to building permit issuance.
12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines.
13. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.
14. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, as stated in the Annexation Agreement, MPD conditions of approval and as noted on the plat.
15. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
16. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval.

17. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals, amounting to 125% of the value of all required public improvements, including those public improvements identified in Condition #30 of the Master Planned Development (i.e. construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the MPD findings of fact, and other neighborhood amenities associated with the first phase), shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards prior to release of this guarantee. The twenty-five percent shall be held by the City through the warranty period and until such improvements are accepted by the City.
18. All standard project conditions shall apply.
19. Required street trees will be placed 30' on center along the main access road.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of November, 2011.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

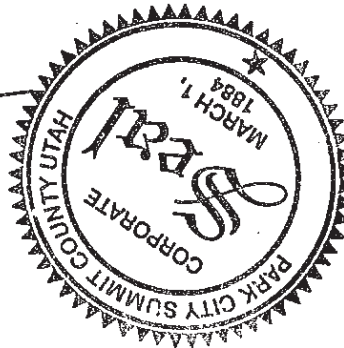


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



City Council Staff Report



Application No: PL-12-01465
Subject: 562 Main Street
Author: Francisco Astorga, Planner
Date: October 17, 2013
Type of Item: Contractual – Façade Easement

Summary Recommendations

Authorize the Mayor to execute an amendment to the existing Historic Preservation Easement for the historic building located at 562 Main Street which will allow for a building addition, reconstruction, and disassembly/reassembly (panelization).

Background

In February, 1999 the City Council approved a plat amendment at 562 Main Street. The plat addressed the encroachment of a historic building over platted lot lines, and created a second lot that was sold to the City for the purpose of creating a pedestrian connection from the Transit Center to Main Street. This is where the “bear on the bench” statue is located.

A condition of the plat was the dedication of a façade easement on the historic building for the benefit of the City. This façade easement was placed on the front (west) and side (south) elevations (Exhibit A – Recorded Plat).

Currently, staff is in the final stage of reviewing a Historic District Design Review proposal for an addition of a full basement, three (3) story addition at the rear, reconstruction of the entry level front façade (west elevation), panelization of the upper level front façade, and reconstruction of the south elevation by disassembling all of the siding to be numbered and reassembled after careful reassessment by the Planning Department.

The proposed 3 story addition is to be located on the eastern back portion of the lot which is currently undeveloped, and will not impact the protected facades. Due to the existing condition of the structural members including the footings, exterior walls, floor joists, roof joists, and roof deck, staff recommends authorizing the requested reconstruction and panelization as recommended by the Structural Engineer to the protected façades. The City, as beneficiary of the façade easement, must approve any proposed façade treatment and addition pursuant to Section 4 of the Historic Preservation Easement. See Exhibit D – Historic Preservation Easement

A similar request was presented to City Council in December 2006. City Council approved the proposed addition and authorized staff to execute the amended easement language. The property was ultimately sold to another owner and the proposed addition did not get built. The authorized easement language was never recorded. See Exhibit E – 12.07.2006 City Council Staff Report.

Analysis

Section 4, Standards of Review of the Easement, references the ability to review construction, alteration, repair, or maintenance provided the application goes through the appropriate design process; which in this case would be for an administrative HDDR for consistency with the Design Guideline for Historic Sites and Historic Districts, and applicable LMC provisions.

The language from Sections 4 is as follows:

4. Standards of Review. *In exercising any authority created by the easement to inspect the Premises, the Building, or the Facade; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, Grantee shall apply the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building, issued and as may be amended from time to time by the Secretary of the United States Department of the Interior (hereinafter "Standards") and/or state or local standards considered appropriate by Grantee for review of work affecting historically or architecturally significant structures or for construction of new structures within historically or architecturally significant structures or for construction of new structures within historically, architecturally, or culturally significant areas. In the event the Standards are abandoned or materially altered or otherwise become, in the sole judgment of the Grantee, inappropriate for the purposes set forth above, the Grantee may apply reasonable alternative standards and notify Grantor of the substituted standards.*

Staff reviewed the submitted Historic District Design Review HDDR proposal and made a determination of compliance with the Design Guidelines for Historic Sites and Historic Districts (Design Guidelines) AND specific LMC provisions pending this City Council review of the proposed amendment to the existing Historic Preservation Easement. The existing historic facades at the west and south elevations will be modified/alterd in terms of:

- Reconstruction of the entry level front façade (west elevation).
- Panelization of the upper level front façade elevation, also west elevation.
- Reconstruction of the south elevation by disassembling all of the siding to be numbered and reassembled after careful reassessment by the Planning Department, specifically the Historic Preservation Planner.

The proposed reconstruction and panelization outlined above will not alter the how the façade looks. Disassembly of a historic building is considered only after it has been determined that it meets one of the criteria listed below:

- if a licensed structural engineer certifies that the building cannot reasonably be moved intact; or
- if disassembly/reassembly is the best alternative to demolition; or

- if the building is determined by the Chief Building Official to be a hazardous or dangerous building, pursuant to Section 115.1 of the International Building Code; or
- if the Planning Director and the Chief Building Official determine that unique conditions and overall quality of the historic preservation effort warrant the disassembly/reassembly of part or all of the building, AND
- If it is to be accurately reassembled in its original form, location, placement and orientation.

Reconstruction of a historic building that exists in Park City is allowed if the Chief Building Official determines the structure to be a hazardous or dangerous building, pursuant to Section 115.1 of the International Building Code, AND the building cannot be made safe and/serviceable through repair. The Chief Building Official has made determination.

The existing conditions have been documented per the existing Physical Conditions Report and As-built Plans as per the Design Guidelines and LMC. The existing building is very simple in its design and materials. The reconstruction will hold true to the existing appearance as documented extensively in the existing Physical Conditions Report, As-Built Plans, photographs, etc.

The applicant proposes to panelize the top half of the west (front) elevation; number and disassemble the south siding and trim. The north elevation will be evaluated at time of demolition and all material that can be saved will be. No material shall be discarded without approval by the Planning & Building Department, specifically the Historic Preservation Planner.

The applicant has submitted the appropriate application, a HDDR which has been reviewed by the Planning Department. The applicant submitted a Physical Conditions Report letter prepared by Shen Engineers, Inc., Structural/Seismic Consultants, dated May 4, 2012 which indicates that they have performed a site investigation of the building and structural calculations to determine the adequacy of the building. Based on historical building codes, if structural members have more than 50% of capacity of what the code requires, the structural members are considered in acceptable condition. See summarized findings outlined in the letter:

1. The existing 12' roof joists are at 11% while the 15' roof joists are at 19% capacity of the code. They need to be upgraded or replaced with new roof joist.
2. The existing roof deck does not have any capacity of shear diaphragm value. Suggest installing a layer of new plywood or OSB.
3. The existing 15' floor joists are at 13% while the 12' floor joists are at 24% capacity of the code. They need to be upgraded.
4. The floor sheathing is ok per the code for gravity but not for lateral diaphragm. Suggest installing a layer of new plywood or OSB.
5. The 8' floor joists are at 57% capacity of the code which is acceptable.
6. All existing headers need to be upgraded.

7. The existing walls are all not strong enough for wind, seismic or gravity loads. Suggest that new stud walls be installed around the exterior walls. New shear wall sheathing and holdowns also shall be installed to develop a new lateral system.
8. The building does not have any footings.
9. The existing foundation walls were built with wood piles and sand stone. We suggest tearing off the existing foundation walls. New reinforced concrete footings and foundation walls need to be poured for supporting the existing building and forming the minimum frost depth.

Another letter dated May 7, 2013, also submitted by Shen Engineers Inc. further clarifies that the building in its present condition, is unsafe to move.

Staff finds that the project complies with appropriate Design Guidelines, LMC standards, and more importantly will facilitate the construction of a permanent foundation and upgraded structural members including exterior walls. Staff finds that it is critical to allow the requested foundation and structural upgrades in order to secure the retention of this historic gem.

Alternatives

- Approve the addition/reconstruction/panelization by executing an addendum to the existing façade easement agreement as found in the attached addendum, which would allow the proposal. **This is staff's recommendation.**
- Provide direction not to amend the façade easement, and provide staff with direction to draft specific finding of non-compliance with the façade easement.
- Provide direction to have the HPB review the project and forward a recommendation. The HPB currently has jurisdiction only if any effected party appeals staff's determination of compliance for the permit.

Significant Impacts

The location of the proposed addition is a highly visible corner located on the main pedestrian walkway from the transit center to Main Street. Construction of the addition will eliminate the undeveloped rear yard of the site. Additional commercial space adjacent to the walkway will be created.

Consequences of not taking the recommended action

The rear of the lot would remain vacant, and people using the pedestrian walkway would see the rear of a historic building as they enter the Main Street corridor.

Recommendation

Authorize the Mayor to execute an amendment to the existing Historic Preservation Easement for the historic building located at 562 Main Street which will allow for a building addition, reconstruction, and disassembly/reassembly (panelization).

Exhibits

Exhibit A – First Addendum to Historic Preservation Easement (Draft)

Exhibit B – Existing Plat
Exhibit C – Proposed Plans
Exhibit D – Historic Preservation Easement
Exhibit E – 12.07.2006 City Council Staff Report

FIRST ADDENDUM TO HISTORIC PRESERVATION EASEMENT FOR 562 MAIN STREET

THIS FIRST ADDENDUM is made and entered into in duplicate this _____ day of _____, 2013, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah (“City”), and Steven Patrick Demarest Living Trust (“Demarest”), to amend the Historic Preservation Easement signed and executed by the Parties, and recorded on May 17, 1999.

WITNESSETH;

Whereas, For purposes of furthering the preservation of the premises and building and furthering the other purposes of this instrument, and to meet exchanging conditions, Grantor and Grantee are free to amend jointly the terms of this instrument in writing without notice to any party; provided, however, that no such amendment shall limit the perpetual duration of interfere with the preservation and conservation purposes of the donation; and

Whereas, both parties agree to allow an expansion to the rear of the building, a basement addition, reconstruction and disassembly/reassembly (panelization) to remain substantially consistent in scale and scope with Exhibit B; and

Whereas, said addition, reconstruction, and disassembly/reassembly (panelization) will not modify or alter the existing historic facades at the west and south elevations; and

Whereas, the proposed addition complies with the purpose and intent of the easement to preserve the west and south historic facades at 562 Main Street and does not limit the perpetual duration or interfere with the preservation and conservation purposes of the donation; and

Whereas, the proposed addition meets all the requirements of the Land Management Code and is consistent with Design Guidelines for Historic Sites and Historic Districts.

Whereas, the parties desire to amend the Original Agreement to provide sufficient time for such performance.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. ADDITION. It is hereby acknowledged that both parties agree to allow an expansion to the rear of the building, a basement addition, reconstruction and disassembly/reassembly (panelization) to remain substantially compliant with Exhibit B.

If the staff permit approval is appealed, this approval shall apply to any final action or modified approval by the Historic Preservation Board or subsequent review authority.

2. OTHER TERMS. All other terms and conditions of the Original Agreement shall continue to apply.

3. ENTIRE AGREEMENT. This First Addendum is a written instrument pursuant to Section 27 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by all parties.

IN WITNESS WHEREOF the parties hereto have caused this First Addendum to be executed the day and year first herein above written.

DATED this _____ day of _____, 2013.

PARK CITY MUNICIPAL CORPORATION

445 Marsac Avenue
P.O. Box 1480
Park City UT 84060-1480

Dana Williams, Mayor

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

Steven Patrick Demarest Living Trust
address

Name, title

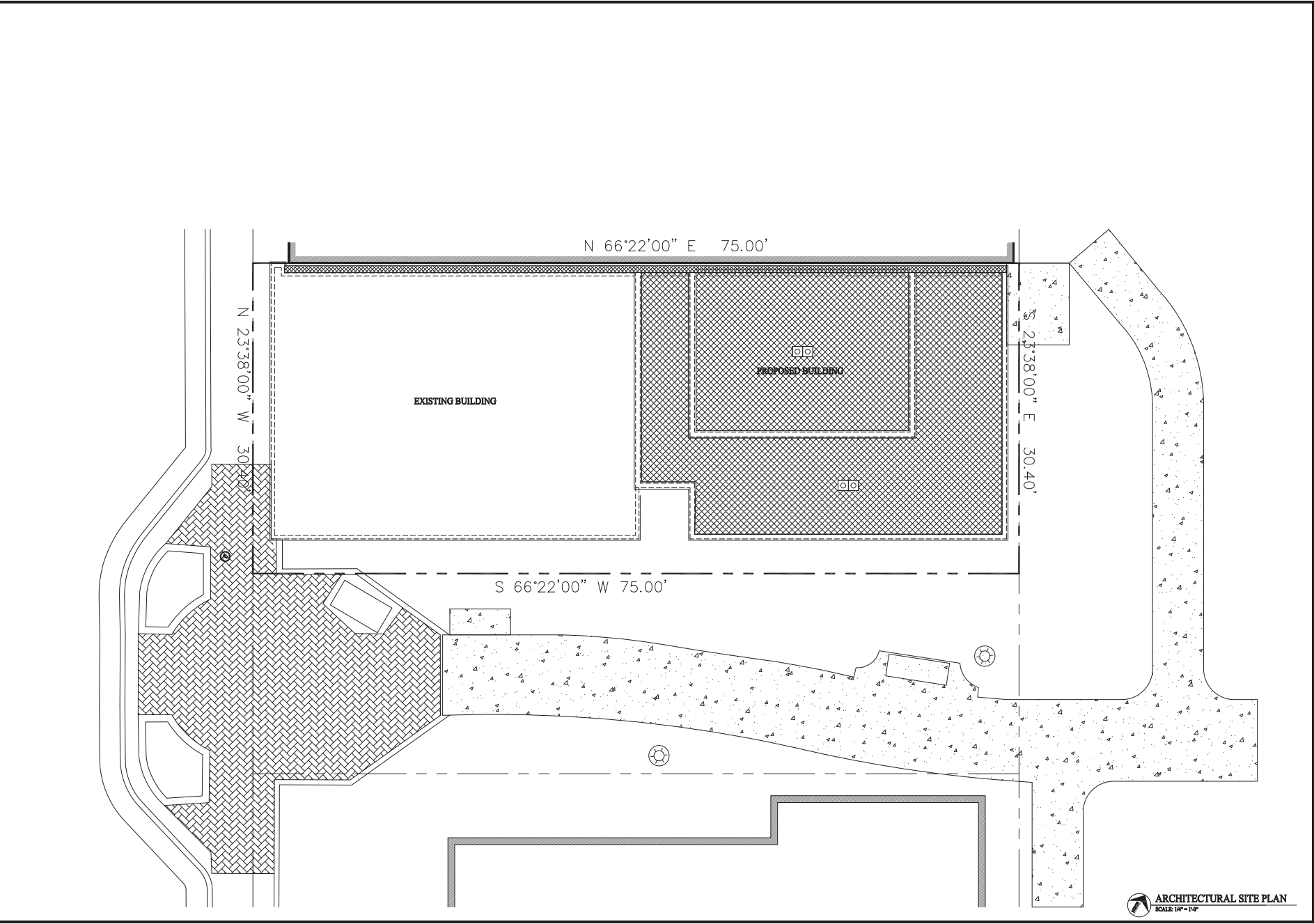
STATE OF UTAH)
) ss.

COUNTY OF SUMMIT)

On this day of , 2013, before me, the undersigned notary, personally appeared

_____, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as _____ (*title*) for Steven Patrick Demarest Living Trust

Notary Public



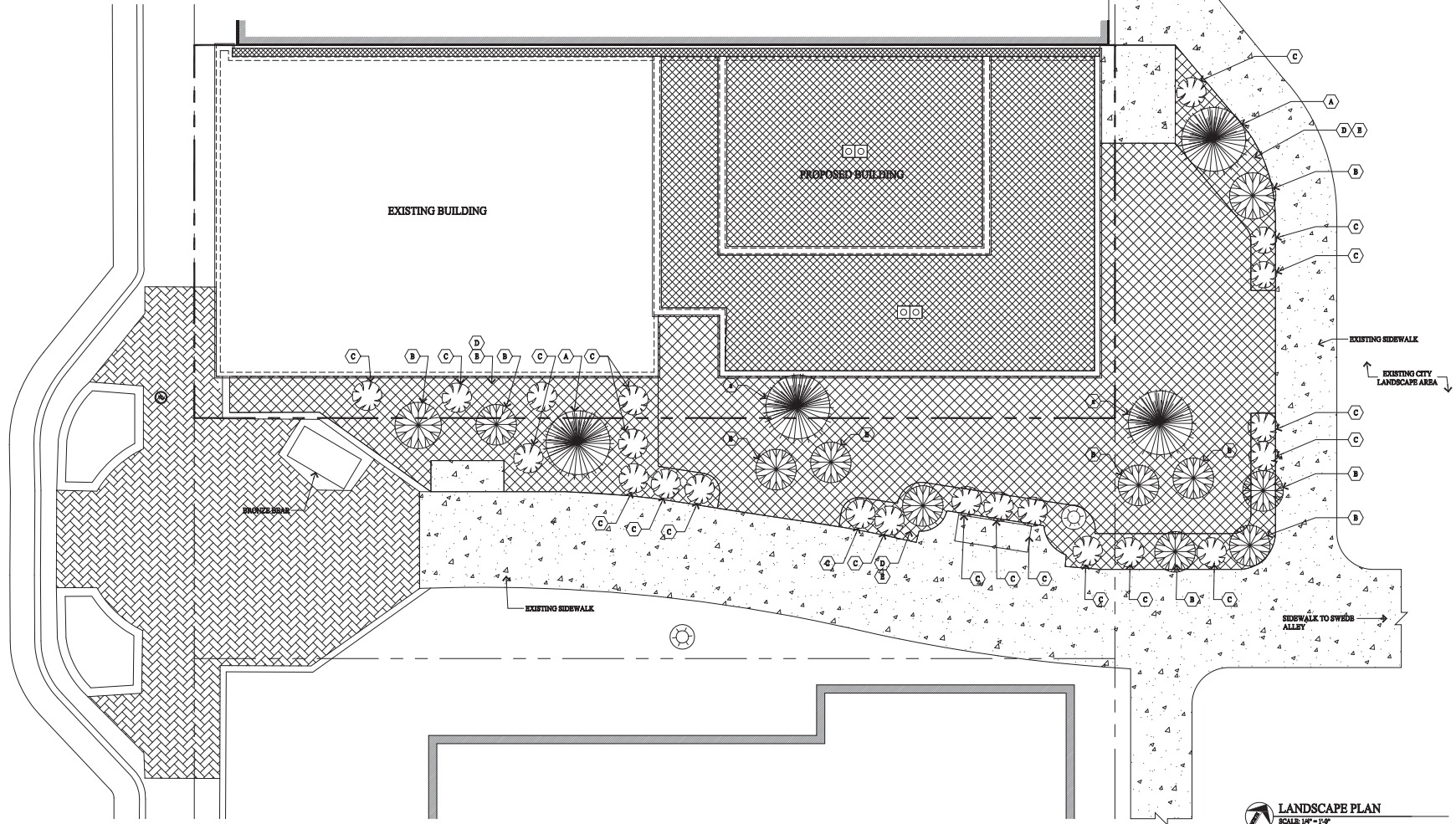
ARCHITECTURAL SITE PLAN
SCALE 1/4" = 1'-0"

Jonathan DeGray Architect P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060 Tel: 435-646-7263, E-mail: jonathan@jdegayarchitect.com	
PROJECT DESCRIPTION 562 MIXED COMMERCIAL BUILDING HISTORIC DISTRICT DESIGN REVIEW APPLICATION RENOVATION AND ADDITION 562 MAIN STREET, PARK CITY, UTAH 84060	
ARCHITECTURAL SITE PLAN	
REVISIONS	
DATE	JUNE 27, 2013
PROJECT NUMBER	1203-02
SHEET NUMBER	A0.1

PLANT SCHEDULE							
TREES AND SHRUBS							
SYMBOL	KEY #	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	COMMENTS
	(A)	3	CONIFEROUS TREES				
			PICIA PUMGINS	COLORADO BLUE SPRUCE	16-18"	12' O.C.	
					16-18"	12' O.C.	
	(B)	7	DECIDUOUS TREES				
			POPULUS TREMBLOIDES	ASH	7" DIA.	14' O.C.	
					7" DIA.	6-8' O.C.	
	(C)	22	SHRUBS				
			CORNUS SERICEA "SALETT"	RED TWIG DOGWOOD	5 GAL.	SPACING AS NOTED ON PLAN	
	(D)	30	GROUND COVER				
			PACHYSTIMA CANADI	DWARF MOUNT. LAYER	4" POT	12" O.C.	
			PACHYSTIMA MYRSINIFOLIA	MOUNTAIN LAYER	4" POT	12" O.C.	

PLANTING NOTES

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGES TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY.
2. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
4. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
6. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
7. SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
8. ALL SHRUB BEDS SHALL HAVE 2" OF DECOMPOSED BARK MULCH INSTALLED.
9. SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREE" EDGING. IT SHALL SEPARATE ALL SHRUB BEDS FROM NATIVE GRASS LOCATIONS.
10. ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
11. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
12. NO BARE ROOT STOCK SHALL BE USED.



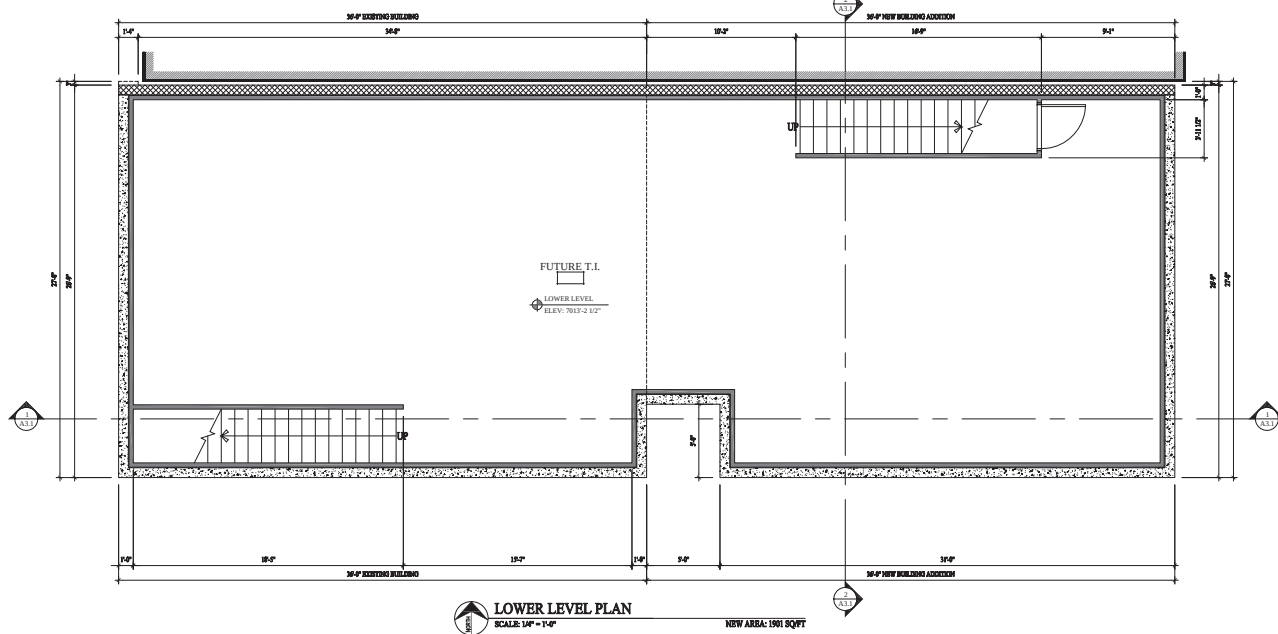
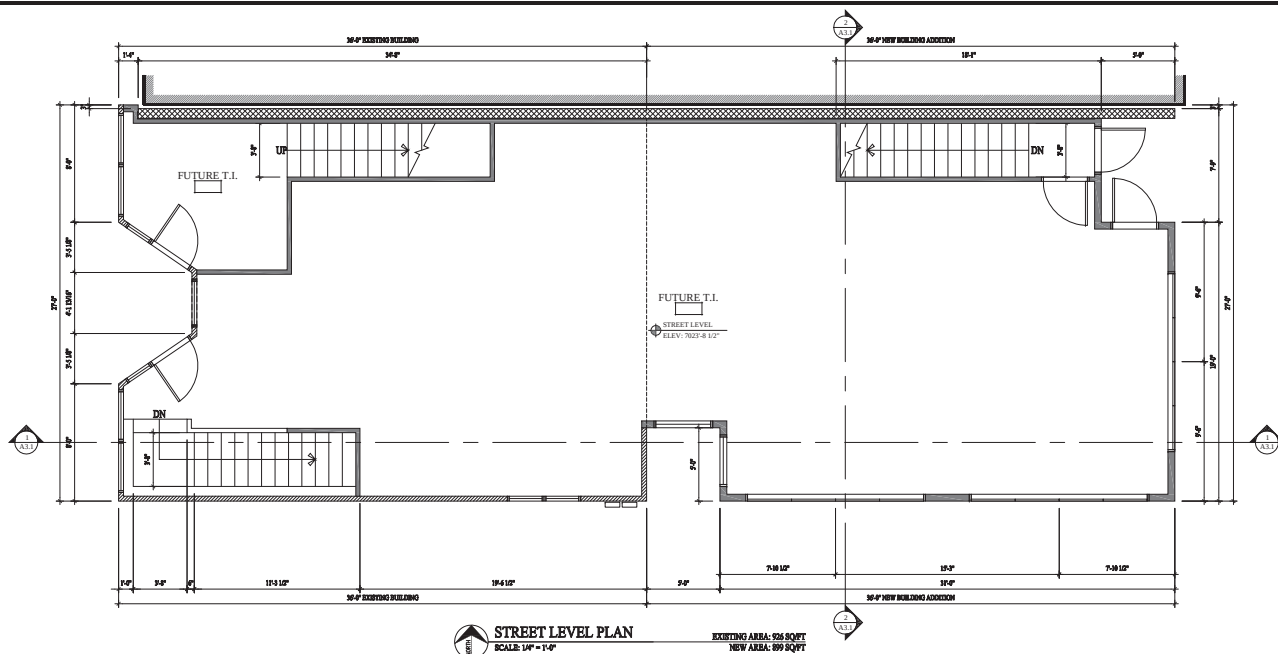
LANDSCAPE PLAN
SCALE 1/4" = 1'-0"

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel: 435-646-7263, E-mail: jon@jondgrayarchitect.com

PROJECT DESCRIPTION
562 MIXED COMMERCIAL BUILDING
HISTORIC DISTRICT DESIGN REVIEW APPLICATION
RENOVATION AND ADDITION
562 MAIN STREET, PARK CITY, UTAH 84060

LANDSCAPE PLAN

DATE: JUNE 27, 2013
PROJECT NUMBER: 1203-02
SHEET NUMBER: A0.2



WALL LEGEND

 EXISTING FRAMED WALL
 NEW FRAMED WALL
 NEW CONCRETE WALL
 EXISTING WALLS TO BE REMOVED
 (E) INDICATES EXISTING
 (N) INDICATES NEW

ALL DIMENSIONS ARE APPROXIMATE AND ARE
TO BE FIELD VERIFIED PRIOR TO ANY
CONSTRUCTION

KEY NOTES

① NOTE

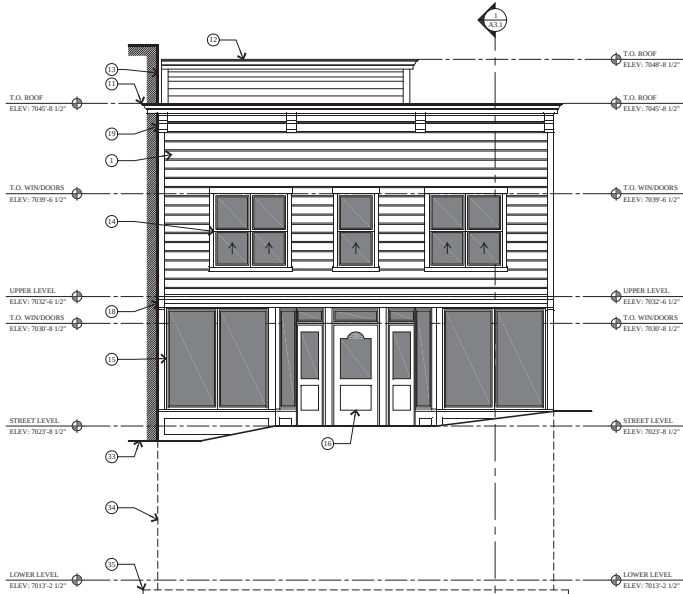
Jonathan DeGray
A r c h i t e c t

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 86060
Tel. 435-649-7263, E-mail: degrayarch@questoffice.net

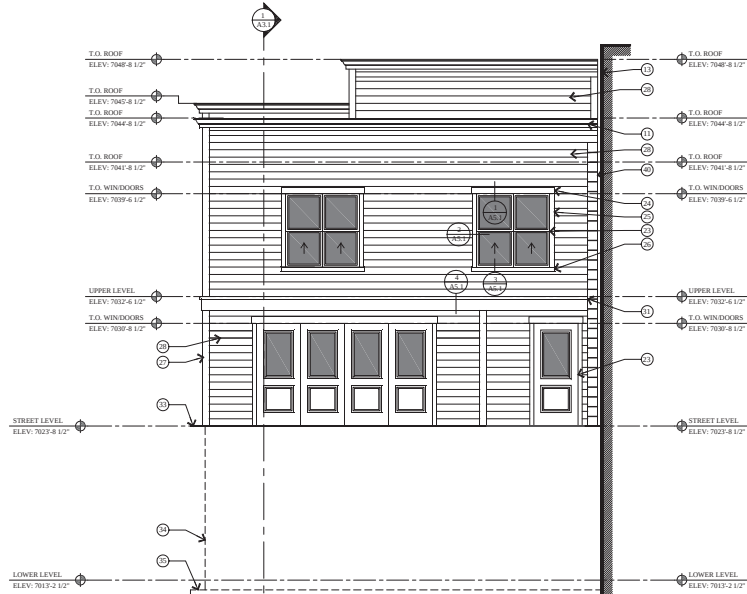
562 MIXED COMMERCIAL BUILDING
HISTORIC DISTRICT DESIGN REVIEW APPLICATION
RENOVATION AND ADDITION
562 MAIN STREET, PARK CITY, UTAH 84060

LOWER LEVEL & STREET LEVEL
FLOOR PLANS

REVISIONS:
DATE: JUNE 27, 2013
PROJECT NUMBER: 1203-02
SKETCH NUMBER: A1.1



1 WEST ELEVATION
SCALE 1/8" = 1'-0"



2 EAST ELEVATION
SCALE 1/8" = 1'-0"



3 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

KEY NOTES

- 1 1/4 HORSE DROP SIDING (HISTORIC)
- 2 1/4 HORSE PLANE (HISTORIC)
- 3 2x12S @ 16" O.C. (HISTORIC)
- 4 2-13 BATT INSULATION (NON-HISTORIC)
- 5 5/8" GYPHUM BOARD (NON-HISTORIC)
- 6 1/2" WOOD FLOORING (HISTORIC) ON 2x4 JOIST (HISTORIC) @ 16" O.C.
- 7 ELECTRICAL METERS, NOTES
- 8 GAS METER
- 9 ELECTRICAL PANEL
- 10 VERTICAL BOARD AND BAT (NON-HISTORIC)
- 11 ROOF PARAPET W/ DUCTOIDS CORNICE BRACKETS, SEE DETAILS 10A-1
- 12 SINGLE PLY ROOF MEMBRANE OVER PLYWOOD (APPLIED AFTER 2002) OVER HISTORIC 2x6 JOIST @ 24" O.C.
- 13 EXISTING MISALIGNING BUILDING
- 14 ALL WINDOWS HAVE BEEN REPLACED WITH WOOD DOUBLE SLUNG INSULATED UNITS. NO HISTORIC WINDOWS REMAIN.
- 15 THE STOREFRONT WINDOWS HAVE BEEN REPLACED WITH INSULATED UNITS. MOST OF THE EXISTING WOOD BASE AND TON ON THE STOREFRONT WINDOWS ARE ORIGINAL TO THE BUILDING AND NEED REPAIR.
- 16 ALL DOORS HAVE BEEN REPLACED. NO HISTORIC DOORS REMAIN.
- 17 WOOD TREAD AND RISERS W/ 2x12 STRINGERS.
- 18 LOWER WOOD CORNICE (HISTORIC)
- 19 UPPER WOOD CORNICE (NON-HISTORIC)
- 20 DROP CEILING (NON-HISTORIC)
- 21 NEW CONCRETE SLAB.
- 22 SINGLE PLY MEMBRANE OVER EXTERIOR SEATING ON THIS ROOF JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- 23 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE WINDOW SCHEDULE.
- 24 2x6 WINDOW DOOR LEAD - STAINED, W/ FLASHING. (2x12 HEAD @ GARAGE DOOR)
- 25 2x4 WINDOW DOOR JAMB - STAINED.
- 26 2x4 WINDOW SILL - STAINED.
- 27 2x4 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 28 1/4 CEDAR REVEALED LAP SIDING ON WEATHER BARRIERS ON 5/8" EXT. INSULATION.
- 29 ROOF TO WALL SURFACE, EXTEND BUTYRUBANE MEMBRANE OVER ROOF DECK AND UP WALL MINIMUM 36".
- 30 3/8" HIGH GUARDRAIL, W/ 1" STEEL BALLAST @ 5" O.C.
- 31 REVEALED 2x2 ON 2x12 CEDAR TRIM BOARD - STAINED.
- 32 STRUCTURAL BEAM - SEE STRUCT. FOR SIZE.
- 33 FINISH GRADE TO SLOPE AWAY FROM ROOF OR A MIN. OF 4" WITHIN THE FIRST 10'. INC. 30x1.3
- 34 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 35 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 36 BLOWN-IN INSULATION: R-13 IN 2x4 STUD WALL, R-38 IN ROOF AND FLOOR JOIST.
- 37 TREATED WOOD SILL PLATE W/ 1/2" ANCHOR BOLTS EMBEDDED 1" INTO CONCRETE, SPACED 37" O.C. UNTO ON PLATE. PLATE W/ 2x4S SHALL 1/2"x1/2"x4" AND USED ON EACH BOLT. SEE STRUCTURAL. SEPAR WALL SCHEDULE.
- 38 4" REINFORCED CONCRETE SLAB ON G.M.I. FOR POLYETHYLENE VAPOR RETARDER JOINTS TO LAPPED 6" MIN ON 4" GRAVEL BASE. CLEANED GRADE - SEE STRUCT. FOR REINFORCING.
- 39 DRAINAGE MATT ON WATERPROOF MEMBRANE.
- 40 NEW CMU WALL, 3" AIR SPACE FROM NEIGHBORING BUILDING.

Jonathan DeGray
Architect

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 86600
Tel. 435-646-7263, E-mail: jon@jonathandegray.com

562 MIXED COMMERCIAL BUILDING
HISTORIC DISTRICT DESIGN REVIEW APPLICATION
RENOVATION AND ADDITION
562 MAIN STREET, PARK CITY, UTAH 86600

PROJECT INFORMATION

ELEVATIONS

DATE

REVISED

DATE

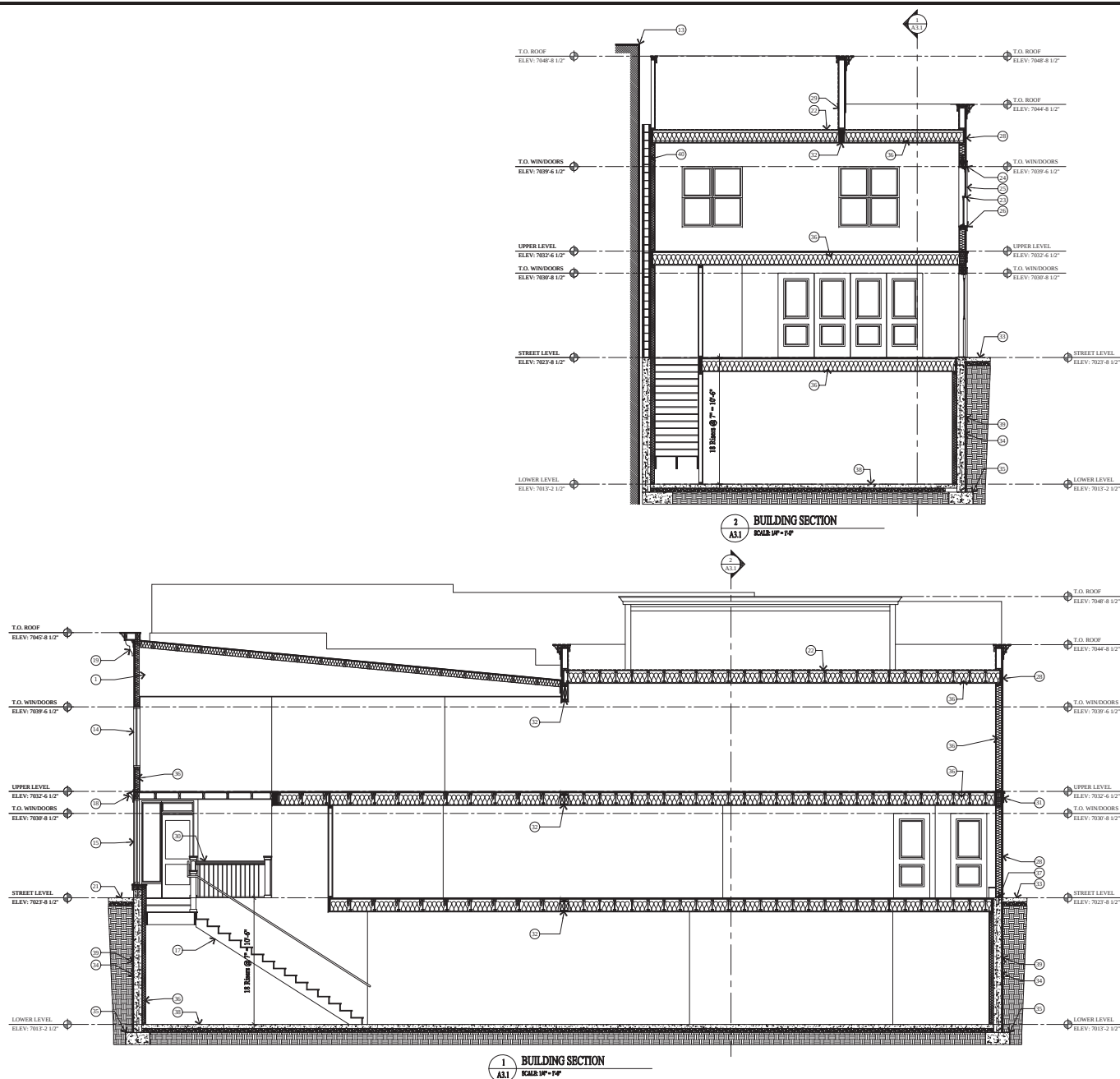
JUNE 27, 2013

PROJECT NUMBER

1203-02

SHEET NUMBER

A2.1



KEY NOTES

- 1 1x6 BRUSH DROP SIDING (HISTORIC)
- 2 1x6 HORIZ. PLANE (HISTORIC)
- 3 2x STUDS @ 16" O.C. (HISTORIC)
- 4 3-15 BATT INSULATION (NON-HISTORIC)
- 5 5/8" GYPHUM BOARD (NON-HISTORIC)
- 6 1x6 WOOD FLOORING (HISTORIC) ON 2x4 JOIST (HISTORIC) @ 16" O.C.
- 7 ELECTRICAL METRE BOXES
- 8 GAS METTER
- 9 ELECTRICAL PANEL
- 10 VERTICAL BOARD AND BAY (NON-HISTORIC)
- 11 ROOF PARAPET W/ PROTECTIVE CORNICE BRACKETS. SEE DETAIL 10A.1
- 12 SINGLE PLY ROOF MEMBRANE OVER PLYWOOD (APPLIED AFTER 2020) OVER HISTORIC 2x6 JOIST @ 16" O.C.
- 13 EXISTING MISALIGNING BUILDING
- 14 ALL WINDOWS HAVE BEEN REPLACED WITH WOOD DOUBLE SLUNG INSULATED UNITS. NO HISTORIC WINDOWS REMAIN.
- 15 THE STOREFRONT WINDOWS HAVE BEEN REPLACED WITH INSULATED UNITS. MOST OF THE EXTERIOR WOOD BASE AND TON ON THE STOREFRONT WINDOWS ARE ORIGINAL TO THE BUILDING AND NEED REPAIR.
- 16 ALL DOORS HAVE BEEN REPLACED. NO HISTORIC DOORS REMAIN.
- 17 WOOD TREAD AND RISERS W/ 2x12 STRINGERS.
- 18 LOWER WOOD CORNICE (HISTORIC)
- 19 UPPER WOOD CORNICE (NON-HISTORIC)
- 20 DROP CEILING (NON-HISTORIC)
- 21 NEW CONCRETE SLAB.
- 22 SINGLE PLY MEMBRANE OVER EXTERIOR SEATING ON THIS ROOF JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- 23 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE WINDOW SCHEDULE.
- 24 2x6 WINDOW DOOR HEAD - STAINED W/ FLASHING (2x12 HEAD @ GARAGE DOOR)
- 25 2x4 WINDOW DOOR JAMB - STAINED.
- 26 2x4 WINDOW SILL - STAINED.
- 27 2x4 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 28 1x6 CEDAR REVEAL LIP SIDING ON WEATHER SHEDDING ON SP. EXT. SEATING.
- 29 ROOF TO WALL SURFACE, EXTEND BUTYRAMINE MEMBRANE OVER ROOF DECK AND UP WALL MIN. 36".
- 30 3/8" IRON GUARDRAIL, W/ 1" STEEL BALLAST @ 5" O.C.
- 31 REVEAL 2x2 ON 2x12 CEDAR TRIM BOARD - STAINED.
- 32 STRUCTURAL BEAM - SEE STRUCT. FOR SIZE.
- 33 FINISH GRADE TO SLOPE AWAY FROM ROOF BY A MIN. OF 4" WITHIN THE FIRST 10'. SEE 301.3
- 34 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 35 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 36 BLOWN-IN INSULATION: 8-13 IN 2x4 STUD WALL, 6-9 IN 2x6 STUD WALL AND 8-9 IN ROOF AND FLOOR JOIST.
- 37 TREATED WOOD SILL PLATE W/ 1/2" ANCHOR BOLTS EMBEDDED 7" INTO CONCRETE, SPACED 37" O.C. UNTO ON PLANS. PLATE WASHERS SHALL 1/2"x1/2" AND USED ON EACH BOLT. SEE STRUCTURAL STEEL WALL SCHEDULE.
- 38 4" REINFORCED CONCRETE SLAB ON 6 MIL. POLYETHYLENE VAPOR RETARDER JOINTS TO LAID 1/2" MIN ON 4" GRAVEL BASE CLEANED/GRADUATED - SEE STRUCT. FOR REINFORCING.
- 39 DRAINAGE MATT ON WATERPROOF MEMBRANE
- 40 NEW CMU WALL, 3" AIR SPACE FROM NEIGHBORING BUILDING.

Jonathan DeGray
Architect

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel: 435-946-7263, E-mail: jonathandegrayarchitect.com

562 MIXED COMMERCIAL BUILDING
HISTORIC DISTRICT DESIGN REVIEW APPLICATION
RENOVATION AND ADDITION
562 MAIN STREET, PARK CITY, UTAH 84060

BUILDING SECTIONS

DATE: 06/27/2013

REVISIONS:

DATE: JUNE 27, 2013

PROJECT NUMBER: 1203-02

SHEET NUMBER:

A3.1

When recorded, mail to:
City Recorder
P.O. Box 1480
Park City, UT 84060-1480

Fee Exempt per Utah Code
Annotated 1953 21-7-2

Entry No.	539071
5-27CW	
REQUEST OF	High Country Title
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ 46.00	By S. Bowen
RECORDED	5-17-99 at 16:10 P.M.

HISTORIC PRESERVATION EASEMENT

THIS PRESERVATION AND CONSERVATION EASEMENT, made this 6TH day of May, 1999, by and between JAMES W. CARR ("Grantor") and PARK CITY MUNICIPAL CORPORATION ("Grantee"), a nonprofit corporation of Utah.

WITNESSETH:

WHEREAS, the Grantee is organized as a governmental unit under the laws of the State of Utah and is a qualifying recipient of qualified conservation contributions under Sections 170(b), (f), and (h) of the Internal Revenue Code of 1986 as amended (hereinafter the "Code");

WHEREAS, the Grantee is authorized to accept preservation and conservation easements to protect property significant in Utah history and culture under the provisions of Section 57-18 of the Utah Land Conservation Easement Act (hereinafter the "Act");

WHEREAS, the Grantor is owner in fee simple of certain real property in Summit County, Utah, more particularly described as:

LOT A, CARR REPLAT, Section 16, township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah

(hereinafter "the Premises"), said Premises including one structure commonly known as 562 Main Street (hereinafter "the Building"), and is more particularly described below;

WHEREAS, the Building is located in a locally established Historic District which was listed in the National Registry of Historic Places on July 12, 1984 and the Building is a certified historic structure;

WHEREAS, the Grantor and Grantee recognize the historical, cultural, and aesthetic value and significance of the Building, and have the common purpose of conserving and preserving the aforesaid value and significance of the Building;

WHEREAS, the grant of a preservation and conservation easement by Grantor to Grantee on the real property referred to herein will assist in preserving and maintaining the

Building and its architectural, historical, and cultural features;

WHEREAS, the grant of a preservation and conservation easement by Grantor to Grantee on the Building will assist in preserving and maintaining the aforesaid value and significance of the Building;

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept, a preservation and conservation easement on the Premises pursuant to the Utah Land Conservation Easement Act;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby irrevocably grant and convey unto the Grantee a preservation and conservation easement in gross in perpetuity (which easement is more particularly described below and is hereinafter "the Easement") in and to that certain real property and the exterior surfaces of the Building located thereon, owned by the Grantor, and more particularly described as:

the front Facade (0.5' deep) of the Building, including the recessed entrance.

The Easement, to be of the nature and character hereinafter further expressed, shall constitute a binding servitude upon said Premises of the Grantor, and to that end Grantor covenants on behalf of itself, its successors, and assigns, with Grantee, its successors, and assigns, such covenants being deemed to run as a binding servitude, in perpetuity, with the land, to do upon the Premises each of the following covenants and stipulations, which contribute to the public purpose in that they aid significantly in the preservation of the Building and surrounding land area, and which help maintain and assure the present and future historic integrity of the Building:

1. Description of Facade. In order to make more certain the full extent of Grantor's obligations and the restrictions on the Premises (including the Building), and in order to document the external nature of the Building as of the date hereof, attached hereto as Exhibit A and incorporated herein by this reference are a set of photographs depicting the exterior surfaces of the Building and the surrounding property and an affidavit specifying certain technical and location information relative to said photographs satisfactory to Grantee, attached hereto as Exhibit B. It is stipulated by and between Grantor and Grantee that the external nature of the Building as shown in Exhibit A is deemed to be the external nature of the Building as of the date hereof and as of the date this instrument is first recorded in the land records of Summit County, Utah. The external nature of the Building as shown in Exhibit A is hereinafter referred to as the

“Facade.”

2. **Grantor's Covenants.** In furtherance of the easement herein granted, Grantor undertakes, of itself, to do (and to refrain from doing as the case may be) upon the Premises each of the following covenants, which contribute to the public purpose of significantly protecting and preserving the Premises:

a) Grantor shall not demolish, remove, or raze the Building or the Facade except as provided in Paragraphs 6 and 7.

b) Without the prior express written permission of the Grantee, signed by duly authorized representative thereof, Grantor shall not undertake any of the following actions:

i) increase or decrease the height of the Facade or the Building;

ii) adversely affect the structural soundness of the Facade;

iii) make any changes in the Facade including the alteration, partial removal, construction, remodeling, or other physical or structural change including any change in color or surfacing, with respect to the appearance or construction of the Facade, with the exception of the ordinary maintenance pursuant to Paragraph 2(c) below;

iv) erect anything on the Premises or the Facade which prohibit them from being visible from the street level, except for a temporary structure during any period of approved alteration or restoration;

v) permit any significant reconstruction, repair, repainting, or refinishing of the Facade that alters their state from the existing condition. This subsection (v) shall not include ordinary maintenance pursuant to Paragraph 2(c) below;

vi) erect, construct, or move anything on the Premises that would encroach on the open land area surrounding the Building and interfere with a view of the Facade or be incompatible with historic or architectural character of the Building or the Facade.

c) Grantor agrees at all times to maintain the Building in a good and sound

state of repair and to maintain the Facade and the structural soundness and safety of the Building. Subject to the casualty provisions of Paragraphs 5 through 7, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction whenever necessary to have the external nature of the Building at all times appear to be and actually be the same as the Facade.

d) No buildings or structures, including satellite receiving dishes, camping accommodations, or mobile homes not presently on the Premises shall be erected or placed on the Premises hereafter, except of temporary structures required for the maintenance or rehabilitation of the property, such as construction trailers.

e) No signs, billboards, awnings, or advertisements shall be displayed or placed on the Premises or Building; provided, however, that Grantor may, with prior written approval from secretary of Grantee's Historic District Commission, erect such signs or awnings as are compatible with the preservation and conservation purposes of this easement and appropriate to identify the Premises and Building and any activities/business on the Premises or in the Building. Such approval from Grantee shall not be unreasonably withheld.

f) No topographical changes, including but not limited to excavation, shall occur on the Premises; provided, however, that Grantor may, with prior written approval from and in the sole discretion of Grantee, make such topographical changes as are consistent with and reasonably necessary to promote the preservation and conservation purposes of this easement.

g) There shall be no removal, destruction, or cutting down of trees, shrubs, or other vegetation on the Premises; provided, however, that Grantor may with prior written approval from and in the sole discretion of Grantee, undertake such landscaping of the Premises as is compatible with the preservation and conservation purposes of this easement and which may involve removal or alteration of present landscaping, including trees, shrubs, or other vegetation. In all events, Grantor shall maintain trees, shrubs, or other vegetation. In all events, Grantor shall maintain trees, shrubs, and lawn in good manner and appearance in conformity with good forestry practices.

h) No dumping of ashes, trash, rubbish, or any other unsightly or offensive materials shall be permitted on the Premises.

i) The Premises shall be used only for purposes consistent with the

preservation and conservation purposes of this easement.

j) The Premises shall not be subdivided and the Premises shall not be devised or conveyed except as a unit; provided, however, that the Grantor shall be permitted to convert the Building into cooperatives or condominiums and to convey interests in the resulting cooperatives or condominiums units, provided that the Grantor shall form or cause to be formed, in connection with such conveyance, a single entity for the purposes of performing all obligations of the Grantor and its successors under this easement.

k) No utility transmission lines, except those reasonably necessary for the existing Building, may be created on said land, subject to utility easements already recorded.

3. **Public View.** Grantor agrees not to obstruct the substantial and regular opportunity of the public to view the exterior architectural features of any building, structure, or improvements of the Premises from adjacent publicly accessible areas such as public streets.

4. **Standards of Review.** In exercising any authority created by the easement to inspect the Premises, the Building, or the Facade; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, Grantee shall apply the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building, issued and as may be amended from time to time by the Secretary of the United States Department of the Interior (hereinafter "Standards") and/or state or local standards considered appropriate by Grantee for review of work affecting historically or architecturally significant structures or for construction of new structures within historically or architecturally significant structures or for construction of new structures within historically, architecturally, or culturally significant areas. In the event the Standards are abandoned or materially altered or otherwise become, in the sole judgment of the Grantee, inappropriate for the purposes set forth above, the Grantee may apply reasonable alternative standards and notify Grantor of the substituted standards.

5. **Casualty Damage or Destruction.** In the event that the Premises or any part thereof shall be damaged or destroyed by casualty, the Grantor shall notify the Grantee in writing within one (1) day of the damage or destruction, such notification including what, if any, emergency work has already been completed. For purposes of this instrument, the term "casualty" is defined as such sudden damage or loss as would qualify for a loss deduction pursuant to Section 165(c)(3) of the Code (construed without regard to the legal

status, trade, or business of the Grantor or any applicable dollar limitation). No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Property and to protect public safety, shall be undertaken by the Grantor without the Grantee's prior written approval of the work. Within four (4) weeks of the date of damage or destruction, the Grantor shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer, if required, acceptable to the Grantor and the Grantee which shall include the following:

- a) an assessment of the nature and extent of the damage;
- b) a determination of the feasibility of the restoration of the Facade and/or reconstruction of damages or destroyed portions of the Premises; and
- c) a report of such restoration/reconstruction work necessary to return the Premises to the condition existing at the date [hereof or of the completion of any required work as set forth in the Easement]. If in the opinion of the Grantee, after reviewing such report, the purpose and intent of the Easement will be served by such restoration/reconstruction, the Grantor shall within eighteen (18) months after the date of such change or destruction complete the restoration/construction of the premises in accordance with plans and specifications consented to by the Grantee up to at least the total of the casualty insurance proceeds. Grantee has the right to raise funds toward the costs of restoration of partially destroyed premises above and beyond the total of the casualty insurance proceeds as may be necessary to restore the appearance of the Facade, and such additional costs shall constitute a lien on the Premises until repaid by the Grantor.

6. Grantee's Remedies Following Casualty Damage. The foregoing notwithstanding, in the event of damage resulting from casualty, as defined at Paragraph 5, which is of such magnitude and extent as to render repairs or reconstruction of the Building impossible using all applicable insurance proceeds, as determined by Grantee by reference to bona fide cost estimates, then

- a) Grantee may elect to reconstruct the Building using insurance proceeds, donations, or other funds received by Grantor or Grantee on account of such casualty, but otherwise at its own expense (such expense of Grantee to constitute a lien on the premises until repaid in full); or
- b) Grantee may elect to chose any salvageable portion of the Facade and

remove them from the premises, extinguish the easement pursuant to Paragraph 26, and this instrument shall thereupon lapse and be of no further force and effect, and Grantee shall execute and deliver to Grantor acknowledged evidence of such fact suitable for recording in the land records of Summit County, Utah, and Grantor shall deliver to Grantee a good and sufficient Bill of Sale for such salvaged portions of the Façade.

7. **Review After Casualty Loss.** If in the opinion of the Grantee, restoration/reconstruction would not serve the purpose and intent of the Easement, then the Grantor shall continue to comply with the provisions of the Easement and obtain the prior written consent of the Grantee in the event the Grantor wishes to alter, demolish, remove, or raze the Building, and/or construct new improvements on the Premises.

8. **Grantee's Covenants.** The Grantee hereby warrants and covenants that:

a) Grantee is and will remain a Qualified Organization for the purposes of Section 170(h) of the Internal Revenue Code. In the event that the Grantee's status as a Qualified Organization is successfully challenged by the Internal Revenue Service, then the Grantee shall promptly select another Qualified Organization and transfer all of its rights and obligations under the Easement to it.

b) In the event that the Grantee shall at any time in the future become the fee simple owner of the Premises, Grantee for itself, its successors, and assigns, covenants and agrees, in the event of a subsequent conveyance of the same to another, to create a new preservation and conservation easement containing the same restrictions and provisions as are contained herein, and either to retain such easement in itself or to convey such easement to a similar unit of federal, state, or local government or local, state or national organization whose purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources, and which is a qualified organization under Section 170(h)(3) of the Internal Revenue Code.

c) Grantee may, at its discretion and without prior notice to Grantor, convey, assign, or transfer this easement to a unit of federal, state, or local government or to a similar local, state, or national organization whose purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources, and which at the time of the conveyance, assignment, or transfer is a qualified organization under Section 170(h)(3) of the Internal Revenue Code, provided that any such conveyance, assignment, or transfer requires that the preservation and conservation purposes for which the Easement was granted will continue to be carried out.

d) Grantee shall exercise reasonable judgment and care in performing its obligations and exercising its rights under the terms of the Easement.

9. **Inspection.** Grantor hereby agrees that representatives of Grantee shall be permitted at all reasonable times to inspect the Premises, including the Facade and the Building. Grantor agrees that representatives of Grantee shall be permitted to enter and inspect the interior of the Building to ensure maintenance of structural soundness and safety; inspection of the interior will not, in the absence of evidence of deterioration, take place more often than annually, and may involve reasonable testing of interior structural condition. Inspection of the interior will be made at a time mutually agreed upon by Grantor and Grantee, and Grantor covenants not to withhold unreasonably its consent in determining a date and time for such inspection.

10. **Grantee's Remedies.** Grantee has the following legal remedies to correct any violation of any covenant, stipulation, or restriction herein, in addition to any remedies now or hereafter provided by law:

a) Grantee may, following reasonable written notice to the Grantor, institute suit(s) to enjoin any such violation by ex parte, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Premises to the condition and appearance required under this instrument.

b) Representatives of the Grantee may, following reasonable notice to Grantor, enter upon Premises, correct any such violation, and hold Grantor, its successors, and assigns, responsible for the cost thereof.

i) Such cost until repaid shall constitute a lien on the Premises.

ii) Grantee shall exercise reasonable care in selecting independent contractors if it chooses to retain such contractors to correct any such violations, including making reasonable inquiry as to whether any such contractor is properly licensed and has adequate liability insurance and workman's compensation coverage.

c) Grantee shall also have available all legal and equitable remedies to enforce Grantor's obligations hereunder.

d) In the event Grantor is found to have violated any of its obligations,

Grantor shall reimburse Grantee for any costs or expenses incurred in connection therewith, including all reasonable court costs, and attorney's, architectural, engineering, and expert witness fees.

e) Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

11. **Notice from Government Authorities.** Grantor shall deliver to Grantee copies of any notice, demand, letter, or bill received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice, demand, letter, or bill, where compliance is required by law.

12. **Notice From Proposed Sale.** Grantor shall promptly notify Grantee in writing of any proposed sale of the Premises and provide the opportunity for Grantee to explain the terms of the Easement to potential new owners prior to sale closing.

13. **Runs With the Land.** The obligations imposed by this Easement shall be effective in perpetuity and shall be deemed to run as a binding servitude with the premises. This Easement shall extend to and be binding upon Grantor and Grantee, their respective successors in interest, and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor" and "Grantee" when used herein shall include all such persons. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest in the premises by reason of a bona fide transfer. Restrictions, stipulations, and covenants contained in this instrument shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title or to any lesser estate in the premises or any part thereof, including, by the way of example and not limitation, a lease of office space.

14. **Recording.** Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the land records of Summit County, Utah. This instrument is effective only upon recording in the land records of Summit County, Utah.

15. **Existing Liens.** Grantors warrants to Grantee that no lien exists on the Building as of the date hereof. Grantor shall cause to be satisfied or release any lien or claim of lien that

may hereafter come to exist against the Building which would have priority over any of the rights, title, or interest hereunder of Grantee.

16. Subordination of Mortgages. Until the Mortgagee or a purchaser at a foreclosure obtains ownership of the Premises following foreclosure of its Mortgage or deed in lieu of foreclosure, the Mortgagee or purchaser shall have no obligation, debt, or liability under the Easement. Before exercising any right or remedy due to breach of the Easement except the right to enjoin violation hereof, Grantee shall give all Mortgagees of record written notice describing the default, and the Mortgagees shall have sixty (60) days thereafter to cure or cause a cure of the default. Nothing contained in the above paragraphs or in the Easement shall be construed to give any Mortgagee the right to extinguish this Easement by taking title to the Premises by foreclosure or otherwise.

17. Plaques. Grantor agrees that Grantee may provide and maintain a plaque on the Facade of the Building, which plaque shall not exceed 12" by 12" inches in size, giving notice of the significance of the Building or the Premises and the existence of this perpetual preservation and conservation easement.

18. Indemnification. The Grantor hereby agrees to pay, protect, indemnify, hold harmless, and defend at its own cost and expense, the Grantee, its agent, director, and employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorney's fees and disbursements hereafter incurred) arising out of or in any way relating to the administration, performed in good faith, of this preservation and conservation easement, including, but not limited to, the granting or denial of consents hereunder, the reporting on or advising as to any condition on the Premises. In the event that the Grantor is required to indemnify the Grantee pursuant to the terms of the Easement, the amount of such indemnity, until discharged, shall constitute a lien on the Premises.

19. Taxes. Grantor shall pay immediately, when first due and owing, all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the premises. Grantee is hereby authorized, but in no event required or expected, to make or advance, upon three (3) days prior written notice to Grantor, in the place of Grantor, any payment relating to taxes, assessments, water rates, sewer rentals, and other governmental or municipality charge, fine, imposition, or lien asserted against the premises and may do so according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture. Such payment, if made by Grantee, shall become a lien on the premises of the same priority as the item if not paid would have had and shall bear

interest until paid by Grantor at two (2) percentage points over the prime rate of interest from time to time charged by Zions First National Bank.

20. Insurance. The Grantor shall keep the premises insured by an insurance company rated "A+" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage of a type and in such amounts as would, in the opinion of the Grantee, normally be carried on a property such as the Premises protected by a preservation and conservation easement. Such insurance shall include Grantee's interest and name Grantee as an additional insured and shall provide for at least thirty (30) days' notice to Grantee before cancellation and that the act or omission of one insured will not invalidate the policy as to the other insured party. Furthermore, the Grantor shall deliver to the Grantee fully executed copies of such insurance policy evidencing the aforesaid insurance coverage at the commencement of this grant and copies of new or renewed policies at least ten (10) days prior the expiration of such policy. The Grantee shall have the right to provide insurance at the Grantor's cost and expense, should the Grantor fail to obtain same. In the event the Grantee obtains such insurance, the cost of such insurance shall be a lien on the Premises until repaid by the Grantor.

21. Liens. Any lien on the Premises created pursuant to any Paragraph of the Easement may be confirmed by judgment and foreclosed by Grantee in the same manner as a mechanic's lien.

22. Written Notice. Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be mailed postage prepaid by registered or certified mail with return receipt requested, or hand delivered; if to Grantor, then at 526 Via De La Valle, Apt. B, Solana Beach, CA 92075-4278, and if to Grantee, then to Attn.: City Attorney, P. O. Box 1480, Park City, Utah, 84060. Each party may change its address set forth herein by a notice to such effect to the other party. Any notice, consent, approval, agreement, or amendment permitted or required of Grantee under the Easement may be given by the Historic District Commission of the Grantee or by any duly authorized representative of the Grantee.

23. Evidence of Compliance. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with any obligation of Grantor contained herein.

24. Stipulated Value of Grantee's Interest. Grantor acknowledges that upon

execution and recording of the Easement, Grantee shall be immediately vested with a real property interest in the Premises and that such interest of Grantee shall have a stipulated fair market value, for purposes of allocating net proceeds in an extinguishment pursuant to Paragraph 26, equal to the ratio between the fair market value of the Easement and fair market value of the Premises prior to considering the impact of the Easement (hereinafter the "Easement Percentage") as determined in the Qualified Appraisal provided to the Grantee pursuant to Paragraph 25. Upon submission of the Qualified Appraisal, the Grantor and Grantee shall sign an affidavit verifying the Easement Percentage and record it as an amendment to the Easement. In the event Grantor does not claim a charitable gift deduction for purposes of calculating federal income taxes and submit a Qualified Appraisal, the Easement Value shall be \$100,000.

25. Qualified Appraisal. In the event Grantor claims a federal income tax deduction for donation of a "qualified real property interest" as that term is defined in Section 170(h) of the Internal Revenue Code, Grantor shall provide Grantee with a copy of all appraisals (hereinafter, the "Qualified Appraisal" as that term is defined in P.L. 98-369, 155(a), 98 Stat. 691(1984), and by reference therein Section 170(a)(1) of the Internal Revenue Code) of the fair market value of the Easement. Upon receipt of the Qualified Appraisal, this fully executed easement, and any endowment requested hereunder by Grantee, Grantee shall sign any appraisal summary form prepared by the Internal Revenue Service and submitted to the Grantee by the Grantor.

26. Extinguishment. Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Premises may make impossible the continued ownership or use of the Premises for the preservation and conservation purposes and necessitate extinguishment of the Easement. Such a change in conditions includes, but is not limited to, partial or total destruction of the Building or the Facade resulting from a casualty of such magnitude that Grantee approves demolition as explained in Paragraphs 5 and 7, or condemnation or loss of title of all or a portion of the Premises, the Building, or the Facade. Such an extinguishment must comply with the following requirements:

- a) The extinguishment must be the result of a final judicial proceeding;
- b) Grantee shall be entitled to share in the net proceeds resulting from the extinguishment in an amount equal to the Easement Percentage determined pursuant to Paragraph 24 multiplied by the net proceeds.
- c) Grantee agrees to apply all of the portion of the net proceeds it receives to the preservation and conservation of other buildings, structures, or sites having historical, architectural, cultural, or aesthetic value and significance to the people of the State of

Utah.

d) Net proceeds shall include, without limitation, insurance proceeds or awards, proceeds from sale in lieu of condemnation, and proceeds from the sale or exchange by Grantor of any portion of the Premises after the extinguishment, but shall specifically exclude any preferential claim of a Mortgagee under Paragraph 16.

27. Interpretation and Enforcement. The following provisions shall govern the effectiveness, interpretation, and duration of the Easement.

a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of property shall not apply in the construction or interpretation of this instrument, and this instrument shall be interpreted broadly to effect its preservation and conservation purposes and the transfer of rights and the restrictions on use herein contained as provided in the Act.

b) This instrument shall extend to and be binding upon Grantor and all persons hereafter claiming under or through Grantor, and the word "Grantor" when used herein shall include all such persons, whether or not such persons have signed this instrument or then have a interest in the premises. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest (present, partial, contingent, collateral, or future) in the premises by a bona fide transfer for full value. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

c) Except as expressly provided herein, nothing contained in this instrument grants, nor shall be interpreted to grant, to the public any right to enter on the Premises or into the Building.

d) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Premises may be developed to use more intensive (in terms of height, bulk, or other objective criteria regulated by such ordinances) than the Premises are devoted as of the date hereof, such development rights shall not be exercisable on, above, or below the Premises during the term of the Easement, nor shall they be transferred to any adjacent parcel and exercised in a manner that would interfere

with the preservation and conservation purposes of this Easement.

e) For purpose of furthering the preservation of the Premises and Building and furthering the other purposes of this instrument, and to meet changing conditions, Grantor and Grantee are free to amend jointly the terms of this instrument in writing without notice to any party; provided, however, that no such amendment shall limit the perpetual duration or interfere with the preservation and conservation purposes of the donation. Such amendment shall become effective upon recording among the land records of Summit County, Utah.

f) The terms and conditions of this easement shall be referenced in any transfer of the property by the Grantor, his heirs, successors, and assigns.

g) This instrument is made pursuant to Section 57-18 of Chapter 18, Utah Code, but the invalidity of such statute or any part thereof shall not affect the validity and enforceability of this instrument according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law, or private agreement either in existence now or at any time subsequent hereto. This instrument may be re-recorded at any time by any person if the effect of such re-recording is to make more certain the enforcement of this instrument or any part thereof. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter hereof.

h) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this instrument and such ordinance or regulation.

i) This instrument reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

IN WITNESS WHEREOF, on the date first shown above, Grantor has caused this preservation conservation easement to be executed, sealed, and delivered; and Grantee has

caused this instrument to be accepted, sealed, and executed in its corporate name by its Mayor.

GRANTEE:



Bradley A. Olch
By: BRADLEY A. OLCH, MAYOR
Title

ATTEST:

Cindy L. Liscio, Deputy
City Recorder's Office

APPROVED AS TO FORM:

M. D. H. J.
City Attorney's Office

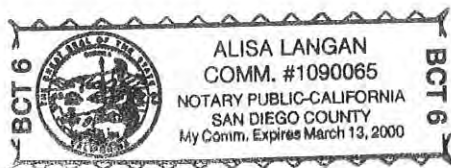
GRANTOR:

James W. Carr
JAMES W. CARR

STATE OF CALIFORNIA)
: SS.
COUNTY OF SAN DIEGO)

On this 11th day of May, 1999, personally appeared before me **JAMES W. CARR**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding Easement, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Alisa Langan
NOTARY PUBLIC



BOOK 1258 PAGE 295

Exhibit "A"

BOOK 1258 PAGE 296



EXHIBIT B
Easement Monitoring Inspection Form/Affidavit
Park City Municipal Corporation
P.O. Box 1480 Park City, Utah 84060

EASEMENT INSPECTION FORM

BUILDING/SITE: Lot A, Carr Replat, Block 24 Amended Park City Survey.

ADDRESS: 562 Main Street
CURRENT OWNER: Mr. James Carr

ADDRESS: PO Box 4198
Park City, Utah 84060

PHONE: (435) 649-9875

INSPECTION DATE: April 28, 1999

Protected Features or Restrictions

Facade easement for front and south building elevations, including but not limited to the following features:

- Overall existing two-story frame, commercial structure being rectangular in plan (having the narrowest side fronting Main Street), with a shed roof sloping from the front facade down towards the rear of the building;

Main Facade

- Original storefront display windows with painted wood kickplates below spanning the entire main first floor area of the front facade;
- Recessed inverted bay main entrance area for building centered on front facade, composed of a central door leading to upper story area, flanked by two other doors (half-light doors with transoms above and single wood panel below) leading to adjacent first floor commercial spaces;
- Painted tongue-&-groove wood ceiling at recessed main entry area;
- 1' wide pent eave feature spanning the width of the front facade above the storefront windows, supported by two painted wood cyma reversa brackets mounted over the corner boards of the building;
- Upper story of main facade consists of painted wood, flush-mounted, drop-lap siding, divided into three approximately equal bays (as defined by the brackets of the facade entablature above);
- Three sets of windows in upper story of front facade - Single, double-hung, one-over-one, painted wood window centered in middle bay, flanked by paired, double-hung, one-over-one, painted wood windows centered in each of the adjacent bays;
- Main facade terminated by an ornate entablature consisting of a wide fascia board,

EXHIBIT B

Easement Monitoring Inspection Form/Affidavit

562 Main Street

Page 2

four painted wood cyma reversa brackets, cornice molding, projecting boxed soffit and cornice.

South Facade

- The entire south facade is composed of a combination of vertical and horizontal wood siding;
- The first four feet of the first story siding at the southwest corner of the facade is painted, flush-mounted, drop-lap siding. The remainder of the first story siding is composed of wide, vertical, wood boards which are butted up against the adjacent board;
- There is a wood stringcourse composed of various molding profiles, spanning the entire width of the south facade, located at the floor-level of the second story;
- The entire upper story is composed of painted, flush-mounted, drop-lap siding;
- There are three individual, double-hung, one-over-one, painted wood windows equally spaced across the upper story; and
- There is a paired, double-hung, one-over-one, painted wood windows located towards the southeast corner of the south facade.

General Condition and Potential Problem Areas

Good to fair condition overall. Potential problem areas consist of the following:

- Southwest corner of front facade experiencing structural settlement, or sag;
- Stabilize but maintain the existing and noticeable downward deflection in the pent eave spanning the width of the front facade, and in the wood stringcourse spanning the width of the south facade;
- Repair all vertical wood siding at first floor location on south facade. Retain as much original material as possible;
- Replace all windows--appear to be non-original. All new windows shall be reviewed and approved for historical appropriateness by the Historic District Commission;
- Replace all exterior window trim/casing--trim appears to be non-original. All new trim shall be reviewed and approved for historical appropriateness by the Historic District Commission; and
- Replace all missing transoms at main entrance. All new transoms shall be reviewed and approved for historical appropriateness by the Historic District Commission.

Did Inspector meet with the property owner or his representative during the inspection visit?

No. Planning Staff received owner's consent to conduct inspection without him being present.

BOOK 1258 PAGE 298

EXHIBIT B

Easement Monitoring Inspection Form/Affidavit

562 Main Street

Page 3

Inspected by: Derek Satchell
Title/Affiliation: Preservation Planner
Phone: (435) 615-5070
Date: April 28, 1999

I, Derek Satchell, hereby affirm that the above description was prepared by me and said description is an accurate representation of the physical condition of the property as of 4/28/99.


Derek Satchell

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

On this 6th day of May, 1999, personally appeared before me Derek Satchell, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding Inspection Form, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



NOTARY PUBLIC



BOOK 1258 PAGE 299

City Council Staff Report



Author: Jonathan Weidenhamer
Subject: 562 MAIN ST – FAÇADE EASEMENT
Date: December 7, 2006
Type of Item: Contractual –Design Consent

Planning Department

Summary Recommendations:

Provide consent for a building addition by authorizing staff to execute an amendment to the existing Historic Preservation Easement for the historic building located at 562 Main Street.

Background:

In February, 1999 the City Council approved a plat amendment at 562 Main Street. The plat addressed the encroachment of a historic building over platted lot lines, and created a second lot that was sold to the City for the purpose of creating a pedestrian connection from the Transit Center to Main Street. This is where the “bear on the bench” statue is located.

A condition of the plat was the dedication of a façade easement on the historic building for the benefit of the City. This façade easement was placed on the front (west) and side (south) elevations (Exhibit A – Recorded Plat). Currently, staff is reviewing a proposal to put an addition on the rear of the building (Exhibit B – Proposed site plan). The proposed addition is to be located on the eastern portion of the lot which is currently undeveloped, and will not disturb the protected facades. The City must approve any proposed addition pursuant to Section 4 of the Historic Preservation Easement.

This proposed addition to the rear of 562 Main Street was presented to City Council on September 28, 2006. At the meeting, Council requested additional background information. Additional research has been done in all available files. Staff also contacted original staff members involved in the plat amendment, land purchase, and resulting Façade Easement Agreement. Toby Ross, Derek Satchell and Meg Ryan had conflicting recollections. Although the plat and accompanying façade easement were approved on a Council consent agenda with no discussion, research of the actual meeting minutes and staff reports indicate conclusively that there was no intent to prohibit development on the rear of the lot through the application of the façade easement.

The Following is taken from the first paragraph of the Analysis section of the February 25, 1999 staff report approving the ordinance:

The proposed dimensions on Lot 17 will resolve the issue of encroachment and will result in the preservation of the west and north facades through a façade agreement. The applicant will have the right to apply for an addition onto the historic structure which could extend back to Swede Alley with a zero lot line configuration.

Part of the confusion may be attributed to the appraisal for 560 Main Street, because it listed a “forgone development profit”. However, both the Federal Transit Authority and the City rejected the appraisal and negotiated a lower purchase price. The appraisal is available for inspection in the file in the Planning Department. Therefore, staff concludes that no consideration was given to restrict development on the rear of the lot and any proposed development activity should be reviewed pursuant to Paragraph 4 of the Historic Preservation Easement as outlined below.

Analysis:

Section 4, Standards of Review, references the ability to review construction, alteration, repair, or maintenance provided the application goes through the appropriate design process; which in this case would be for an administrative review for consistency with the Park City Historic District Design Guidelines, applicable LMC provisions and the General Plan.

The language from Sections 4 is as follows:

4. Standards of Review. In exercising any authority created by the easement to inspect the Premises, the Building, or the Facade; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, Grantee shall apply the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building, issued and as may be amended from time to time by the Secretary of the United States Department of the Interior (hereinafter “Standards”) and/or state or local standards considered appropriate by Grantee for review of work affecting historically or architecturally significant structures or for construction of new structures within historically or architecturally significant structures or for construction of new structures within historically, architecturally, or culturally significant areas. In the event the Standards are abandoned or materially altered or otherwise become, in the sole judgment of the Grantee, inappropriate for the purposes set forth above, the Grantee may apply reasonable alternative standards and notify Grantor of the substituted standards.

A comprehensive discussion was held with staff, the City’s architectural consulting team, and the applicant regarding the Community Economy Element of the General Plan and redevelopment trends along Swede Alley. Consensus was reached that a storefront design approach (versus a service/utilitarian design) should be followed, both at the Swede Alley frontage, and along the pedestrian walkway. The proposed addition reflects this consensus (Exhibit B).

There was confusion at the last presentation about the exact location of the addition in relation to the pedestrian walkway, Swede Alley pavement and potential impacts on the pedestrian experience along the walkway. Exhibits B1, B2, and B3 provide clarity. Should the addition be approved, a 24’ setback between the new addition and the building to the south would continue to exist. The distance between the rear of the proposed building and Swede Alley asphalt will be approximately 73’. A condition of approval would be put in place to protect the mature lilac bushes and otherwise ensure the quality of the existing pedestrian connection to Main Street.

Staff reviewed the proposal from the applicant and made a preliminary determination of compliance with the Historic District Design Guidelines and the Swede Alley Development Criteria found the HCB portion of the LMC. The existing historic facades at the west and south elevations will not be modified or altered in any capacity through the addition as proposed. Accordingly, Sections 2(b)iv-v of the Historic Preservation Easement are not implicated.

The remaining analysis is broken into 2 sections. First, the proposal is reviewed against the Swede Alley Development Criteria found in Section 15-2.6-7 of the HCB District, and secondly for consistency with applicable Historic District Design Guidelines.

Swede Alley Development Criteria

LMC Section 15-2.6-7 of the HCB District regulates development on Swede Alley. The proposal has been reviewed against these criteria. Staff's response is in italics.

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45 degrees) to a maximum Height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged. **Complies.** *The addition is proposed to be built to the easterly property line which is approximately 60' from the edge of asphalt of Swede Alley. The height of the rear façade as proposed is 21' in height. By using a storefront design approach and having recessed entryways along both the south and east elevation the design employs strong connections at the ground level to the pedestrian walkways.*

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure. **Complies.** *The finish materials of the addition will include wood siding and windows, to complement the existing mix of board and batton and 6" horizontal ship-lap siding, but will be 8" beveled siding to differentiate the new construction. The new entrances are recessed and the windows have awnings to make them pedestrian friendly and easy to maintain access.*

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same Height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, Height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are strongly encouraged. Uniform height and Setbacks are discouraged. **Complies.** *The new façade will be approximately 30' in length, and will be lower than the 3 story structure adjacent to the north.*

(D) Provisions for public open space, open courtyards, and landscaping are strongly encouraged. **Complies.** *The design includes a sidewalk around the perimeter of the new addition, which links directly into both the city-owned pedestrian link from the Transit Center*

to Main Street, and also links into the Swede Alley sidewalk. The applicant has committed to replacing and installing landscaping in all disturbed and non paved areas as part of the building permit, and agrees to post a bond to ensure this.

(E) Pedestrian connections from Swede Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored. **Complies.** *This proposal complements the existing pedestrian connection from the Transit Center to Main Street by offering a combination of a storefront design, strong pedestrian linkages, entryways to the building, and landscaping.*

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited. **Complies.** *The new façades are complementary to the historic facades in terms of finish materials and scale. They are simple and plain, and do not incorporate detailing found on the Main Street façade, such as the ornate cornice and trim work. The new proposal provides appropriate architectural interest without the ornamentation typically found on a Main Street façade..*

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area. **Complies.** *The design is centered around a storefront approach and includes recessed entry-ways, large display windows (4'-0" and 3'-0' wide) and awnings. However, due to the large display windows on the front façade (6'-0" in width) and front doorway, and the surrounding ornate trim work, the addition will remain subordinate in its appearance to the Main Street façade.*

(H) Service Areas and service equipment must be screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be screened. **Complies.** *The existing mechanical equipment is screened. The site provides ample opportunities to screen any new mechanical equipment with new landscaping.*

Historic District Design Guidelines

Guidelines 20 – 30 apply to new commercial construction. Generally they refer to Main Street Facades. This section will analyze the relevant Guidelines that apply to Swede Alley Development. Staff's comments are in italics.

Guideline #20: Avoid Designs that Imitate Historic Styles of Main Street.

Complies *New buildings designed to imitate historic styles that were built in Park City or elsewhere will not be approved. The new addition does not imitate historic styles, while maintaining consistency in its scale and finish materials. Entrance details and window treatments are generally consistent with other projects along Swede Alley and pedestrian walkways.*

Guideline #25: Maintain the Distinction between Upper and Lower Floors.

Complies Typical historic structures on Main Street have a retail function on the first floor, and offices or residential uses above – the first floor is predominantly large sheets of display glass, while the upper levels are mostly solid wall, with small windows cut out. *The lower floor incorporates typical storefront design themes including display windows and kick plates. Although the lower floor will function as a stock and shipping area, it has been designed to ultimately function as a retail space. The upper floor will be storage and office area, and the exterior has been designed to be mostly solid walls with smaller windows cut out to allow light.*

Guideline #27: Maintain the Spacing Pattern of Upper Story Windows.

Complies Avoid shapes that were not typical of the street, and maintain the typical ratio of solid to void, with respect to windows and walls. *The upper story windows have been designed to respect the non-uniform pattern of the existing historic building.*

Guideline #28: Develop Back Entrances for Public Access to New Commercial Uses.

Complies Back entrances offer great potential for new entrances and store display windows along Swede Alley. Development of this area should be in keeping with the character of the main building front and the simple functional quality of the alley. Since the back sides of buildings were not traditionally used for display, their conversion to new use represents a departure from their original character. *The lower level of the new addition has been designed as a typical storefront along both Swede Alley and the pedestrian walkway to the south. It includes display windows, kick plates, recessed entryways, and awnings. In keeping with the existing historic building, the design is simple and functional.*

Guideline #29: Respect the Pedestrian Scale of Swede Alley when Adding Extensions to the Rear of Existing Buildings.

Complies Additions should step down in the rear. Addition may jog in and out rather than follow a straight alignment as on the Main Street façade. *The addition is 2 stories, and respects the pedestrian scale along Swede Alley and the scale of the original building.*

Findings of Fact:

1. No evidence of financial consideration to restrict development on Lot 17 has been found. On the contrary, the original staff report demonstrates the intent to allow a rear addition to the rear lot line.
2. The proposed addition meets all the requirements of the HCB zone including Section 15-2.6-7 Swede Alley Development Criteria. The findings in the Background and Analysis section above are incorporated herein. Staff has added a condition of approval to protect significant vegetation.
3. The existing historic facades at the west and south elevations will not be modified or altered in any capacity through the addition as proposed.
4. The addition and amendment to the existing façade preservation easement does not limit the perpetual duration or interfere with the preservation and conservation purposes of the donation.
5. Should the addition be approved, a 24' setback between the new addition and the building to the south would continue to exist. Additionally, the distance between the rear of the building and Swede Alley asphalt will be approximately 40'.

Conclusions:

1. The proposed addition is consistent with relevant Historic District Design Guidelines 20 – 30 that apply to new commercial construction.

2. The proposed addition complies with the purpose and intent of the easement to preserve the west and south historic facades at 562 Main Street.

Conditions of Approval

1. All landscaping and irrigation that is disturbed or destroyed by this proposal, including the mature lilac bushes shall be incorporated into any new development to the best extent possible or shall be relocated to a Swede Alley location if on-site preservation is not possible. This shall occur at the expense of the 562 Main Street property owner to the satisfaction of the City Engineer and Landscape Architect prior to issuance of full permits.
2. A construction mitigation plan will be required to ensure the quality of the existing pedestrian connection to Main Street.

Alternatives:

- Approve the addition by executing an addendum to the existing façade easement agreement as found in the attached addendum, which would allow the construction as proposed in Exhibit B. **This is staff's recommendation.**
- Provide direction not to amend the façade easement, and provide staff with direction to draft specific finding of non-compliance.
- Provide direction to have the HPB review the project and forward a recommendation. The HPB currently has jurisdiction only if any effected party appeals staff's determination of compliance for the permit.
- Provide direction to consider additional design review under additional General Plan principals, which may incorporate broader Swede Alley and the Downtown Improvements and supporting Action Plan.

Significant Impacts:

The location of the proposed addition is a highly visible corner located on the main pedestrian walkway from the transit center to Main Street. Construction of the addition will eliminate the undeveloped rear yard of the site. Additional commercial space adjacent to the walkway will be created.

Consequences of not taking the recommended action:

The rear of the lot would remain vacant, and people using the pedestrian walkway would see the rear of a historic building as they enter the Main Street corridor.

Recommendation:

Provide consent for a building addition by authorizing staff to execute an addendum to the existing Historic Preservation Easement for the historic building located at 562 Main Street. The addition will remain consistent with exhibit B.

Exhibits

First Addendum to Historic Preservation Easement

Exhibit A – Existing Plat

Exhibit B1 – Proposed site plan

Exhibit B2 – Overhead site photo

Exhibit B3 – Proposed addition photo (with approximate bulk rendering)

Exhibit B3 – Proposed floor plans and elevations

Exhibit C – Entire Historic Preservation Easement

FIRST ADDENDUM TO HISTORIC PRESERVATION EASEMENT FOR 562 MAIN STREET

THIS FIRST ADDENDUM is made and entered into in duplicate this ____ day of _____, 2006, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), and Prizone LLC, a Utah limited liability company ("Prizone"), to amend the Historic Preservation Easement signed and executed by the Parties, and recorded on May 17, 1999.

WITNESSETH;

Whereas, For purposes of furthering the preservation of the premises and building and furthering the other purposes of this instrument, and to meet exchanging conditions, Grantor and Grantee are free to amend jointly the terms of this instrument in writing without notice to any party; provided, however, that no such amendment shall limit the perpetual duration of interfere with the preservation and conservation purposes of the donation; and

Whereas, both parties agree to allow an expansion to the rear of the building to remain substantially consistent in scale and scope with Exhibit B; and

Whereas, said addition will not modify or alter the existing historic facades at the west and south elevations; and

Whereas, the proposed addition complies with the purpose and intent of the easement to preserve the west and south historic facades at 562 Main Street and does not limit the perpetual duration or interfere with the preservation and conservation purposes of the donation; and

Whereas, the proposed addition meets all the requirements of the HCB zone including Section 15-2.6-7 Swede Alley Development Criteria, and is consistent with Historic District Design Guidelines that apply to new commercial construction.

Whereas, the parties desire to amend the Original Agreement to provide sufficient time for such performance.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. **ADDITION.** It is hereby acknowledged that both parties agree to allow an addition to the rear of the building to remain substantially compliant with Exhibit B. If the staff permit approval is appealed, this approval shall apply to any final action or modified approval by the Historic Preservation Board or subsequent review authority.
2. **OTHER TERMS.** All other terms and conditions of the Original Agreement shall continue to apply.
3. **ENTIRE AGREEMENT.** This First Addendum is a written instrument pursuant to Section 27 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by all parties.

IN WITNESS WHEREOF the parties hereto have caused this First Addendum to be executed the day and year first herein above written.

DATED this _____ day of _____, 2006.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
P.O. Box 1480
Park City UT 84060-1480

Dana Williams, Mayor

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

Prizone LLC
address

Name, title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this day of , 2006, before me, the undersigned notary, personally appeared _____, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as _____ (*title*) for Prizone, a limited liability corporation

Notary Public