PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 11, 2012

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 11, 2012.

Closed Session
3:30 p.m. Property and litigation

Study Session

4:40 p.m.	Rocky Mountain Power Substation discussion	P. 6 - 19
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

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 OF MEETING OF SEPTEMBER 27, 2012 P. 20 - 32

V NEW BUSINESS

Consideration of an Ordinance approving the Stein Eriksen Lodge Common Area Second Supplemental Sheet for all phases, located at 7700 Stein Way, Park City, Utah
(a) Public hearing P. 33 - 65
(b) Action

VI ADJOURNMENT

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
OCTOBER 11, 2012

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JUNE 21, 2012 P. 66

IV NEW BUSINESS

Consideration of a Resolution of the Governing Board of the Redevelopment Agency of Park City, Utah authorizing an amendment to agreement of mitigation and consent by and between the Agency and the Board of Education of Park City School District and providing for the publication of a notice of public hearing and calling a public hearing, and related matters

P. 67 - 85

V 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 435-615-5007 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.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 18, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, October 18, 2012.

Posted: 10/08/12
See: www.parkcity.org

PARK CITY COUNCIL MEETING **TENTATIVE**
SUMMIT COUNTY, UTAH
OCTOBER 25, 2012

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 25, 2012.

Closed Session
p.m. Personnel, property and litigation

Work Session
3:20 p.m. Council questions and comments
3:30 p.m. Rocky Mountain Power
4:10 p.m. Seasonal lighting
4:40 p.m. Special events and temporary business licenses
5:10 p.m. Recreation update
5:50 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

Pancreatic Cancer Awareness Month

IV MINUTES OF MEETING OF OCTOBER 4, 2010

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 under "Additional Discussion – Agenda Items")*

1. Consideration of a Resolution proclaiming November 1, 2012 as Extra Mile Day in Park City, Utah

2. Consideration of a Proclamation proclaiming the month of November as Pancreatic Cancer Awareness Month in Park City, Utah

3. Consideration of a contract with ___ for asset management software, in the amount of $___, in a form approved by the City Attorney

4. Consideration of a contract with ___ for public involvement on water issues in the amount of $___, in a form approved by the City Attorney

VI NEW BUSINESS

1. ConsiderationFranklin Richards Annexation
   (a) Public hearing
   (b) Motion to continue to ___

2. Consideration of an Ordnance - 264 Ontario Avenue plat amendment
   (a) Public hearing
   (b) Action

3. Consideration of an Ordnance - 11398 N Snow Top Road plat amendment
   (a) Public hearing
   (b) Action

VII OLD BUSINESS

Consideration of a plat amendment for 80 Daly Avenue, Park City, Utah
(a) Public hearing
(b) Action

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 435-615-5007 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: 10/22/12
See: www.parkcity.org

City Council
Staff Report

Subject:	**Discussion of Rocky Mountain Power's Substation Location**
Authors:	**Matthew Cassel, P.E., City Engineer** **Thomas Eddington, Planning Director**
Date:	**October 11, 2012**
Type of Item:	**Informational – Study Session**

Topic/Description:
Staff is looking to update Council regarding where the City would prefer Rocky Mountain Power (RMP) to locate an expanded substation in town.

Background:
Rocky Mountain Power (RMP) owns the Park City Substation in the Bonanza Park area which is critical to the City's power grid. It takes transmission line energy and converts it to distribution level charges that flow to homes and businesses in a significant portion of Park City. The substation is currently running at capacity. RMP is under obligation to provide service and has determined that the Park City power grid must be upgraded. The upgrades are according to a regional power grid improvement and service area upgrade master plan that area officials helped shape about three (3) years ago.

This discussion is the first phase of a much larger discussion concerning the future of overall power in Park City. This phase focuses entirely on the relocation/expansion of the existing PC substation located in the Bonanza Park area. Once the substation location is determined, staff will be returning to City Council with the next phase, which will address power pole alignment to the substation, power pole height through Old Town, and the upgrade of the Judge Substation.

RMP created a Summit Wasatch Electrical Task Force in 2009, which spent over a year developing a long range plan for Summit and Wasatch Counties. Park City was represented on this task force. The purpose of the plan was to integrate local government's long-term land use development plans with future electrical network requirements. Principles from this plan may not necessarily reflect the position of each particular jurisdiction, but those involved support it as a good-faith effort to balance community and regional quality of life and economic development consideration with the need to ensure that all jurisdictions in Summit and Wasatch Counties have a safe, adequate and reliable supply of electricity.

RMP approached the City approximately eighteen (18) months ago indicating that the Park City Substation is extremely close to capacity and is in need of expansion. The goal is to have the substation expansion occur within the next two (2) years – to be up and running in 2015. Staff recognized that this was the opportunity to investigate the possibility of moving the substation. Discussion took place concerning relocation options available for Park City including:

- If the substation is moved less than a ¼ mile from its current site, the magnitude of the cost impacts might be reasonable.
- Discussion took place concerning the combination of the Judge Substation (located at the top of Daly Avenue) and the Park City Substation into one and relocating it to the Judge Site. RMP saw this as a very expensive option because the new transmission lines would need to be routed up to the site and new distribution lines would need to be routed out from the substation.
- Discussion took place concerning the combination of the Judge Substation and the Park City Substation into one and relocating it to a "better" site. Again, RMP saw this as a very expensive option because the new transmission lines would need to be routed up to the new site and new distribution lines would need to be routed out from the substation.

As staff has continued to work through this process, the goals of PCMC for the Bonanza Park area were taken into account. Staff recognized the importance of ensuring that all infrastructure projects are well thought out and planned to effectuate the City's BOPA Plan. Moving the substation is an important first step in this ongoing process. Accordingly, RMP, staff and community stakeholders identified six (6) possible sites within a ¼ mile of the existing substation. It should be noted that staff site selections only included un-developed or partially developed sites. The proposed sites included:

- Current location looking to expand to the north (Recycle Center);
- Current location looking to expand to the west (Mark Fischer's property);
- 2125 Monitor Drive - directly behind the cemetery (to the northeast of the Boothill Water facility);
- 1100 Snow Creek - between Snow Creek Shopping Center and behind Zion's Bank;
- A site adjacent to our Aeries water tank;
- Powdr Corporation's property off Munchkin Road; and
- 1185 Lower Iron Horse (the property located at the end of Lower Iron Horse).

Each of these sites was rated by staff using the Summit Wasatch Electrical Plan Scorecard provided in the RMP Long Range Plan. Once the sites were selected and evaluated, the scorecard was turned over to RMP so they could start their analysis of each site. With four (4) staff members scoring, the site rankings using the RMP scoresheet are as follows (the higher the score, the more desirable):

• Existing location (Recycle Center or Mark Fischer's Property)	104
• 2125 Monitor Drive	93
• 1100 Snow Creek	92
• Site adjacent to Aerie tank	86
• Powdr Corporation's property	85

- 1185 Lower Iron Horse 54

After an April 25, 2011 meeting between local land owners and RMP, Mark Fischer offered his property located at 1555 Lower Iron Horse Drive as a potential location for the substation. Staff prepared GIS drawings for RMP showing zoning, property lines, setback requirements and other environmental concerns. After RMP had a chance to review the maps, staff and RMP visited each of the sites on Mark Fischer's property to determine the feasibility (as determined by RMP criteria) of each. Through their evaluation, RMP eliminated all but two (2) sites.

The two (2) final sites identified do have a total of three (3) alternatives as described below:

- 1555 Lower Iron Horse Drive with the incoming transmission power lines remaining in their existing alignment,
- 1555 Lower Iron Horse Drive with the incoming transmission power lines moved to the east of Bonanza Drive, and
- Expansion of the existing substation.

Additionally, on September 12, 2011, the Mayor, City Council Member Simpson and the City Manager asked RMP to consider moving the substation to1555 Lower Iron Horse Drive. This request was consistent with recent discussions about Bonanza Park re-development. While Park City has been working with Rocky Mountain Power on the analysis of the two (2) identified sites, Mark Fischer has also been dealing directly with Rocky Mountain Power. Park City is not involved with Mark Fischer's deal negotiation with RMP.

RMP is currently evaluating these two (2) sites, including site visits, survey and trying to fit their pieces of equipment on both sites. RMP has worked cooperatively with staff evaluating these two sites and indicated that they do not have a preference between either site. RMP, though, would like to have the substation site determined quickly so they can move to the alignment design for the overhead power lines coming into the substation. Until the final substation site is determined, RMP has indicated that they cannot start on the overhead power line alignment design.

Meeting Agenda:
Staff proposes the following agenda for this study session discussion:

1. Introductions and synopsis of background;
2. Why we are here;
3. Review of substation layouts;
4. Visual/Impact discussion;
5. Schedule discussion;
6. Cost discussion; and
7. What is important

Next Steps:
Staff anticipates the following steps as follow ups to this study session:

1. Staff will come back to City Council in late October/early November for a work session for direction,
2. Rocky Mountain Power will hold a Stakeholders Meeting the week of October 15,
3. Rocky Mountain Power will next hold a Public Meeting the week of October 22, and
4. Rocky Mountain Power will start the application process through the City in early 2013.

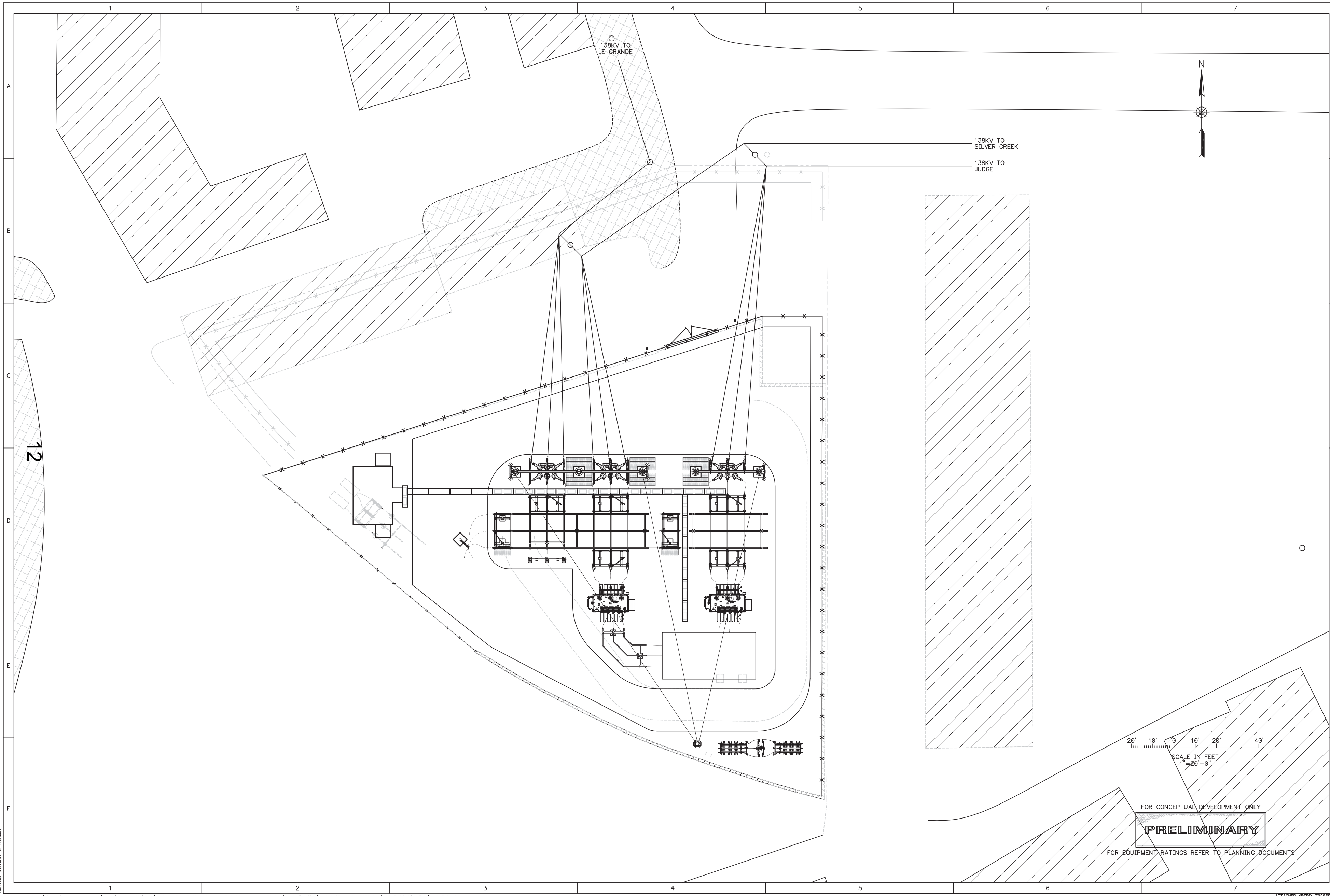
Exhibits – Positives and Negatives of the project (provided by staff)
Proposed preliminary site layouts of existing site (provided by RMP)
Proposed preliminary site layouts for 1555 Lower Iron Horse Drive (provided by RMP)
Map of Area (provided by RMP)
Rocky Mountain Power cost evaluation (provided by RMP)

ROCKY MOUNTAIN POWER'S SUBSTATION LOCATION

SOCIAL IMPACTS FOR 1555 LOWER IRON HORSE DRIVE	POSITIVES	NEGATIVES
The property at 1555 Lower Iron Horse Drive is currently a fueling station and laundry facility. It received MPD approval for a mixed use facility, which is designed for mostly commercial use. How would a substation change the social elements of the property?	The substation will generate close to zero daily traffic, whereas the current property use and proposed re-development create a constant flow of daily traffic. Traffic into and out of the existing fueling station creates a significant amount of cross traffic on the Bonanza Drive and Iron Horse intersection, which is close to failure at certain times of the year. A commercial use on the property would also have traffic impacts.	Higher structures located in the substation will need to be mitigated.
	Without traffic and other outdoor uses on the property, the noise levels will significantly reduce.	The traditional walking shortcuts used by the neighborhood would be lost to the substation.
	The substation would have a minimum amount of light and thus assist in meeting our night sky ordinance versus its current use or commercial use.	Aeries subdivision, Iron Horse Condos and Fireside Condos will be able to readily see the substation facility as they look down on the property.
	Whether there is or is not a health issue associated with proximity to high power lines, this substation location could have a larger buffer from existing resident.	Economic justice issues related to lower income housing that could be impacted.
	This site would not locate the substation in our view corridor.	The potential public costs to the City if the relocation plan is more expensive.
	Because of the potential to shorten the transmission lines into the substation, the opportunity to bury more power lines appears to be greater.	Development of an access road to the apartment complex would be required if the footprint of the substation encompasses the complete property.
	A good wall/fencing/screening system could hide the substation at ground level.	The large fenced or walled substation may be susceptible to vandalism such as graffiti.
		The substation will no doubt create a different sense of place in the immediate location of the property. It will not create a sense of vibrancy.

ROCKY MOUNTAIN POWER'S SUBSTATION LOCATION *(continued)*

SOCIAL IMPACTS FOR EXISTING SUBSTATION	POSITIVES	NEGATIVES
The existing substation location is currently in the heart of the future BoPa redevelopment. How would an expanded substation change the social elements of this property?	Without traffic and other outdoor uses on the property, the noise levels will significantly reduce.	Higher structures will be located in the substation, which will be potentially visible throughout the BoPa re-development.
	The substation would have a minimum amount light and thus assist in meeting our night sky ordinance.	If health issues associated with proximity to high power lines is a concern, it is highly likely that residents will be increasingly closer in this location as the re-development attempts to maximize footprint usage and thus reduce the buffer area around the substation
	A good wall/fencing/screening system could hide the substation at ground level.	The existing substation is in our view corridor.
		Expansion of the existing substation location would be right in the heart of the BoPa re-development and thus not allowing the re-development to reach its full potential.
COSTS TO CITY	**POSITIVES**	**NEGATIVES**
Is this a positive cost deal for Park City to move the substation?	Land costs for expansion at existing location for RMP.	Cost to move existing substation to proposed location.
	Contaminated soil cost at existing location for RMP.	Additional distribution lines my be required.
	Less transmission poles and lines may be installed by RMP.	Access development required for apartment complex.
COST TO MARK FISCHER	**POSITIVES**	**NEGATIVES**
Mark Fischer is the 3rd party involved. He is offering his property at 1555 Lower Iron Horse Drive. Is this a positive cost deal for him to have the substation moved?	Contiguous property adjacent to his BoPa parcel.	Contaminated soils cost at proposed location.
	Increased revenue from the contiguous property adjacent to his BoPa parcel.	Loss of revenue from 1555 Lower Iron Horse.
	Clear his property of power poles and lines.	



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PACIFICORP
A MIDAMERICAN ENERGY HOLDINGS COMPANY

SUBSTATION

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PARK CITY SUBSTATION
SUMMIT COUNTY, UTAH
GENERAL PLAN
FUTURE DEVELOPMENT

SHEET 1 OF 16

OPTION PC-OH-A

REVISION 5

REVISED 09.18.07 D. HURLEY

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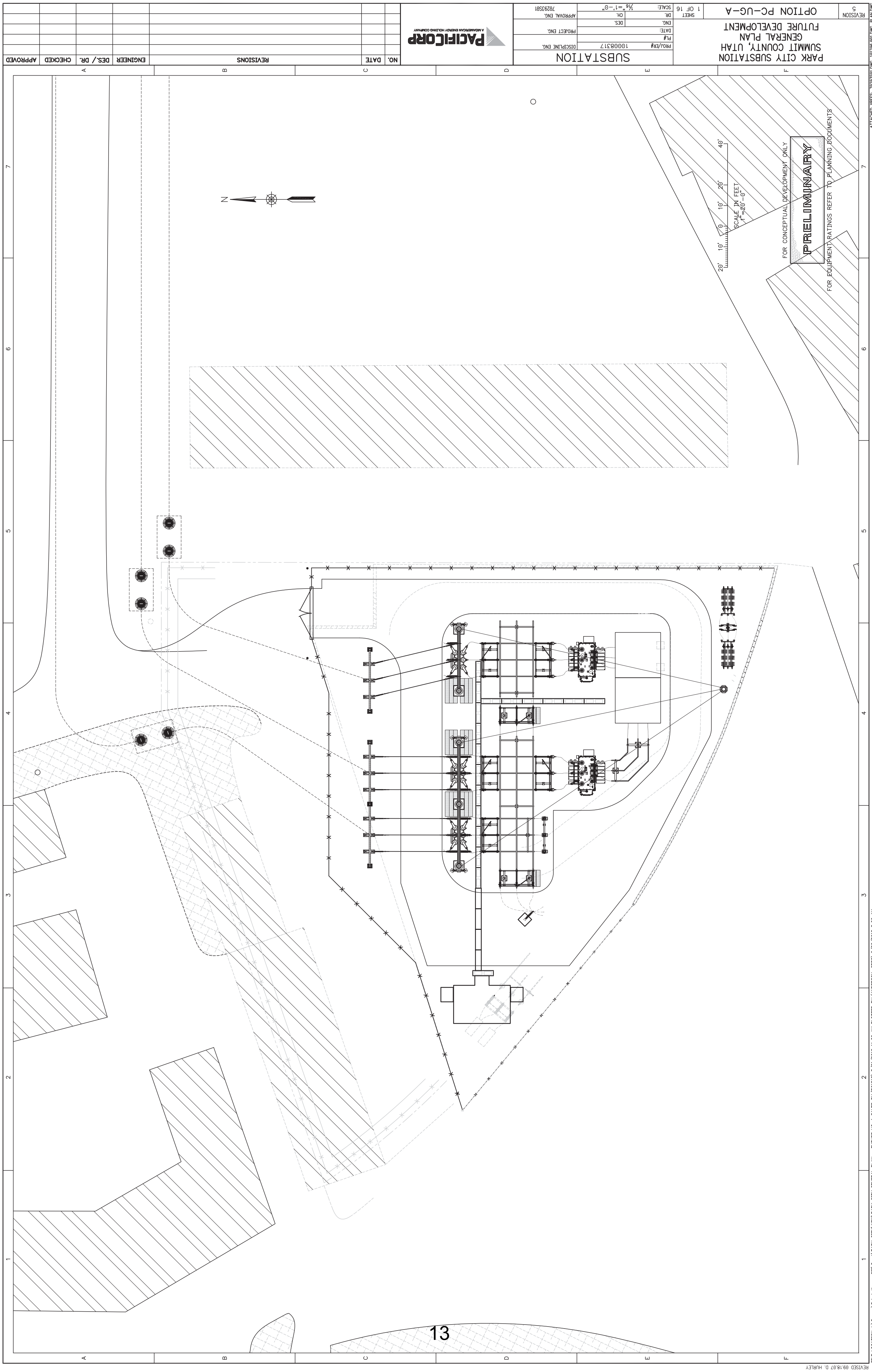
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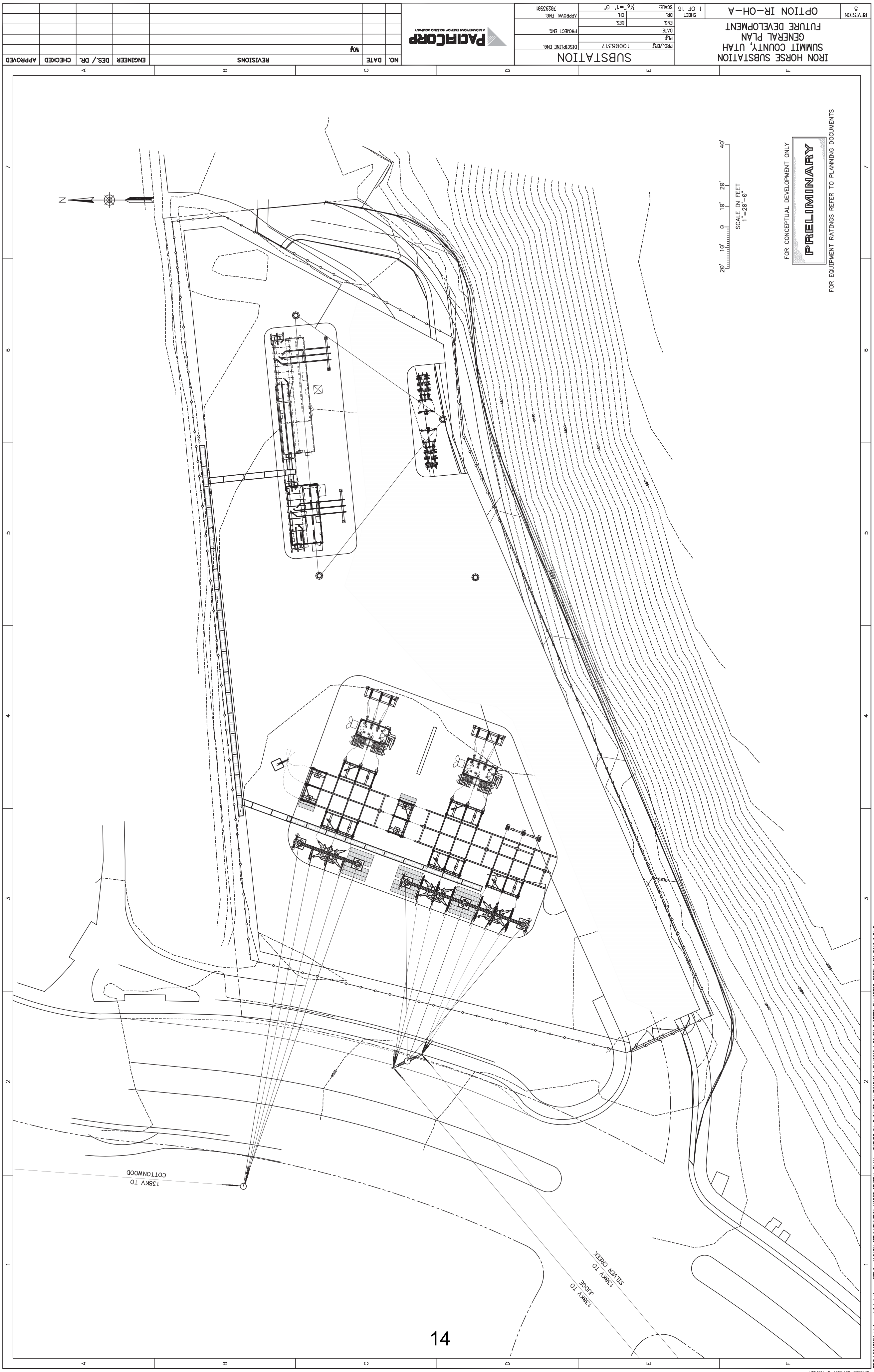
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SUMMIT COUNTY, UTAH
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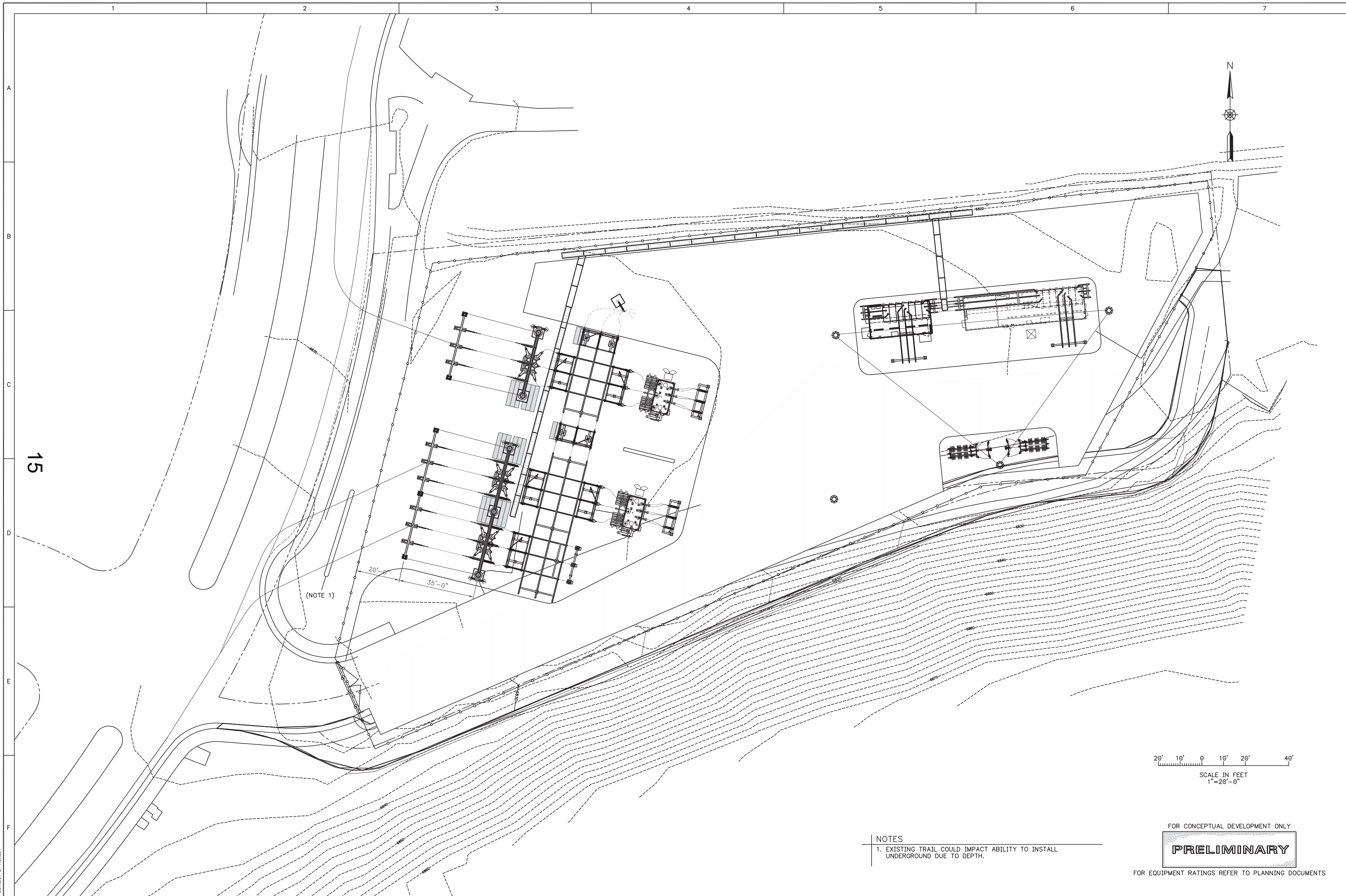

NOTES

1. EXISTING TRAIL COULD IMPACT ABILITY TO INSTALL UNDERGROUND DUE TO DEPTH.

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PACIFICORP
A MIDAMERICAN ENERGY HOLDINGS COMPANY

SUBSTATION

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IRON HORSE SUBSTATION
SUMMIT COUNTY, UTAH
GENERAL PLAN
FUTURE DEVELOPMENT

SHEET 1 OF 16

OPTION IR-UG-B

REVISION 5

REVISED 09.18.07 D. HURLEY

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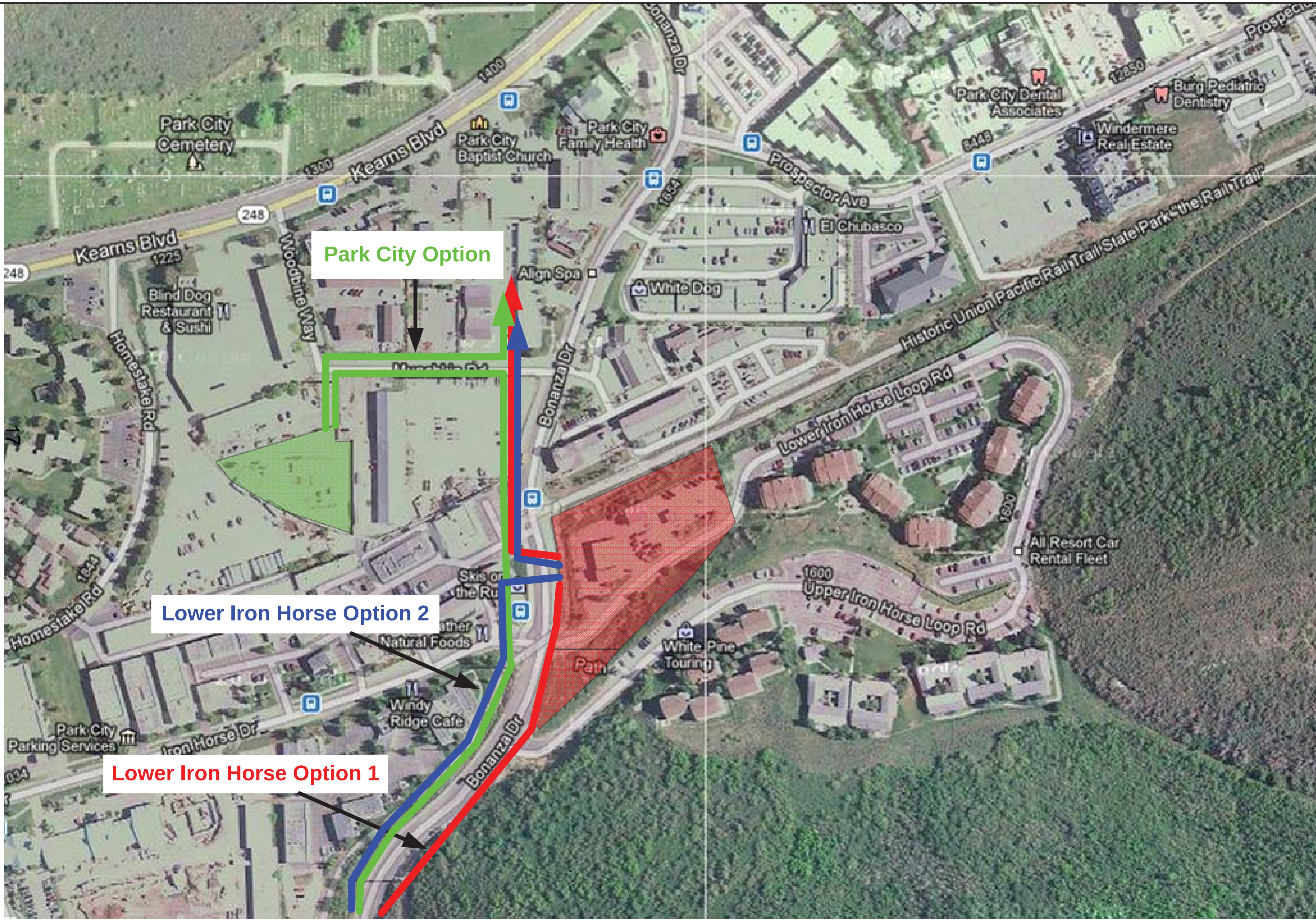
Park City Substation Options

Park City Substation Options

(with transmission)



Park City Substation Relocation Cost Evaluation

Rocky Mountain Power Cost Evaluation

DRAFT v10.05.2012

#	Item	Park City Conversion – RMP Costs	Lower Iron Horse (East Route) – RMP Costs	Variance to Park City (East Route) – RMP Costs	Lower Iron Horse (West Route) – RMP Costs	Variance to Park City (West Route) – RMP Costs	Numbers Provided By	Variability Driver
1	**Substation Material**	**$2,451,421**	**$3,294,208**	**$842,787**	**$3,126,209**	**$674,788**	**RMP**	
2	Substation Equipment not transformer)	$486,991	$1,443,778	$956,787	$1,443,779	$956,788	RMP	Commodity Price
3	Transformers	$1,692,430	$1,692,430		$1,692,430		RMP	Transformer Market
4	Equipment Salvage***	-$8,000	-$10,000	-$2,000	-$10,000	-$2,000	RMP	Salvage Value
5	Transmission Cost	$280,000	$168,000	-$112,000	$0	-$280,000	RMP	Commodity Price
6	**Labor (Engineering, Project Management, Internal Crews)**	**$450,924**	**$596,714**	**$145,790**	**$558,806**	**$107,882**	**RMP**	Labor Rate
7	**Contract Labor**	**$3,422,297**	**$4,045,698**	**$623,401**	**$3,882,210**	**$459,913**	**RMP**	Labor Rate
8	**Distribution (Material, Labor, Construction)**		**$1,077,165**	**$1,077,165**	**$1,077,165**	**$1,077,165**	**RMP**	Commodity Price / Labor Rate
9	**Land Acquisition**	**$350,000**	**$500,000**	**$150,000**	**$500,000**	**$150,000**	**RMP/Park City**	
10	(1) Park City Substation Property (0.838 Acres @ $30/sq ft. = $1,095,090)						RMP	Land Value
11	Cost to Vacate Existing Property and Remove Equipment		$500,000	$500,000	$500,000	$500,000	RMP	Disposal Cost / Labor Rate
12	Cost to remove equipment and stay at Park City.	$350,000		-$350,000		-$350,000		
13	(2) Lower Iron Horse Property *		$0		$0			
	Land Value Difference from Park City (2.06 Acres @ $15/sq ft. = $1,346,000)						RMP	Land Value
14	**Construction Overhead**	**$792,867**	**$919,180**	**$126,313**	**$876,575**	**$83,708**	**RMP**	
15	**AFUDC (Interest During Construction)**	**$516,916**	**$628,879**	**$111,963**	**$599,681**	**$82,765**		
16	**Transmission ROW (Substation Interconnect Only)**	**$0**	**$804,600**	**$804,600**	**$0**		**RMP**	Land Value
17	Sub Totals	**$7,467,509**	**$11,237,565**		**$10,020,965**			
18	Actual Excess Cost for Relocating Substation			$3,770,056		$2,553,456		
19	Actual Excess Cost for Relocating Substation if Paid Upfront (≈7% Cost Savings)			$3,506,152		$2,374,714		

* Park City/Mr. Fischer will be providing the Lower Iron Horse property + bank owned property as one parcel to RMP. The site is expected to be at grade, existing structures removed and the existing road relocated. The company will vacate the existing Park City Substation upon completion. Park City will be responsible for the cost difference between the Park City substation site and the Lower Iron Horse property.

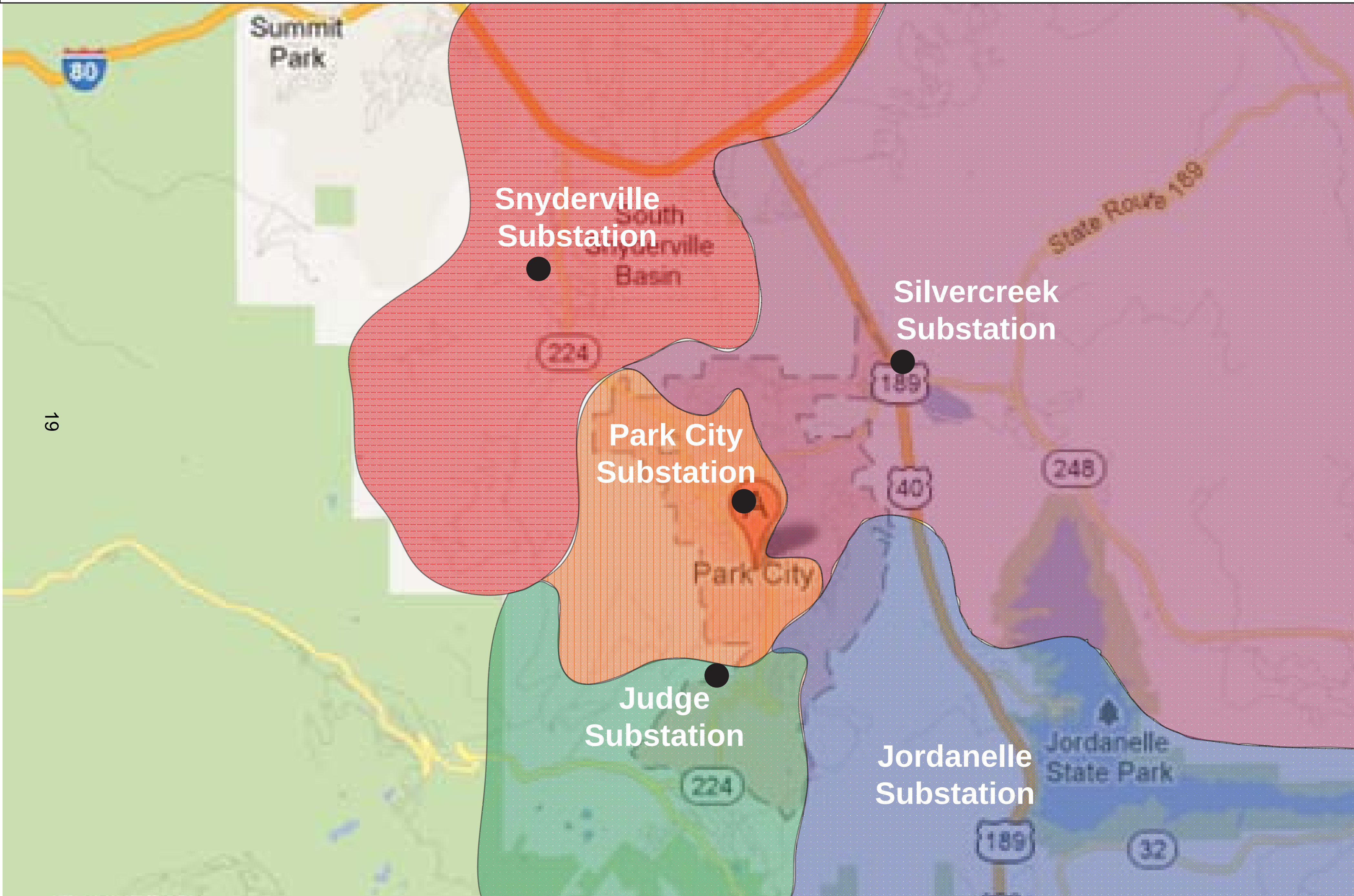
** The site is expected to disturb 2777 cubic yards.

*** Transformers and distribution breakers will be kept as spare inventory. The remaining equipment will be salvaged. Current market price for scrap steel is $200 a gross ton.

**** These costs do not reflect any costs associated with a block wall or landscaping at either site.

Draft – The figures represented are very high level estimates only and are strictly for discussion purposes only.

Substation Service Area Boundaries



PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
SEPTEMBER 27, 2012

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson**

Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Pace Erickson, Operations Manager; Kent Cashel, Transportation Manager; Matt Cassel, City Engineer; Ken Fisher, Recreation Manager; and Craig Sanchez, Director of Golf

1. **Council questions/comments.** Andy Beerman congratulated Council and staff on the extension of the Lower Park Avenue RDA. He attended a Wasatch Canyon stakeholder meeting hosted by Salt Lake County and the Tourism Summit on mountain transportation. Mr. Beerman also attended the Planning Commission meeting where the proposed LMC amendments and Richards Annexation were discussed. He reported that Habitat for Humanity received platinum LEED certification on its Marsac Avenue project.

Cindy Matsumoto reported on the Library Board meeting. The state has designated Park City quality library status again and has awarded $15,000 for the digital media lab. The Annual Library Luncheon is scheduled Tuesday, October 16. She shared Chamber Board business with members and noted that the poor condition of Main Street was brought up, including stickers on the street and signs and unattractive trash cans. Pace Erickson explained that the trash cans are from the Olympics and showing age and will be replaced. The street and signs can be pressure-washed to remove the stickers but within three days, the stickers are back. It is a continual problem. He explained that power washes are done twice a year. Diane Foster stated that staff will return to Council in a work session or in a manager's report. Ms. Matsumoto stated that she has been receiving a number of emails about the proposed Kimball Art Center expansion; other members noted that they have as well. She understood that the Planning Commission is deciding if it should become a MPD area and Ms. Foster felt the question is whether a MPD is allowed in this zone.

Dick Peek indicated that Habitat for Humanity received a good audit report. The Marsac home received LEED platinum status and four candidates are being considered as owners. The fund-raiser will be held on October 13 at The Yard.

Alex Butwinski agreed that the trash cans should be replaced. The HPCA is formulating position papers on its concerns for the City. He relayed his good wishes to Pace Erickson who is retiring.

Mayor Williams reported that the SBWRD is working with PC Heights on refunds. He had breakfast with David Ure to discuss joint planning and suggested that a meeting with the City and County be scheduled after the election. He encouraged members to be proactive in communicating with County Council members.

Mayor Williams stated that Pace Erickson exemplifies what is *good* about Park City Municipal Corporation. He spoke about Mr. Erickson's unique abilities and on behalf of the City Council and presented him with a framed print of the McPolin Farm.

Staff communications:

Transportation Steering Committee - Kent Cashel stated that he received a request from UTA for an elected official to serve on a transportation steering committee. He explained that Mr. Beerman represented the City on the Mountain Transportation Study and one of the major findings from that study was that the current transportation mode is inefficient and impactful. The canyons and wildlife should be protected and the resorts should prosper. The next step is taking that information and integrating it into an environmental project which could be federally funded. He explained that the steering committee will be making recommendations on modes of transportation and may meet for up to two years. It is anticipated that the committee will meet monthly and will be charged with assigning projects, determining goals, establishing subcommittees, setting the schedule and milestones for the project, and securing funding for an ultimate project. Mr. Cashel felt that Park City will likely be a terminus and there is an opportunity to shape this element.

The Mayor recommended Andy Beerman who voiced his interest in serving on the committee. Liza Simpson volunteered to be an alternate and all members supported the appoinments.

Dana Williams further asked that the Council examine natural gas buses and biofuels and Mr. Cashel noted that the fleet is coming into a replacement cycle which would be a good time to look at options. Andy Beerman expressed interest in considering smaller vehicles and Kent Cashel agreed that this issue can also be addressed.

Empire Canyon reconstruction project – Matt Cassel reported that Empire Avenue will not be completed this year and the City is working with the contractor to get the project at a good point to resume next spring. Everything is in except for the water line between 9th Street to Manor Way. The roadway will be surfaced and landscaping and driveway issues still need to be worked out. A neighborhood meeting is planned on October 9. Mr. Beerman asked if the project could be completed if the weather stays nice and Mr. Cassel felt it is better to end the project for the year at a good phase. Liquidated damages total $1,000 a day.

Memorial Wall Project – Ken Fisher explained that this project is ready to go out to bid. RAB approved the design and Council has been updated on the project through a manager's report. Members were supportive of the project moving forward.

3. Engagement survey. Because of time limitations, Craig Sanchez did not give a presentation but referred to his staff report and asked if there were questions. Mr. Butwinski suggested that the 2005 benchmarks be updated. Mr. Sanchez emphasized that the numbers were really solid this year; there were 305 respondents. Every department and/or team member are contacted to encourage distribution. Andy Beerman asked if there is retention data and how Park City compares to other cities. Mr. Sanchez stated that he will follow-up. In response to a question from Liza Simpson about participation from employees without computers, Craig Sanchez stated that it is pretty good. Public Works has a computer in the break room, for instance and the response was excellent.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 27, 2012

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 27, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; and Mat Evans, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Liza Simpson encouraged the public to see the Scarecrow Festival at the McPolin Farm.

Dick Peek disclosed that he worked with the previous owners of 429 Woodside Avenue and recused himself when the item came up before the Planning Commission and he is working with an attorney in the Tesch Law Office on an issue that is unrelated to this land use application.

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

None.

IV MINUTES OF MEETINGS OF AUGUST 23, 2012 AND SEPTEMBER 13, 2012

Alex Butwinski stated that he relayed a minor correction on the August 23rd minutes to the City Recorder. Alex Butwinski, "I move we approve the minutes of the meetings of August 23rd and September 13th, as corrected". Liza Simpson stated that she will abstain from voting on the minutes of September 13th. Cindy Matsumoto seconded. Motion carried.

	08/23	09/13
Andy Beerman	Aye	Aye
Alex Butwinski	Aye	Aye
Cindy Matsumoto	Aye	Aye
Dick Peek	Aye	Aye
Liza Simpson	Aye	Abstention

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 under "Additional Discussion – Agenda Items")*

1. Consideration of a construction contract for the Silver Quinn Pathway Paving Project Contract with Morgan Asphalt in the amount of $200,849, in a form approved by the City Attorney - and

2. Consideration of a Resolution amending and replacing Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah – Liza Simpson, "I move we approve the Consent Agenda". Andy Beerman seconded. Motion unanimously carried.

VI OLD BUSINESS

Consideration of the Ridge Outlook Subdivision, located approximately at 200 Ridge Avenue, Park City, Utah – The Mayor opened the public hearing and with no comments from the audience requested a motion to continue to October 4, 2012. Cindy Matsumoto, "I so move". Dick Peek seconded. Motion unanimously carried.

VIl NEW BUSINESS

1, Consideration of a Real Estate Purchase Contract with Green Park Co-Housing LLC for the purchase of 1450 and 1460 Park Avenue in the amount of $400,000, in a form approved by the City Attorney – The Mayor opened the public hearing; there was no input. He requested a motion to continue to October 4, 2012. Alex Butwinski, "I so move". Cindy Matsumoto seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving a plat extension for 333 Main Street, Park City, Utah - Planner Kirsten Whetstone explained that the request is to extend an approval of a condominium plat, which was approved on August 11, 2011. Due to ownership issues, the plat was not recorded within one year and the Code requires City Council approval to extend the approval. This property is the Main Street Mall and the condominium space is not residential. The extension requested is August 7, 2013. Discussion ensued on the property sale not yet closing. Mark Harrington explained that the Planning Department has an acknowledgment of sufficient interest statement on file which will be verified before signing the Ordinance. The Mayor opened the public hearing; there was no comment.

Dick Peek, "I move we extend the 333 Main Street Condominium Plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving a plat amendment for 429 Woodside Avenue, Park City, Utah – Kirsten Whetstone explained that the plat amendment proposes to combine an adjacent metes and bounds remnant parcel located behind 429 Woodside Avenue and 429 Woodside which is located on Lot B of the Elder Park Subdivision. The combination would result in one lot of record for an existing single

family house that is a significant historic structure and is currently under construction for an addition. The remnant parcel is zoned HR-1 and is surrounded by the Sweeney Master Plan open space. There is a limited amount of development that can occur on this 6,853 square foot parcel and the owner has stipulated to that condition. The Planning Commission reviewed this application at three meetings and a couple of conditions were added. If an additional structure is proposed that exceeds 660 square feet of floor area then a steep slope conditional use permit is required. Typically, it's 1,000 square feet or more of floor area. The plat itself limits the footprint to 660 square feet. Combining the new lot would have allowed more than 2,000 additional square feet of footprint but the plat itself restricts the addition to 270 square feet for the existing house. If the 270 square feet is not used for the house it goes away and is not allowed to be added to an accessory structure. The building in the back is limited to an 880 square foot building area and a 660 square foot footprint. She understood the applicant will seek a conditional use permit.

She suggested a wording change to Finding No. 16, "Any future construction that is greater than 1,000 square feet in floor area requires a conditional use permit" to read "*In the HR-1 Zone, construction of more than 1,000 square feet of floor area on a slope of 30% or greater requires a conditional use permit with review by the Planning Commission".* The Planning Commission forwarded an unanimous positive recommendation. Ms. Simpson asked why the Planning Commission meeting minutes were not included; Ms. Whetstone explained that they were not approved yet. The Mayor opened the public hearing.

Attorney Joe Tesch complimented the planning staff and Planning Commission for tightening down the project. Under the current formula, 1,200 square feet would have been allowed but as a public benefit, his client agreed to reduce it to 170. Ms. Whetstone discussed the owner allowing access to an adjacent owner on a portion of his property. Mr. Tesch believes this represents providing two Old Town open space lots.

Dick Peek, "I move we approve the 429 Woodside plat amendment as shown in Exhibit A, based on the findings of fact, conclusions of law, and conditions of approval with the amendment the Finding of Fact No. 16, as amended by Kirsten". Alex Butwinski seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving a plat amendment for 811 Norfolk Avenue, Park City, Utah – Cindy Matsumoto stated that she is recusing herself from the next two items because of a conflict of interest and left the meeting.

Planner Mat Evans explained that the proposal is to combine one and a half lots into one lot. He referred to an email distributed to the City Council which was omitted from the staff report. The property has an existing landmark home which encroaches onto the adjacent property. The house received approval through Historic District Design Review to move the structure six and a half feet and the applicant is openly requesting an addition to the rear of the existing landmark structure. Mr. Evans pointed out that this is a double-frontage lot onto Norfolk Avenue and Crescent Tram. The new addition will have access from Crescent Tram. He stated that the Planning Commission voted 2:1 on September 12, 2012 to forward a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval. The proposal creates a 3,700 square foot lot; it meets the minimum lot size which is 1,875 square feet. The HDDR anticipates an addition to the home which is below the minimum footprint. The maximum footprint allowed is 1,270 square feet and the applicant is proposing 1,258 square feet for the addition.

Dana Williams asked if the Planning Commission addressed the email from Mary Whitesides and Mr. Evans explained that members took it under consideration but didn't discuss it.

Attorney Mark Kozak explained that lot combinations are provided for by state law if there is good cause. Good cause is not defined in state law but defined in the Land Management Code. He feels they satisfy a couple of the criteria for good cause as it resolves existing issues and non-conformities, promotes sustainable design, utilizes best plan design and practices, and preserves the character of the neighborhood. He understands that there are a lot of people dissatisfied with Mr. Love's request which is contrary to fact. The Historic Planning Board has addressed this issue and its members are the City's historic experts. They made an expressed finding that what Mr. Love has proposed is consistent with good historic planning criteria and practices.

Mr. Kozak emphasized that this application is not before Council today. There seem to be a lot of people trying to mix up these two application processes and decide on one based on feelings about the other one. The other one has concluded. The historic experts said, we like it. The good cause criteria speak to those historic values and it is their belief that they have superior historic design and that the record agrees with that. He stated that there was opposition in that process. Ms. Whitesides participated in the other proceeding but did not disclose that her principle interest was in her non-existing view shed easement she was seeking to protect. He applauds her candor but this is irrelevant because there is no such thing as an implied view shed easement in the state of Utah. It is either expressly given by a neighbor, or it is not. He stated that Ms. Whitesides enjoys no such view shed easement.

Attorney Kozak referred to the Planning Commission meeting. Ms. Whitesides' letter was presented to the Commission but they never received a copy. That is not proper due process and the law recognizes our due process rights. He acknowledged that there was no ascertainable injury resulting from this but it is bad practice and he hoped that the City would address this in the future.

Two of the Planning Commission members were also quite candid with their comments and they object to what was said and the values and bias the comments represent. The first was Commissioner Strachan. The Mayor interrupted Mr. Kozak, asking if this is germane to the plat amendment action. Mr. Kozak stated yes, this is the Planning Commission's recommendation to the Council. Dick Peek interjected that the Planning Commission forwarded a positive recommendation. Mr. Kozak acknowledged a positive vote from Commissioner Strachan and Jack Thomas but when Mr. Strachan voted he announced he was regrettably approving it because he looked as hard and long as he could and couldn't find any way to vote against it. That was the extent of his comments and Mr. Kozak stated that he is unsettled as a taxpayer and a representative of Mr. Love that that is the greeting they get on something as simple as a lot combination.

Attorney Kozak alleged that Ms. Hontz chose to vote on the HDDR application and stated she will vote no because she opposes moving the house. Mr. Love pointed out that that application is not before her and her response was*, that was not what I meant*, and then proceeded to vote against us without any reasoning or explanation. Mr. Kozak stated that he wants this on the record because this is the one and only opportunity to voice that objection.

He stated that the Planning Commission, Historic Preservation Board, and Board of Adjustment have no adopted rules on procedures, or no adopted rules of evidence. This concerns him because that absence creates situations like this. Those comments by Commissioners were made after the applicant's presentation and there is no rule on interrupting and correcting the malfeasance. With respect to Ms. Whitesides' letter, she wasn't even there and he asked what weight should it be given? These proceedings are not governed by procedural or evidentiary rules and having something in place would benefit everyone.

Mr. Kozak felt there is an estoppel issue here. Opposition to this plat amendment, based on feelings about what happened in the HDDR proceeding should not be allowed. They received an approval by the HDDR and if anyone wants to address historic issues, that is the forum and it is improper to bring them to Council. The Historic Preservation Board has acted and for Council to contradict the decision speaks to the doctrine of estoppel. Mark Harrington explained that the Council is required to accept the HDDR decision, as approved.

Mr. Kozak stated that it has come to his attention that as Mr. Love attends these meetings that the police have been in attendance. He alleged that he has been at meetings where he had to calm people down in dealing with this case but it has been people losing their tempers with Mr. Love and not the other way around. He hoped there is not a sense to discredit Mr. Love by characterizing him as so unhinged that police protection is needed. Jeff Love stated that an officer was at the Board of Adjustment meeting and Polly McLean called an officer into the Planning Commission meeting two weeks ago because he made public comment. Mr. Kozak recalled that the same thing was done with respect to Kevin King and it concerns him that people who have genuine disputes with the City are being characterized as unstable or unsafe. This is not a good thing for any of us.

Jeff Love explained that the application process started on May 19, 2010 with the HDDR and hopefully tonight concludes the approval process. Judge Kelly, Third District Court, on July 20, 2012 signed the Order in his favor reinstating the Historic Preservation Board's decision. This is where the process changed for him. Since July 20, he has reached out to the Mayor and the City Council twice and has asked that his application process be independently reviewed and investigated because he believes misconduct occurred. His request has been denied twice. His second request was made at the encouragement of Mayor Williams.

Mr. Love stated that if the process is independently investigated, he will waive his right to sue the City and the Mayor asked him to put it in writing. This was done but he never received a response from the City and on August 25, 2012 the Mayor felt comfortable enough to read a response from his iPad to his August 14 request. The letter was never sent to them and the one item that really stuck in his mind was the City Council was going to again deny his request to have this independently investigated because he had failed his burden of proof to show that any misconduct had occurred. He stated that he has never been given the opportunity to convey the issues he has and asked how has he failed his burden of proof when he was never given the chance. On July 20, after Judge Kelly ruled, the Mayor was nice enough to make time for him at City Hall with Attorney Mark Harrington for an hour and 45 minutes and he conveyed his issues and showed evidence that misconduct occurred. After that meeting, Mr. Love stated that the Mayor relayed his support to conduct an independent investigation. If he directly conveys his concerns and the Mayor supports an investigation, he feels he has met his burden of proof.

Mayor Williams felt there is a nuance here. He stated that he supported the idea of bringing it to the City Council but he does not have the authority to make the decision. Mr. Love stated that Mayor Williams is the only person on Council that he has had the opportunity to convey all of the issues he has. He reiterated that the Mayor supports this being investigated. The only other person present at that meeting is Attorney Harrington. Mr. Love felt that Mr. Harrington conveyed his information to the City Council and the problem is that he is one of the individuals that he is accusing of misconduct. If that is the case, there is a conflict of interest.

Jeff Love commented that since July 20, they have gone to two other boards and commissions. The first one was approximately 45 days ago and it was back to the Historic Preservation Board. The purpose of the meeting was to correct the minutes from the original meeting because the minutes were mis-transcribed. The transcript showed that the motion from that meeting had been mis-transcribed and unfortunately it was a rather large mistake. Prior to that meeting, he asked planning what the deadline was to submit his information to the packet to support this change. He was told Thursday at 5 p.m. and Mark Kozak supplied five pages of information. When he checked the packet on Monday morning, their submittal to the packet was not included. The Legal Department had decided not to include it. He stated that he does not appreciate his attorney's time and his information being censored from a meeting.

When they went to the meeting, they were not allowed to make comment on the approval of the minutes. He was allowed to make public comment during public input and he had several questions for staff which they refused to answer. He alleged that Ms. McLean advised staff not to answer his questions, which he finds inappropriate.

Mr. Love explained that they went to the Planning Commission two weeks ago for review of his plat amendment application. He had specific questions about the staff report and again staff refused to answer his questions. The first time that he made a request to Council to have an independent review, he did receive a response from the City but the last paragraph says, *While we recognize that you disagree with the outcomes of various land use decisions, you have raised no evidence of actual misconduct, corruption or discrimination. Most, if not all of the issues you raised, could have been addressed in the course of public administrative application processes or subsequent litigation which are now all final*. Jeff Love emphasized that he has a number of questions that he would like answered and asked if he could ask them tonight. If not, when and where can he get answers.

Mayor Williams stated that the plat amendment is on the agenda and this discussion is way off topic. Mark Harrington clarified that his questions deal with how other applications were handled. Mr. Love expressed that he keeps on being told that this is not the right forum for these questions and asked where is the right forum. Mr. Harrington advised that if he is in disagreement with those administrative decisions, they should have been addressed at the time. He felt that Mr. Love is the only one raising them and not in the context by which the body is about to make a decision so he doesn't understand how it is relevant in the decision before this body.

Mr. Love stated that he thinks his questions are relevant but nobody wants to know the truth. Nobody cares to find out what the truth is. That's the bottom line. Mayor Williams acknowledged that he and Mr. Love have talked about this a lot but this is not what is in front of Council or the venue to decide that. Mayor Williams stated that he is never going to apologize for what somebody thinks. People serving on boards are human and Mr. Strachan's job, for instance, is to interpret the Land Management Code and he did. This is not germane to the business in front of Council but he asked about the right forum.

Mark Harrington explained that a hearing would be up to the manager or the Council, depending upon the alleged misconduct. Mr. Love has other avenues legally available to him under the Municipal Code or State Code and can pursue those to his full rights. The City has offered to have an independent review and after agreeing to a meeting where he would look at some material, Mr. Love decided not to have the City Attorney look at the material. Mr. Harrington stated that he is as confused as Mr. Love.

Jeff Love stated that this is really simple. From the very beginning, he wanted to be independently investigated. Throughout the course of the last 29 months, with the exception of the Historic Preservation Board, every time he has gone in front of a board, commission, or departments, he has always received opposition. Every time. It is interesting that over the course of the last 29 months, there have been two occasions where he has been able to get an outside third party independent review of this and that was the Utah Property Rights Ombudsman and Third District Court. Both of those times, the decisions were favorable to him. It is odd that both times he is able to get this issue outside of the control of the City, the decisions are favorable to him. Within the City's purview, there is always opposition. *Doesn't that strike you as a little odd?*

Diane Foster explained that since there are allegations against the City Attorney, she is working with Deputy Attorney Tom Daley on this matter. The City is following state law and they will be receiving a response within the appropriate time frame. Mr. Foster understood Mr. Love has a question relevant to the application and she urged him to ask it.

Mr. Love referred to the analysis section of the staff report and read the sentence, *If a historic structure exists across a property line, either an encroachment agreement must be recorded or the historic home must be relocated to remove the encroachment*. He felt this has been the crux of the whole last two and a half years. He emphasized that this language appears in the old staff reports written by Katie Cattan She writes in her report that two options to resolve the issue exist, one is within the control of the City, and one is not within the control of the City. If the adjacent property owner will not grant an encroachment agreement, then there is only one way to resolve this issue which is relocating the historic structure. He is confused that he spent the last two years and a lot of money going through the process and eventually having to sue the City to be allowed to move the house. He estimated that the City, over the course of the last two and a half years has probably spent upwards of $100,000 of man hours fighting him to prevent him from moving the house. Mr. Love reiterated that he is confused why this staff report says that you must move the house when in fact, he had to sue the City to get the right to move the house and enforce what was said in the staff report. He doesn't understand the contradiction and asked that it be explained to him.

Mark Harrington admitted that he did not write the sentence either and it may be over-simplifying the Planning Department's position. Mr. Love interrupted, noting that the Building Department cannot issue a building permit over an existing property line. Mr. Harrington stated that the third scenario is the Planning Department's determination of a non-conforming use. What is missing from the sentence is that you are expanding or doing something that requires a building permit. If you are not doing that, you don't have to move it.

Jeff Love disagreed. He stated that he cannot renovate the existing house as it sits now and it is not habitable. Mark Harrington emphasized that the Planning Department could approve the maintenance to an existing structure in the existing location without a building permit. Mr. Love did not agree since the house is inhabitable. Mr. Harrington explained that the non-conforming section of the Code provides the Planning Department that ability but Mr. Love's application is to move the house.

With no further comments or questions, Dick Peek, "I move we approve the 811 Norfolk Avenue plat amendment and approve the same based on the findings of fact, conclusions of law, and conditions of approval as found in the Ordinance". Liza Simpson seconded. Motion unanimously carried.

5. Consideration of an Ordinance approving a plat amendment for 817 Norfolk Avenue, Park City, Utah – Mat Evans explained that the application requests combining an Old Town lot with a portion of another lot resulting in one buildable lot. The applicant has an existing garage which is a landmark structure. It has been deemed a dangerous building and will have to be rebuilt and made a part of the HDDR process. It is proposed to construct a new home on the combined lot which is 2,340 square feet. Minimum lot size is 1,875 square feet and meets the criteria for a lot in the HR-1 Zone. The Planning Commission reviewed the application, took public comment and voted 2:1 to forward a positive recommendation based on the findings of fact, conclusions of law, and the conditions of approval.

Attorney Mark Kozak stated that he represents Rod Ludlow, the owner of 817 Norfolk. In this case, the plat amendment is preceding the HDDR and has an existing encroaching structure which this plat amendment cures. He asked that his comments on the 811 Norfolk plat amendment be referred to for this application. The Mayor opened the public hearing; there were no comments and the public hearing was closed.

Andy Beerman understood that the garage would be reconstructed but not enlarged. Mr. Evans agreed and added that since it is a historic structure, it would not count against the footprint of the single family dwelling. Mr. Beerman asked if its status would be maintained and Mr. Evans stated that if reconstructed properly, it would retain its status. Mr. Peek understood that 811 Norfolk would need to be moved off this property before plat recordation or an encroachment agreement executed. When the garage is rebuilt, he asked if it can remain in the City's right-of-way. Mat Evans relayed that he is not sure the application for the HDDR contemplated moving the garage back out of the encroachment. Jeff Love explained that the garage encroaches in the City's right-of-way approximately 12 to 14 inches on the eastern side. Mr. Ludlow's design application is based on the encroachment continuing to exist so the garage is in the same location. Mark Harrington explained that this is different than 811 and the garage encroachment can continue by virtue of historic right or an encroachment permit with the City which can be worked out during the building permit process and the final approval. The Mayor mentioned that if the City doesn't give him an encroachment permit, he will have to move the garage. Mark Harrington emphasized that the right-of-way is not a lot and the right to reconstruct the historic structure does not need to be included in the conditions of approval.

Andy Beerman, "I move we approve the 817 Norfolk Avenue plat amendment according to the findings of fact, conclusions of law, and conditions of approval as outlined in the Ordinance". Dick Peek seconded. Motion unanimously carried, The Mayor acknowledged that at some point, a remedy should be reached because this is not going away. Dick Peek interjected that if it is properly noticed and placed on an agenda, then he would be happy to discuss it. Mr. Harrington advised that the Council has a number of opportunities within its control. Performance issues are encouraged to be addressed by the City Manager. Formal complaints about other issues are handled by the Legal Department, but the applicant felt he should not be involved and the complainants took advantage of another avenue and filed a complaint under a different ordinance which has a different scope.

Mayor Williams wants to make sure that the Council members have enough information and members supported meeting on this matter which may be held in closed session. Closed is not required but depends upon review of pending litigation and an outside attorney can make that decision. In response to a question from Alex Butwinski about what is pending, Mr. Harrington explained that the City has a complaint filed under the Housing Discrimination Ordinance which is pending and the other correspondence received from Mr. Love. Ms. Simpson asked who is conducting the investigation. Diane Foster stated that she is working with Tom Daley on the issue and will provide an update to Council. Ms. Simpson did not consider Mr. Daley as *outside* counsel. Ms. Foster further clarified that Mr. Kozak has been informed that the City will be providing a response on October 4, 2012 and is proceeding in accordance with state law on this issue.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Jonathan Weidenhamer, Economic Development Manager; Bret Howser, Special Projects Manager; Brooke Moss, Human Resources Manager; and Mark Harrington, City Attorney. Andy Beerman, "I move to close the meeting to discuss personnel, litigation, and property ". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 5:20 p.m. Alex Butwinski, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

City Council Staff Report

PLANNING DEPARTMENT

Subject:	**Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases**
Author:	**Kirsten A Whetstone, MS, AICP**
Application #:	**PL-12-01616**
Date:	**October 11, 2012**
Type of Item:	**Administrative – Amendment to Condominium Record of Survey**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Stein Eriksen Lodge Common Area Second Supplemental Sheet to the Stein Eriksen Lodge condominium record of survey plat and consider approving the plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant:	Stein Eriksen Lodge Owners Association, Inc. represented by Russ Olsen, General Manager
Location:	7700 Stein Way
Zoning:	Residential Development as part of the Deer Valley Master Planned Development (11th Amended) (RD-MPD)
Adjacent Land Uses:	Deer Valley Ski Resort; condominium residential to the east, south and west, and commercial to the north
Reason for Review:	Amendments to condominium record of survey plats require Planning Commission review and City Council approval

Description

This application is a request to amend the Stein Eriksen Lodge condominium record of survey plat to reflect a proposed 4,361 square foot expansion of the existing support meeting and conference space and to reflect a porte cochere structure to be constructed at the front entrance (see Exhibit A). All proposed additions are within the existing platted common area and will remain designated as common area.

Background

The Stein Eriksen Lodge is located at 7700 Stein Way in the Silver Lake area of Deer Valley as part of the Deer Valley Master Planned Development. The original Stein Eriksen Lodge was constructed in 1981. The original Stein Eriksen Lodge condominium record of survey plat was approved by the City Council in December 1982 and recorded in 1983. Expansion of the Lodge has occurred in 1996, 1999, and most recently in 2010 with the spa expansion.

The City Council approved a First Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area on August 27, 2009 (see Exhibit B). This is the existing plat for this area. The First Supplemental Sheet was recorded on June 23, 2010 and reflects improvements and additions to the spa building within the existing platted common area. The spa building is considered as support commercial.

On July 13, 2012, members of the Stein Eriksen Lodge Owner's Association, Inc. voted to expand the common area and enclose the Plaza Terrance and to add a porte cochere for the benefit of the members. On July 20, 2012, the Stein Eriksen Lodge Owner's Association submitted an application for a Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area to reflect on the record of survey the proposed changes to the common area for additional support meeting space and a porte cochere structure to be constructed at the main entrance. The application was deemed complete on August 3, 2012.

On September 26, 2012, the Planning Commission conducted a public hearing, discussed the plat amendment application, and voted unanimously to forward a positive recommendation to the City Council (see Exhibit H- draft PC meeting minutes). No public input was provided at the meeting.

Analysis

There are 197,858.26 square feet of residential floor area within the Stein Eriksen Lodge. There are currently 5,566 square feet of support meeting space within the Lodge. The Deer Valley MPD allows a square footage amount of support meeting space equal to 5% of the total residential floor area. A total of 9,927 square feet of support meeting space is allowed.

The applicant proposes to construct 4,361 square feet of enclosed meeting space, located on the 4th level of the Lodge (primarily above the existing large meeting room) for a total of 9,927 square feet of support meeting space. Additional circulation, storage, and back of house areas will be constructed in conjunction with the meeting rooms. The area is currently used as outdoor meeting space and the proposal would enclose this area to be better utilized throughout the year. This addition would put the total meeting space area at the 5% maximum allowed by the DVMPD.

The enclosed meeting rooms are proposed to be located on the paved patio area, above the existing lower level meeting rooms, within the central area of the Lodge. An additional 3,600 sf of building footprint is proposed where the new construction is not located over existing footprint. This additional footprint is for support uses and does not trigger additional parking. The height of the addition complies with the DVMPD allowed height of 35' from existing natural grade for this Parcel. Maximum height of the addition is 29' from existing natural grade. A porte cochere is also proposed to be constructed to provide protection from the weather and elements at the front entry. The proposed amendment maintains a minimum of sixty percent (60%) open space; actual open space would be 61.9%.

The applicant proposes to add the support meeting space and the porte cochere within existing platted Common Area. The proposed Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge reflects the proposed improvements to the Common Area for the meeting space expansion and the proposed porte cochere.

No changes in ownership are proposed and the amendments reflect the proposed structural improvements within the Common area as required by the Utah Condominium state code provisions. No changes are proposed to the residential area and no changes are proposed to the support commercial areas or to any residential or private area within the building. The applicant has provided exhibits depicting views into the project from surrounding properties demonstrating the location of the addition and how the exterior views looking towards the projects would change (Exhibit G). Exterior materials and architecture of the addition match those used on the existing buildings.

Staff finds good cause for this record of survey plat amendment in that the amendment reflects proposed physical changes to the common area and includes support meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

The total meeting space of 9,927 square feet will not exceed five percent (5%) of the total residential floor area. No changes are proposed to the resort support commercial. A minimum of sixty percent (60%) open space is maintained.

The additional floor area is support meeting space for the use of owners and guest staying at the Lodge. As such, the additional space does not require additional parking.

<u>Department Review</u>
This project has gone through an interdepartmental staff review meeting held on August 14, 2012. Issues raised regarding compliance with the DV MPD have been addressed with additional submittal information. Issues regarding water and sewer service are addressed with conditions of approval and any additional impact fees will be required to be paid at the time of the building permit.

<u>Notice</u>
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record according to legal noticing requirements of the LMC.

<u>Public Input</u>
Staff has received requests for information from adjacent property owners. Information has been provided to the public. No specific concerns have been addressed at the time of this report. There was no public input provided at the September 26, 2012 Planning Commission meeting.

<u>Future Process</u>
Approval of this condominium record of survey application by the City Council

constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18. A building permit is required to complete the project.

Alternatives

- **Approve:** The City Council may approve the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat as conditioned; or
- **Deny:** The City Council may deny the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat and direct staff to make Findings for this decision and return at a date certain; or
- **Modify:** The City Council may amend the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat; or
- **Continue:** The City Council may continue the discussion on the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat to a date uncertain and provide staff and the applicant with direction as to any additional information requested in order to make a decision on this matter.
- **Do nothing:** This is not an option on an administrative application when the applicant has petitioned the City Council to take an action.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The support meeting space is a private improvement to condominium common area. The additional meeting space will allow more efficient and year round use of meeting space for guests and owners of the Stein Lodge.

Consequences of not taking the Recommended action

The proposed meeting space expansion and porte cochere would not be reflected on the recorded condominium record of survey plat.

Recommendation

Staff recommends the City Council hold a public hearing for the Stein Eriksen Lodge Common Area Second Supplemental Sheet to the Stein Eriksen Lodge condominium record of survey plat and consider approving the plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Draft Ordinance
Exhibit A- Proposed plat amendment- Second Supplemental Record of Survey
Exhibit B- Existing plat- First Supplemental Record of Survey (recorded 6.23.10)
Exhibit C- Meeting Space plans
Exhibit D- e-mail from Bob Wells, Deer Valley Resort Company
Exhibit E- Applicant letter
Exhibit F- HOA letter
Exhibit G- Elevation views and photographs
Exhibit H- Draft Planning Commission minutes from 9.26.12

Ordinance No. 12-

AN ORDINANCE APPROVING THE STEIN ERIKSEN LODGE COMMON AREA SECOND SUPPLEMENTAL SHEET FOR ALL PHASES, LOCATED AT 7700 STEIN WAY, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Stein Eriksen Lodge, located at 7700 Stein Way have petitioned the City Council for approval of the Stein Eriksen Lodge Common Area Second Supplemental Sheet amending the common meeting space area of the Stein Eriksen Lodge condominium record of survey plat; 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 26, 2012, to receive input on the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat;

WHEREAS, the Planning Commission, on September 26, 2012, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases as an amendment to the condominium record of survey plat.

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 Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases 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 Stein Way.
2. The Stein Eriksen Lodge is located in the RD-MPD zoning district.
3. The property is subject to the Deer Valley Master Planned Development, as amended.
4. The Deer Valley Master Planned Development (11th Amended) allocates 66.75 units of density to the Stein Eriksen Lodge multi-family parcel. There are currently 65 residential units of varying sizes totally 197,858.26 square feet due to the use of unlimited size Deer Valley units when developing this parcel.
5. On August 27, 2009, the City Council approved a First Supplemental Sheet for all Phases of the Stein Eriksen Lodge Common Area reflecting improvements and

addition to the spa building, as support commercial space, within the existing platted common area. The First Supplemental Sheet was recorded on June 23, 2010.

6. On July 13, 2012, members of the Stein Eriksen Lodge Owner's Association, Inc. voted to expand the common area and enclose the Plaza Terrance and to add a porte cochere for the benefit of the members.
7. On July 20, 2012 the Stein Eriksen Lodge Owner's Association submitted an application for a Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge condominium record of survey to reflect proposed changes to the existing platted Common area to construct 4,361 square feet of enclosed meeting space located on the 4th level of the Lodge (above the existing large meeting room). With this addition there would be a total of 9,927 square feet of support meeting space.
8. The area is currently used as outdoor meeting space and the proposal would enclose this area to be better utilized throughout the year.
9. The additional meeting space is proposed to be constructed primarily on the paved patio area above the existing lower level meeting rooms. An additional 3,600 sf of building footprint is proposed where the building is not proposed over existing footprint. This additional footprint is for support uses and does not trigger additional parking.
10. The height of the addition complies with the allowed height of 35' from existing natural grade and is 29' from existing natural grade. A porte cochere is also proposed to be constructed to provide protection from the weather and elements at the front entry. Exterior materials and architecture are proposed to match the existing buildings.
11. The application was deemed complete on August 3, 2012.
12. There are currently 5,566 square feet of support meeting space within the Lodge.
13. The Deer Valley MPD allows a square footage amount of support meeting space equal to 5% of the total residential floor area. A total of 9,927 square feet of meeting space is allowed based on the 197,858.26 square feet of residential floor area.
14. The proposed Supplemental Sheet amended plat record of survey is consistent with the 11th amended Deer Valley Master Planned Development. The total meeting space would not exceed the allowed 5% of the total residential floor area.
15. No changes are proposed to the support commercial areas or to any residential or private area within the building or site.
16. The proposed amendment maintains a minimum of sixty percent (60%) open space, actual 61.9%.
17. There is good cause for the proposed amendment to the record of survey in that the amendment reflects proposed physical changes to the common area and includes support meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

<u>Conclusions of Law:</u>

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code, the 11th Amended Deer Valley MPD, and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed

amended record of survey.

4. Approval of the amended record of survey, 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 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. The plat shall be recorded prior to issuance of a certificate of occupancy for the proposed meeting space.
4. All conditions of approval of the Deer Valley Master Planned Development (11th Amendment) shall continue to apply.
5. As common area, the meeting space is not a separate commercial unit or units, and as such may not be separately sold or deeded.
6. All required disturbance and impact fees will be calculated based on the building permit application and are required to be paid prior to issuance of a building permit.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of October, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

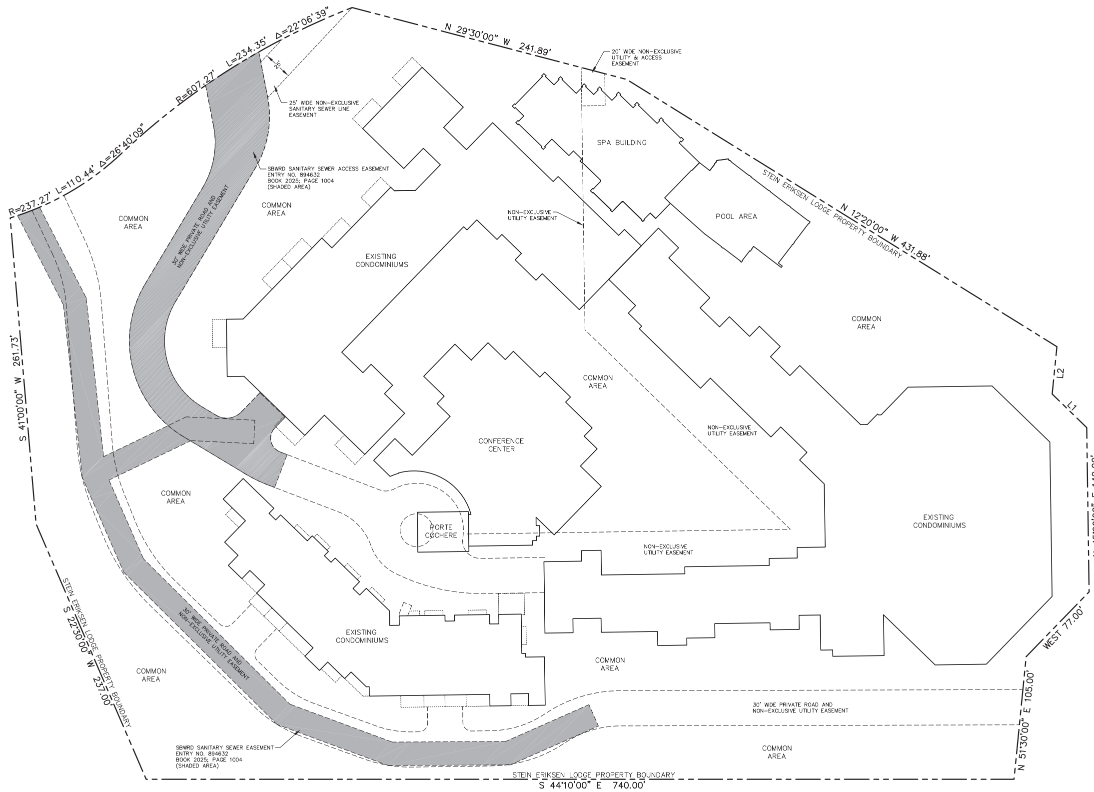
ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

EXHIBIT A



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(s), I have prepared this Record of Survey map of the STEIN ERIKSEN LODGE COMMON AREA and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWCZ State of Utah

_______________ John Demkowicz

_______________ Date

BOUNDARY DESCRIPTION

The Common Areas contained within the Stein Eriksen Lodge, a Utah Condominium Project, as the same is identified in the record of survey map recorded in Summit County, Utah as Entry No. 187370, and in the amended record of survey map recorded in Summit County, as Entry No. 200131 and in the declaration of covenants, conditions and restrictions and bylaws of the Stein Eriksen Lodge, a Utah Condominium Project, recorded in Summit County, Utah, on January 11, 1982, as Entry No. 187371, in Book 208, at Page 9, and in the amended declaration of covenants, conditions, and restrictions and bylaws of the Stein Eriksen, a Utah Condominium Project, recorded in Summit County, Utah on January 5, 1983, as Entry No. 200132, In Book M-245, at Page 278 and the amendments and corrections thereto and the First Supplemental Record of Survey Map recorded December27, 1983, as Entry No. 214576 and the Second Amendment to Condominium Declarations recorded December 27, 1983, as Entry No. 214577, in Book 283, at Page 153, records of the Summit County Recorder's Office. Together with (A) the undivided ownership interest in said Condominium Project's Common areas and facilities which is appurtenant to said unit, (the referenced declaration of Condominium providing for periodic alteration both in the magnitude of said undivided ownership interest in the composition of the common areas and facilities to which said interest relates), (B) the exclusive right to use and enjoy each of the limited common areas which is appurtenant to said unit, and (c) the non-exclusive right to use and enjoy the common areas and facilities included in said condominium project (as said project may hereafter be expanded) in accordance with the aforesaid declaration and survey map (as said declaration and map may hereafter be amended or supplemented) and the Utah Condominium ownership act.

OWNER'S DEDICATION AND CONSENT TO RECORD

On this _____ day of ___________ 2012, Stein Eriksen Lodge Owner's Association, Inc., a Utah non-profit corporation, does hereby certify that on __________________, the members of the Association voted to expand the Common Area Spa Facility for the benefit of the Association's members who collectively constitute all of the owners of the property that comprises Stein Eriksen Lodge. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended Record Survey Map to be prepared and hereby consents to the recordation of this Amended Record Survey Map, which shows the boundaries of the expanded Common Area Spa Facility. The Association further consents to the recordation hereof with the intention that upon such recordation, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein. The Association also hereby dedicates the non-exclusive utility easements shown hereon to the use of the public in accordance with an irrevocable offer of dedication.

STEIN ERIKSEN LODGE OWNER'S ASSOCIATION, INC.

By _______________________
Russel L. Olsen, Chief Executive Officer

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this _____ day of _________, 2012, personally appeared before me, Russel L. Olsen, who being by me duly sworn did say, that he is the Chief Executive Officer of the Stein Eriksen Lodge Owner's Association, Inc., a Utah nonprofit corporation, and that he signed the above Owner's Dedication and Consent to Record for, on and in behalf of the unit owners of said Association, and said Russel L. Olsen duly acknowledged that said Association executed the same.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: _______________

My commission expires: ___________

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 00°00'00" E	41.00'
L2	N 51°30'00" E	40.60'

50' 0 50' 100'

SECOND SUPPLEMENTAL SHEET FOR ALL PHASES

STEIN ERIKSEN LODGE COMMON AREA

A UTAH CONDOMINIUM PROJECT LOCATED IN THE
NW 1/4 OF SECTION 27 AND THE NE 1/4 OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

NOTES:

1. This Second Supplemental Record of Survey Map is an Amendment of the common area for all Phases, currently of record, together with all amendments thereto, to illustrate the expanded common area building and site improvements in conformance with the Utah Condominium Act.
2. All other conditions of approval of the Stein Eriksen Lodge Common Area Project continue to apply.
3. All conditions of approval of the Deer Valley Master Planned Development and the Stein Eriksen Lodge Conditional Use permit, as amended, shall continue to apply.

SHEET 1 OF 1

7/19/12 JOB NO.: 5-7-12 FILE: X:\SilverLakeVillage\dwg\srv\plat2012\050712.dwg

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

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 ______________ CHAIR

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.

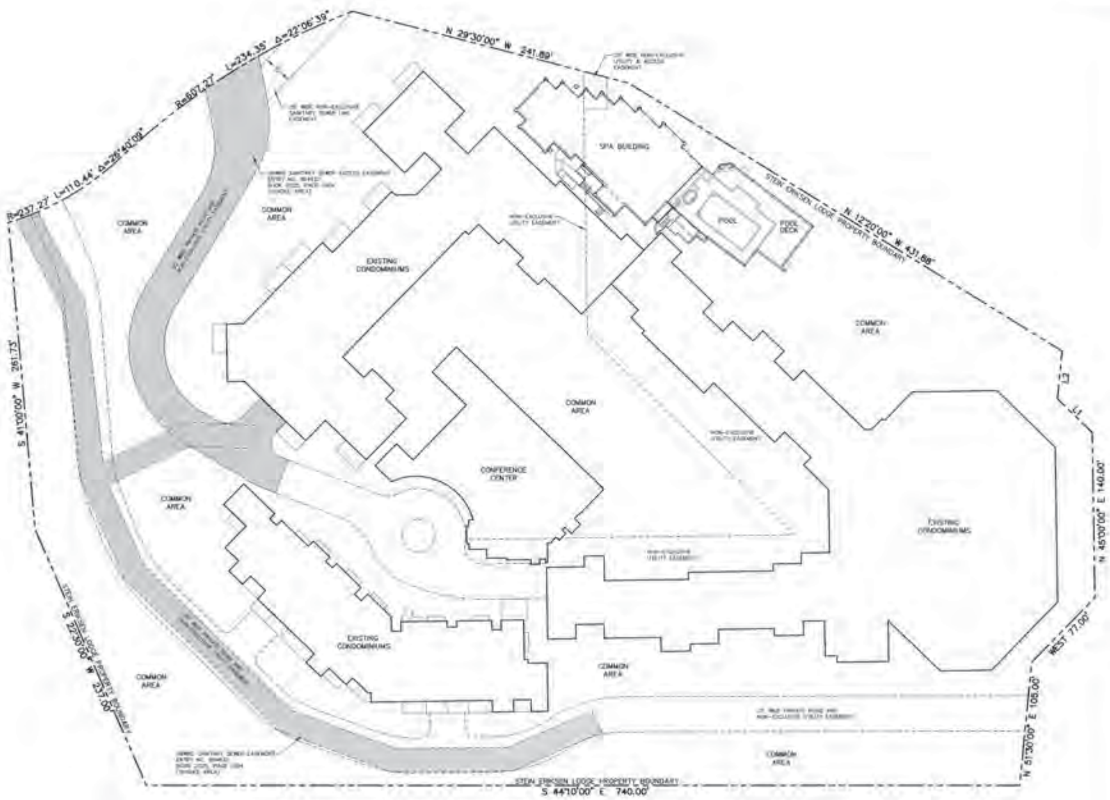
BY ______________ MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________________
DATE _______ TIME _____ BOOK _____ PAGE _____

_________ FEE _____________ RECORDER

EXHIBIT B



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(s), I have prepared this Record of Survey map of the STEIN ERIKSEN LODGE COMMON AREA and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

John Demkowicz — 4-21-2010 (Date)

BOUNDARY DESCRIPTION

The Common Areas contained within the Stein Eriksen Lodge, a Utah Condominium Project as the same is identified in the record of survey map recorded in Summit County, Utah as Entry No. 187370, and in the amended record of survey map recorded in Summit County, as Entry No. 200131 and in the declaration of covenants, conditions and restrictions and bylaws of the Stein Eriksen Lodge, a Utah Condominium Project, recorded in Summit County, Utah, on January 11, 1982, as Entry No. 187371, in Book 208, at Page 9, and in the amended declaration of covenants, conditions, and restrictions and bylaws of the Stein Eriksen, a Utah Condominium Project, recorded in Summit County, Utah on January 5, 1983, as Entry No. 200132, in Book M-245, at Page 278 and the amendments and corrections thereto and the First Supplemental Record of Survey Map recorded December27, 1983, as Entry No. 214576 and the Second Amendment to Condominium Declarations recorded December 27, 1983, as Entry No. 214577, in Book 283, at Page 153, records of the Summit County Recorder's Office. Together with (A) the undivided ownership interest in said Condominium Project's Common areas and facilities which is appurtenant to said unit, (the referenced declaration of Condominium providing for periodic alteration both in the magnitude of said undivided ownership interest in the composition of the common areas and facilities to which said interest relates), (B) the exclusive right to use and enjoy each of the limited common areas which is appurtenant to said unit, and (c) the non-exclusive right to use and enjoy the common areas and facilities included in said condominium project (as said project may hereafter be expanded) in accordance with the aforesaid declaration and survey map (as said declaration and map may hereafter be amended or supplemented) and the Utah Condominium ownership act.

OWNER'S DEDICATION AND CONSENT TO RECORD

On this 30th day of April 2010, Stein Eriksen Lodge Owner's Association, Inc., a Utah non-profit corporation, does hereby certify that on March 25, 2009, the members of the Association voted to expand the Common Area Spa Facility for the benefit of the Association's members who collectively constitute all of the owners of the property that comprises Stein Eriksen Lodge. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended Record Survey Map to be prepared and hereby consents to the recordation of this Amended Record Survey Map, which shows the boundaries of the expanded Common Area Spa Facility. The Association further consents to the recordation hereof with the intention that upon such recordation, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein. The Association also hereby dedicates the non-exclusive utility easements shown herein to the use of the public in accordance with an irrevocable offer of dedication.

STEIN ERIKSEN LODGE OWNER'S ASSOCIATION, INC.

By Russel L. Olsen, Chief Executive Officer

ACKNOWLEDGMENT

STATE OF UTAH)
) ss
COUNTY OF SUMMIT)

On this 30th day of April, 2010, personally appeared before me, Russel L. Olsen, who being by me duly sworn did say, that he is the Chief Executive Officer of the Stein Eriksen Lodge Owner's Association, Inc., a Utah nonprofit corporation, and that he signed the above Owner's Dedication and Consent to Record for, on and in behalf of the unit owners of said Association, and said Russel L. Olsen duly acknowledged that said Association executed the same.

A Notary Public commissioned in Utah

Teri Ekstrom
Printed Name

Residing in: Summit County

My commission expires Apr. 10, 2012

SUPPLEMENTAL SHEET FOR ALL PHASES

STEIN ERIKSEN LODGE COMMON AREA

A UTAH CONDOMINIUM PROJECT LOCATED IN THE
NW 1/4 OF SECTION 27 AND THE NE 1/4 OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 00°00'00" E	41.00'
L2	N 51°30'00" E	40.60'

50' 0 50' 100'

NOTES:

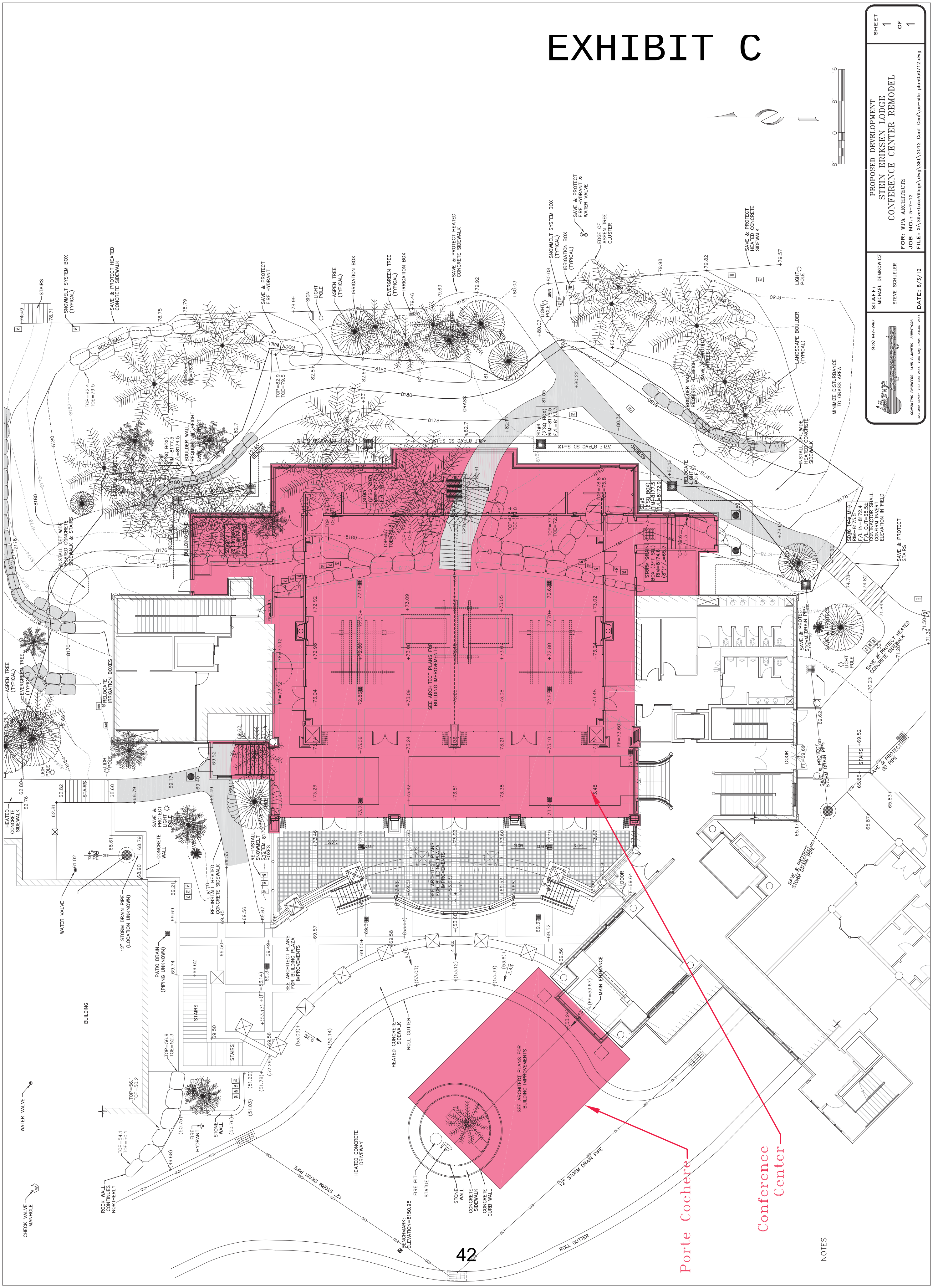
1. This Supplemental Record of Survey Map is an Amendment of the common area for all Phases, currently of record, together with all amendments thereto, to illustrate the expanded common area building and site improvements in conformance with the Utah Condominium Act.
2. All other conditions of approval of the Stein Eriksen Lodge Common Area Project continue to apply.
3. The Spa is not a separate commercial unit and as such may not be separately sold or deeded.
4. All conditions of approval of the Deer Valley Master Planned Development and the Stein Eriksen Lodge Conditional Use Permit, as amended, shall continue to apply.

SHEET 1 OF 1

JOB NO.: 4-9-08 FILE: Y:\SilverLakeVillage\dwg\srv\plat2008\040908.dwg

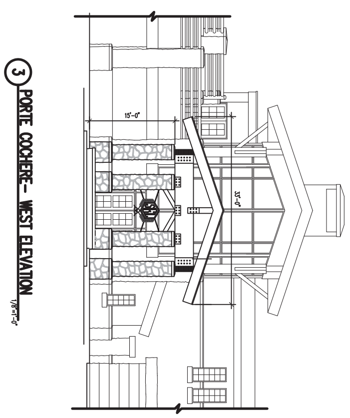
Alliance Engineering (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	#901426 RECORDED
	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 30th DAY OF April 2010 A.D. BY S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12TH DAY OF AUGUST, 2009 A.D. BY CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 14TH DAY OF May 2010 A.D. BY PARK CITY ENGINEER	APPROVED AS TO FORM THIS 15th DAY OF June 2010 A.D. BY PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 27 DAY OF August 2009 A.D. BY PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 27TH DAY OF AUGUST, 2009 A.D. BY Dana Williams MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title DATE 6-28-10 TIME 9:43am BOOK — PAGE — $95.00 FEE RECORDER

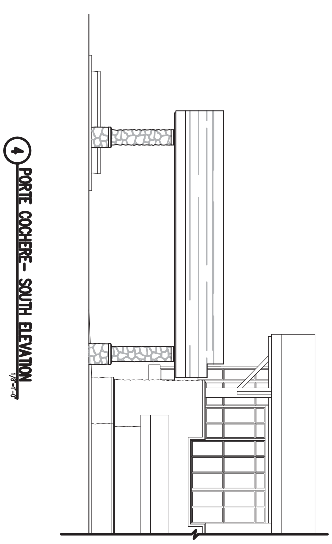
EXHIBIT C

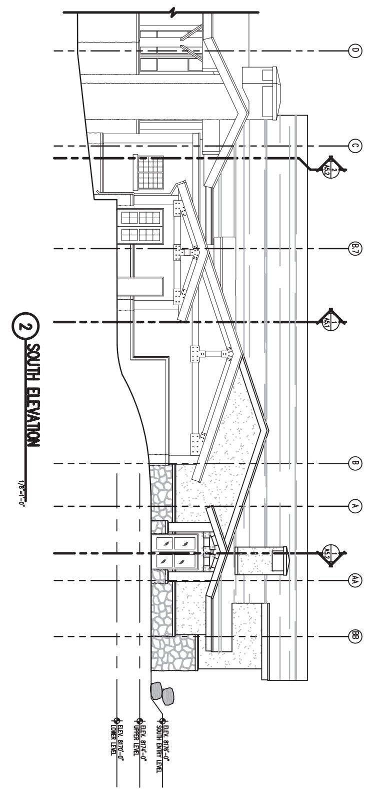

PROPOSED DEVELOPMENT
STEIN ERIKSEN LODGE
CONFERENCE CENTER REMODEL
FOR: WPA ARCHITECTS
JOB NO.: 5-7-12
STAFF: MICHAEL DEMKOWICZ
STEVE SCHUELER
DATE: 8/3/12
SHEET 1 OF 1
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
SEE ARCHITECT PLANS FOR BUILDING IMPROVEMENTS
SEE ARCHITECT PLANS FOR BUILDING PLAZA IMPROVEMENTS
MAIN ENTRANCE
HEATED CONCRETE DRIVEWAY
HEATED CONCRETE SIDEWALK
FIRE PIT
STATUE
12" STORM DRAIN PIPE
BENCHMARK: ELEVATION=8150.95
NOTES
Porte Cochere
Conference Center

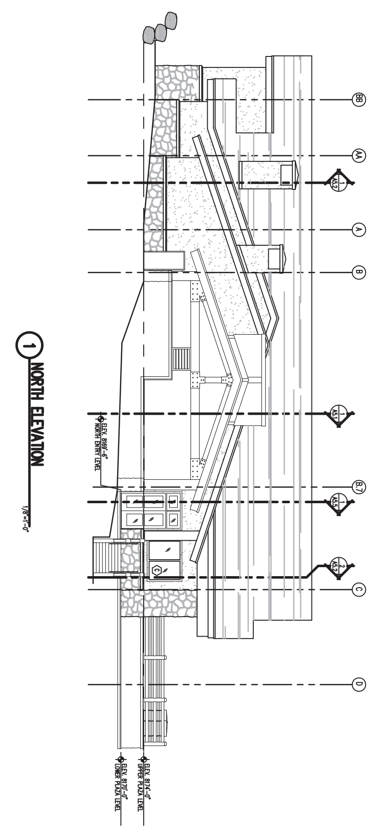
CONFERENCE CENTER

WPA architecture









Stein Eriksen Lodge
Conference Center Plat Amendment
7.20.2012

WPA architecture
475 N. Freedom Blvd. Provo, Utah 84601 tel: 801.374.0800 fax: 801.374.0805

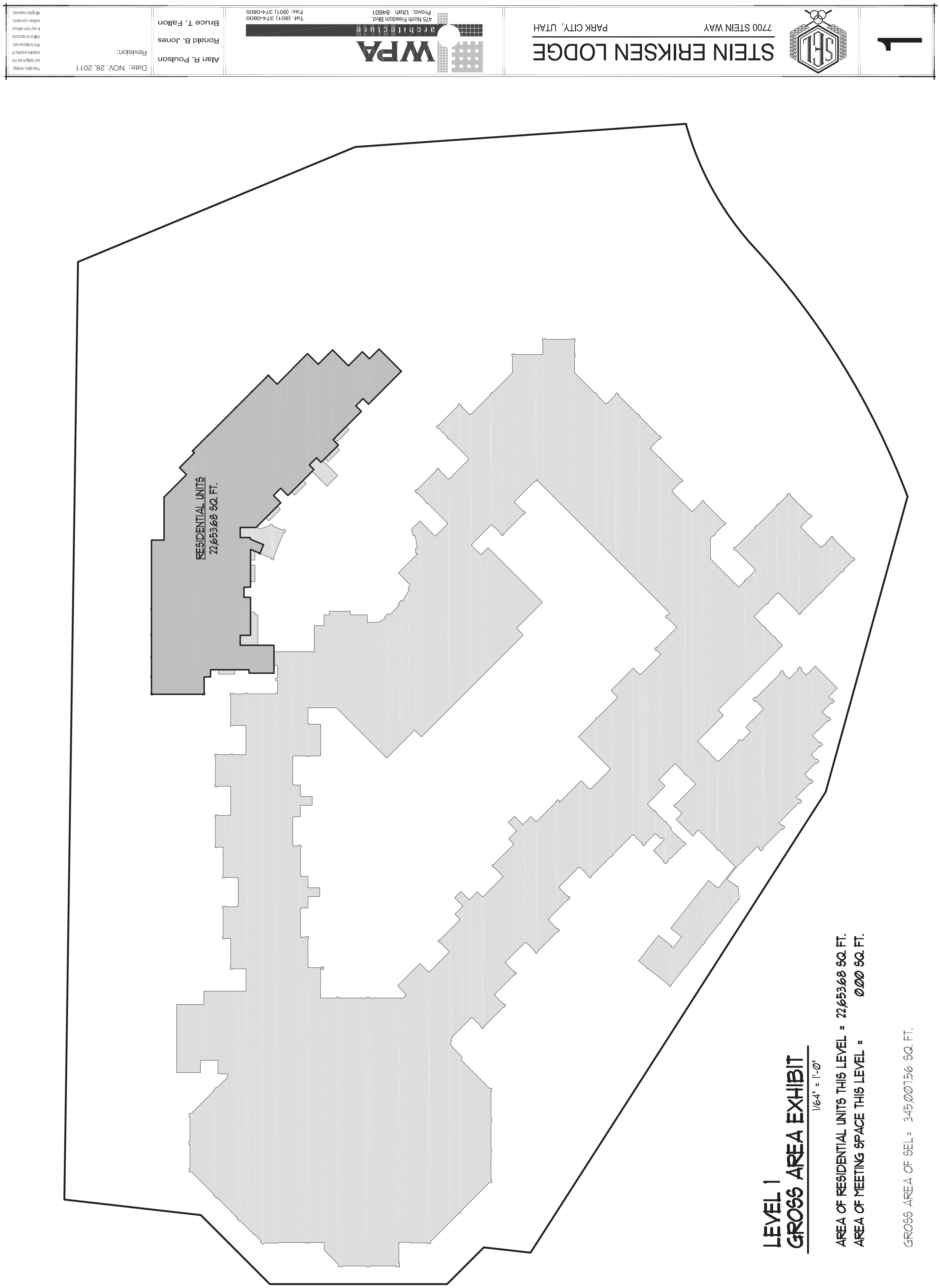
Stein Eriksen Lodge - Meeting Space Calculations
Plaza Enclosure at Conference Center

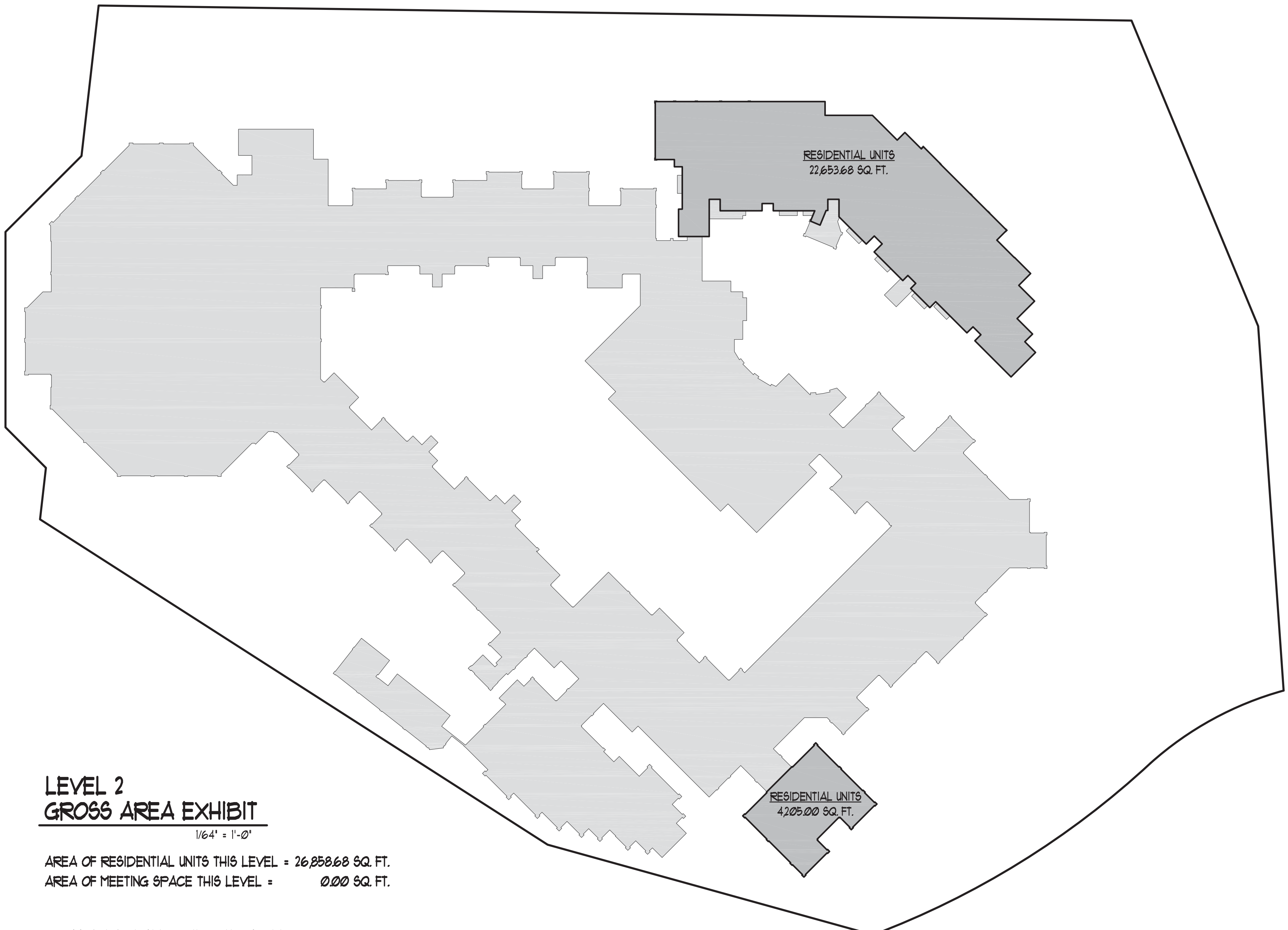
Area Analysis of Residential Units, See Area Exhibit Sheets 1-5.	
	Square Feet
Level 1	22,653.00
Level 2	26,859.00
Level 3	41,803.00
Level 4	53,269.00
Level 5	53,274.00
Total:	197,858.00

Area Analysis of Meeting Space, See Area Exhibit Sheets 1-5.	
	Square Feet
Level 1	0.00
Level 2	0.00
Level 3	4,151.00
Level 4 (Proposed Plaza Enclosure)	5,776.00
Level 5	0.00
Total	9,927.00

Percentage: 9,927.00 sq. ft. / 197,858.00 = 5.00%

* *Park City Requirement: Meeting space May Not Exceed 5% of Residential Units*


1
STEIN ERIKSEN LODGE
7700 STEIN WAY
PARK CITY, UTAH
WPA
architecture
475 North Freedom Blvd.
Provo, Utah 84601
Tel: (801) 374-0800
Fax: (801) 374-0805
Alan R. Poulson
Ronald B. Jones
Bruce T. Fallon
Date: NOV. 28, 2011
Revision:
These plans, drawings, and designs are the exclusive property of WPA Architecture and shall not be reproduced in any form without written consent. All rights reserved.
RESIDENTIAL UNITS
22,653.68 SQ. FT.
LEVEL 1
GROSS AREA EXHIBIT
1/64" = 1'-0"
AREA OF RESIDENTIAL UNITS THIS LEVEL = 22,653.68 SQ. FT.
AREA OF MEETING SPACE THIS LEVEL = 0.00 SQ. FT.
GROSS AREA OF SEL = 345,007.56 SQ. FT.



LEVEL 2
GROSS AREA EXHIBIT

1/64" = 1'-0"

AREA OF RESIDENTIAL UNITS THIS LEVEL = 26,858.68 SQ. FT.
AREA OF MEETING SPACE THIS LEVEL = 0.00 SQ. FT.

GROSS AREA OF SEL = 345,007.56 SQ. FT.

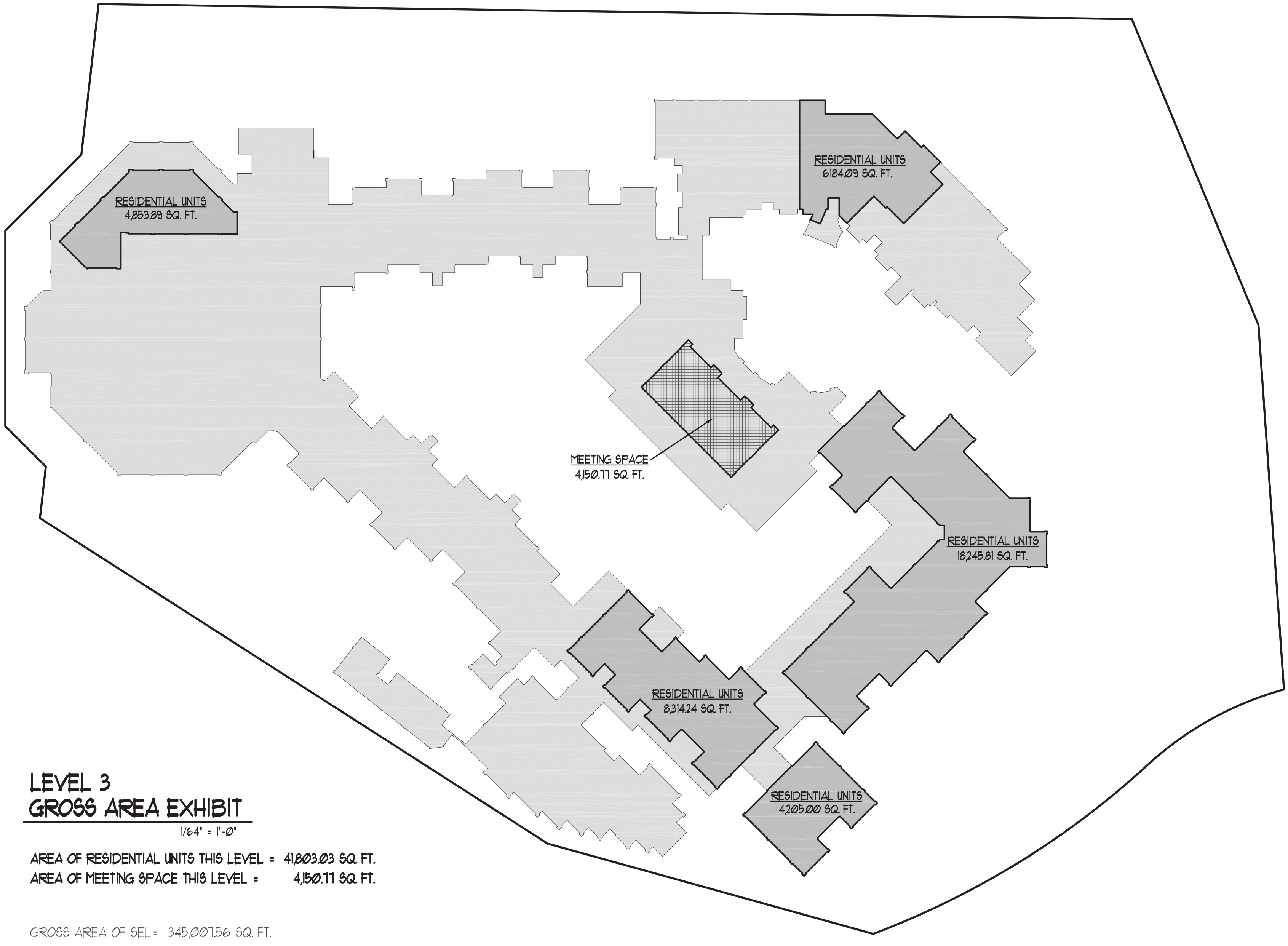
STEIN ERIKSEN LODGE
7700 STEIN WAY
PARK CITY, UTAH

2

WPA architecture
475 North Freedom Blvd.
Provo, Utah 84601
Tel: (801) 374-0800
Fax: (801) 374-0805

Alan R. Poulson
Ronald B. Jones
Bruce T. Fallon

Date: NOV. 28, 2011
Revision:



LEVEL 3
GROSS AREA EXHIBIT

1/64" = 1'-0"

AREA OF RESIDENTIAL UNITS THIS LEVEL = 41,803.03 SQ. FT.
AREA OF MEETING SPACE THIS LEVEL = 4,150.77 SQ. FT.

GROSS AREA OF SEL = 345,007.56 SQ. FT.

3

STEIN ERIKSEN LODGE
7700 STEIN WAY
PARK CITY, UTAH

WPA architecture
475 North Freedom Blvd.
Provo, Utah 84601
Tel: (801) 374-0800
Fax: (801) 374-0805

Alan R. Poulson
Ronald B. Jones
Bruce T. Fallon

Date: NOV. 28, 2011
Revision:


STEIN ERIKSEN LODGE
7700 STEIN WAY
PARK CITY, UTAH
4
WPA
architecture
475 North Freedom Blvd.
Provo, Utah 84601
Tel: (801) 374-0800
Fax: (801) 374-0805
Alan R. Poulson
Ronald B. Jones
Bruce T. Fallon
Date: NOV. 28, 2011
Revision:
RESIDENTIAL UNITS
18,245.81 SQ. FT.
RESIDENTIAL UNITS
8,314.24 SQ. FT.
RESIDENTIAL UNITS
13,215.04 SQ. FT.
RESIDENTIAL UNITS
13,493.97 SQ. FT.
PROPOSED NEW
MEETING SPACE
4,361 SQ. FT.
MEETING SPACE
1,415.20 SQ. FT.
LEVEL 4
GROSS AREA EXHIBIT
1/64" = 1'-0"
AREA OF RESIDENTIAL UNITS THIS LEVEL = 53,269.06 SQ. FT.
AREA OF MEETING SPACE THIS LEVEL = 4,911.40 SQ. FT.
GROSS AREA OF SEL= 345,007.56 SQ. FT.

LEVEL 5
GROSS AREA EXHIBIT

1/64" = 1'-0"

AREA OF RESIDENTIAL UNITS THIS LEVEL = 53,273.81 SQ. FT.
AREA OF MEETING SPACE THIS LEVEL = 0.00 SQ. FT.

GROSS AREA OF SEL = 345,007.56 SQ. FT.

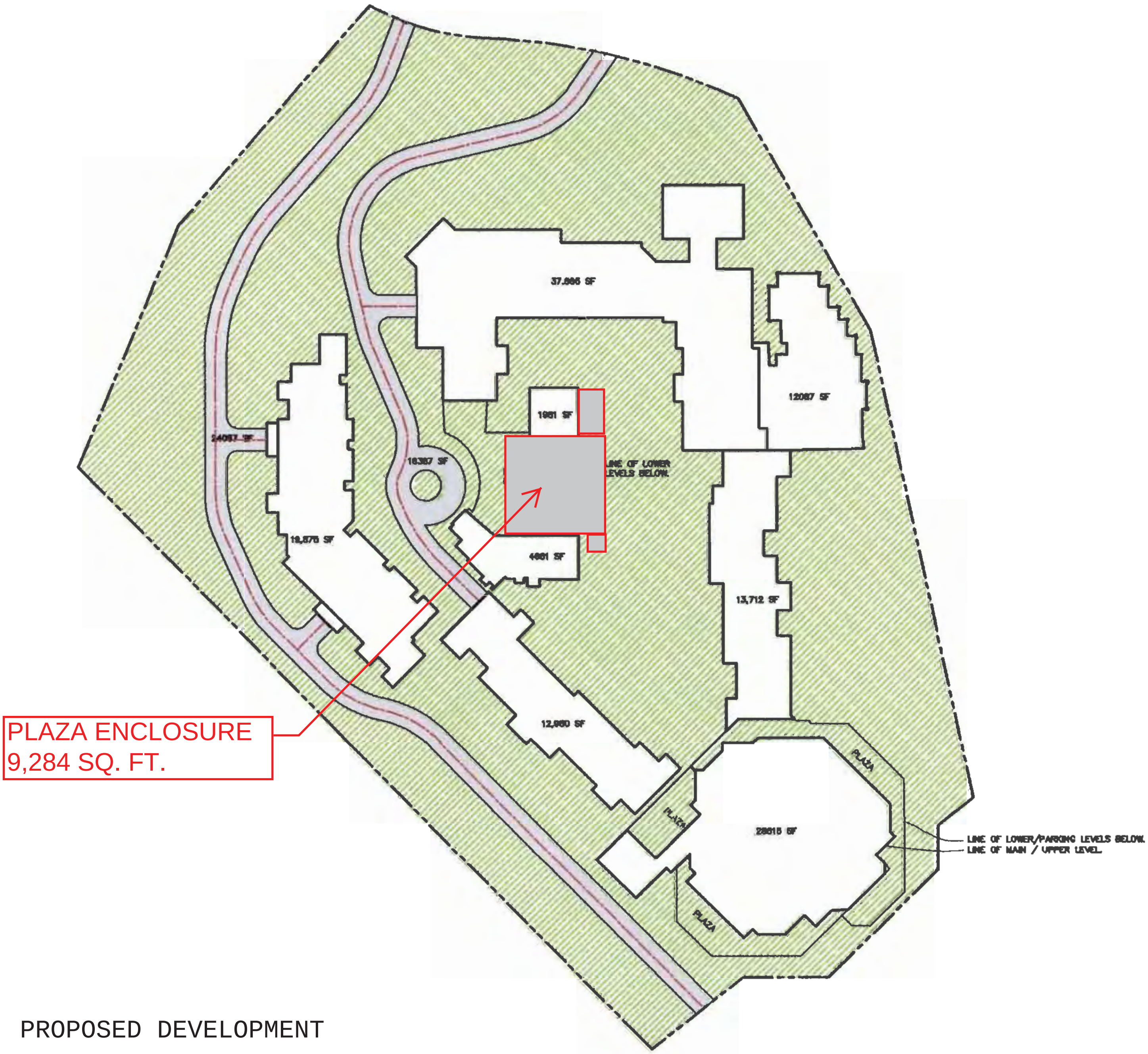
5

STEIN ERIKSEN LODGE
7700 STEIN WAY PARK CITY, UTAH

WPA architecture
475 North Freedom Blvd.
Provo, Utah 84601
Tel: (801) 374-0800
Fax: (801) 374-0805

Alan R. Poulson
Ronald B. Jones
Bruce T. Fallon

Date: NOV. 28, 2011
Revision:



PROPOSED DEVELOPMENT

Lot Area	473,006 SF	10.86 Acres	% of Total
Bldg Area	139,750 SF	3.21 Acres	29.54%
Road Area	40,484 SF	0.93 Acres	8.56%
Open Space Area	292,772 SF	6.72 Acres	61.90%

STEIN ERIKSEN LODGE
REVISED SITE AREA CALCULATIONS
August 7, 2012

EXHIBIT D

Kirsten Whetstone

From:	Bob Wells <bwells@deervalley.com>
Sent:	Thursday, August 30, 2012 9:11 AM
To:	Kirsten Whetstone
Cc:	Russ Olsen
Subject:	Stein Eriksen Lodge

Kirsten - Deer Valley Resort has no objection to and supports the application of Stein Eriksen Lodge for its proposed conference center remodel and expansion. Please advise if any questions.

Bob Wells

--
Bob Wells
Deer Valley Resort Company
2375 Deer Valley Drive #215
P. O. Box 1087
Park City, Utah 84060
(435) 649-1261

EXHIBIT E

STEIN ERIKSEN LODGE

August 17, 2012

Kirsten Whetstone
c/o Park City Municipal

Re: Parking Requirements for new Conference Space

Dear Kirsten:

I am writing in regards to our application to expand the conference space at Stein Eriksen Lodge.

The additional space is being proposed largely to accommodate our existing guests and we don't anticipate any major increase in parking either from guests or employees due to this expansion. This space is mainly being built to provide dining space for groups and events that have been holding meetings in our existing conference space. For example: A group will have meetings in the existing conference space and then we have to immediately change the setup in that space for them to eat their lunch or dinner. With the additional space we can leave the meeting space set up as a meeting while hosting their meals in the new conference space. Based on this scenario we would not see any increase in the number of guests or staff and therefore parking needs would remain the same. While we may see an increase in the number of groups we host (not number of people), our ability to increase the size of our groups and events (number of people) is limited to the number of guest rooms we have which is not increasing.

Additionally, most of our groups arrive via bus or other mass transportation which doesn't increase our need for parking. In the rare event when we hold an event that maximizes our parking we make arrangements to park vehicles in neighboring parking lots like Silver Lake and The Chateaux at Silver Lake.

With the amount of parking within the property, we are keenly aware of our limitations with respect to how many cars we are able to accommodate. As a Five Star hotel, we want to make sure we meet the expectations of our guests including providing adequate parking and will always take this into consideration when booking events in our conference space.

I hope this provides the necessary information you might need in your evaluation of our project and that no additional evaluation of parking is necessary.

Should you have any questions or need additional information please let me know.

Sincerely,

Russ Olsen
CEO
Stein Eriksen Lodge

EXHIBIT F

PLAT EXECUTION AUTHORIZATION
BY STEIN ERIKSEN LODGE OWNERS' ASSOCIATION

On July 13, 2012, the members of the Stein Eriksen Lodge Owners' Association, Inc. voted to expand the common area and enclose the Plaza Terrace and add a Porte-cochere for the benefit of the Association's members. As part of that vote, the members authorized the Association to record an amended plat map associated with the Plaza Enclosure and Porte-cochere expansion. In accordance with Articles XII(b) and 7 of the Condominium Declaration for Stein Eriksen Lodge, recorded on January 11, 1982, as Entry No. 187370 n the office of the county recorder of Summit County, Utah, as amended, by Summit Lake Associates, and 5.06 of the Bylaws of Stein Eriksen Lodge Owners' Association, Inc. (the "Corporation"), the Corporation hereby authorizes Russel L. Olsen, Chief Executive Officer of Stein Eriksen Lodge Management Corp. ("SELMC"), to execute the plat mat created in conjunction with the Corporation's Plaza Enclosure and Porte-cochere expansion (the"Amended Plat Map") on behalf of the Corporation and all of the Corporation's unit owners for recording with the county recorder's office of Summit County, Utah. The Amended Plat Map has been approved by a majority of the Corporation's unit owners in accordance with the Corporation's bylaws.

BE IT THEREFORE RESOLVED that Russel L. Olsen, Chief Executive Officer of SELMC is hereby authorized to execute, on behalf of the Corporation and all of the Corporation's unit owners, the Amended Plat Map for recording with the Summit County recorder's office for the state of Utah.

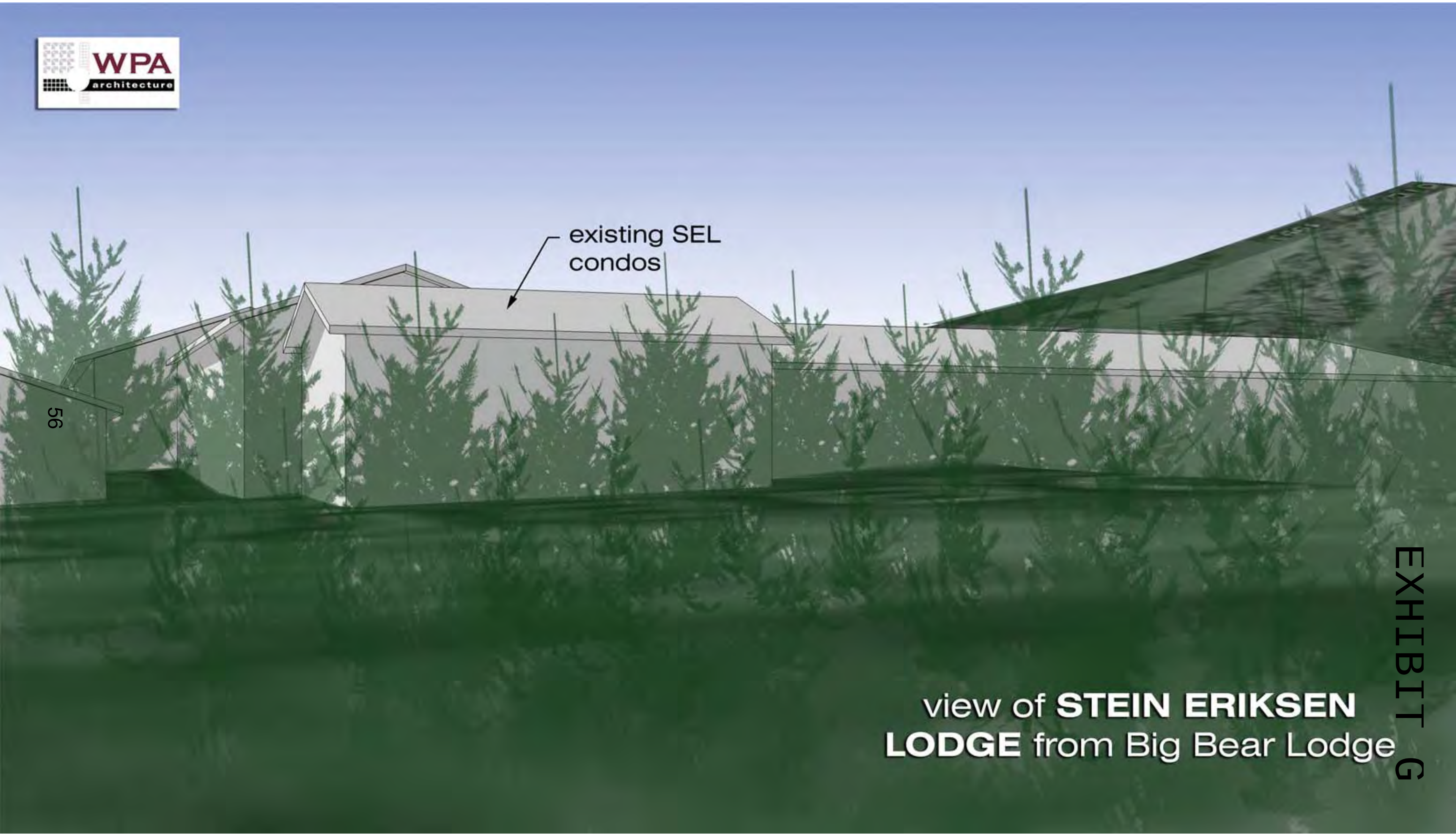
TO BE EFFECTIVE July 19, 2012

STEIN ERIKSEN LODGE OWNERS' ASSOCIATION

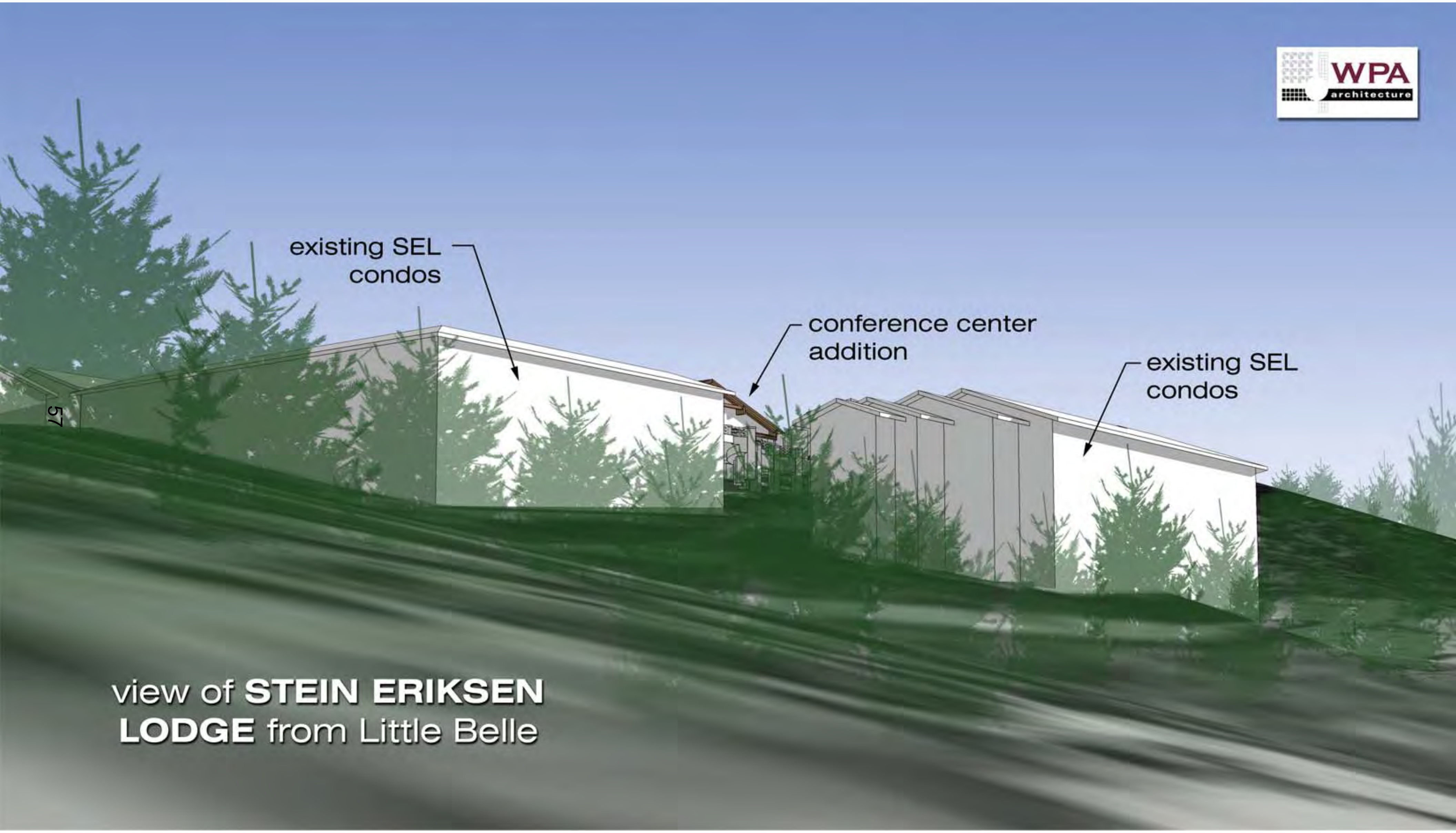
By: ______________________________
Dennis Suskind, President

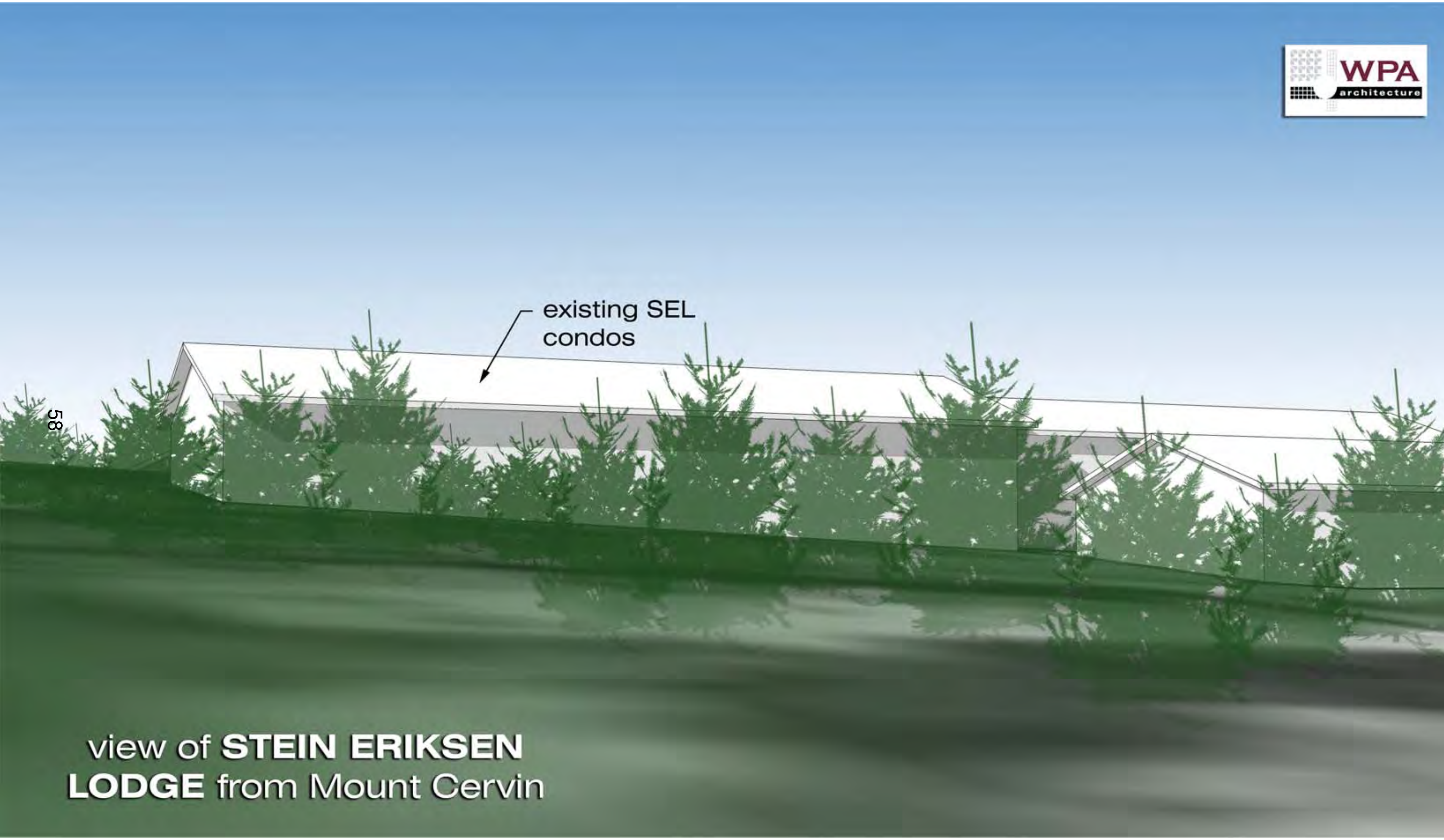
Attest By: ______________________________
Charles Beach, Treasurer

EXHIBIT G



WPA architecture
existing SEL condos
view of STEIN ERIKSEN LODGE from Big Bear Lodge


WPA
architecture
existing SEL
condos
conference center
addition
existing SEL
condos
view of STEIN ERIKSEN
LODGE from Little Belle


WPA
architecture
existing SEL
condos
view of STEIN ERIKSEN
LODGE from Mount Cervin

1. <u>7700 Stein Way, Stein Eriksen Lodge – Amendment to Record of Survey</u> (Application #PL-12-01616)

Planner Kirsten Whetstone reviewed the request for an amendment to the Stein Eriksen Lodge Record of Survey Plat. It is the Second Supplemental Sheet for all phases of a Special Sheet called the Common Area. The first Supplemental Sheet was approved in 2009 for the Spa addition. It is an ownership issue and a designation on the record of survey plat that identifies structures in the common area. The ownership of the land would remain as Common Area with the HOA. The request is to add approximately 4300 square feet of support meeting space enclosed in a structure. The Deer Valley MPD allows 5% of the total residential square footage of 198,000 square feet to be support commercial, which is the Spa and the restaurant; and an additional 5% for support meeting space. Planner Whetstone remarked that Stein Eriksen Lodge currently has approximately 5,566 square feet of meeting space. This request would add an additional 4361 square feet for a total of 9,900+ square feet of support meeting space.

Planner Whetstone noted that significant background and history was outlined in the Staff report. The Staff had reviewed the issues relevant to plat amendments, as well as other issues such as parking and traffic. Since this is additional support meeting space to support the existing residential, the Staff determined that parking demands and traffic would not be increased.

Planner Whetstone reviewed the plat to orient the Planning Commission to the proposed changes. She indicated a proposed Porte Cochere structure that is also part of this application, that would be constructed at the front entrance. Planner Whetstone presented visuals to show how the porte cochere and meeting space would be viewed from various locations. She noted that it was not visible from most locations; and when it was, the visibility was minimal.

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

Russ Olsen, CEO of the Stein Eriksen Lodge, acknowledged that he has been before the Planning Commission on several occasions; but the reason is always to enhance what exists at the Lodge and to provide better service. He noted that in 2000 the Plaza was added as open space on top of the conference center, with the intent of using that outdoor facility for events for guests and groups that came to Stein Eriksen Lodge. He stated that due to uncooperative weather, they always end up moving people into space that is not always large enough for the event. Over the years they looked at alternatives and came up with a solution to enclose the open area and use it for events moving forward. It would be out of the weather and the event would not have to be moved.

Mr. Olsen envisioned the meeting space as being able to serve the existing group base who have meetings in the lower ballroom. They could be moved upstairs into the enclosed area and afforded dining opportunities. Mr. Olsen stated that the project would not generate additional traffic or parking. It would be solely to serve the existing group base in a better way that in the past. He pointed out that the porte cochere was a definite enhancement. t would protect arriving guest from weather elements and create a better arrival experience. A rendering was presented showing the enclosed meeting space and the porte cochere. Mr. Olsen stated that the project would be internal and surrounded by existing condos and residences; and it would not be visible. Construction would also be internal and would only impact the guests staying at Stein Eriksen.

Mr. Olsen hoped the Planning Commission would see the justification for this project and how it would enhance what they offer their guests and for the residents/owners.

Commissioner Gross favored the idea because he has been to Stein Eriksen during snow storms. He was concerned about buses and asked about height clearance. Mr. Olsen replied that the clearance was 15 feet and it would allow a bus to turn around underneath the porte-cochere.
.
Commissioner Savage referred to the visuals and asked how they orchestrate a line of sight from those across the street. He asked if it was from ground level, the second story or from another point. Mr. Olsen remarked that the conference center is surrounded by existing Stein Eriksen condominium buildings. The roofline of the Lodge is higher than other Stein Eriksen buildings; however the neighbors are down lower and would not be able to see over the existing condominiums.

Planner Whetstone stated that the vantage points outlined in the LMC are typically measured 5 feet from the ground, essentially at eye level. Commissioner Savage wanted to know what controlled the vantage points and how the five feet is measured. Commissioner Savage clarified that his question was not related specifically to this application. He wanted a general understanding of the requirement for establishing an acceptable vantage point. Commissioner Strachan pointed out that specific vantage points are identified in the LMC. On projects such as this application, where vantage points are identified in the Code, it is typically a cross canyon view. Planner Whetstone stated that she requested that the applicant provide visuals based on calls she received from surrounding properties of Black Bear, Mount Cervin and Goldener Hirsch wanting to know how this addition would look from their properties.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Gross thought the proposal was a great addition.

Commissioner Hontz echoed Commission Gross. She also believed the porte- cochere would add to the arrival statement and help direct the tourists. Commissioner Hontz appreciated Commissioner Savage's comments because it is important to understand where the vantage point is measured from. In looking at the visuals provided, she was comfortable with the fact that they had to go higher before they produced a visual where it could be seen.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Stein Eriksen Lodge condominium record of survey plat, according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Stein Eriksen Lodge

1. The property is located at 7700 Stein Way.

2. The Stein Eriksen Lodge is located in the RD-MPD zoning district.

3. The property is subject to the Deer Valley Master Planned Development, as amended.

4. The Deer Valley Master Planned Development (11th Amended) allocates 66.75 units of density to the Stein Eriksen Lodge multi-family parcel. There are currently 65 residential units of varying sizes totally 197,858.26 square feet due to the use of unlimited size Deer Valley units when developing this parcel.

5. On August 27, 2009, the City Council approved a First Supplemental Sheet for all Phases of the Stein Eriksen Lodge Common Area reflecting improvements and addition to the spa building, as support commercial space, within the existing platted common area. The First Supplemental Sheet was recorded on June 23, 2010.

6. On July 13, 2012, members of the Stein Eriksen Lodge Owner's Association, Inc. voted to expand the common area and enclose the Plaza Terrace and to add a Porte Cochere for the benefit of the members.

7. On July 20, 2012 the Stein Eriksen Lodge Owner's Association submitted an application for a Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge condominium record of survey to reflect proposed changes to the existing platted Common area to construct 4,361 square feet of enclosed meeting space located on the 4th level of the Lodge (above the exiting large meeting room). With this addition, there would be a total of 9,927 square feet of support meeting space.

8. The area is currently used as outdoor meeting space and the proposal would enclose this area to be better utilized throughout the year.

9. The additional meeting space is proposed to be constructed primarily on the paved patio area above the existing lower level meeting rooms. An additional 3,600 sf of building footprint is proposed where the building is not proposed over existing footprint.

10. The height of the addition complies with the allowed height of 35' from existing natural grade and is 29' from existing natural grade. A Porte Cochere is also proposed to be constructed to provide protection from the weather and elements at the front entry. Exterior materials and architecture are proposed to match the existing buildings.

11. The application was deemed complete on August 3, 2012.

12. There are currently 5,565 square feet of support meeting space within the Lodge.

13. The Deer Valley MPD allows a square footage amount of support meeting space equal to 5% of the total residential floor area. A total of 9, 927 square feet of meeting space is allowed based on the 197,858.26 square feet of residential floor area.

14. The proposed Supplemental Sheet amended plat record of survey is consistent with the 11th Amended Deer Valley Mater Planned Development. The total meeting space would not exceed the allowed 5% of the total residential floor area.

15. No changes are proposed to the support commercial areas or to any residential or private area within the building or site.

16. The proposed amendment maintains a minimum of sixty percent (60%) open space, actual 61.9%.

17. There is good cause for the proposed amendment to the record of survey in that the amendment reflects proposed physical changes to the common area and includes support meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

<u>Conclusions of Law – Stein Eriksen Lodge</u>

1. There is good cause for this amended record of survey.

2. The amended record of survey is consistent with the Park City Land Management Code, the 11th Amended Deer Valley MPD, and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed amended record of survey.

4. Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Stein Eriksen Lodge

1. The City attorney and City Engineer will review and approve the final form and content of the 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 plat amendment at the County within one year from the date of City Council approval. If recordation has nott 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 plat shall be recorded prior to issuance of a certificate of occupancy for the proposed meeting space.

4. All conditions of approval of the Deer Valley Master Planned Development (11th Amendment) shall continue to apply.

5. As common area, the meeting space is not a separate commercial unit or units, and as such may not be separately sold or deeded.

6. All required disturbance and impact fees will be calculated based on the building permit application and are required to be paid prior to issuance of a building permit.

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
JUNE 21, 2012

I ROLL CALL

Chairman Dana Williams called the regular meeting of the Redevelopment Agency to order at approximately 5:45 p.m. at the Marsac Municipal Building on Thursday, June 21, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, Executive Director; and Mark Harrington, City Attorney.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF JANUARY 5, 2012

Cindy Matsumoto, "I move we accept the minutes of January 5th". Liza Simpson seconded. Motion unanimously carried.

IV NEW BUSINESS

Consideration of an Ordinance adopting the Fiscal Year 2012 Revised Budget and the Fiscal Year 2013 Budget for the Park City Redevelopment Agency – The Chairman opened the public hearing and with no comments from the audience closed the public hearing. Liza Simpson, "I move we approve an Ordinance adopting the Fiscal Year 2012 Revised Budget and the Fiscal Year 2013 Budget for the Park City Redevelopment Agency". Dick Peek seconded. Motion unanimously carried.

V ADJOURNMENT

With no further business, the regular meeting of the Redevelopment Agency was adjourned.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, Secretary

Park City Redevelopment Authority
Staff Report

Executive

Subject: School District Mitigation Agreement & Redevelopment Plan Extension Notice
Author: Bret Howser
Department: Executive
Date: October 11, 2012
Type of Item: Legislative

Summary Recommendation: Council should adopt the attached resolution authorizing an amendment to agreement of mitigation and consent by and between the Park City Redevelopment Agency and the Board of Education of Park City School District and providing for the publication of a notice of public hearing and calling a public hearing.

Topic/Description: Extension of School District Mitigation Agreement and Lower Park Avenue Project Area Redevelopment Plan

Background:

The Park City Redevelopment Authority (RDA) created the Lower Park Avenue Redevelopment Area (LPA RDA) in 1990 for the purpose of spurring community and economic investment in an area of the City that might otherwise suffer from blight and localized economic depression. As a condition of the creation of the LPA RDA, the RDA entered into an agreement to make a mitigation payment to the Park City School District to make them whole for the loss of tax increment consistent with the stipulation outlining a mitigation payment for the Main Street RDA. The RDA also created a Redevelopment Plan for the area. Both of these documents had terms extending through tax year 2015.

On September 18, 2012, the LPA RDA was extended through 2030 by vote of the Taxing Entity Committee (TEC). This action necessitates that the aforementioned documents also be extended through 2030.

Analysis:

Due to the extension of the LPA RDA on September 18, the following steps should be followed to be in compliance with state statute as well as the stipulations of the TEC Resolution.

- RDA adopts resolution approving Mitigation Agreement Amendment and authorizing the publication/sending of notices and the calling of a public hearing (October 11)
- Agency mails notice of the public hearing to property owners and taxing entities at least 30 days before the public hearing
- Notice of the public hearing is published once in the newspaper at least 14 days before the public hearing
- The School District approves the Mitigation Agreement Amendment
- Agency provides a copy of the Mitigation Agreement Amendment to the State Board of Education
- The Agency holds the public hearing (November 29)
- Agency adopts a resolution to approve the project area plan amendment (November 29)
- City adopts an ordinance to adopt the project area plan amendment (November 29)

- Summary of the ordinance printed once in the newspaper
- Notices of the project area plan recorded/transmitted

The attached resolution will dispatch the RDA's obligation with regard to the requirement in the TEC Resolution to continue the mitigation payment to the School District as currently constituted. It will also begin the noticing process and period for updating (or extending) the redevelopment plan.

Staff will be present on October 11 to answer any questions with regard to this process or the proposed resolution.

Department Review: Legal, City Manager

Alternatives:

A. Approve the Request:
This is staff's recommendation

B. Deny the Request:
Council must approve an extension of the mitigation agreement and the redevelopment plan to be in compliance with the TEC Resolution and state statute. Approving this resolution is a necessary step in the process.

C. Continue the Item:
Same as B

D. Do Nothing:
Same as B

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
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Neutral	Neutral	Neutral	Positive ⇧
Comments: This resolution sets forth noticing stipulations for RDA action whcih would help to inform Park City residents .				

Funding: The cost associated with noticing, etc., will be handled within existing appropriations in the RDA Operations accounts.

Recommendation: Council should adopt the attached resolution authorizing an amendment to agreement of mitigation and consent by and between the Park City Redevelopment Agency and the Board of Education of Park City School District and providing for the publication of a notice of public hearing and calling a public hearing.

Attachments:
A – RDA Resolution
B – Proposed Amendment to Mitigation Agreement

Park City, Utah

October 11, 2012

The governing board (the "Board") of the Redevelopment Agency of Park City, Utah (the "Agency"), met in regular public session at its regular meeting place in Park City, Utah, on October 11, 2012, at the hour of 6:00 p.m., with the following members of the Board being present:

Dana Williams	Chair
Andy Beerman	Member
Alex Butwinski	Member
Cindy Matsumoto	Member
Richard Peek	Member
Liza Simpson	Member

Also present:

Mark D. Harrington	City Attorney
Janet M. Scott	Secretary
Bret Howser	Strategic Initiatives Manager

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the Secretary presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this October 11, 2012, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Member ________________ and seconded by Member ________________, was adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Chair and recorded by the Secretary in the official records of the Agency. The resolution is as follows:

RESOLUTION NO. ________

A RESOLUTION OF THE GOVERNING BOARD OF THE REDEVELOPMENT AGENCY OF PARK CITY, UTAH AUTHORIZING AN AMENDMENT TO AGREEMENT OF MITIGATION AND CONSENT BY AND BETWEEN THE AGENCY AND THE BOARD OF EDUCATION OF PARK CITY SCHOOL DISTRICT AND PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND CALLING A PUBLIC HEARING; AND RELATED MATTERS.

WHEREAS, the Redevelopment Agency of Park City, Utah (the "Agency"), is a community development and renewal agency (a public body, corporate and politic) duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, being Title 17C, Utah Code Annotated 1953, as amended (the "Act"); and

WHEREAS, the Agency receives tax increment revenue from the Agency's Lower Park Avenue Redevelopment Project Area established in 1990 (the "Project Area"); and

WHEREAS, the Agency has determined that it would be in furtherance of its public purposes to extend the final date for receipt of tax increment revenues within the Project Area; and

WHEREAS, pursuant to Section 17C-1-403 of the Act, the Taxing Entity Committee (the "Committee") has approved the extension of the time for the receipt of tax increment revenues; and

WHEREAS, in order to accommodate the extension of the time for the receipt of tax increment revenues, the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the "Project Area Plan") is to be amended; and

WHEREAS, in accordance with the Act, the Agency desires to call a public hearing regarding the amendment to the Project Area Plan (the "Project Plan Amendment"), which Project Plan Amendment is attached hereto as <u>Exhibit B</u>; and

WHEREAS, in connection with the extension of the receipt of tax increment revenues, the Governing Board desires to enter into an Amendment to Agreement of Mitigation and Consent (the "Mitigation Agreement Amendment"), in substantially the form attached hereto as <u>Exhibit C</u>, in order to extend the mitigation payments under the Agreement of Mitigation and Consent entered into September 11, 1990 (the "Mitigation Agreement") by and between the Agency and the Park City School District, Summit County, Utah (the "Board"); and

WHEREAS, as required by Utah Code Section 17C-1-410 the Agency has given notice of the intent to make a mitigation payment to the Board and has received no election contemplated by such Section from any of the taxing entities; and

NOW, THEREFORE, It Is Hereby Resolved by the Governing Board of the Redevelopment Agency of Park City, Utah, as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meaning when used in the body of this Resolution. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Governing Board and by the officers of the Agency directed toward the extension of the time for the receipt of tax increment, the amendment of the Project Plan Amendment and Mitigation Agreement Amendment, are hereby ratified, approved, and confirmed.

Section 2. The Mitigation Agreement Amendment, in substantially the form presented to this meeting and attached hereto as Exhibit C, is hereby authorized, approved, and confirmed. The Chair and Secretary are hereby authorized to execute and deliver the Mitigation Agreement Amendment, in substantially the form and with substantially the content as the form presented at this meeting, for and on behalf of the Agency and with such alterations, changes or additions as may be necessary to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instrument, to the provisions of this Resolution or any resolution adopted by the Agency or the provisions of the laws of the State of Utah or the United States.

Section 3. The Agency shall hold a public hearing on November 29, 2012, on the proposed Project Plan Amendment, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first published (i) once in the Park Record, a newspaper of general circulation in Summit County, Utah, (ii) on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended. The Secretary shall cause a copy of the Project Plan Amendment to be kept on file in the Agency's offices, for public examination during the regular business hours of the Agency until at least thirty (30) days from and after the date of publication thereof. The Agency directs its officers and staff to publish a "Notice of Public Hearing" in substantially the following form, and to mail such further notices to the applicable parties as required by the Act.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, being Title 17C, Utah Code Annotated 1953, as amended (the "Act"), that on October 11, 2012, the Governing Board of the Redevelopment Agency of Park City, Utah (the "Agency"), adopted a resolution in which it called a public hearing on November 29, 2012 at 6:00 p.m. in the City Council chambers located at 445 Marsac Avenue, Park City, Utah to consider an Amendment to the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the "Project Plan Amendment") for the Lower Park Avenue Redevelopment Project Area (the "Project Area"). For a specific description of the boundaries of the Project Area, to be provided at no charge by mail or facsimile transmission, please contact Bret Howser at (435) 615-5181 or see http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9994. The Project Plan Amendment would extend the time that the Agency receives tax increment revenues from the Project Area from annual taxes collected through the 2030 tax year, remove the time limit for when bonds may be issued by the Agency to finance redevelopment projects and remove the time limit for use of tax increment from the Project Area. The Project Plan Amendment is available for inspection at the Agency's office located at 445 Marsac Avenue, Park City, Utah 84060 during regular business hours. For more information contact Bret Howser at (435) 615-5181. Interested persons may appear at the public hearing and comment on the Project Plan Amendment, including whether it should be revised, approved or rejected. Any person objecting to the Project Plan Amendment or contesting the regularity of any of the proceedings to adopt the Project Plan Amendment may appear at the hearing to show cause why the Project Plan Amendment should not be adopted. Interested persons are invited to submit comments to the Agency concerning the Project Plan Amendment before the date of the hearing at the Agency's office at 445 Marsac Avenue, Park City, Utah 84060.

DATED this October 11, 2012.

/s/ Janet M. Scott
Secretary

Section 4. The appropriate officers of the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. If any one or more sections, sentences, clauses, or parts of this Resolution shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Resolution in any other instances.

Section 6. All resolutions of the Agency in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution, by-law or regulation, or part thereof, heretofore repealed.

PASSED AND APPROVED this October 11, 2012.

(SEAL)

By:___________________________________
Chair

ATTEST:

By:___________________________________
Secretary

Pursuant to motion duly made and seconded, the meeting was adjourned.

(SEAL)

By:___________________________________
Chair

ATTEST:

By:___________________________________
Secretary

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

I, Janet M. Scott, the duly qualified and acting Secretary of the Redevelopment Agency of Park City, Utah (the "Agency") do hereby certify according to the records of the Agency in my possession that the foregoing constitutes a true, correct, and complete copy of the minutes of the regular meeting of the Agency's governing board (the "Board") held on October 11, 2012, as it pertains to a resolution (the "Resolution") adopted by the Board at said meeting, including the Resolution, as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Agency, this October 11, 2012.

(SEAL)

By:__________________________________
Secretary

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Janet M. Scott, the undersigned Secretary of the Redevelopment Agency of Park City, Utah (the "Agency"), do hereby certify, according to the records of the Agency in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the public meeting, held on October 11, 2012, by the Agency as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Agency's principal offices on October ___, 2012, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Park Record on October ___, 2012, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Meeting Notice website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2012 Annual Meeting Schedule for the Agency (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Agency to be held during the year, by causing said Notice to be (i) posted on ____________, 2012 at the principal office of the Agency, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the Agency on ___________, 2012 and (iii) published on the Utah Public Notice Website (http://pmn.utah.gov) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 11, 2012.

(SEAL)

By:___________________________________

Secretary

SCHEDULE 1

NOTICE OF MEETING

<u>SCHEDULE 2</u>

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

PROJECT PLAN AMENDMENT

EXHIBIT C

MITIGATION AGREEMENT AMENDMENT

AMENDMENT TO AGREEMENT OF MITIGATION AND CONSENT

This Amendment to Agreement of Mitigation and Consent (the "Amendment") is made on this ___ day of __________, 2012 by and between the Park City Redevelopment Agency, Utah (the "Agency") and the Board of Education of Park City School District, Summit County, Utah (the "Board") for the purpose of amending the Agreement of Mitigation and Consent entered into September 11, 1990 by and between the Agency and the Board (the "Mitigation Agreement").

WHEREAS, the Agency and the Board have entered into the Mitigation Agreement in order to make payments to the Board to alleviate any financial burden caused by the Redevelopment Plan for the Agency's Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the "Project Area Plan"); and

WHEREAS, the Mitigation Agreement contemplates payments from the Agency to the Board for each of the calendar years 1991 through 2016; and

WHEREAS, the Agency and the Board desire to amend the Mitigation Agreement in order to extend the term of the mitigation payments to the Board.

NOW THEREFORE, the Agency and the Board hereby agree that the Mitigation Agreement shall be amended by deleting Section 3 in its entirety and replacing Section 3 with the following:

Section 3. (a) The RDA shall for each of the calendar years 1991 through 2031, inclusive, make an annual mitigation payment (the "Annual Mitigation Payment") to the District at the times provided in Section 5 hereof equal to the sum of the Basic Alleviation Component and the Loss Amelioration Component for each respective year from the sources of moneys available to the RDA for this purpose as described herein. Each Annual Mitigation Payment (i) represents an amount of money for that year that in the RDA's judgment and discretion is reasonable and appropriate to alleviate the financial burden and detriment caused to the District by the Redevelopment Project and (ii) is payable from amounts legally available to the RDA for this purpose and to which the Board is not otherwise entitled by law, contract or otherwise but for this Agreement and the RDA's willingness and agreement to make the Annual Mitigation Payments as provided herein in the exercise of its judgment and discretion as authorized by the second sentence of Section 17A-2-1258 [currently Section 17C-1-410] of the Utah Code.

(b) The Basic Alleviation Component for each of the calendar years 1991 to 2031 shall be in an amount determined annually by the RDA and reported in writing to the Board on or before January 1 of each year during the term of this Agreement, commencing on or before January 1, 1992.

(c) The amount of the Loss Amelioration Component for each calendar year will equal the taxes levied and collected for that calendar year that are attributable to the Affected Tax Levies on taxable property within the Redevelopment Area and allocated to the RDA pursuant to the provisions of Section 17A-2-1247 [currently Section 17C-1-401] of the Utah Code minus (i) the Basic Alleviation Component paid to the District for that calendar year in accordance with Section 3(a) of this Agreement, (ii) any reduction required by Section 4(b) hereof and (iii) such taxes levied and collected from the Carl Winters project (parcel numbers SA-63-X, SA-64-X, SA-68-X, SA-69-X, SA-70-X, SA-72-X, SA-65, SA-66, SA-67 and SA-67A or such corresponding parcel numbers that the Summit County Assessor may assign to the foregoing parcels once they become subject to ad valorem property taxation) located within the Project Area.

IN WITNESS WHEREOF the undersigned have executed this Amendment as of the date first written above.

REDEVELOPMENT AGENCY OF PARK CITY, UTAH

(SEAL)

By:________________________________

Its:________________________________

ATTEST:

By:________________________________

Its:________________________________

BOARD OF EDUCATION OF PARK CITY SCHOOL DISTRICT,
SUMMIT COUNTY, UTAH

(SEAL)

By:________________________________

Its:________________________________

ATTEST:

By:________________________________

Its:________________________________