



**PARK CITY COUNCIL MEETING  
SUMMIT COUNTY, UTAH,  
September 18, 2014**

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, September 18, 2014.

**Study Session**

2:45pm Recreation Advisory Board Joint Meeting PG 3

**Work Session**

3:45pm Council Questions and Comments and Manager's Report PG 10

4:00pm Events and Parking Garage discussion PG 13

4:20pm Water Conservation Plan Update PG 36

4:50pm Wasatch Back Vision Map Discussion

5:10pm City Tour Debrief

5:30pm Vail Resorts Update

5:55pm Break

**Regular Meeting**

6:00 pm

**I. ROLL CALL**

**II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

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

**IV. CONSIDERATION OF THE MINUTES FROM AUGUST 21 and SEPTEMBER 4, 2014**

PG 38

**V. OLD BUSINESS**

1. Consideration of the 333 Main Street Commercial Condominium Plat pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney PG 55

a. Public Hearing

b. Action

## **VI. NEW BUSINESS**

1. Consideration of the 15 Anchor Avenue Subdivision Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney PG 90
  - a. Public Hearing
  - b. Action

## **VII. 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: 09/15/2014 See: [www.parkcity.org](http://www.parkcity.org)

## Study Session

**Subject:** RAB/Council Study Session  
**Author:** Ken Fisher, Recreation Manager  
**Department** Recreation  
**Date:** September 18, 2014



## Recreation

### Background

The Recreation Advisory Board (RAB) is a seven member board that is appointed by City Council. Members serve three year terms and may not serve more than two consecutive three year terms. RAB members serve without compensation but are given access to PC MARC at no charge (except tennis).

The purpose of the Recreation Advisory Board as outlined in Ordinance 03-06 (attachment 1) is

- (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
- (2) To advise the City Council and staff on parks, recreation and beautification projects as requested by the City Council.
- (3) To support and promote the policies and programs of the Library and Recreation Departments.
- (4) To advise and support staff on staff recommended budget priorities concerning parks, recreation and beautification projects and programs.
- (5) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.
- (6) To stimulate, and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

RAB has met annually with City Council to discuss the coming year's work plan. Currently the board is working on improvements to City Park that include the installation of a 10' x 10' shade pavilion by the sand volleyball courts; a 16' x 16' shade pavilion on the south end of the city park field; improvement around the basketball court; installation of agility equipment in the dog park and installation of fabric shade at Creekside Park and Park City Sports Complex.

### RAB Members

**Michael Barille – Board Chair; Serving second 3 yr. term expires 7/2017**

No bio submitted

**Kathy Kahn – Vice Chair; Serving second 3 yr. term expires 7/2015**

I have served on the Rec Board longer than any other present member. I am the oldest person presently on the board. I have lived in Park City longer than anyone else on the board. Hopefully, this case of "senioritis" comes with some wisdom and perspective. I really love being part of this board. Mostly, I love Park City and everything the Parks and Recreation Department is doing. Also, I live in Thaynes area with my husband. Work part time at Cole Sport, Pedego Electric Bikes, All Seasons Adventures, Julie Nester Gallery.

Member of COSAC and WALC.

Former restaurant owner/operator.

Avid skier and biker.

Actively looking for more volunteer opportunities when my RAB term is over next year.

**Alisha Niswander – Serving first 3 yr. term expires 7/2015**

Alisha Niswander moved to Park city 13 years ago, stayed for one winter and forgot to leave. Alisha has been involved with many community programs and organizations. She owns and operates a small guide business in town offering snowshoeing, hiking, mountain biking and stand up paddleboarding. Her love of the outdoors brought her here and this awesome community has kept her here. She is an avid outdoors woman with a passion to spread that love and respect of nature with others.

**Meisha Lawson – Serving first 3 yr. term expires 7/2016**

No bio submitted

**Cynthia Sandoval – Serving unexpired term of Spencer Lace expires 7/2016; would be eligible to serve two more 3 yr. terms**

My husband and I moved to the Park City area in 2001. Shortly after that we purchased our home in Prospector Park. I have really enjoyed being part of the Park City community. I have volunteered at the Peace House for 13 years, at the Park City Egyptian Theater for 5 years, at Park City Mountain Resort as a host for 2 years and with the Park City Figure Skating Club for 4 years. I have served on the Prospector Homeowners Association Board of Directors for 5yrs and was previously on the Park City Cooperative Preschool Board of Directors for 2yrs. Additionally, I have volunteered for a number of Mountain Town Music events, Recycle Utah events, Summit Land events and events at both McPolin, Parleys and Ecker Hill.

I love Park city and the abundance of opportunities to become involved in the community. I have worked for years as a therapist and as a recreation therapist for several residential treatment centers and hospitals both inside and outside of Utah, I understand the value of recreation to a community. Thank you for the opportunity to be a part of planning our future recreation programs.

**Becca Gerber – Serving first 3 yr. term expires 7/2017**

No bio submitted

**Eric Hoffman - Serving first 3 yr. term expires 7/2017**

Eric is a transplanted Midwesterner who has lived in Park City since 1991. He and his wife live in Park Meadows with their 7 year old daughter and two cats. Eric works as a digital marketer and when he's not plugged into some kind of computer or phone (and sometimes when he is); he's on skis, a mountain bike or otherwise enjoying the variety of great recreational opportunities in and around Park City.

**Potential Discussion Topics:**

**Hats on the fence at Jack Sutton Field:** The idea of leaving the hats on the fence was discussed at the last RAB meeting. The board was supportive of leaving them and liked the idea of adding some signage explaining why they are there. There was also discussion about adding a “curse” to those that don’t leave a hat but should. RAB thought the hats added a certain “funkiness” to the park.

**Mountain Recreation Strategic Action Plan:** RAB played a key role in the process of rebuilding the Racquet Club as they were involved in all stages of the process from gathering public input to design development. A discussion about what role they should play in the potential development of a second sheet of ice would be valuable.

**Dog Park:** Dog park improvements have been discussed for the past several years and incremental improvements have been made. A pavilion was recently added and dog agility equipment will be installed this fall. The biggest desire from users is to have a pond for dogs to swim in. Is a manmade pond at the dog park something that should be considered or is the park best left as a “water free” dog park? The land to the west of the movie studio may be a better potential location for a dog park with a water feature.

**Attachments:** Ordinance 03-06 Creating the Recreation Advisory Board

**Attachment 1:**

Ordinance No. 03-06

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO DISSOLVE THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RE-WRITE SECTION 17 IN ITS ENTIRETY TO CREATE A NEW RECREATION ADVISORY BOARD WITH NEW TERMS, MEMBERSHIP, PURPOSE, DUTIES, PROCEDURES AND SUB-COMMITTEE RESPONSIBILITIES**

WHEREAS, Utah Code Annotated ("UCA") § 11-2-1 gives the City the power to designate and acquire property for playgrounds and recreational facilities and UCA ' 11-2-2 gives cities the authority to organize and play sports and other recreation activities; and

WHEREAS, UCA § 10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, the City Council wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to facilitate Council communication, goals and priorities; and

WHEREAS, this board is not intended to be a supervisory and maintenance Recreation Board as defined by UCA § 11-2-3, but the board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, AS FOLLOWS:

**SECTION 1. FINDINGS.** The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

**SECTION 2. AMENDMENT.** Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

**2- 4-17 RECREATION ADVISORY BOARD CREATED.**

There is hereby created a Recreation Advisory Board. The Board shall consist of up to seven (7)members, and one additional representative from the City Council who is a

non-voting member. Members shall be residents of Park City and shall serve without compensation.

**(A) TERM OF SERVICE, REMOVAL AND VACANCIES.** Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each board member shall serve a term of three years, but shall serve until their successor is appointed. Initially, two appointments each shall be made for one and two year terms, and three appointments shall be made for three year terms. Annually thereafter, appointments shall be for three year terms. Board members shall serve not more than two full terms in succession, including initial terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to exceed the member's City Council term of office. The Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

**(B) OFFICERS AND THEIR DUTIES.** At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the Recreation Manager and the Chairman.

**(C) PURPOSE AND DUTIES OF THE BOARD.** The purpose and duties of the Park City -Recreation Board are as follows:

- (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
- (2) To advise the City Council and staff on parks, recreation and beautification projects as requested by the City Council.
- (3) To support and promote the policies and programs of the Library and Recreation Departments.
- (4) To advise and support staff on staff recommended budget priorities concerning parks, recreation and beautification projects and programs.

(5) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.

(6) To stimulate, and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

**(D) MEETINGS AND PROCEDURES.** The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A. 52-4-5, as amended.

**(E) COMMITTEES.** Special committees for the study of particular issues be appointed by the Chairman, with the advice and consent of the Mayor and City Council, to serve until they have completed the work for which they were appointed. Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of the Mayor and City Council. Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members. (*Ord. 03-\_\_*; *Ord. 99-50*)

**SECTION 3. DISSOLUTION OF THE EXISTING PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RELATION TO OTHER LETTERS OF INTENT, CONTRACTS, RESOLUTIONS, OR ORDINANCES.** The current Parks, Recreation and Beautification Advisory Board is hereby dissolved and the terms of all current members is hereby terminated. Any and all legal references to or requirements of the Parks, Recreation and Beautification Advisory Board in any contract, letter of intent, resolution, ordinance or other document shall be assumed and under the jurisdiction of the Recreation Advisory Board.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 13<sup>th</sup> day of March, 2003.

PARK CITY MUNICIPAL CORPORATION

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Mayor Dana Williams

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney

## City Council Staff Report



**Subject:** Special Events in Parking Garages  
**Author:** Jason Glidden & Jonathan Weidenhamer  
**Department:** Sustainability  
**Date:** September 18, 2014  
**Type of Item:** Administrative

Sustainability

### **Summary Recommendations:**

Provide staff with direction to return to Council with proposed code changes to further regulate events and hospitality functions taking place within parking structures.

**Topic:** Special Events being held in parking garages.

### **Background:**

As the number, scale and complexity of events grows in Park City, event organizers continue to search for new venues to host events and supporting hospitality functions, especially during our largest Master Festival licensed events. Event organizers continue to exert more pressure and effort into converting parking structures into hospitality or event venues as an alternative to meet their needs. Currently, the Special Events Department permits one temporary hospitality use within a parking structure. This event has been approved the last five years.

In general, parking structures are typically approved through a Conditional Use or as part of a Master Planned Development process as a requirement to meet parking demand associated with the underlying "Use". This parking supply will account for both employee and customer parking generation.

Temporary hospitality uses within parking structures, traditionally approved through a Special Event Process, are not required to meet all Building codes or Planning Regulation as if the structure was a normal or permanent building or "Use" and generally have some flexibility and in some cases are held to a lower building and fire code standards because they are regulated as temporary uses.

Any Special Event approval must include Findings of Fact that demonstrate that the impacts created by the event can be properly mitigated. This would include parking, noise, and traffic impacts, including a mitigation plan for the displaced parking. Most importantly, affirmative Findings must be made that adequate Health, Safety and Welfare can be maintained. For example, findings would need to be made that permitting a large private hospitality suite in a parking garage, incremental to our existing liquor licensed businesses, does not compromise our ability to ensure public safety from a Police or Fire standpoint.

The current practice of applying the Special Event process to regulate these conversions is a policy rooted in both: 1) The City's posture to facilitate and enable a

business friendly environment; and likely more so 2) Our desire to keep undesirable commercial activity out of our residential neighborhoods and keep it in the downtown corridor. There is no doubt that these large hospitality offerings during our largest events provide a draw and an amenity and in many ways offer a relief valve for the masses of guests that seek private hospitality with alcohol later into the night than the State Code allows (1:00 am) for regularly licensed facilities open to the public.

### **Analysis:**

Due to safety concerns raised by Police and Building related to uses the garages as assembly spaces and the increased pressure to convert additional parking garages into private hospitality suites, staff requests preliminary discussion and direction from City Council. Staff has significant concerns regarding these types of conversions exacerbating existing parking and circulation problems. More significantly, concerns have been raised over health, safety, and welfare issues associated with allowing a hospitality or Assembly Use inside a structure that was designed and permitted to park cars.

Firm recommendations from Police, Fire, and Building Departments are that the City should not permit these events unless these structures meet all current state and local codes for Assembly Uses, which would be significantly more complex for the mechanical, plumbing and electrical infrastructure. This would include addressing mixed uses in a structure (separating cars and people), air quality systems, and adequate egress options. Staff will return to Council with a report that outlines these concerns with more detailed technical analysis from a Building and Fire Code and input from Public Safety.

### **Issues for Discussion:**

- Is City Council supportive of continuing to use the Special Event process to facilitate conversion of a parking garage into an events space? Doing so represents a facilitating or enabling posture towards allowing these to happen. Alternatively, Council could direct staff to change the Code to prohibit such temporary conversions.
- Does Council want to limit the zoning districts that these types of events can be held and/or increase code standards by which such temporary uses are permitted? Staff would provide additional analysis, in particular from the Planning and Police Departments, to inform the Council on additional standards recommended to ensure adequate public safety and response and increase the safety of the venues. [This is the Event Staff Recommendation]

### **Proposed Code Amendments:**

In an effort to increase safety at such venues, staff recommends that the following additions should be included in the list of requirements that need to be met to host a special event within a parking structure:

- A mechanical engineer provides design plans that meet the required ventilation standards as per the International Mechanical Code section 403.3.1.1 for both occupancies. This plan must be approved by the Building Official.
- Plumbing systems and fixtures provided must be approved by the Building Official and must meet the intent of the plumbing fixture requirements of IBC Chapter 29. This plan must be approved by the Building Official.
- All plans must be approved by the Deputy Fire Marshal and shall demonstrate compliance with the International Fire Code.

**Department Review:**

Economic Development, Building Department, Public Safety, Planning Department, City Manager, Legal and Special Events departments have reviewed this report.

**Recommendation:**

Provide staff with direction to return to Council with proposed code changes to further regulate events and hospitality functions taking place within parking structures.



## City Council Staff Report

**Subject:** Water Conservation Plan Update  
**Author:** Jason Christensen  
**Department:** Water Department  
**Date:** 9/18/2014  
**Type of Item:** Administrative

### **Summary Recommendations:**

Review Water Conservation Plan Update and direct Staff to return in a future Regular Session with Resolution to adopt the 2014 Water Conservation Plan.

### **Topic/Description:**

Water Conservation Plan

### **Background:**

Under the Utah Water Conservation Plan Act (Utah Code Annotated § 73-10-32) water agencies with 500 or more connections are required to submit to the State every five years a Water Conservation Plan. The Utah Department of Natural Resources, Division of Water Resources is obligated to manage the Water Conservation Plan requirement. The Division has placed certain requirements on what is included in the Water Conservation Plan.

Park City last submitted a Conservation Plan update in 2009, and must resubmit a plan by the end of 2014 in order to meet the Utah Water Conservation Plan Act Requirement.

### **Analysis:**

Attached to this Staff Report is the 2014 Water Conservation Plan. The Plan updates Park City's conservation goal and adopts the Governor's 2013 acceleration of the State's water conservation goal. The plan also includes the requirements listed by the Division of Water Resources. This plan identifies how the community uses water, and compares our usage to others.

### **Department Review:**

Water, Executive, and City Attorney

### **Alternatives:**

#### **A. Approve:**

Staff will return with a Resolution to adopt the 2014 Water Conservation Plan.

#### **B. Deny:**

The City will fail to meet the requirements of the Utah Water Conservation Plan Act.

#### **C. Modify:**

Staff will address Council's modifications, and return with a Resolution to adopt the Water Conservation Plan Act.

**D. Continue the Item:**

Delay may result in a failure to adopt a Conservation Plan by the end of 2014 will result in the City failing to meet the requirements of the Utah Water Conservation Plan Act.

**E. Do Nothing:**

The City will fail to meet the requirements of the Utah Water Conservation Plan Act.

**Significant Impacts:**

|                                                                              | <b>World Class Multi-Seasonal Resort Destination<br/>(Economic Impact)</b>                     | <b>Preserving &amp; Enhancing the Natural Environment<br/>(Environmental Impact)</b>                                                                | <b>An Inclusive Community of Diverse Economic &amp; Cultural Opportunities<br/>(Social Equity Impact)</b> | <b>Responsive, Cutting-Edge &amp; Effective Government</b>                                       |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Which Desired Outcomes might the Recommended Action Impact?                  |                                                                                                | (+/-) Managed natural resources balancing ecosystem needs<br>(+/-) Effective water conservation program<br>(+/-) Adequate and reliable water supply |                                                                                                           |                                                                                                  |
| Assessment of Overall Impact on Council Priority<br>(Quality of Life Impact) | Neutral<br> | Very Positive<br>                                                | Neutral<br>           | Neutral<br> |
| <b>Comments:</b>                                                             |                                                                                                |                                                                                                                                                     |                                                                                                           |                                                                                                  |

**Recommendation:**

Review Water Conservation Plan Update and direct Staff to return in a future Regular Session with Resolution to adopt the 2014 Water Conservation Plan.



## **Water Conservation Plan**

**Park City, Utah**

**XXXXXX, 2014**

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## Description of Park City and Its Water System.

Located at the headwaters of the Weber River, in a high alpine setting Park City is a world class resort destination and historic mining town. Each of these facts creates unique challenges and opportunities related to providing the water necessary to support our community.

### Service Area

The Park City Water Department provides drinking water to the majority of residents within Park City limits. However it does not serve all residents. St. Regis and the Deer Crest neighborhood are served by Jordanelle Special Service Area (“JSSD”). There are also a handful of individuals that own their own well and use that for water service.

Park City Water Department also provides untreated water to several locations. These include the Park City Golf Course, the Park Meadows Country Club, Park City Mountain Resort snowmaking, obligations to the Silver Creek Irrigation Company under the 1984 decree, and irrigation obligations to several homes along Meadow Creek Drive. Starting in 2014, Prospector Park, Quinn’s Fields, and the North 40/High School are now served by untreated water. Untreated water deliveries are made either for municipal purposes, under existing contract, or as a result of court actions. Unless explicitly stated, metrics in this report will exclude untreated water delivery.

Many other entities hold water rights, and may use those water rights. Of those other entities Holiday Ranchettes Ditch Company is one of the more widely known. The Holiday Ranchettes, as a non-profit mutual water district, serves individual homes within the Park Meadows Subdivision. Park City Mountain Resort holds and uses certain water rights within the Spiro Tunnel. Salt Lake City holds an interest in water rights in the Spiro Tunnel.

### Population & Service Population

In 2013, the Census estimated Park City’s population at 7,962. This is an increase of around 400 people over the official Census population count of 7,558 conducted in 2010. Park City’s water system is much larger and more complex than most towns with similar populations. One of the reasons for this is that our Census population does not reflect the demand that is generated by visitors to the many amenities that Park City offers. To account for this, the Service Population metric is helpful. This is a metric generated by the Park City Budget department that attempts to capture the Service Population of Park City. The Service Population is the Permeant Population, plus the Secondary Homeowners, plus the Average Daily Visitors. In 2012 the Service Population of Park City was 34,009.

### Inventory of Water Resources

Park City meets the water needs of the community from eight sources. The majority of our sources are ground water sources. These include the Judge Tunnel, Spiro Tunnel, Park Meadows Well, Divide Well, and Middle School Well. Other sources include two wholesale connections the first with JSSD (Ontario Tunnel) and the second with Weber Basin Water Conservancy District (Lost Canyon Creek Project). The final source is the Thiriot Springs.

Many of Park City's sources are highly variable. For planning purposes, and for purposes of this report the Annual Production and Peak Day capacity will be based on the lowest anticipated dry year condition. The dry year condition limitation may result from a reduced supply or the limitations of City water rights.

| Source                    | Annual Dry Year Production<br>(acre-ft) | Dry Year Peak Day Capacity<br>(gpm) |
|---------------------------|-----------------------------------------|-------------------------------------|
| Judge Tunnel              | 1,049                                   | 680                                 |
| Spiro Tunnel              | 2,021                                   | 2,214                               |
| Park Meadows Well         | 871                                     | 950                                 |
| Divide Well               | 963                                     | 1,050                               |
| Middle School Well        | 871                                     | 950                                 |
| JSSD (Ontario Tunnel)     | 1,000                                   | 1,000                               |
| WBWCD (Lost Canyon Creek) | 2,900                                   | 3,600                               |
| Thiriot Springs           | 76                                      | 0                                   |
| Total                     | 9,751                                   | 10,444                              |

The Judge Tunnel source is currently not being used for drinking water due in part to its Antimony concentration. It is anticipated that the Judge Tunnel will be brought back into drinking water service as part of the facilities plan that will be created to comply with a Stipulated Compliance Order entered into with the Utah Division of Environmental Quality.

The water and water rights of the Spiro Tunnel are held by multiple entities. The total flow of Spiro Tunnel is larger than Park City's right to use it. Park City's water rights in Thiriot are typically cut during dry years. However, Thiriot remains a valuable source that is blended with Spiro water as part of the Spiro treatment process.

## Drinking Water Use

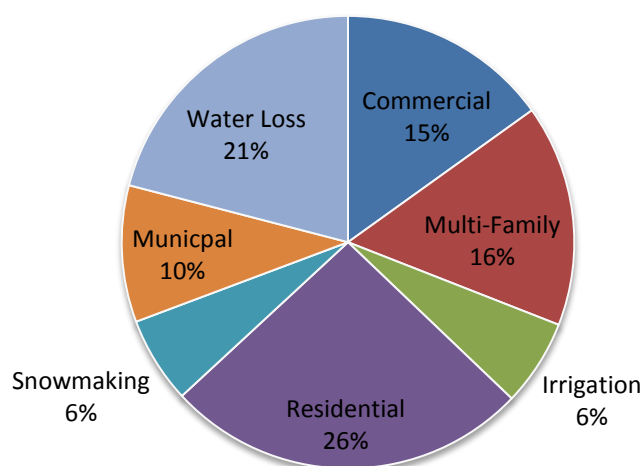
In 2013, Park City placed 1.654 Billion gallons of water into the Drinking Water System. This water was used by the following account types:

| Type                               | Description                                                                                                                                                                                                                                                                                                         | Number of<br>Accounts | Usage in<br>Million<br>Gallons |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------|
| <b>Commercial</b>                  | A commercial establishment or a mixed use establishment with a commercial element.                                                                                                                                                                                                                                  | 359                   | 249                            |
| <b>Construction<br/>[Excluded]</b> | Temporary fire hydrant meter.                                                                                                                                                                                                                                                                                       | 10                    | N/A                            |
| <b>Irrigation</b>                  | Any meter that serves only irrigation purposes. An irrigation meter can be a standalone meter, or one of several connections serving the same property. Irrigation meters can serve the same property as a Residential, Multi-Family, or Commercial meter. Municipal Irrigation meters are classified as Municipal. | 170                   | 102                            |

|                     |                                                                                                                                                                                                                                                                                                   |       |       |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| <b>Multi-Family</b> | Any meter that services more than one residence.                                                                                                                                                                                                                                                  | 315   | 262   |
| <b>Municipal</b>    | A City meter.                                                                                                                                                                                                                                                                                     | 79    | 161   |
| <b>Residential</b>  | A meter that serves one residence.                                                                                                                                                                                                                                                                | 4,256 | 429   |
| <b>Snow Making</b>  | Snowmaking <sup>1</sup>                                                                                                                                                                                                                                                                           | 2     | 102   |
| <b>[Water Loss]</b> | Not an account type, but is the calculated difference between the water metered entering the distribution system and the water metered leaving the system. Included in this number is water system flushing, firefighter use, illegal connections, leaking pipes, and under metering connections. | N/A   | 346   |
|                     |                                                                                                                                                                                                                                                                                                   | 5,191 | 1,654 |

The 2013 usage broke down by percentages is shown in the following chart.

## 2013 Water Usage PCMC Account Types

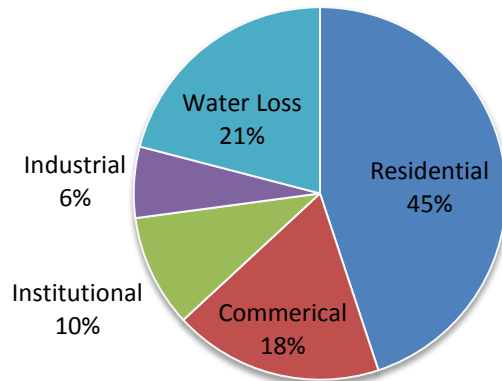


The Division of Natural Resources requests this usage be separated into specific categories. The process to turn Park City's account types into those categories is outlined below.

| UDNR Type            | PCMC Type                                  | Number of Accounts | Usage in Million Gallons |
|----------------------|--------------------------------------------|--------------------|--------------------------|
| <b>Residential</b>   | Residential; Multifamily; Irrigation (50%) | 4,656              | 743                      |
| <b>Commercial</b>    | Commercial; Irrigation (50%)               | 444                | 300                      |
| <b>Institutional</b> | Municipal                                  | 79                 | 162                      |
| <b>Industrial</b>    | Snow Making                                | 2                  | 102                      |
| <b>[Excluded]</b>    | Construction                               | 10                 | N/A                      |
| <b>Water Loss</b>    | Water Loss                                 | N/A                | 346                      |

<sup>1</sup> This only included snowmaking deliveries of treated water, and excludes untreated snowmaking deliveries.

## 2013 Water Usage Utah Division of Natural Resources Account Types



### Water Usage Metrics

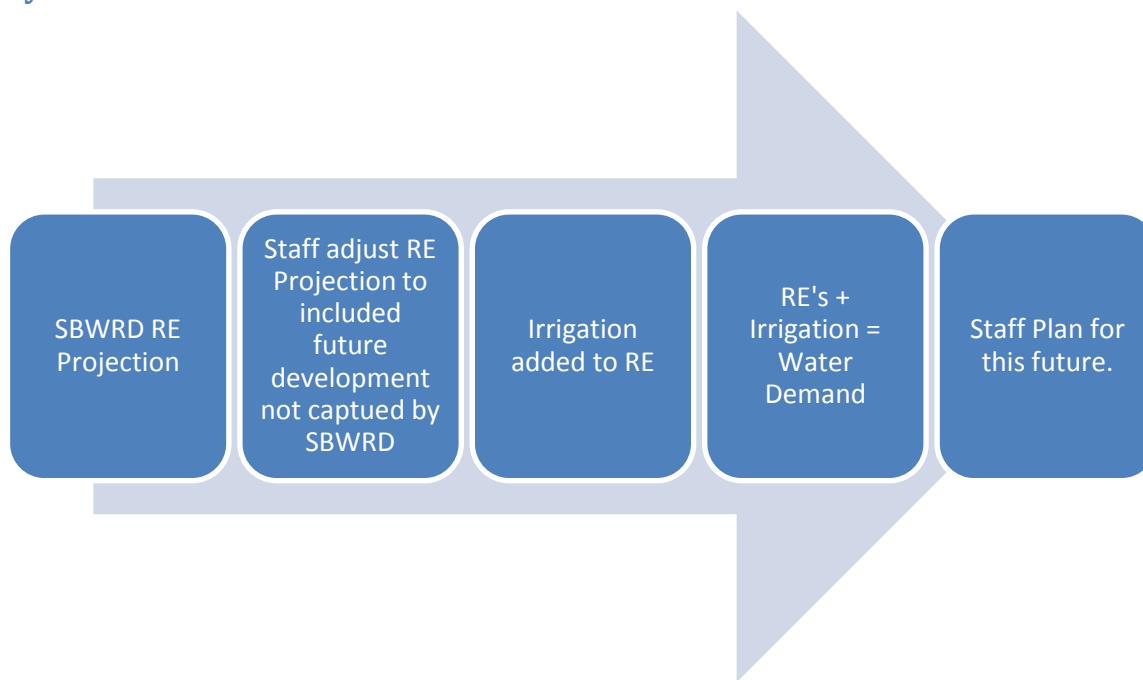
The State typically uses the gallons per capita per day (gpcd) metric to measure the effect of conservation efforts. One reason for the use of this metric is that it generally is a suitable metric for a wide variety of water systems. The metric includes not only a measure of how much water an area uses, but also a measure of population. The use of a population measure theoretically cancels out increased water usage related to growth. This allows an area to grow, but still demonstrate a per person reduction in water usage.

This metric does not work well in Park City. This is because much of our growth does not result in increased population. Many of the new residential homes brought into service since the year 2000 serve second home owners. This growth does not increase Park City's population, but still place demands on Park City's water supply. Further, Park City's largest paying customer is the Montage Resort. This customer is new since the year 2000, but doesn't directly substantially change Park City's population. The resort hotel is designed for visitors.

Under an unmodified gpcd metric, Park City consumed 569 gpcd. In 2013, Park City used 1.654 billion gallons in its drinking water system. In 2013, Park City's population according to the Census was 7,962. The final value in this calculation is 365, the number of days in the year.  $1654000000/7962/365 = 569$  gpcd. The State average is 260 gpcd, and 184 gpcd is the national average. Park City's gpcd only includes water placed into the drinking water system and includes treated snowmaking connections.

There are many factors that contribute to the higher than average gpcd number for Park City. As discussed above, our population does not track the growth of Park City. For many City services the Service Population is used in place of the Census population. This metric arguably provides a better metric as it captures growth attributable to second homes and visitors. Under this metric, Park City uses 133 gallons per service population person.  $1,654,000,000/34009/365=133$ .

## System Growth and Future Need

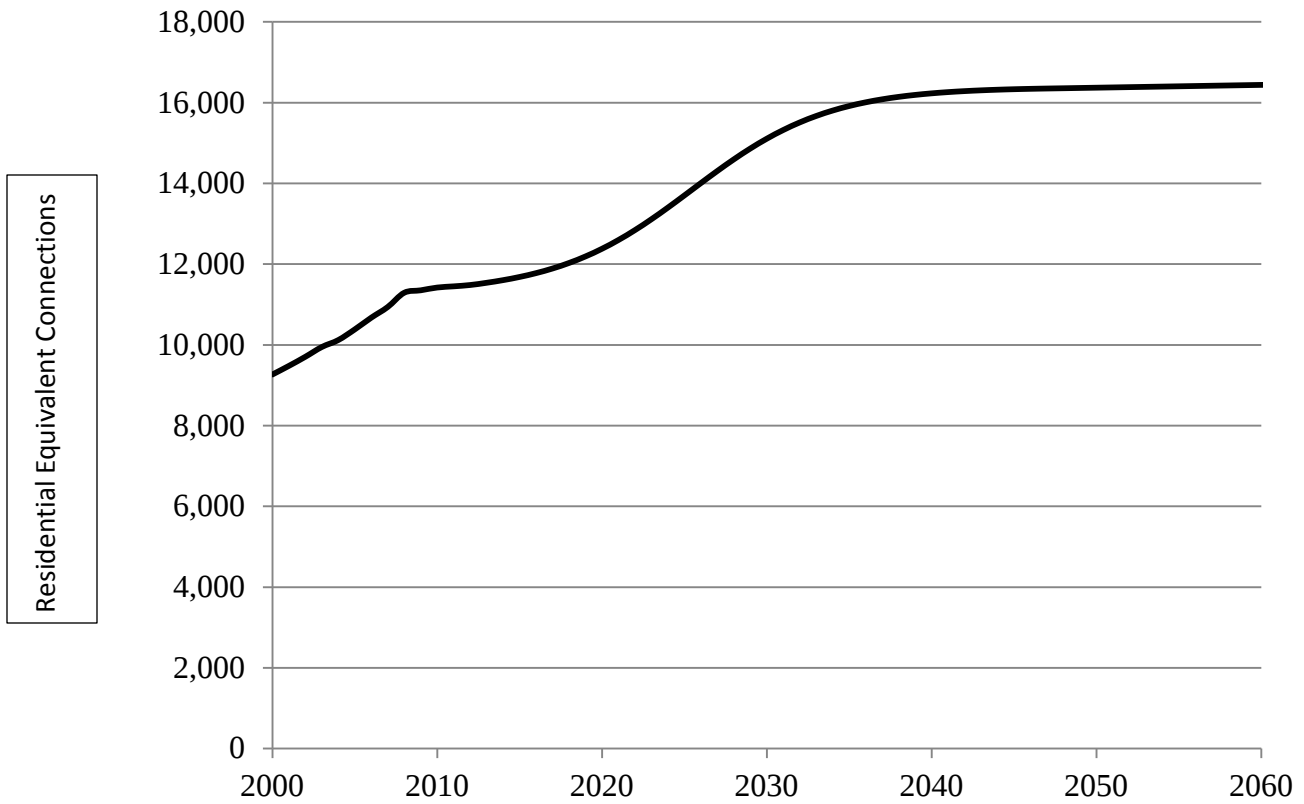


As discussed above, population growth is not a helpful metric to forecast water demand in Park City. The Water Department uses a metric called Residential Equivalent (“RE”) to plan for future growth and water demand within Park City. An unmodified RE represents only indoor water usage. Also somewhat confusingly an RE can represent all types of growth, not just residential growth. For example the indoor water usage at a restaurant might equal 14.5 REs.

Snyderville Basin Water Reclamation District has modeled anticipated growth in the Snyderville Basin in order to plan for future facilities. Staff starts by collected Snyderville’s RE growth projections for our service area. Staff then adjusts the RE’s based on contemplated future growth in Park City not captured by Snyderville’s projections. As discussed, these REs do not included outdoor water use. To include outdoor water use staff takes the RE’s and adds outdoor irrigation demand to the RE. The anticipated future RE’s plus the added irrigation needs are used to predict future water needs.

Park City’s projected growth in RE’s is shown in the graph below.

### Park City Projected Growth (2000-2060)



As you can see the number of REs almost doubles from the year 2000 to the year 2040. Providing water for this growth will require a concerted effort to use our existing resources wisely, and to develop additional resources.

## Conservation Measures & Goal

Park City is committed to water conservation, and has shown progress towards meeting our prior goal of a 25% percent reduction in per RE water use by 2050. As discussed below, Park City will follow the Governor's recommendation, and more forward our target year to 2025 for this 25% reduction. This is an aggressive goal, and will require a reduction in current use per year even as connections and REs continue to grow.

### Conservation Goal

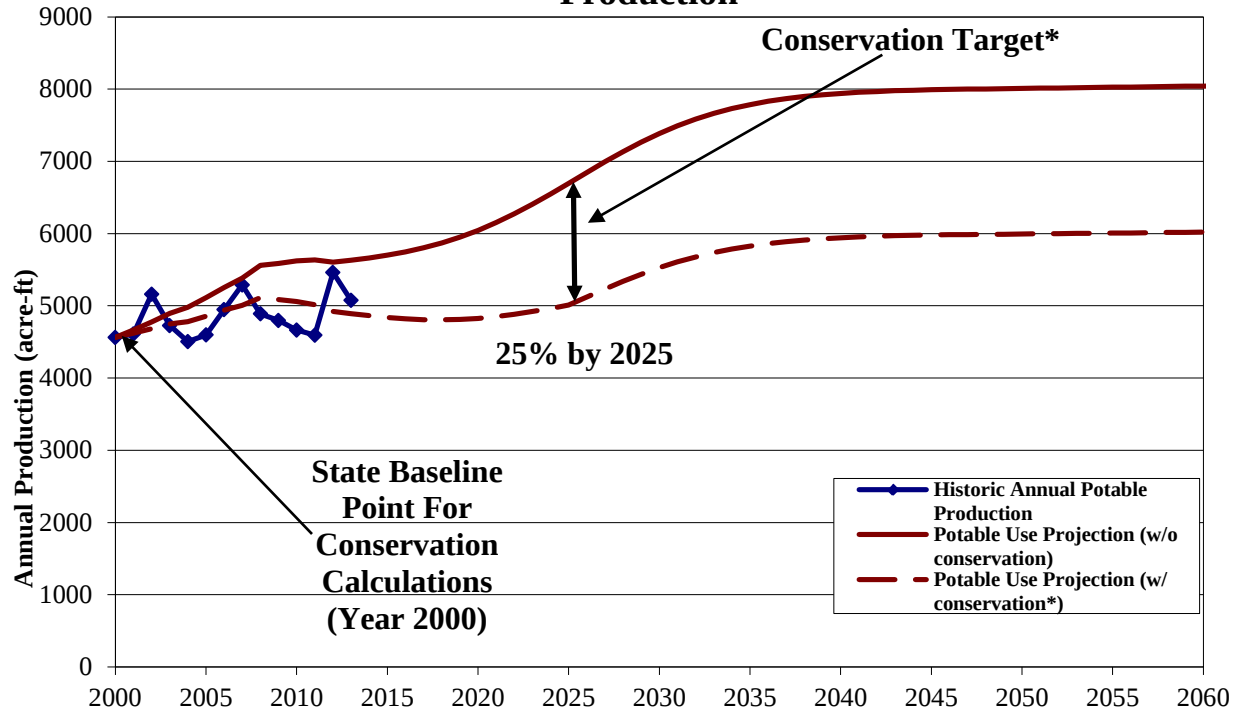
Park City has previously adopted the Governor's water of a 25% reduction by 2050. In 2013, Governor Herbert announced an acceleration of that goal to the year 2025. The Governor believes that this is a realistic goal. From 2000 – 2010 the state succeeded in reducing the Gallons per capita per day GPCD by 18%.<sup>2</sup>

Park City hereby sets its new Conservation target as a 25% reduction by 2025. While the governor has set that goal as a gpcd goal, as discussed in Water Use Metrics gpcd does work well with the Park City water system. This is because often in Park City growth does not translate into a population increase. In order to meaningfully capture growth, the Park City department uses REs. As discussed in System Growth and Future Needs, RE's are used to project future water demand based on growth.

Park City sets its conservation goal as a 25% reduction in use per RE using the year 2000 as a base. In the graph below, the Potable Use Project w/ conservation represents a 1% reduction in RE water use per year up to the year 2025.

<sup>2</sup> <http://state.awra.org/utah/sites/default/files/AdamsMillis-WaterNeeds.pdf>

## Historic and Projected Park City Annual Potable Water Production



As can be seen, Park City is generally tracking the Potable Use Project Projection (w/ conservation). Notable deviations occurred in 2002, the Olympics; 2007, major drought year; and 2012 major drought year. These types of excursion will continue into the future and must be planned for when securing water supply.

| Estimated Annual Potable Demand |                          |                                            |
|---------------------------------|--------------------------|--------------------------------------------|
| Year                            | Potable Demand (acre-ft) | Potable Demand with Conservation (acre-ft) |
| 2000                            | 4,561                    | 4,561                                      |
| 2010                            | 5,622                    | 5,060                                      |
| 2020                            | 6,095                    | 4,876                                      |
| 2030                            | 7,437                    | 5,059                                      |
| 2040                            | 7,990                    | 5,993                                      |
| 2050                            | 8,059                    | 6,044                                      |
| 2060                            | 8,093                    | 6,070                                      |

This table outlines the challenge of meeting the conservation goal. If successful, demand will actually decrease from 2010-2020, while the City grows. Staff believes this goal is possible, so long as the community continues to respond to calls for water conservation.

Even with conservation, future water resources will be required. The water required on an annual basis to meet customer demand, even with conservation increases 33% (or 1,509 acre feet) over the base

year of 2000. While an increase of 1/3 is substantial, it is significantly less than would be required without conservation. Without conservation, an increase in water supply of 77% (or 3,532 acre feet) would be needed.

One other important note is that potable Peak Day demand remains a driver for future water needs. Peak Day demand is the amount of water that is required to meet demand on the highest demand day of the year. Peak Day demand will likely drive near-term water acquisition. The Peak Day demand is driven in large part by irrigation; but it is less susceptible to reduction through conservation messaging. The “hottest” day of the year is also the day where the most water is required for irrigation of vegetation, regardless of type. Conservation efforts are most successful at reducing excess or wasted irrigation water on other days where the weather results in a lower need for irrigation. Total Peak day water demands are projected to grow to 10,465 gpm. This is an increase of approximately 50% over demands in 2012.

## **Metering Situation**

Accurately metering all connections from a water system allows for better management of the system, and provides valuable data on how water is used. Park City currently meters every legal connection to our system. Many systems in the state cannot make this statement. In addition to metering each legal connection, Park City reached full deployment of our Automated Meter Infrastructure system in 2013. This provides hourly consumption data for each connection to the system in gallon, or 10 gallon increments. This system allowed us to launch our customer portal on May 15<sup>th</sup> 2014.

Park City’s water meters were last replaced in 1994. Many meters are newer due to subsequent construction or meter repair due to failure. During 2009-2011, all meters 2” or larger were tested and repaired to American Water Works Association standards. Even with this maintenance, Park City is reaching the end of life for the current meter deployment. Staff recognized the role that these older meters likely play in our 21% water loss number.

Staff has begun to implement a meter replacement program, and initial results are promising. We have replaced about 50 4” or larger meters. The first batch of 10 meters was replaced in the fourth quarter of 2013. This batch of 10 meters has resulted in metering at least 2.2 million gallons that otherwise would have been attributed to system loss. To date this dual meter rebuild program has cost \$200,000. Staff is currently projecting a repayment window of around 3 years.

## **Current Conservation Programs**

Park City has a range of conservation programs. Each program supports the City’s overall goal of reducing water consumption by 25% by the year 2025. These programs will be discussed below.

### **WaterSmart**

The largest public outreach program the City is engaged in is our WaterSmart Program. The WaterSmart Program has three major components.

1. Home Water Report to all Single Family Residential Customers.

The WaterSmart Home Water Report is an individualized report based on the prior month's water consumption that is given to all Single Family Residential Customers. This report identifies an account as efficient (bottom 20% of similar users), average (lower 50% of similar users), or take action (top 50% of similar users.) A similar user, referred to as your neighbors in the report, is someone with a similar size home, lot and number of occupants.

The Home Water Report also identifies specific conservation actions that a customer can take to reduce water usage based on actual usage and other known variables. For example, if a customer's usage quadruples during the summer months that customer will receive conservation measures focused on outdoor water usage.

## 2. Customer Portal for all Single Family Residential Customers

Single family-residential customers also receive credentials for a web portal. Through the web portal, a customer can provide additional data so that their neighborhood comparison is more accurate. In addition a customer can access the entire library of conservation tips and see year on year comparison.

## 3. Real Time usage data for all customers.

All customers, including Single Family Residential customers, can access their real-time usage data. This increased awareness provides meaningful insight into your actual water usage. For instance, you can see how many gallons of water an extra irrigation cycle uses.

## Park Record Ads

The Water Department regularly places conservation ads in the Park Record Newspaper. During the current summer, with the help of Phyllis Robinson, we have focused on information related to the customer portal. For the first time the department also used online advertising at the Park Record. The extensive outreach as part of the launch of the Customer Portal was made possible in part by a financial grant from the Park City Board of Realtors.

In prior years, the conservation ads in the Park Records have been focuses on specific conservation programs,

**Park City,  
Let's Get  
WaterSmart!!**

**Announcing Park City's  
Water Conservation  
Program**

**Park City Water District  
customers, you've gotten the  
letter, now it's time to:**  
**LEARN • ACT • SAVE**

Quickly see how you're using water. Get savings recommendations specific to your household.

Stop the Waste (While Saving)  
Fill Your Bathtub 1/3 Full  
Install High-Efficiency Showerheads  
Smart action  
Save the Date  
Savings up to... 21% \$75/year

Visit [surveymonkey.com/s/ParkCityWater](https://surveymonkey.com/s/ParkCityWater), use your account number to complete the survey. Your answers will help us customize your report and provide you with valuable water-saving tips.  
Questions? Call 435-615-5335

**PARK CITY**  
1884

Community Partner  
**PARK CITY**  
BOARD OF REALTORS®

**WaterSmart**  
SOFTWARE

such as watering every other day and smart controllers. Staff intends to continue using the Park Record to reach out to the community.

## **Community Events**

Staff participated in the 2014 Recycle Utah Home Garden Tour, and has participated annually at the Water Festival for Fourth Graders in the Summit Area. Park City Water created some artwork for the local plant sale, and also participated in the Construction Public Open House this spring. Staff will continue to participate in public forums to share conservation messaging that is consistent with our conservation goals and other priorities.

## **Billing Statements**

Staff has made several improvements to the billing statement over the past year. These include providing a two year comparison graph to show customers year over year consumption. Improvements were also made to the general readability of the statements. While we view the WaterSmart Home Water Reports as an invaluable tool for messaging water usage, the billing statement reaches a broader audience. For this reason, it remains a valuable tool to share water conservation messages.

## **KPCW interviews**

Staff has participated in several interviews with KPCW concerning water conservation. These radio interviews have recently focused on the Customer Portal and Home Water Report. Staff will continue to use KPCW as a way of engaging the community in water conservation.

## **Rebates**

Park City offers a \$100 account credit to our customers after the purchase of a Smart Irrigation Controller. A Smart controller is one that attempts to match the water needed with the amount water put down by a sprinkler system. The controller does this through sensors out in the lawn, a data connection through the State to a Park City Weather Station, or through a historic weather database built into the irrigation controller.

In addition to Park City's rebates, our residents are also eligible to receive rebates from Weber Basin Water Conservancy District. WBWCD currently offers rebates for pressure regulators, efficient spray and rotor heads, and smart irrigation controllers. In general, these rebates are for half of the purchase price of these items, up to \$150 per offering. Park City residents qualify for both the Park City and Weber Basin rebates, which can make a Smart Controller effectively free.

Park City advertises both the Park City and Weber Basin Rebates to our customers.

## **Weather Stations**

Park City maintains three weather stations within town. Data from the weather stations is transferred to the State. The state makes this data available to Smart Controllers and also uses that station to

calculate the weekly Lawn Water guide at [www.slowtheflow.org](http://www.slowtheflow.org). Staff has discussed with the State adding additional weather stations. The state did not feel that this would provide additional benefit, and shared that they focus on one weather station when gathering data to share through the weekly Lawn Water guide.

### **Turf Water Audits**

In partnership with Weber Basin Water Conservancy District, Park City offers Turf Water Audits. Residential, Multi-family, and Commercial accounts are eligible for this free service. As part of the service, a WBWCD employee measures the distribution uniformity (how evenly a sprinkler system puts water down), soil type, and sprinkler system condition. The employee then recommends a run time for individual zones of the system.

### **Every-Other Day Watering & Voluntary Every Third Day Program**

Park City ordinance restricts water to every other day. Even addresses water on even days and odd addresses water on odd days. For those who are able to water less often than every other day, the City offers a voluntary every third day. Under that program an account is exempt from the every other day water ordinance so long as that account water no more frequently than every third day. The Water Department offers lawn signs to those who enroll in this program. These lawn signs accomplish at least two things. First they inform an account holders neighbors that this home may water on the “wrong” day. This reduces wrong day complaints for those enrolled in the program. Second the lawn sign serves as an advertisement for the every third day watering program.

### **Additional Water Conservation Ordinances**

In addition to the Every-Other Day watering ordinance, Park City has adopted a code section that outlines the steps that will be taken during a water shortage or drought. This provision includes thresholds and the reductions in permitted uses of water. Park City has also adopted a provision defining wasteful watering, and prohibiting such watering.

### **Water Code Violations**

Park City has adopted the following penalties for violations of the water code. Violations include wasteful watering as defined in the Municipal Code and water every day. Staff also may issue warning for these violations, but is prohibited from issuing warning during declared drought stages.

| Water Violation Penalties |                                                                          |
|---------------------------|--------------------------------------------------------------------------|
| <b>\$150</b>              | First Violation                                                          |
| <b>\$200</b>              | Second Violation                                                         |
| <b>\$400</b>              | Third Violation                                                          |
| <b>\$500</b>              | Fourth Violation                                                         |
| <b>\$750</b>              | Fifth Violation and each subsequent violation within that calendar year. |

## Current Pricing Structure

Park City current has an increasing block rate schedule for most customers during the summer and a flat rate schedule for all customers during the winter.

### Summer

During the summer, single family residential accounts have four price per 1,000 gallon tiers that are set independent of meter size. Multi-family residential account holders also have four tiers; however, their tiers are set by their meter size. As the meter size increases a multi-family account receives more water per tier. Irrigation accounts have only two tiers, dropping the lowest and highest tier that residential accounts have. Irrigation accounts also receive more water per tier as the meter size increases.

Commercial accounts are the exception. They have their own block structure, and their structure is year around. Commercial rates have only two blocks. These blocks fall between the first and second residential block; and the second and third residential blocks.

### Winter

During the winter all accounts, other than Commercial Accounts, are billed at a flat rate. Commercial accounts are billed as discussed under the Summer Heading.

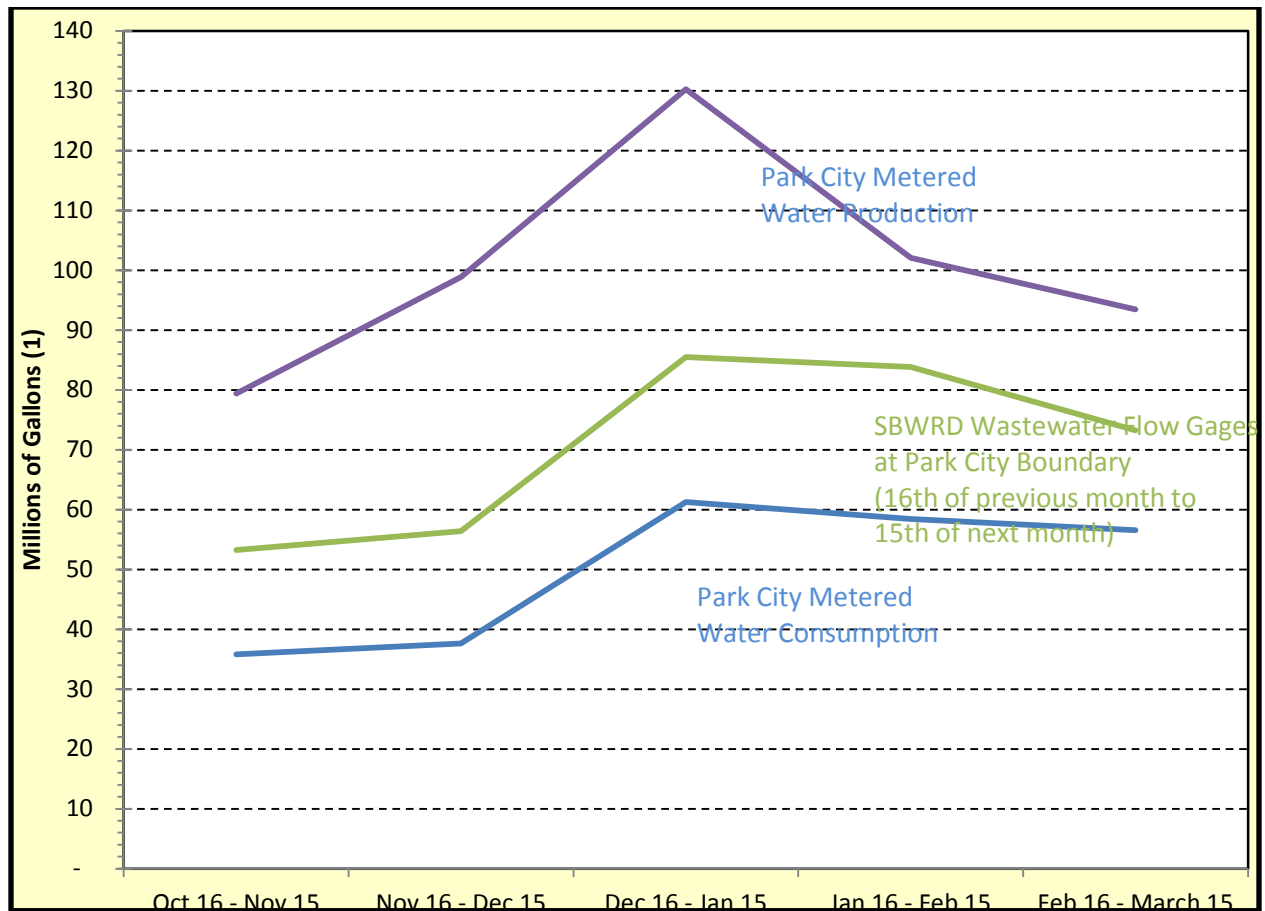
| TYPE                 | BLOCK 1<br>\$5.48 per<br>1,000 gals | BLOCK 2<br>\$8.80 per<br>1,000 gals | BLOCK 3<br>\$14.30 per<br>1,000 gals | BLOCK 4<br>\$22.02 per<br>1,000 gals |
|----------------------|-------------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|
| <b>Single Family</b> | <b>0-5,000</b>                      | <b>5,001-30,000</b>                 | <b>30,001-80,000</b>                 | <b>Over 80,000</b>                   |
|                      | <b>5= \$27.40</b>                   | <b>25= \$220.00</b>                 | <b>50=\$715.00</b>                   |                                      |
| <b>Multi-Family</b>  |                                     |                                     |                                      |                                      |
| 3/4"                 | 0-10,000                            | 10,001-36,000                       | 36,001-80,000                        | Over 80,000                          |
| 1"                   | 0-17,000                            | 17,001-57,000                       | 57,001-120,000                       | Over 120,000                         |
| 1.5"                 | 0-30,000                            | 30,001-100,000                      | 100,001-200,000                      | Over 200,000                         |
| 2"                   | 0-48,000                            | 48,001-160,000                      | 160,001-320,000                      | Over 320,000                         |
| 3"                   | 0-96,000                            | 96,001-320,000                      | 320,001-640,000                      | Over 640,000                         |
| 4"                   | 0-150,000                           | 150,001-500,000                     | 500,001-1,000,000                    | Over 1,000,000                       |
| 6"                   | 0-180,000                           | 180,001-600,000                     | 600,001-1,200,000                    | Over 1,200,000                       |
| <b>Irrigation</b>    |                                     |                                     |                                      |                                      |
| 3/4"                 |                                     | 0-56,000                            | Over 56,000                          |                                      |
| 1"                   |                                     | 0-90,000                            | Over 90,000                          |                                      |
| 1.5"                 |                                     | 0-185,000                           | Over 185,000                         |                                      |
| 2"                   |                                     | 0-300,000                           | Over 300,000                         |                                      |
| 3"                   |                                     | 0-600,000                           | Over 600,000                         |                                      |
| 4"                   |                                     | 0-935,000                           | Over 935,000                         |                                      |
| 6"                   |                                     | 0-1,865,000                         | Over 1,865,000                       |                                      |

|                                                                                              |                                           |                                   |                                   |          |
|----------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------|-----------------------------------|----------|
| <b>Commercial<br/>Year Round</b>                                                             |                                           | <b>\$7.72 per<br/>1,000 gals</b>  | <b>\$11.95 per<br/>1,000 gals</b> |          |
| 3/4"                                                                                         |                                           | 0-150,000                         | Over 150,000                      |          |
| 1"                                                                                           |                                           | 0-300,000                         | Over 300,000                      |          |
| 1.5"                                                                                         |                                           | 0-500,000                         | Over 500,000                      |          |
| 2"                                                                                           |                                           | 0-750,000                         | Over 750,000                      |          |
| 3"                                                                                           |                                           | 0-1,200,000                       | Over 1,200,000                    |          |
| 4"                                                                                           |                                           | 0-1,700,000                       | Over 1,700,000                    |          |
| 6"                                                                                           |                                           | 0-1,700,000                       | Over 1,700,000                    |          |
| <b>All users except<br/>construction &amp;<br/>Commercial between<br/>November &amp; May</b> | <b>\$7.72 per 1,000<br/>Gals</b>          |                                   |                                   |          |
| <b>Construction<br/>Water</b>                                                                | <b>\$256.11<br/>Monthly Base<br/>Rate</b> | <b>\$10.15 per<br/>1,000 gals</b> |                                   | 1-Jul-14 |

## Additional Conservation Methods

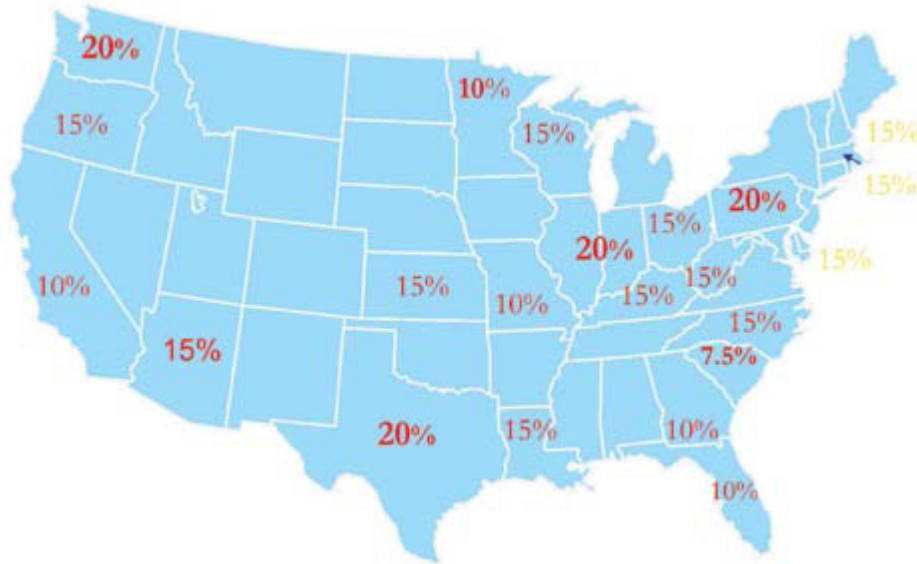
### 1. Reduction in Water Loss/Meter Maintenance Program

Staff is unhappy with the current percentage of water that leaves the system unaccounted for, and believes that focusing on this percentage is warranted. Water Loss can either be unmetered/under metered consumption or it can be loss from leaks in the distribution system. In evaluating this problem, staff sought data from Snyderville Basin Water Reclamation District for the 2012 winter sewer flows from Park City. In general these sewer flows should be close to the volume of water that is metered leaving the system. Our analysis found that our meter data is consistently below the Snyderville Basin Water Reclamation data during the winter. The data would seem to indicate that about half of our water loss is attributable to unmetered/under metered consumption. This means the other half is attributable to leaks in the distribution system.



Staff has targeted water loss due to under metering as the lowest hanging fruit to reduce water loss.

While staff believes that there is opportunity to reduce water loss, it is not possible to eliminate loss. Park City's water loss of 21% is just slightly over the most permissive target that has been set by individual states. Below is a graphic with the water loss targets that various states have set.



3

Staff has allocated the following amounts to begin to address our water loss number. The City has expended \$200,000 on rebuilding “dual meters.” These are larger meters where past technology required two meters to capture water use. Staff has identified that this set up as under-reading the water used, and contributing to water loss. Staff has budgeted an additional \$350,000 dollars through Fiscal Year 2017 to rebuild these dual meters.

A new meter replacement Capital Improvement Budget item was included starting in the Fiscal Year 2015 budget. This line item is initially funded with \$50,000 in FY 2015, and reaches \$150,000 in FY 2016. This line item is anticipated to continue into the future. This budget item is designed to provide a source to rebuild meters throughout the system. Staff believes that this effort will reduce our water loss percentage.

## 2. Pumping Based Surcharge

The cost of providing water to different locations through the City varies based on the elevation of the service connection. This is because of the energy required to pump water uphill. Some locations in town require that water be lifted three or more times in order to reach that service connection. Our current rate structure shares these costs across all rate payers instead of attempting to assign these costs to higher connections. Staff is currently developing a pumping surcharge that would assign the added energy costs of pumping to connections that require this pumping. Staff has identified rates as one of the most effective conservation tools, and this enhancement would make sure individuals are paying for their impact on the system. This will likely result in reduced consumption at higher elevations within Park City.

## 3. Additional adoption and leveraging of the WaterSmart Portal

The WaterSmart Portal has been a very successful. As of 9/1/2014, 16% of customers have signed up for online access. For our Single Family Residential Customers this means they have access to an

<sup>3</sup> <http://www.watersonline.com/doc/state-of-the-states-emerging-water-loss-regulations-in-the-u-s-0001>

electronic copy of their Home Water Report, personalized conservation tips, and real-time consumption data. For our other customer this means they have access to real-time consumption data.

There is a real conservation benefit to encouraging more of our customers to sign up for the customer portal. When a customer signs up for the customer portal, the Water Department receives their email address. This email address enables the WaterSmart portal to immediately notify individuals who experience unusual consumption that is consistent with a leak.

Staff is working with the WaterSmart vendor to enhance their current offering. One such enhancement that staff believes has a lot of value is a watering report, and possible email alert. This report would evaluate a customer's data to determine how often a home is watering. Currently the water department relies primarily on customers calling in to report watering violations. As most watering happens in the dark, it is very difficult for residents to identify locations that are watering every day. The hourly data can show how non-compliant watering, however, the only way to identify those accounts is to manually review the data.

Staff is working with WaterSmart to create a report that can systematically review all of our Single Family Residential Account and Irrigation accounts to identify non-compliant watering. This would provide staff with the ability to monitor compliance with the watering ordinance and increase compliance through education and when necessary fines. Staff is also working to extend email leak alerts to account types other than Single Family Residential.

## **Adopting the Water Conservation Plan**

Water Conservation is part of the Water Business Resources team. This team consists of the Water Business Resource Supervisor, Water Billing Coordinator, and two Water Worker IVs under the supervision of the Water and Streets Director. This team also maintains a meter and radio network of over 5,200 locations. The team also is responsible for creating and distributing over 5,200 bills each month.

The Water Conservation Plan was adopted by the City Council on \_\_\_\_\_, 2014. The City Council is comprised of:

Jack Thomas, Mayor  
Andy Beerman, Council Member  
Tim Henney, Council Member  
Cindy Matsumoto, Council Member  
Liza Simpson, Council Member  
Dick Peek, Council Member

The Water Conservation Plan will be revised and updated as required to meet changing conditions and needs. This plan will be submitted to the Utah Division of Water Resources prior to December 31, 2014, as required by the Utah Water Conservation Plan Act (UCA § 73-10-32). The Resolution for the Water Conservation Plan is attached.



**PARK CITY MUNICIPAL CORPORATION, UTAH WATER CONSERVATION PLAN RESOLUTION  
RESOLUTION NO. \_\_\_\_\_**

**A Resolution to approve the Park City Municipal Corporation Water Conservation  
Plan**

**Section 1. Preamble**

- A. WHEREAS, Park City Municipal Corporation operates a culinary water system; and
- B. WHEREAS, the City Council understands the pressing need to use water in a more efficient manner to allow for future sustained growth of the community; and
- C. WHEREAS, the Utah Division of Water Resources requires that an updated water conservation plan be submitted every five years for water providers with more than 500 connections.

**Section 2. Ordaining Clause**

**NOW, THEREFORE, BE IT RESOLVED** that the Park City Council does hereby authorize the Park City Municipal Corporation Water Conservation Plan and to attach to the Plan as required, a certified copy of this Resolution as evidence of such authorization.

**Section 3. Water Conservation Plan**

The water conservation plan of Park City Municipal Corporation, first adopted in January 29, 2004, and readopted on this 30<sup>th</sup> day of July, 2009, is hereby readopted on \_\_\_\_\_, 2014. The plan will be amended no less than every five years and will continue to play a vital role in the future development of Park City Municipal Corporation, Utah.

**EFFECTIVE DATE.** This resolution shall become effective upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of October 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Mayor Jack Thomas

Attest:

\_\_\_\_\_  
Marci Heil, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, City Attorney



## City Council Staff Report

**Subject:** Mountain Accord Update  
**Author:** Ann Ober  
**Department:** Executive  
**Date:** September 18, 2014  
**Type of Item:** Informational

### **Summary Recommendations:**

Council feedback on the Wasatch Back 2040 map

**Topic/Description:** Staff has undertaken a regional mapping process to show growth patterns for the Wasatch Back. This presentation is an opportunity for Council to get and give feedback on map design and content

### **Background:**

In 2013, Envision Utah initiated the Wasatch Choice for 2040 process for the Wasatch Front. The associated map provided an idealized vision of what Wasatch Front could look like in the year 2040. It illustrates the existing and planned land use, transportation facilities, economic centers, natural preservation areas and recreation connections as the Wasatch Front add 1.4 Million people by the year 2040.

In response, Mountainland Association has developed a similar map for the Wasatch Back. The map provides a vision for Wasatch and Summit Counties. Wasatch and Summit currently have a combined population of 64,000. The Governor's Office projects that the population in the two counties will expand to 130,000 by 2040.

This Vision Map will serve as a communication tool to illustrate where the growth, preservation, transportation, recreation and economic development is predicted to occur over the next 25 years.

The draft map was recently created by Mountainland Association of Government staff, with participation from Wasatch Back Communities. The map design and content are consistent with maps created for Wasatch Choice 2040. Staff is looking for Council feedback on the map prior to use by any of the agencies.

**Department Review:** Transportation, Mountainland Association of Governments, Legal

### **Recommendation:**

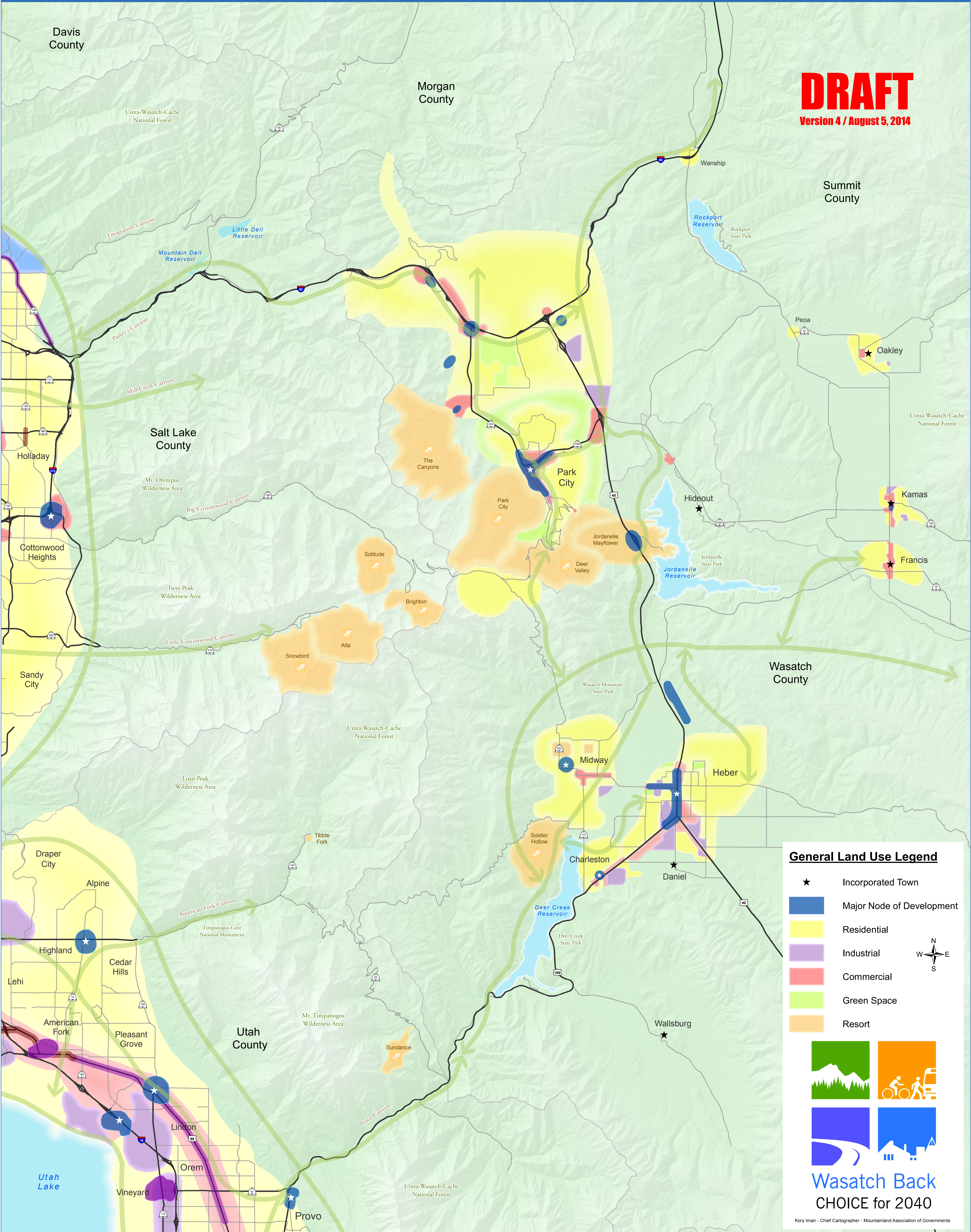
Council input

### **Attachments:**

Wasatch Back 2040 Draft Map

# Wasatch Back Choice for 2040 - Vision Map

**DRAFT**  
Version 4 / August 5, 2014





**PARK CITY COUNCIL MEETING MINUTES-DRAFT**  
**SUMMIT COUNTY, UTAH,**  
**August 21, 2014**

**Closed Session**

To discuss Property, Personnel and Litigation

**Planning Commission Interviews**

Mayor and Council conducted one Planning Commission interview.

**Complaint Review Board Interviews**

Mayor and Council conducted Complaint Review Board Interviews.

**Closed Session**

To discuss Property, Personnel and Litigation

**Work Session**

**Council Questions and Comments and Manager's Report**

Council member Beerman thanked staff and community for Tour of Utah. It has grown into a neat event. Thanked the Mayor for inviting him to shoot the start gun. He and Mayor Thomas attended an event with Mayor Becker, National League of Towns. He had a question from a citizen regarding the PACE program and wanted to clarify that the City was working towards a pilot program. City Manager Foster concurred.

Council member Matsumoto met with the Library Board and went on a tour of the construction site which is moving along great. Summit Lands meeting and announced the upcoming events Moonshine on September 9<sup>th</sup> and a breakfast on October 1 where Mayor Becker will be speaking.

Council member Peek agreed with Beerman on the success of Tour of Utah and enjoyed the finish.

Council member Simpson stated that she was sorry to miss the Tour of Utah and has attended too many meetings to count. Stated that KPCW is holding their pledge drive and she volunteered early Monday morning with Ann Ober. Also wanted to start the conversation of shifting the expiration dates our Boards and Commissions. Council concurred they also want to discuss alternates and the ability to apply to multiple boards.

Council member Henney gave a shout out to Kamas for the great outcome of the finish of Stage 5 of Tour of Utah. Attended HPCA stating that the one comment that he came away with was with all the construction going on in the City have been chipping away at the parking in Old

Town and feels that there is just a perception and would like to see data regarding parking in the City. Council agreed

Mayor Thomas attended the Art Board meeting along with the Council of Governments meeting where they gave an update on the success of Tour of Utah and they also discussed a rotating art program. As Council member Beerman stated they attended a National League of Towns meeting with a few other Mayors from the region and are looking at a possible membership.

### **COSAC- Gambel Oak**

Heinrich Deters, Trails and Open Space, discussed the Citizens Open Space Advisory Committee recommendation to place an Open Space easement on the Gambel Oak parcel. Staff is recommending Council to provide Summit Lands Conservancy the opportunity to fundraise for the costs for the easement.

Mayor Thomas opened the floor for public comment.

Carolyn Frankenberg spoke as a member of the public and an alternate on the COSAC board. She does not feel that the Conservancy should be the steward on this land and feels that the City sales tax should be used to cover the stewardship.

Council member Matsumoto stated that she is in favor of the easement and asked Deters for clarification regarding the funding. Deters stated that there is an overall greater funding discussion currently going on in COSAC that this land could be a part of. However; prior to rolling it all together Deters feels that Summit Lands should be allowed to fund raise for stewardship for cost associated with an easement.

Council member Simpson clarified the two questions staff was trying to answer. One, does the Council want to place an easement on this property and two, getting direction to allow Summit Lands to go forward "at will" to raise money while COSAC is discussing other funding options. Deters concurred.

Cheryl Fox, Summit Lands Conservancy, inquired if the entire amount was to be raised by Summit Lands or would it be a private/public partnership. She has not heard about rolling this funding in with the larger discussion.

Foster discussed the funding from a different perspective of having the City pay for the monitoring. Foster stated that the City has paid for the baseline assessment and the monitoring is stewardship and is the long term care. Stated that the City pays a yearly fee on a per acre basis and Council could direct staff to add this parcel to that lump sum payment.

Council member Simpson clarified that the City has been funding monitoring on an annual basis and in a sense the stewardship has always been happening. Clarified for the public that monitoring is a component of stewardship and endowments which are funded separately through the regular budget process.

Council member Beerman thanked the members of COSAC for all their hard work and feels that COSAC and Council need to meet and discuss these options further to decide where the funds need to be dedicated.

Council member Simpson stated that to be clear Carolyn interpretation of where the funds are to come from then we are using the same funds to pay for the stewardship as well as purchasing more open space so in essence the City is purchasing less open space. Simpson stated for the record she is in favor of a conservation easement.

Council member Henney inquired about COSAC's discussions regarding the funding.

Deters stated that COSAC was not in favor of dipping into the acquisition pot of the Resort City Sales tax. Council member Henney felt that it was COSAC's job to drill down the purpose of the funding.

Kathy Fond stated that she is confused with what Deters said regarding using the sales tax funds for endowment. Gave an analogy of the Recreation Board wanting to put a park in stating that the process from acquiring the land to putting in the bathrooms etc. She stated that she feels that the acquisition and endowment are together like parks and bathrooms.

Council member Henney stated that he feels COSAC needs to have a robust discussion and come to a clear consensus and then make a recommendation to Council.

Deters stated pulled up the COSAC minutes stating he can see from the minutes there is some grey area with this property to address if this is an acquisition or a currently owned property that needs an easement.

Jim Doyle cautioned Council and staff to not talk endowment because this is not an endowment. Feels it is more appropriate to talk about funding efforts.

Council member Simpson stated that the City has paid for the monitoring for years and had talked years ago about an endowment in order to use the interest to fund the monitoring in perpetuity.

Council member Henney inquired if COSAC is still discussing tying the hands of future Councils with respect to future needs. Deters stated that it is always a conversation to protect the lands.

Council member Peek stated that he is in favor of the conservation easement as well as continuing the discussion to fund the stewardships.

Council member Beerman spoke to the comment made by Fox regarding the private/public partnership and feels that anytime fundraising can be done with thin budgets it is always a good thing to free up more money for future acquisitions.

Fox stated that she agrees that fundraising is a great option but it does take time and was hoping a public/private partnership would move the process along more quickly.

### **Walkability Discussion**

Heinrich Deters, Trails and Open Space along with Rob Sunderledge, Horrock's Engineering discussed the relocation of the underpass associated with the SR 224 corridor and the walkability study. Stated that in 2012 Horrock's completed a corridor study and now have a feasibility study related to the SR 224 area. Discussed the negative aspects of the original project known as Jans-Cole Sports location such as poor traffic/pedestrian flow, being non-ADA compliant. There was concern with the North-South pedestrian traffic and feels that a signal

would be the most helpful along this corridor. Deters discussed the phasing process of giving pedestrians their own phase and allowing traffic to move along more smoothly.

Council member Simpson inquired if the landing area would be addressed because the pedestrian traffic has no area to wait in. Deters stated that the area would be enlarged through pathway improvements.

Council member Beerman inquired if the potential for the overhaul of the intersection along with a roundabout is still on the table. It seems this is a good idea for the time being and with greater traffic it may be a better option.

Deters stated with a 40-year plan you have to look at the current picture because even with corridor studies cost and data is always changing.

The crossing that staff is looking at for the underpass is located at Park Ave and Kearns Blvd. Sunderledge stated this would be ADA compliant and would have fewer impacts due to the City owning a majority of the property. It would improve the infrastructure. Deters stated that staff has spoken with the owners of Yarrow and Basin Recreation.

Council member Henney inquired if this section would be just as successful with the light phasing.

Deters stated that there could be signalization at this point and improve pedestrian movement. The tunnel would be a spine for high traffic trails as well as helping with the traffic flow as well as a pedestrian route.

Council member Henney followed up that if a roundabout was placed there in the future would it impact the tunnel and cause the city to redo the tunnel.

Deters stated staff is looking at all the options to minimize any future reconstruction and would need the green light to bring back options to Council.

Council members Beerman and Peek both want to see realignments and have a very complete final product. Deters outlined the pathways that would connect the trails system with a Y patterned tunnel.

Mayor Thomas really like the connectivity aspect of the tunnel.

Fern Baird, inquired about why there is not a cross walk opposite toward the Yarrow as well as the speed limit issue in the area. Also brought up the issue of speed limits in the area.

Council member Simpson stated that with the double left turn it would back up traffic significantly worse than usual.

Carolyn Frankenberg stated she is extremely passionate about the walkability of the town and is pleased with the work that has been done and is wondering if there have been any traffic calming ideas discussed in that area.

Deters stated that other areas in the study call out for a consolidation of access points as well as landscaping areas to provide traffic calming. Staff will have those difficult discussions with the business owners.

Steven Parker, is concerned with the bike path need along Park Ave and invited Council to attend the Park Avenue Condo task force meeting on Sept 2<sup>nd</sup> .

## **Regular Meeting**

**I. ROLL CALL-** Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 7, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Craig Sanchez, Public Outreach; Roger McClain, Water; Matt Cassel, City Engineer; Nate Rockwood, Capital Budget, Debts and Grants Manager; Kirsten Whetstone, Planner; Ryan Wassum, Planner; Marci Heil, City Recorder

## **II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

Craig Sanchez, Public Outreach, and Roger McClain, Water and Streets, spoke about the Judge Tunnel public outreach. Sanchez stated that there will be major impacts of Norfolk with a hard closure and they had a group that walked the neighborhood spoke to all the residents that were home. The group informed the residents of the hard facts and the residents are ready for the project to get underway. McClain stated that they have worked with emergency services on mitigation during the hard closure. Council member Peek inquired about the status of the Historic rating on the Woodside tank. McClain stated that the records have been searched for historic significance and were unable to find any information regarding the history of the tank.

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

Lynn Ware Peek stated that KPCW is holding their annual pledge drive and the Summit County Council members have issued a challenge grant and would like to see if the Council had any interest in making this a competition. Mayor Thomas stated that he has a \$1000 challenge grant. Also stated that Park City has been mentioned as one of the top 25 towns in the World in National Geographic Adventure.

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

1. Consideration of authorizing the City Engineer to execute, in a form approved by the City Attorney's Office, the attached Encroachment Permit for Improvements in City Right-Of-Way with Myke Hughes and Westlake Land, LLC for parking and access use on a portion of Grant Avenue located at 206 Grant Avenue

**Council member Simpson moved to pull this item from the Consent agenda  
Council member Peek seconded**

**Approved unanimously**

Council member Simpson stated that she feels that the encroachment should be between the City and 206 and feels that the property owners should have a separate agreement.

Council members Peek and Beerman agreed with Simpson. Matt Cassel, City Engineer, stated that staff agrees that the City would be able to issue an encroachment agreement with Myke Hughes, 206 Grant Property Owner.

City Attorney Harrington stated that this has been a very in-depth process working towards this agreement. He would hate to cause a wrinkle. Jack Johnson, representative for the Imperial Hotel owner stated that they just want this process finished.

Harrington stated that he would leave the language "as is" unless there is another reason to hold this up. Also clarified if Council would like more information stating they could continue the item to the September 4<sup>th</sup> meeting. Harrington stated that the City is covered and would recommend moving forward.

**Council member Simpson moved to authorize the City Engineer to execute, in a form approved by the City Attorney's Office, the attached Encroachment Permit for Improvements in City Right-Of-Way with Myke Hughes and Westlake Land, LLC for parking and access use on a portion of Grant Avenue located at 206 Grant Avenue**

**Council member Matsumoto seconded**

**Approved unanimously**

**V. CONSIDERATION OF MINUTES FROM THE JULY 31, 2014 AND THE AUGUST 7, 2014 COUNCIL MEETINGS.**

**Council member Simpson moved to approved the meeting minutes from July 31, 2014 and August 7, 2014**

**Council member Beerman seconded**

**July 31, 2014 Approved(4-0)**

**Simpson-aye**

**Beerman-aye**

**Matsumoto-aye**

**Henney- aye**

**Peek- excused**

**August 7, 2014 approved unanimously**

**VI. PUBLIC HEARING**

1. Sales Tax Bond public hearing with respect to the issuance of the Issuer's proposed Sales Tax Revenue Bonds, Series 2014, for certain projects, in the principal amount of not to exceed \$6,000,000

Nate Rockwood, Capital Budget, Debt and Grants Manager, stated that there are two groups of bonds A's for refunding and B's with new money. This public hearing is for the "B" bonds only. Stated we had a really good sale of the "A" bonds and received an extremely great rate of 1.3%.

Council was extremely pleased with the sale and rate. Over the 4 years remaining the City will save about \$600,000 dollars and it is a 6 year loan only. Rockwood clarified that the public hearing was related to the "B" bonds with the new monies.

Mayor Thomas opened the public hearing. There were no comments heard. Mayor Thomas closed the public hearing.

## **VII. NEW BUSINESS**

1. Consideration of a Resolution Proclaiming September as National Preparedness Month in Park City.

**Council member Peek moved to approve a Resolution Proclaiming September as National Preparedness Month in Park City.  
Council member Beerman seconded  
Approved unanimously**

2. Consideration of an Ordinance approving the plat amendment for 632 Main Street Silver Queen Condos, Park City Utah, pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Whetstone and Steve Bruemmer, Elliot Work Group presented the amendment for one 3,000 square foot commercial area on the main level and 7 private condominiums ranging from 1,000 to 3,000 square feet above the commercial area. It is in the Historic Commercial Business zone and is consistent with the State's Condominium Act. The Planning Commission has forwarded a positive recommendation.

Council member Simpson thanked staff for the complete report.

Mayor Thomas opened the public hearing. There were no comments heard. Mayor Thomas closed the public hearing.

**Council member Beerman moved to approve an Ordinance approving the plat amendment for 632 Main Street Silver Queen Condos, Park City Utah, pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney  
Council member Matsumoto seconded  
Approved unanimously**

3. Consideration of an Ordinance approving the plat amendment for 1102 Norfolk Avenue Subdivision located at 1102 Norfolk Avenue, Park City Utah. pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Wassum stated that this amendment will remove the lot lines and will bring the historic structure into compliance. Planning Commission forwarded a positive recommendation.

Mayor Thomas opened the public hearing. There were no comments heard. Mayor Thomas closed the public hearing.

**Council member Peek moved to approve an Ordinance approving the plat amendment for 1102 Norfolk Avenue Subdivision located at 1102 Norfolk Avenue, Park City Utah. pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney  
Council member Simpson seconded  
Approved unanimously**

4. Consideration of the Third Amended Stag Lodge Phase II condominium plat for Unit 35 based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance in a form approved by the City Attorney

Planner Wassum stated that the applicant is proposing to expand the garage area to reflect the entire footprint of the current structure and will not require any parking or modify the outward appearance of the structure.

Council member Simpson inquired if the prior owners did indeed complete renovations without the proper building permits and if there was any legal standing the City held. Harrington stated that he would not be able to comment without more information.

Mayor Thomas opened the public hearing. There were no comments heard. Mayor Thomas closed the public hearing.

**Council member Matsumoto moved to approve the Third Amended Stag Lodge Phase II condominium plat for Unit 35 based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance in a form approved by the City Attorney  
Council member Peek seconded  
Approved unanimously**

#### **VIII. ADJOURNMENT INTO CLOSED SESSION**

**Council member Simpson moved to adjourn into Closed Session  
Council member Beerman seconded  
Approved unanimously**

#### **CLOSED SESSION MEMORANDUM**

The City Council met in a closed session at approximately 1:15 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Tom Daley, Assistant City Attorney; Matt Dias, Assistant City Manager; Jason Glidden, Economic Development Project Manager; Jim Blankenau, Sustainability; Ann Ober, Sustainability; Lori Collett, Finance Manager; Nate Rockwood, Capital Budget, Debt and Grants Manager. **Council member Peek moved to close the meeting to discuss Property, Litigation and Personnel. Council member Simpson seconded. Motion carried.**

**Council member Peek moved to open the closed session. Council member Simpson seconded. Motion carried**

The City Council met in a closed session at approximately 4:15 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Tom Daley, Assistant City Attorney; Matt Dias, Assistant City Manager. **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Henney seconded. Motion carried.**

**Council member Simpson moved to open the closed session. Council member Peek seconded. Motion carried**

The City Council met in a closed session at approximately 7:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Tom Daley, Assistant City Attorney; Matt Dias, Assistant City Manager. **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Peek seconded. Motion carried.**

**Council member Simpson moved to open the closed session. Council member Matsumoto seconded. Motion 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 Marci S. Heil, City Recorder.

  
Marci S. Heil, City Recorder





**PARK CITY COUNCIL MEETING MINUTES-DRAFT**  
**SUMMIT COUNTY, UTAH,**  
**September 4, 2014**

**Closed Session**

To discuss Property, Personnel and Litigation

**Work Session**

**Council Questions and Comments and Manager's Report**

Council member Beerman attended a Council meeting in Moab while on vacation stating that they were done in 45 minutes including work session and regular session. Discussed C-Pace feeling is a long term project to keep on the radar. He has heard a lot of negative comments regarding BOPA and feels that the goal has been lost from the beginning vision vs. code.

Kayla Sintz, Planning Manager, stated that when BOPA was put on hold due to the General Plan the connectivity was lost. Staff is going to canvas the neighborhood and step up the communication.

Council member Henney spoke to the BOPA issue stating that he feels that the key is direct contact with the property owners and not just mailings. He also stated that he attended COSAC and the Recreation Advisory Board. Thanked Kyle McArthur for the water conservation reports. Had a great time at the Employee Summer picnic and thanked staff for the Miner's Day parade.

Council member Simpson stated that she has spoken to property owners and tenants in the BOPA area and despite her best effort they are still spreading incorrect information. She thanked staff for stepping up the communication and feels it is very important to reach out to both property owners and tenants. Attended the Fire Board meeting and they have increased the chipping numbers.

Mayor Thomas stated that he attended the parade and the function at Rotary Park. Attended a lecture by Eva Schlosser, Anne Frank's step-sister which he found very moving and uplifting. She has been through hell and found the positive.

**Discussion of 2014 Water Impact Fee Update and Draft amendment of Title 11;Chapter 13-Impact Fees**

Clint McAfee, Water and Streets Manager; Keith Larson, Bowen Collins; Matt Millis, Zion's Bank; stated that they are looking at amending the impact fee facilities plan. Larson stated that they have been working with staff to create a capital facilities plan with a niche for impact fees. Impact fees can only include projects that are providing a benefit for the future as well as be completed in the next 10 years. There are 5 steps per UT code: 1-identify existing level of service, proposed Level of Service demands, make sure there is no waste and performance. The performance standards for level of service are measured using historic water patterns as well as gallons per day on peak day demand. Spoke to the projected growth process stating that

they have looked at the most up to date planning numbers accounting for density and known development changes. They have also considered the effects of conservation as well as future secondary water. They also looked at the existing capacity available for future growth. Outlined the future projects and how they would affect future growth.

Mayor Thomas inquired about where they get the projection for the 10 year window. As an architect he knows that most people do not plan out 10 years in advance. Keith stated that they are a ball park number based on the most current statics.

Millis spoke to the impact fee analysis stating that they are using the 10 year window and have used the future growth and capacity of the current system as the foundation. Identified what an impact fee can recover. It is on new development and sometimes redevelopment properties that can cover the cities costs occurred. Spoke to the existing water system assets as well as the future capital projects. Stated that in the impact fee analysis they came up with the \$16,579 gallon per minute and stated that that would be calculated into a fair fee for both residential and commercial projects.

McAfee spoke to the outdoor and indoor use stating that based on the outdoor irrigation assets came out with 4.2 gallons per minute demand per irrigable acre.

Council member Beerman inquired if there was a way to account for conservation efforts per development. McAfee stated that the tricky part is the efficient fixtures can always be changed. The ordinance speaks to the outdoor conservation in xeriscaping but not indoors but staff could consider fee waivers. Larson stated that if the developer can show that there is less demand on the system then there will be less cost upfront.

Council member Peek inquired in about the demand on the system vs the trends. Larson stated that they have tried to account for the trends. Also inquired about the Western Summit County agreement in relation to the costs and the 10-year projection. McAfee stated that it has not been included in this study but as the development occurs and staff gets a good look at the costs staff can then attribute a portion of those fees to impact fees. Staff would like to bring this analysis back every 5 years to monitor the trends, costs and overall usage.

McAfee stated that this analysis will be open for public review and comment for the next 10 days and will come back to Council on September 25<sup>th</sup> for public hearing and action.

### **Mountain Accord Update**

Ann Ober spoke to the updates of the Mountain Accord system groups stating that staff will be coming back to Council in September as well as presenting to the Joint Councils of Park City, Wasatch and Summit Counties. The goal of this phase is to get the comments of the Council and the public to make sure the goals align. Stated that the City may come up with other ideas and could implement them even if Mountain Accord does not move forward. The final stage will be to vet the maps that come out of the system group and move forward.

Heinrich spoke to the recreation system group map stating that the Wasatch back is a different topography and more tourism driven. Simpson inquired about the growth of use if it is expected or hoped for. Deters stated that is the fundamental question and if that is answered then this process with work really well. Beerman stated that he has had some conversations regarding the Wasatch Front relying on the Back for all their recreation use.

Ober spoke to the environmental map stating that they are looking at wildlife corridors as well as open space.

Cashel spoke to the transportation system maps and stated that these maps are a continuum of the fixed guide way and bus systems. Stated that there are many versions of this map floating around

Weidenhamer stated that he found this exercise extremely fun. He got to look at where people make money and how they get there as well as look at the overall experience as well as keeping the residents in the forefront.

Ober spoke to the possibility of an economic study that would answer the questions of how the connectivity would affect the community. It would be a high level look gut check that would tell us specific to economics if it would be a positive or negative.

Council member Beerman stated that this is a high level check and will not look at the effects on the community.

Foster stated that as said before that the City wants to get a leg up in the game and not let things happen to the City and to be very well informed to make those decisions.

Mayor Thomas stated that he is excited to be involved in Mountain Accord and feels that the relationships are very important. Is very nervous over the connection over Guardsman pass and the safety issues of Little Cottonwood canyon. Does not see the linking as the most important aspect. Feels the bigger connection should be through Summit County and improving the current connection.

Council member Simpson stated that she and Cashel have been very clear during the transportation system group meetings that they are very much against the connection over the mountain.

Mayor Thomas thanked staff for all their hard work.

## **Regular Meeting**

### **I. ROLL CALL-all present**

### **II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

There were no communications or disclosures for Council or Staff.

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

Kate Boyd & Michelle McDonald, Park Silly Sunday Market, wanted to touch base with only 3 Sundays left and have had a record breaking attendance of over 136,000 to date. The working group is going very well and they have a meeting on Sunday at 11 beginning at the Farmer's Market. Council member Henney stated that he rides the bus in and there were a lot of people getting off the bus at the market.

Courtland Redding- Woods Cross resident and Park City business license holder sent out an email regarding the Travel Network Companies and feels that there is a negative aspect with the proposed ordinance that Salt Lake City is reviewing. He feels that there will be challenges with taxi cab companies with the ordinance allowing an exclusivity for the airport travel to these Travel Network and wanted to make the Park City aware of this impact.

#### **IV. APPOINTMENTS AND RESIGNATIONS**

1. Re-appointment of two Hearing Officers, J. Richard Catten and Kenneth R. Wallentine, pursuant to Title 2, Chapter 6, Section 2 of the Municipal Code of Park City with terms expiring in September, 2015.
2. Consideration of Melissa Band and Douglas Thimm to the office of Planning Commission with terms expiring July, 2018
3. Consideration of the re-appointment of Ruth Gezelius to the office of Board of Adjustments with a term ending July, 2019
4. Consideration of Don Horwitz, Mike Kaeske and Tore Steen to Police Complaint Review Committee with terms expiring July, 2017
5. Consideration of Puggy Holgren, Cheryl Hewett and Lola Beattlebrox to Historic Preservation Board with terms expiring July, 2017

**Council member Simpson moved to approve the appointments  
as listed on the agenda**

**Council member Beerman seconded  
Approved unanimously**

Mayor Thomas thanked the pervious members for their service.

#### **V. NEW BUSINESS**

1. Consideration of a Resolution adopting 2014 Property Disposition List Amendment

Heinrich Deters, Trails and Open Space, stated that the resolution has been updated and provides a centralized location for the public, staff and Council to see how the property may or may not be utilized.

Council member Beerman inquired why the Brew Pub lot was not itemized as a gathering place. Detetr stated that staff has been intentionally broad on the list so to not tie the hands of the City on any specific property. It offers more flexibility.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Henney moved to approve the resolution as amended with a public  
gathering space added to the Brew Pub Lot line item  
Council member Beerman seconded  
Approved unanimously**

#### **VI. OLD BUSINESS**

1. Consideration of Silver Bird Condominium at Deer Valley First Amendment located at 7379 Silver Bird Drive pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Alexander stated that this amendment will amend the existing Silver Bird Condos. The applicant is requesting to make existing common area to private space and staff has no issues with the amendment.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Matsumoto moved to approve an Ordinance amending the Silver Bird Condominiums at Deer Valley located at 7379 Silver Bird Drive pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney**  
**Council member Simpson seconded**  
**Approved unanimously**

2. Consideration of 692 Main Street Condominium Plat pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Alexander stated that this is a request to renovate the non-historic building and add the parking garage as well as turn some units into condominiums. The Planning Commission has forwarded a favorable recommendation.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Beerman moved to approve an Ordinance for the 692 Main Street Condominium Plat pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney**  
**Council member Peek seconded**  
**Approved unanimously**

3. Consideration of an denying Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Planner Astorga stated that staff is recommending denying the plat amendment for the Dority Springs subdivision. The applicant had applied to subdivide the lot into two lots. Astorga outlined the neighborhood as how they fit in the area. It was also important to point out that the area was exempt from the CC&Rs. The planning commission voted 5-1 to forward a negative recommendation stated that Little Kate splits two neighborhoods regarding compatibility in lot size and depth with the existing two neighborhoods. Staff identified the issues of lot depth and lot size as being incompatible.

Applicant, Mike Baker, stated that this has been a very long and expensive project and feels that this is a very important step in the process. He stated that in 2006 they had approached the Planning Staff regarding subdividing the property. They were able to show staff that their property was exempt from the Holiday Ranchettes CC&R's. At that time City Attorney Harrington stated that due to the exemption they could submit an application for a subdivision. Due to the costs of the application and the process they decided to hold off at that time. In 2012 the Baker's came back to the Planning Department and submitted a new application. Baker stated that from the first meeting with the Planning Staff in November 2012 to the Planning Commission's denial staff has always been very supportive of this subdivision. Stated that in the Spring of 2013 after the application had been reviewed by several City departments, the planning staff informed Mr. Baker that the City Engineer recommended a wet lands study due to the pond that had existed on the property. Discussed the wetlands study and the process that they went through. Following the Wetlands Analysis 8 months later the Army Corps of Engineers agreed with the findings that there were no wetlands present on the property. The application was then accepted and was placed on the Planning Commission Work Session agenda for May 14, 2014, during that meeting the Commissioners found this application unique and asked staff to continue the item in order to gather more information regarding compatibility in the neighborhood. Stated that the Baker outlined all the areas in the neighborhood where the lots would be compatible. He discussed exhibit K4 to further illustrate the lack of consistency throughout the neighborhood showing homes that are located less than 300 feet from his home with lots sizes ranging from 0.24 to 2.5 acres with setback and home sizes varying as well. Stated that they would be amenable to a deed restriction on the size of the home allowed on the lot. Also requested that if the Council was not familiar with the lot he would ask that the Council continue the item in order to become more familiar.

Mayor Thomas opened the public hearing.

Hap Seliga, 1781 Little Kate Road, spoke against the subdivision of the lot feeling that it is an encroachment upon his lot stating he appreciates the private setting of the lot and in speaking with a number of real estate professionals stated that a home below him would devalue his property.

Council member Henney stated that there seems to be already existing noise element and how would one more house over through the noise element.

Brady Rasmussen, Holiday Ranchettes HOA, spoke against the subdivision discussing the compatibility of the neighborhoods. Stated that this lot is excluded from the CC&R's and the HOA cannot do anything to stop this lot and feels that with the Dority Springs located on the lot the HOA did not have the forefront to think that the lot would ever be developed in the first place and certainly not subdivided. Spoke to the area being diverse yet with a clear outline of neighborhoods.

Roy Crandall, 1655 Little Kate Road, supports the Baker's application to subdivide. He feels that there is a very diverse spattering of uses in the neighborhood to include a golf course, a large barn and high-density condos which are all compatible in the neighborhood.

Carol Santy, 1990 Little Kate Road, lived in the neighborhood for 30 years and spoke in favor of the application stating she feels that her 1600 sq. foot house and the neighboring 8000 sq. foot home on the same street and are deemed compatible why shouldn't this lot with a small single family home be compatible.

Mayor Thomas closed the public hearing.

Council member Henney inquired if the Springs were present on the property today would the additional home interfere in the wetlands. Astorga stated that the application would not delineate the wetlands.

Council member Matsumoto spoke to her common sense for this irregular lot shape as well as spoke to the good cause clause to benefit the community. Spoke to the multiple comments made during the General Plan public input sessions that the community does not favor any further density. She also apologized for the long process that they have endured.

Harrington stated that the lack of historical record makes this situation difficult and feels that there should be a way to clarify the historical record of the lot.

Council member Simpson stated that she is struggling with this decision. She feels that if they, the HOA, were trying to protect Dority Springs they could have shaped the lot differently. She also does not agree with the Planning Commission and is not comfortable taking action without further information.

Council member Peek spoke to neighborhood compatibility of the different neighborhoods and stated how he feels that the main roads divide the neighborhoods that are being discussed in the findings of fact 38. He stated he is inclined to agree with Staff.

Council member Beerman stated that he also finds this challenging and echoes Council member Matsumoto's comments regarding the long process. However, he also agrees with Council member Peek struggling with keeping the open space feel of the surrounding houses.

Mayor Thomas stated that when he looks at the aerial image outlining the lots he is not bothered by the additional home but is bothered by the lack of historical information. He too, is sorry to see that the applicant has had such a long difficult time with this process. Feels that some determine compatibility by visual perception and feels that this would be visually appealing. Does see the questions and would like to gather more information.

Harrington clarified that this application was brought in under the old general plan and the Planning Commission took into the record the comments regarding density in that neighborhood from the new general plan discussions for the finding of good cause as it related to density.

**Council member Matsumoto moved to approve the denial Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney**

**Council member Peek seconded  
Approved unanimously**

**VII. ADJOURNMENT INTO RDA MEETING**

**Council member Matsumoto moved to adjourn in the RDA meeting  
Council member Beerman Seconded  
Approved unanimously**

**MEMORANDUM OF CLOSED SESSION**

The City Council met in a closed session at approximately 3:30 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Tom Daley, Deputy City Attorney; Heinrich Deters, Trails and Open Space. **Council member Simpson moved to close the meeting to discuss Personnel. Council member Henney seconded. Motion carried.**

**Council member Peek moved to open the closed session. Council member Beerman seconded. Motion 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 Marci S. Heil, City Recorder.



Marci S. Heil, City Recorder



## City Council Staff Report



PLANNING DEPARTMENT

**Subject:** The Parkite Commercial  
Condominiums  
**Author:** Kirsten A Whetstone, MS, AICP  
**Date:** September 18, 2014  
**Type of Item:** Administrative – Condominium Plat  
**Project Number:** PL-14-02302

### **Summary Recommendations**

Staff recommends City Council conduct a public hearing for The Parkite Commercial Condominiums record of survey plat for commercial condominium units, commercial convertible space, and common area located at 333 Main Street (aka the Main Street Mall) and consider approving the condominium plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

### **Topic**

**Applicant:** AG-WIP 333 Main Street Owner, LLC  
**Location:** 333 Main Street (aka Main Street Mall)  
**Zoning:** Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)  
**Adjacent Land Uses:** Main Street retail, offices and residential; Park Avenue residential  
**Reason for Review:** Condominium plats require Planning Commission review and recommendation to City Council with final action by the City Council.

### **Proposal**

The applicant requests a condominium record of survey plat for the purpose of platting commercial condominium units, convertible space, and common area on the lower and first floors of the old Main Street Mall building (Exhibit A) located at 333 Main Street. The plat is consistent with the approved Historic District Design Review. Residential condominium units within the building are also being platted with the Parkite Residential Condominiums record of survey plat approved by City Council on July 10, 2014.

### **Background**

The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 of the Amended Park City Survey. The property was combined into one lot of record on March 26, 2009 with the 333 Main Street Subdivision plat. An extension was granted on March 8, 2010 and the plat was recorded at Summit County on April 12, 2011 (Exhibit B). The building is owned by a single entity and is currently being remodeled with an active building permit.

Constructed across the zone boundary between the Historic Commercial Business (HCB) on the Main Street side and Historic Residential Two (HR2) on the Park Avenue side, the building contained allowed uses, such as retail, restaurants, offices, within the

HCB zone and legal non-conforming uses, such as office and retail within the HR2 zone portion. Residential uses currently under construction within the HCB zone are allowed uses. Residential uses currently under construction within the HR2 zone are permitted per the Board of Adjustment approval on June 18, 2013, as legal non-conforming uses. Commercial uses within the HCB zone are allowed uses and commercial uses within the HR2 zone are existing non-conforming uses within the HR2 zone. The building includes a total of 29,363 sf of commercial space located on the Lower Level and Level One.

Included with the 333 Main Street Subdivision plat were five (5) easements for emergency and pedestrian access, utilities, services, and parking as described in the title report and land title of survey for 333 Main Street. These easements and all conditions of the one lot plat amendment continue to apply to this condominium record of survey plat and will be noted on the plat prior to recordation. The Parkite Residential Condominium plat reflected amendments to the north tunnel, including amended easements, to accommodate use of the tunnel for access to the lower level parking garage for residential units only.

On February 27, 2009, a Historic District Design Review was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 action letter, clarifying that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

On August 11, 2011, the City Council approved an application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. The plat provided two separate ownership units that would allow the proposed Main Street Mall renovation and financing to occur in separate phases. A one year extension of the approval was approved by Council on September 20, 2012. The plat was not recorded by August 11, 2013 and it expired. Construction has moved forward with the building in single ownership.

On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use application. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units and additional commercial convertible space also consistent with the HDDR approval. Originally noticed for a June 11, 2014, Planning Commission meeting, Staff recommended a continuation until July 9<sup>th</sup>. On July 9, 2014, Staff recommended the Planning Commission continue the item until August 13<sup>th</sup> to allow the applicant to resolve an ADA access issue for the lower level commercial space. Staff has re-noticed this item given this series of delays. The Council hearing is scheduled for September 18, 2014.

On August 13, 2014 the Planning Commission conducted a public hearing and unanimously voted to forward a positive recommendation to City Council. No public input provided at the hearing.

### **Analysis**

|                   | CODE REQUIREMENT                                                                                                                                                                                    | EXISTING                                                                                                                                                                                      |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FRONT SETBACKS    | 0' in HCB and 10' in HR-2                                                                                                                                                                           | Varies, 4' to 23' in HCB <b><u>Complies</u></b> and 15' in HR-2- <b><u>Complies.</u></b>                                                                                                      |
| SIDE SETBACKS     | 0' in HCB and this Lot width in HR-2 (100' width). LMC requires 10' minimum and 30' total side setbacks.                                                                                            | 0' in HCB- <b><u>Complies</u></b><br>0'- 2.22' (north) and 0.2 -0.7' (south) in HR-2 (total = 0.2' – 2.92')- <b><u>valid Complying Structure</u></b>                                          |
| REAR SETBACKS     | 0' in HCB and 10' in HR-2 for single family                                                                                                                                                         | There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks). |
| HEIGHT            | 30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB.<br>27' in HR2                                                                                           | 30' at property line on Main follows 45 degree angle to maximum height of 45' in HCB. 27' from existing grade in HR2. <b><u>Complies.</u></b>                                                 |
| MINIMUM LOT SIZE  | 1,250 sf in HCB<br>1,875 sf in HR-2 for SF and<br>3,750 sf for duplex                                                                                                                               | 33,709 sf* - <b><u>Complies.</u></b>                                                                                                                                                          |
| MINIMUM LOT WIDTH | 25'                                                                                                                                                                                                 | 224.73'* - <b><u>Complies.</u></b>                                                                                                                                                            |
| FLOOR AREA RATIO  | 4.0 (67,420 sf) within HCB only based on 16,854 lot area within HCB (parking and driveways are not included in the FAR calculations). There is no FAR for the HR2 zone.                             | FAR in the HCB portion is 2.89 based on HCB gross floor area of 48,755 sf.<br><b><u>Complies.</u></b>                                                                                         |
| PARKING           | Special Improvement District assessed and fully paid for 1.5 FAR (retail/commercial uses on main/lower floors). Third story (now residential) fully paid with 1986 Parking Agreement for 56 spaces. | 56 spaces per 1986 Parking Agreement (paid in-lieu) plus Special Improvement District for 1.5 FAR, plus 15 on-site, and 10 private spaces off of Swede Alley.<br><b><u>Complies</u></b>       |

\*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

This record of survey plat includes two commercial units on the lower level; (C-1) a 8,138 sf unit and (C-2) a 5,733 sf unit. The remaining commercial area is platted as convertible commercial area (15,492 sf) and common area on Level One. Convertible space is area that could be re-platted into separate commercial condominium units in the future in order to sell individual commercial units. It is considered a Unit until such conversion takes place or if the time to convert expires. The property owner intends to maintain ownership of the convertible space at this time.

To resolve ADA access to Unit C-1 on the lower level, an elevator is proposed, as well as a corridor on the lower level connecting the elevator to Unit C-1 (see Exhibit A sheet 2). This area is designated as limited common ownership appurtenant to Unit C-1 with easement rights only. The area is part of the residential common area on the lower level. Following recordation of the residential plat the residential HOA will grant an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat.

There will be a similar easement from the residential HOA to the commercial HOA for use of the south tunnel for access to Swede Alley for the commercial units. These easement rights will be included on the final commercial plat prior to recordation of said plat and will be limited common area for the benefit of the commercial units to be further described in the easement agreements.

Common area for the terrace along Main Street is platted for the commercial units to be maintained by the commercial HOA. The central portion of the lower level is platted on The Parkite Residential Condominiums plat as residential common area for the parking garage. On the first level, at the south end of the building the commercial space extends to the rear wall and is below grade with no access to Park Avenue from any of the commercial spaces. At the northern portion of the building commercial space is located on the main level of the historic structures, with residential space located above and/or behind the commercial space. All of the storefront properties have access on to Main Street, are subject to the vertical zoning ordinance, and have no access onto Park Avenue. The vertical zoning ordinance is described in the HCB chapter of the LMC (Section 15-2.6-2 Uses), as well as in Chapter 15- Definitions (Storefront) and states that storefront area (e.g. individual unit/spaces within 50' of the public sidewalk on Main Street and not more than eight feet (8') above or below the level of Main Street) have various use restrictions (e.g. residential and office uses are not permitted).

This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was also assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for the lower floors). All required parking can be accommodated with the existing parking in China Bridge per the Parking Agreement. The owner also retains a parking easement for ten spaces off of Swede Alley and proposes an underground parking structure with approximately 15 spaces, with access from Swede Alley via the north tunnel. The underground parking is

intended to be exclusively for the residential owners and is platted on the residential plat as residential common area.

The property is encumbered with a lease agreement to provide a garage for the property at 364 Park Avenue. This lease agreement is identified on the subdivision plat because of the 99-year duration (approximately 50 years remaining). This separate garage within the Main Street Mall building has access to Park Avenue. The lease agreement addresses relocation of this garage in the event of construction/remodel of the building. This garage is identified on the residential condominium plat, as Unit 1G (559 sf), a privately owned parking garage "unit".

Loading and services for the commercial uses will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress. Commercial uses are retail uses.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because 1) the proposed plat meets the requirements of the Land Management Code (excepting the existing non-complying side setback in the HR2 zone) and 2) the plat is consistent with the approved HDDR and the active building permit that was reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and is consistent with the recorded one lot subdivision plat that removed the underlying property lines.

### **Good Cause**

Staff finds good cause for this condominium plat as it plats commercial condominium units consistent with the HDDR and the non-conforming use change application and allows for individual ownership of commercial space on Main Street. The condominium plat is consistent with the State condominium act, complies with the Land Management Code and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

### **Department Review**

This project was reviewed by the Development Review Committee on April 22, 2014. Issues raised have been addressed with conditions of approval and revisions to the submitted plat.

### **Notice**

On May 28, 2014, the property was posted and notice was mailed to property owners within 300 feet. The property was re-posted on July 30, 2014. Legal notice was published in the Park Record on May 28 and July 26, 2014.

### **Public Input**

Staff has not received any public input regarding the proposed plat at the time of this report or at the time of any of the prior public hearings.

### **Future Process**

Approval of this condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

### **Alternatives**

- The City Council may approve the condominium plat as conditioned or amended, or
- The City Council may deny the condominium plat and direct staff to make Findings for this decision, or
- The City Council may continue discussion on the plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.
- There is not a “no-action” alternative for administrative plat amendments.

### **Significant Impacts**

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat application.

### **Consequences of not taking the Suggested Recommendation**

The entire building would continue to be owned by one entity and the commercial space could not be sold separately.

### **Recommendation**

Staff recommends City Council conduct a public hearing for The Parkite Commercial Condominiums record of survey plat for commercial condominium units, commercial convertible space, and common area located at 333 Main Street (aka the Main Street Mall) and consider approving the condominium plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

### **Exhibits**

Exhibit A- Proposed condominium plat

Exhibit B- Recorded 333 Main Street one lot plat amendment

Exhibit C- Residential Condominium plat

Exhibit D- Minutes of the August 13, 2014 Planning Commission meeting

**Ordinance No. 14-**

**AN ORDINANCE APPROVING THE PARKITE COMMERCIAL CONDOMINIUMS  
RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, owners of the property known as 333 Main Street (aka the Main Street Mall), Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval of a condominium plat for commercial condominium units and associated commercial common area.

WHEREAS, the property was properly noticed and posted on May 28, 2014 and July 30, 2014, according to requirements of the Land Management Code; and

WHEREAS, courtesy notice letters were sent to all affected property owners on May 28, 2014; and

WHEREAS, the Planning Commission held a public hearing on June 11, 2014, to receive input on the condominium plat; and

WHEREAS, the Planning Commission, on June 11, 2014, continued the item to the July 9, 2014 Planning Commission meeting; and

WHEREAS, the Planning Commission, on July 9, 2014, held a public hearing and continued the item to August 13, 2014 to allow the applicant time to resolve an ADA access issue for the lower level commercial space; and

WHEREAS, the Planning Commission held a public hearing on August 13, 2014, to receive input on the condominium plat and forwarded a positive recommendation to the City Council; and

WHEREAS, on September 18, 2014, the City Council held a public hearing on The Parkite Commercial Condominiums plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Parkite Commercial Condominiums 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 condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.

2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space for the entire building consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use applications. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units and additional commercial convertible space also consistent with the HDDR and Board of Adjustment approval.
5. The building has a single entity as owner and is currently being remodeled with an active building permit.
6. *Commercial uses currently under construction within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.*
7. *Residential condominium spaces within the building were platted with the concurrently submitted The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014.*
8. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building was constructed with non-complying side yard setbacks of 0.2' to 2.92' total within the HR2 zone and total of 30' is required.
9. *Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are currently renovating and improving the building with an active building permit.*
10. *On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.*
11. *The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on*

*the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.*

- 12. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.*
- 13. On June 27, 2011, the City received a complete application for a condominium plat to create commercial condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. The two unit plat was approved by Council however it was not recorded within a one year time period and it expired.*
- 14. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).*
- 15. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.*
- 16. Access is also contemplated via the existing north tunnel to a proposed underground parking garage with fifteen parking spaces for the residential condominium units only. The parking garage is located in the lowest level and is designated as common area for the residential uses.*
- 17. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.*
- 18. An elevator will be constructed at the Main Street level to provide ADA access to Unit C-1 on the Lower Level. A walkway from the elevator to Unit C-1 will also be constructed. Easements for the elevator and walkway will be recorded prior to recordation of this plat to provide perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel. These easements will be recorded following recordation of The Parkite Residential Condominiums plat so that the Residential HOA is granting the easements.*
- 19. Easement agreements between the City and Property Owner regarding the south and north tunnels will need to be revised to address tunnel access, utilities, maintenance, etc., as required by the City Engineer.*

#### Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not

adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Access easements for all required access to the south tunnel for commercial units and access from the Main Street level to Commercial Unit C-1, shall be recorded prior to plat recordation in order to provide perpetual ADA access to Commercial Unit C-1 from Main Street and to provide required access to the south tunnel. Recording information shall be provided on the plat prior to recordation.
6. Easement agreements between the City and the Property Owner regarding the south and north tunnels shall be reviewed and any required revisions to address tunnel access, utilities, maintenance, etc. shall be made. The amended agreements shall be recorded prior to or concurrent with the Commercial plat and recording information shall be provided on the plat.

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

PASSED AND ADOPTED this \_\_\_ day of \_\_\_, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

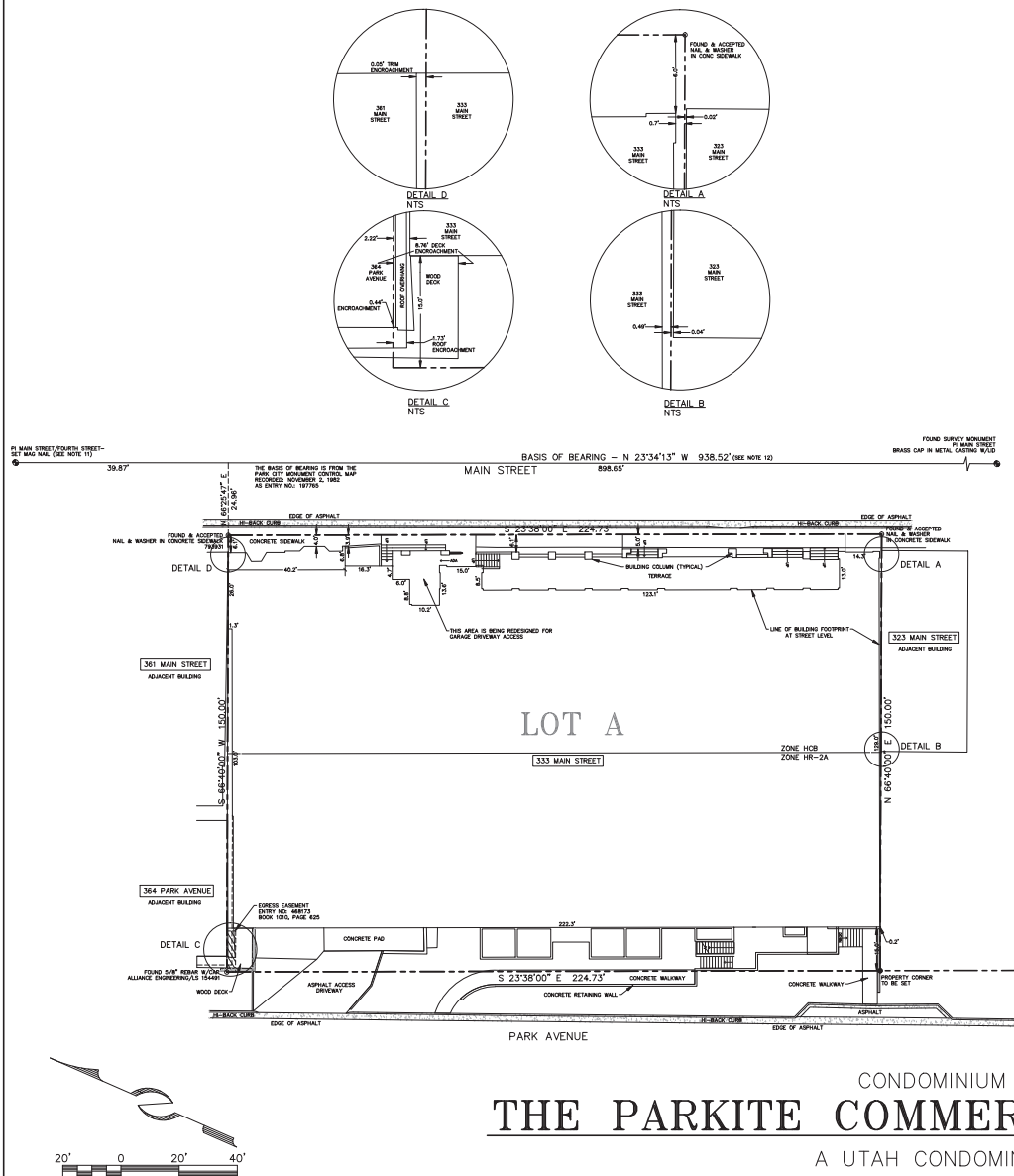
ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

# EXHIBIT A



## NOTES

- This condominium Plat ("Plat") depicts the Parkite Commercial Condominiums project which encompasses a portion of the land (the "Property") and building situated at approximately 333 Main Street, Park City, Utah (collectively, the "Project"), which is created and governed by that certain Declaration of Condominium for the Parkite Commercial Condominiums, and subsequent amendments. If any, thereto (the "Declaration"). The Declaration sets forth the covenants, restrictions, and easements, and the Project is also subject to that certain Master Declaration. Unless the context clearly indicates otherwise, all capitalized terms as used on this Plat shall have the meanings set forth in the Declaration or the Master Declaration.
- The Units are served by a common private lateral wastewater line. The 333 Main Street Condominium Master Owners Association, Inc., a Utah non-profit corporation (the "Master Association"), shall be responsible for ownership, operation, and maintenance of all common private lateral wastewater lines.
- Pursuant to the Declaration, the Parkite Commercial Condominiums Owners Association, Inc., a Utah non-profit corporation ("Association") is responsible for maintaining certain portions of the Project, including but not limited to the Common Areas and Facilities, and the Association shall have a perpetual non-exclusive easement over the Project for such maintenance purposes as further described in the Declaration.
- Pursuant to the Master Declaration, the Master Association is responsible for maintaining certain elements of the Project, and shall have a perpetual non-exclusive easement over the Property for such maintenance purposes as further described in the Master Declaration and the Declaration.
- All Common Areas and Facilities are dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBRWD), and the Park City Fire Protection District, Summit County for the purpose of providing access to utility and drainage installation, use, maintenance, and eventual replacement.
- All property corners are to be set along the perimeter boundary as shown hereon.
- The locations, dimensions, and boundaries of the Units and square footage calculations are based solely on drawings supplied by Elort Workgroup. The square footage calculations shown on this Plat are calculated in accordance with the Utah Condominium Ownership Act (the "Act") and the Declaration. Such calculations typically differ somewhat from the square footage determined by the architect or others using different methods of determining lot size. It is intended that the size and boundaries of the Units shall be as constructed. Therefore, no on-built measurements were taken.
- All utilities within the Project shall be underground. Notwithstanding Declarant's grant of blanket utility easements, Declarant reserves the right to record one or more instruments which narrow and limit such grant of utility easement to the normal easement width of the utility in those certain elements within the Project which actually contain the utility facilities. Such reserved right is subject to utility companies' rights then located under the real property depicted on this Plat.
- The Property as depicted on this Plat is subject to the Developmental Rights as described in the Declaration, and Declarant shall have the right to exercise any Developmental Right provided for in the Declaration, including, without limitation, the Option to Convert Space, the Option to Expand, the reservation and granting of certain easements, reducing or relocating improvements within the Project, adding additional recreational and service facilities and making such other developmental decisions and changes as Declarant shall determine in its sole and exclusive discretion.
- In the event of any conflict between the provisions in any of the above notes and the terms of the Declaration, the Declaration shall control.
- The survey monument at Fourth Street and Main Street shown on the Park City Monument Control Map, recorded November 2, 1985, as Entry No. 197765 was destroyed. A mag nail was set at its original location based on survey information obtained from previous surveys.
- The basis of bearing as shown this survey is the plotted inverse between the survey monuments indicated. There is a bearing change at Main Street and Third Street. Refer to the Park City Monument Control Map, recorded November 2, 1982, as Entry No. 197765.



## SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by authority of the owner, this plat of the PARKITE COMMERCIAL CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

## PROPERTY DESCRIPTION

Lot A, 333 Main Street Plat Amendment, according to the official plat thereof of record in the office of the Summit County Recorder.

## OWNER'S DEDICATION AND CONSENT TO RECORD

AG-WP 333 Main Street Owner, L.L.C., a Delaware limited liability company ("Declarant"), as the owner of the herein described tract of land, does hereby submit the same to the Utah Condominium Ownership Act, Utah Code Annotated, Title 57, Chapter 6, and set apart and subdivide the same into Units and Common Areas and Facilities as shown hereon, to be known as THE PARKITE COMMERCIAL CONDOMINIUMS, and does hereby grant and dedicate any easements depicted hereon.

In witness whereof, Declarant has executed this Owner's Dedication as of the \_\_\_\_ day of \_\_\_\_\_, 2014.

AG-WP 333 MAIN STREET OWNER, L.L.C.,  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

## ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ ss:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, the

\_\_\_\_\_, of AG-WP 333 MAIN STREET OWNER, L.L.C., a Delaware limited liability company.

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

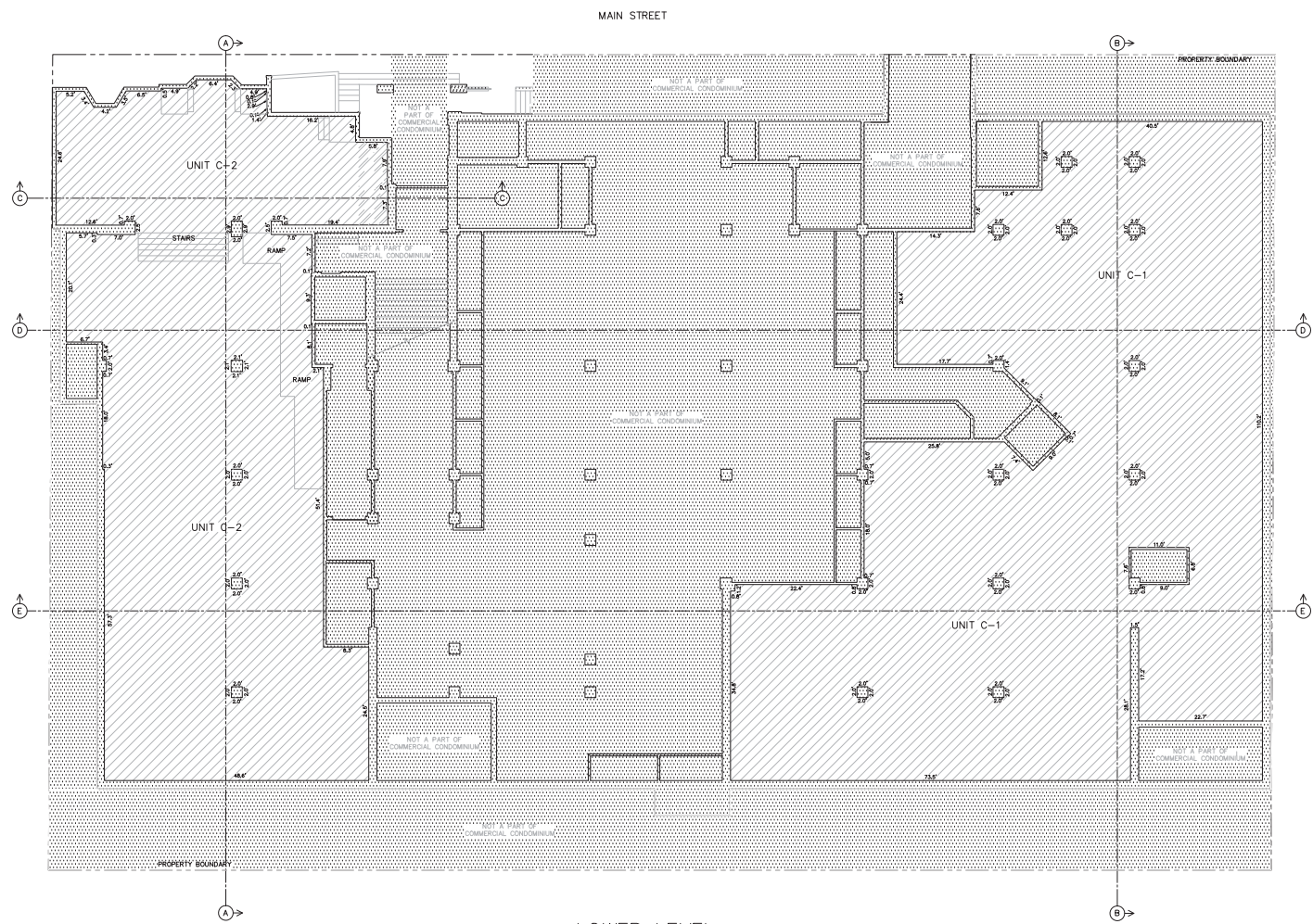
Residing at: \_\_\_\_\_

## CONDOMINIUM PLAT FOR THE PARKITE COMMERCIAL CONDOMINIUMS A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 11, PARK CITY SURVEY AND ALSO THE SOUTHEAST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 5

| SYNDERVILLE BASIN WATER RECLAMATION DISTRICT                                                                        |  | PLANNING COMMISSION                                                         | ENGINEER'S CERTIFICATE                                                                                 | APPROVAL AS TO FORM                               | CERTIFICATE OF ATTEST                                                                               | COUNCIL APPROVAL AND ACCEPTANCE                                                | RECORDED                                                                                 |
|---------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 |  | APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 | FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 | APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 | I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 | APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 | STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ |
| BY _____ S.B.W.R.D.                                                                                                 |  | BY _____ CHAIR                                                              | BY _____ PARK CITY ENGINEER                                                                            | BY _____ PARK CITY ATTORNEY                       | BY _____ PARK CITY RECORDER                                                                         | BY _____ MAYOR                                                                 | ENTRY NO. _____ FEE _____ RECORDER _____                                                 |



LOWER LEVEL

| OWNERSHIP DESIGNATIONS |                                      |
|------------------------|--------------------------------------|
|                        | PRIVATE OWNERSHIP                    |
|                        | COMMON OWNERSHIP                     |
|                        | NOT A PART OF COMMERCIAL CONDOMINIUM |

# THE PARKITE COMMERCIAL CONDOMINIUMS

SHEET 2 OF 5

JOB NO.: 8-3-13 FILE: X:\ParkCitySurvey\dwg\an\plot2013\080313-commercial.dwg  
5/19/14

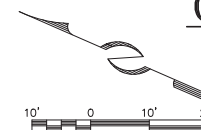
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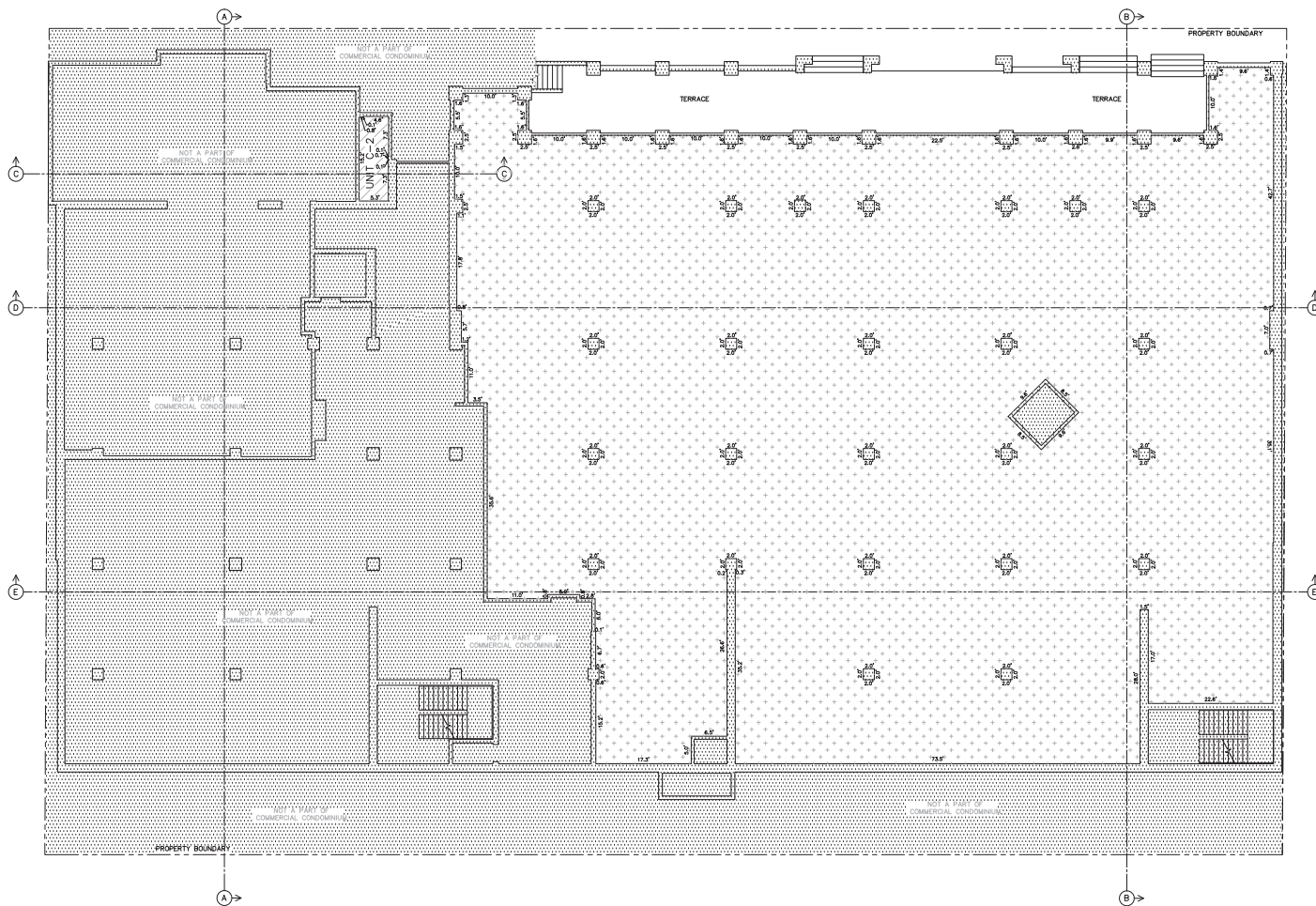
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_

ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_ RECORDER \_\_\_\_\_





LEVEL 1

| UNIT AREA TABLE |                        |
|-----------------|------------------------|
| UNIT            | PRIVATE OWNERSHIP AREA |
| UNIT C-1        | 8,136 SQ FT            |
| UNIT C-2        | 5,733 SQ FT            |
| COMMERCIAL      | 15,568 SQ FT           |

| OWNERSHIP DESIGNATIONS |                                         |
|------------------------|-----------------------------------------|
|                        | PRIVATE OWNERSHIP                       |
|                        | CONVERTIBLE SPACE/<br>PRIVATE OWNERSHIP |
|                        | COMMON OWNERSHIP                        |
|                        | NOT A PART OF<br>COMMERCIAL CONDOMINIUM |

# PARKITE COMMERCIAL CONDOMINIUMS

SHEET 3 OF 5

JOB NO.: 8-3-13 FILE: X:\ParkCitySurvey\dwg\arc\plat2013\080313-commercial.dwg  
5/26/14

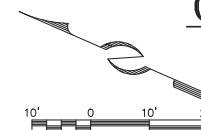
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_

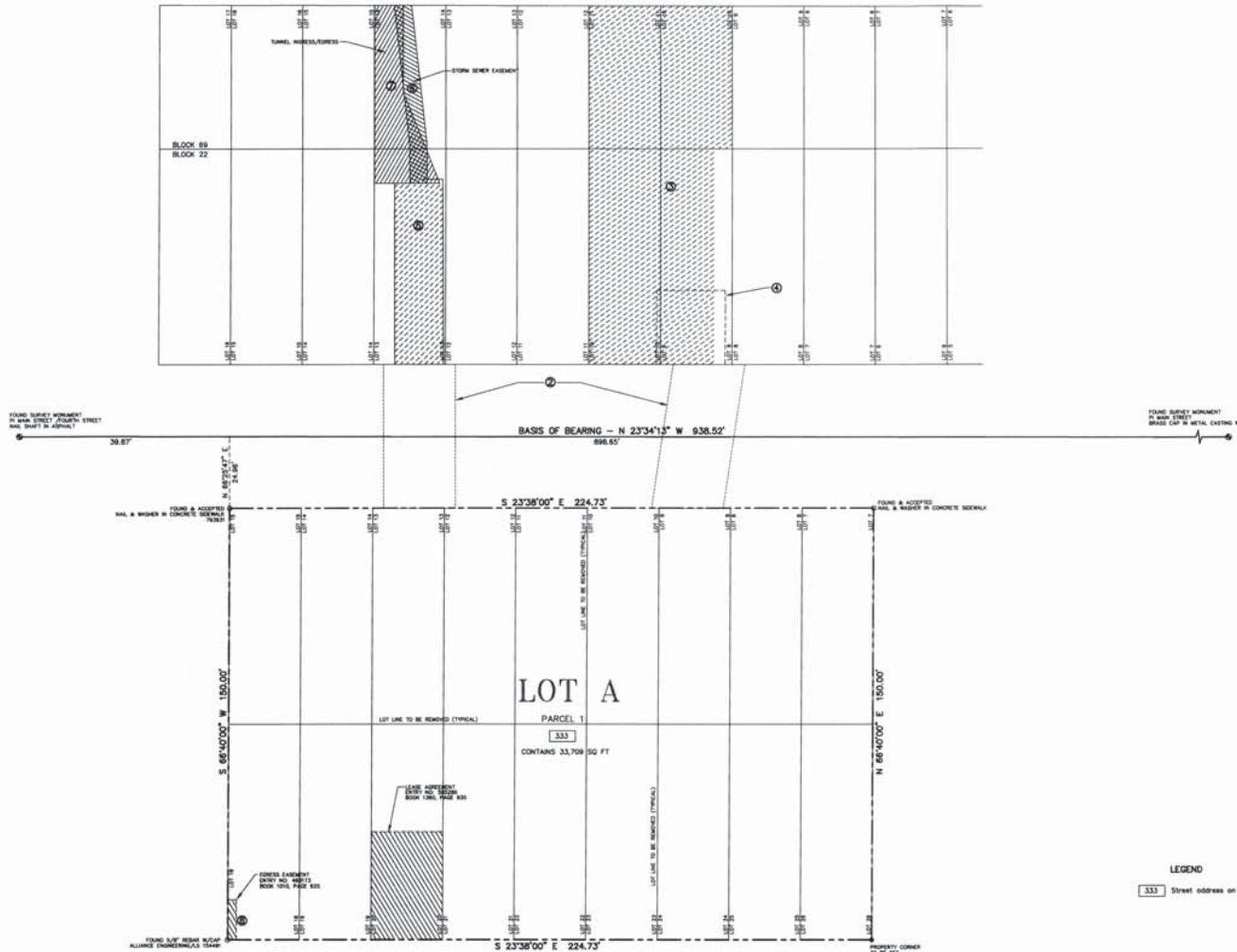
ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_ RECORDER \_\_\_\_\_







# EXHIBIT B



## A PARCEL COMBINATION PLAT A COMBINATION OF LOTS 7-15 & 18-26 IN BLOCK 11, PARK CITY SURVEY 333 MAIN STREET PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



### SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Parcel Combination plat of the 333 MAIN STREET PLAT AMENDMENT, and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information shown hereon is correct.

*John Demkowicz*  
John Demkowicz

3-22-2011  
Date

### PROPERTY DESCRIPTION

PARCEL 1  
ALL OF LOTS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25 and 26, BLOCK 11, OF THE AMENDED PLAT OF THE PARK CITY SURVEY, according to the official plat thereof of record in the office of the Summit County Recorder.

### EASEMENT DESCRIPTIONS

- Together with easement, non-exclusive easements for the construction of tunnels under Main Street for the sole purpose of providing pedestrian and freight access, as created by that certain Easement Agreement recorded July 9, 1994 as Entry No. 22255 in book 306 Page 589 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:  
**EASEMENT FOR NORTH PEDESTRIAN TUNNEL, SALT LAKE MAIN STREET MARKET PLACE**  
Located in the Southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.  
BEGINNING at a point which is North 23°38'00" West 146.03 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended, and running thence North 23°38'00" West 25.00 feet along the Western right-of-way of Main Street; thence North 66°22'00" East 50.00 feet to a point in the Eastern right-of-way of Main Street and running Southerly along said right-of-way South 23°38'00" East 25.00 feet; thence South 66°22'00" West 50.00 feet to the true point of BEGINNING.
- EASEMENT FOR SOUTH PEDESTRIAN TUNNEL, SALT LAKE MAIN STREET MARKET PLACE**  
Located in the Southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.  
BEGINNING at a point which is North 23°38'00" West 52.50 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended, and running thence North 23°38'00" West 25.00 feet along the Western right-of-way of Main Street; thence North 75°00'00" East 50.57 feet to a point in the Eastern right-of-way of Main Street; and thence along said right-of-way South 23°38'00" East 25.00 feet; thence South 75°00'00" West 50.57 feet to the true point of BEGINNING.
- Together with a non-exclusive easement for parking of automobiles and for pedestrian and vehicular ingress and egress, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No. 36688 in Book 783 at page 242 of the official records in the office of the Summit County Recorder.
- Together with non-exclusive easement for pedestrian ingress and egress across the Stairway Property, as created by that certain Easement and Maintenance Agreement, recorded January 26, 1994 as Entry No. 36688 in Book 783 at page 250 of the official records, said easement being more particularly described as follows:  
BEGINNING at a point along the East line of Main Street North 23°38'00" West 1.35 feet from the Southeast corner of Lot 10, Block 22, Park City Survey, and running thence North 66°28'04" East 25.40 feet along the Northern edge of existing concrete stairs; thence South 23°34'40" East 23.99 feet; thence South 66°49'06" West 25.78 feet along the Southern edge of a concrete wall; thence North 23°38'00" West 23.61 feet along the East line of Main Street to the point of BEGINNING.
- Together with a non-exclusive easement to use portions of the North Tunnel, the entrance/exit of the North Tunnel, and ingress and egress, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No. 36688 in Book 783 at page 250 of the official records in the office of the Summit County Recorder.
- Together with a non-exclusive underground easement for storm sewer purposes, and together with limited ingress and egress easement, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No. 36688 in Book 783 at page 253 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:  
**STORM SEWER EASEMENT**  
A 6.0 foot wide storm sewer easement being 3.0 feet each side of the existing storm drain line whose centerline is described as follows:  
BEGINNING at a point South 23°38'00" East 8.90 feet from the Northeast corner of Lot 14, Block 69, Millate Reservation; and running thence South 60°06'28" West 48.83 feet; thence South 66°15'37" West 13.44 feet and terminating.
- NORTH TUNNEL INGRESS AND EGRESS EASEMENT**  
BEGINNING at the Northeast corner of Lot 14, Block 69, Millate Reservation; and running thence along the East line of Lot 14, South 23°31'00" East 10.00 feet; thence South 66°28'04" West 30.00 feet; thence South 44°37'46" West 34.22 feet; thence North 23°38'00" West 22.28 feet; thence North 23°34'37" West 0.44 feet; thence along the North line of Lot 13, Block 22, Park City Survey North 66°34'45" East 11.95 feet; thence along the North line of Lot 14, Block 69, Millate Reservation North 66°28'04" East 48.85 feet to the point of BEGINNING.
- Subject to an egress easement:  
Beginning at the Northwest corner of Lot 18, Block 11, Park City Survey, and running thence along the Northernly line of Lot 18 North 66°40'00" East 14.00 feet; thence South 23°38'00" East 3.00 feet; thence South 66°40'00" West 14.00 feet; thence along the Westernly line of Lot 18 North 23°38'00" West 3.00 feet to the point of beginning.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City 333 Main Development, LLC, the owner of the herein described tract of land, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this 22 day of March, 2011.

Park City 333 Main Development, LLC, a Delaware limited liability company  
By: Main Mall Development, LLC, a Delaware limited liability company, its Manager  
By: DORM Park City, LLC, a Utah limited liability company, its Manager  
By: *Stanley R. Castleton*  
Stanley R. Castleton, Manager

### LEGEND

333 Street address on Main Street

### ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 22 day of March, 2011, by Stanley R. Castleton, the Manager of DORM Park City, LLC, a Utah limited liability company, which is the Manager of Park City 333 Main Development, LLC, a Delaware limited liability company.

*Sydney Farley*  
A Notary Public Commissioned in Utah  
Sydney Farley  
Residing in: Salt Lake City  
My commission expires April 5, 2012



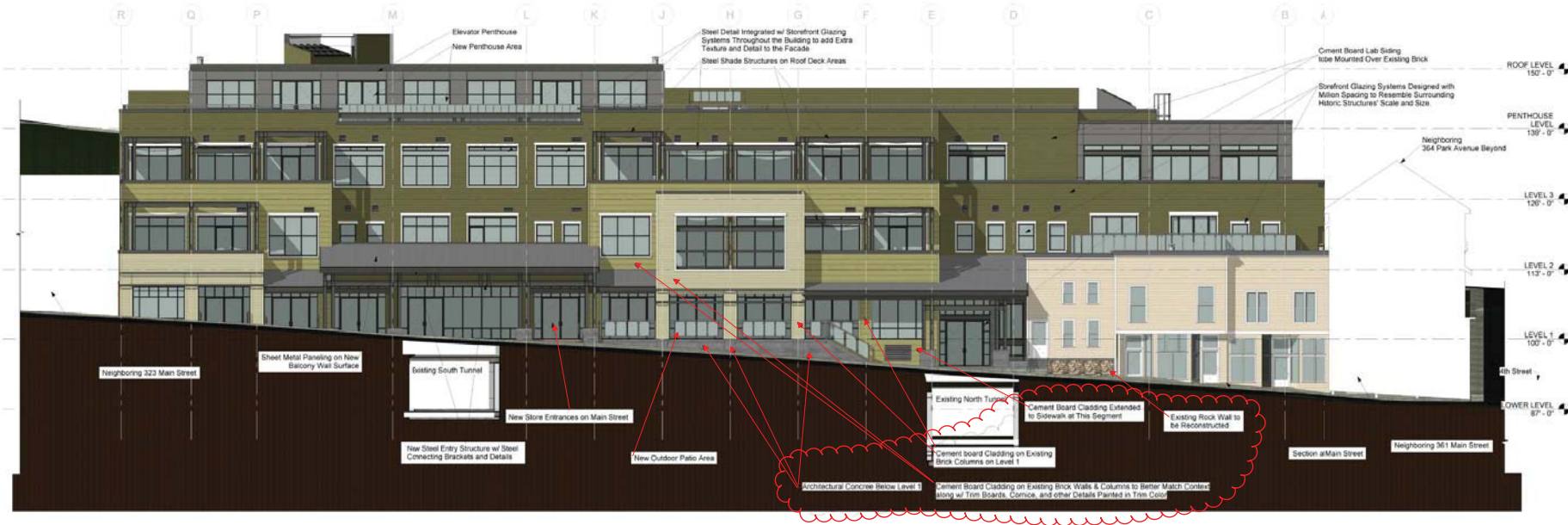
SHEET 1 OF 1

UTAH JOB NO.: 6-11-08 FILE: X:\ParkCitySurvey\dwg\arr\plat2008\061108.dwg

|                                                                                                                                                                  |                                                                                                                                                                                                                                          |                                                                                                                                                       |                                                                                                                                                                                                          |                                                                                                                                                |                                                                                                                                                                                        |                                                                                                                                                                |                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(435) 649-8467</p> <p><b>ALLIANCE</b></p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p> <p>333 Main Street P.O. Box 2884 Park City, Utah 84002-2884</p> | <p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>23</u></p> <p>DAY OF <u>March</u>, 2011 A.D.</p> <p>BY <i>B.S.W.R.D.</i></p> | <p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 25TH DAY OF FEBRUARY, 2009 A.D.</p> <p>BY <i>Chairman</i></p> | <p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>23</u> DAY OF <u>March</u>, 2011 A.D.</p> <p>BY <i>Park City Engineer</i></p> | <p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS <u>21</u> DAY OF <u>March</u>, 2011 A.D.</p> <p>BY <i>Park City Attorney</i></p> | <p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 26TH DAY OF MARCH, 2009 A.D.</p> <p>BY <i>Park City Recorder</i></p> | <p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 26TH DAY OF MARCH, 2009 A.D.</p> <p>BY <i>Mayor</i></p> | <p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>HIGH COUNTRY TITLE</u></p> <p>DATE <u>4/12/11</u> TIME <u>2:14 PM</u> BOOK <u>---</u> PAGE <u>---</u></p> <p>FEE <u>\$31.00</u> <i>C. Williams</i> RECORDER</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

# EXHIBIT C

Historic District Design Review  
March 18, 2013 - Revised May 27, 2014



1 EAST ELEVATION - color



2 NORTH ELEVATION - color



**elliott**  
workgroup  
architecture

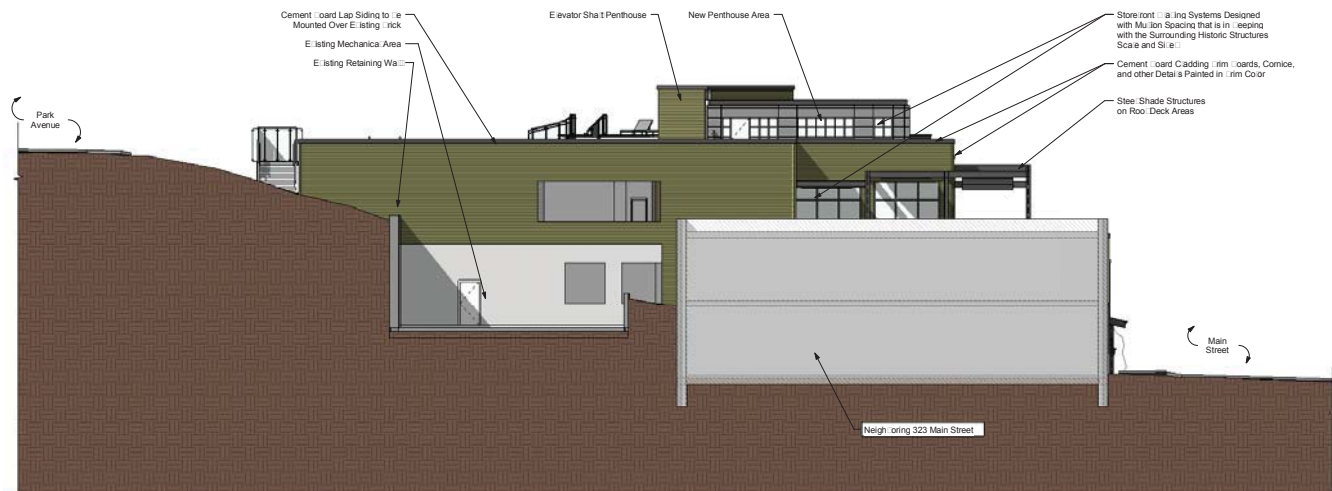
364 Main Street PO Box 3419 Park City, Utah 84060  
435.544.0002 801.415.1033 www.elliottworkgroup.com

Watt Investment Partners  
333 Main  
Adaptive Re-use  
333 Main Street  
Park City, Utah 84060

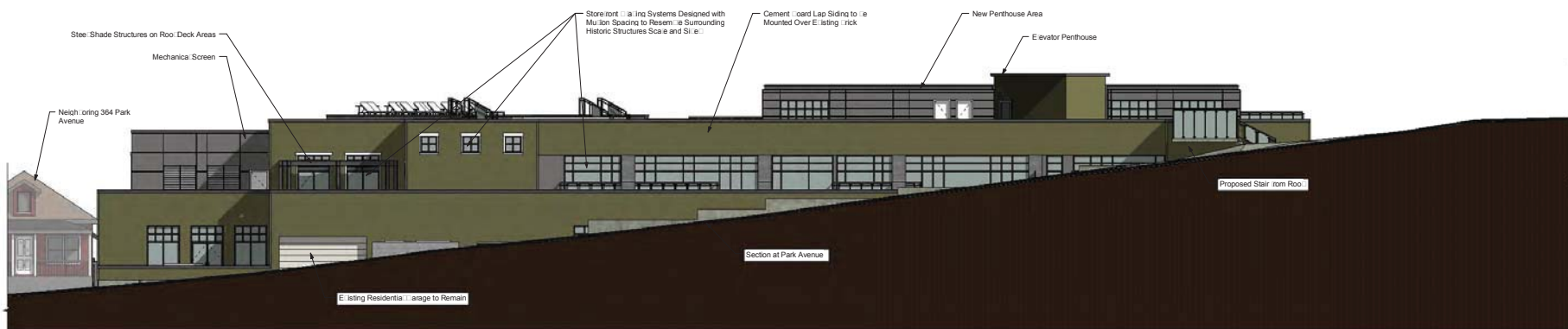
ELEVATIONS - COLOR

H-221

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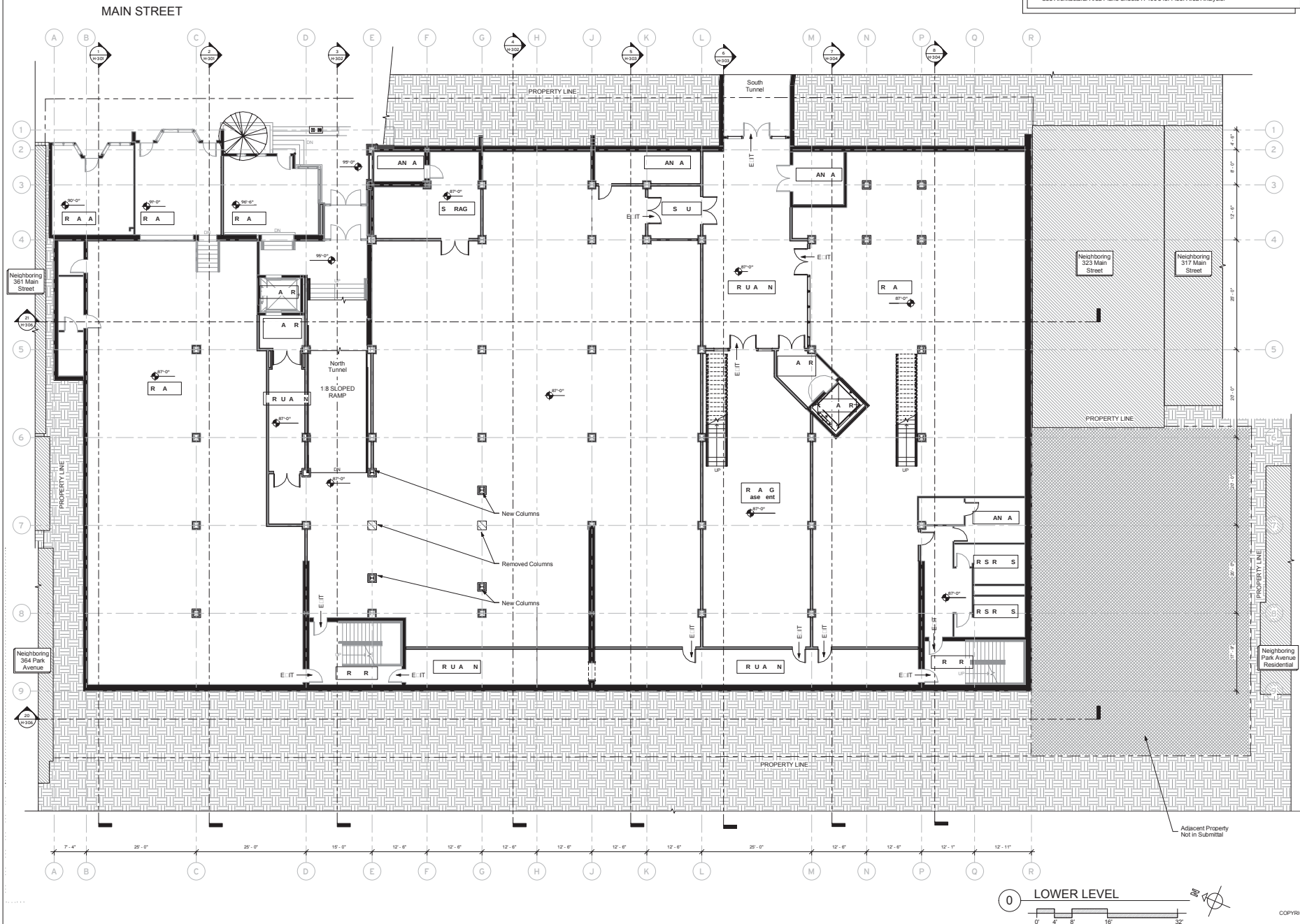
3 SOUTH ELEVATION - color



4 WEST ELEVATION - color

**USGS Reference**  
 USGS Elevation +7092 = Architectural Elevation 100'-0"

**Notes:**  
 \* See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.  
 \* See Roof Plan Sheet H-105 for Reference to Building Section Locations.  
 \* See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A Zones.  
 \* See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



Historic District Design Review  
 March 18, 2013

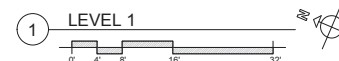
**elliott  
workgroup  
architecture**  
 344 Main Street, P.O. Box 2419, Park City, Utah 84060  
 435.643.0002, 801.455.0009, www.elliottworkgroup.com

Wait Investment Partners  
**333 Main**  
 Adaptive Re-use  
 333 Main Street  
 Park City, Utah 84060

LOWER LEVEL - FLOOR PLAN  
**H-100**  
 COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2013

**Notes:**

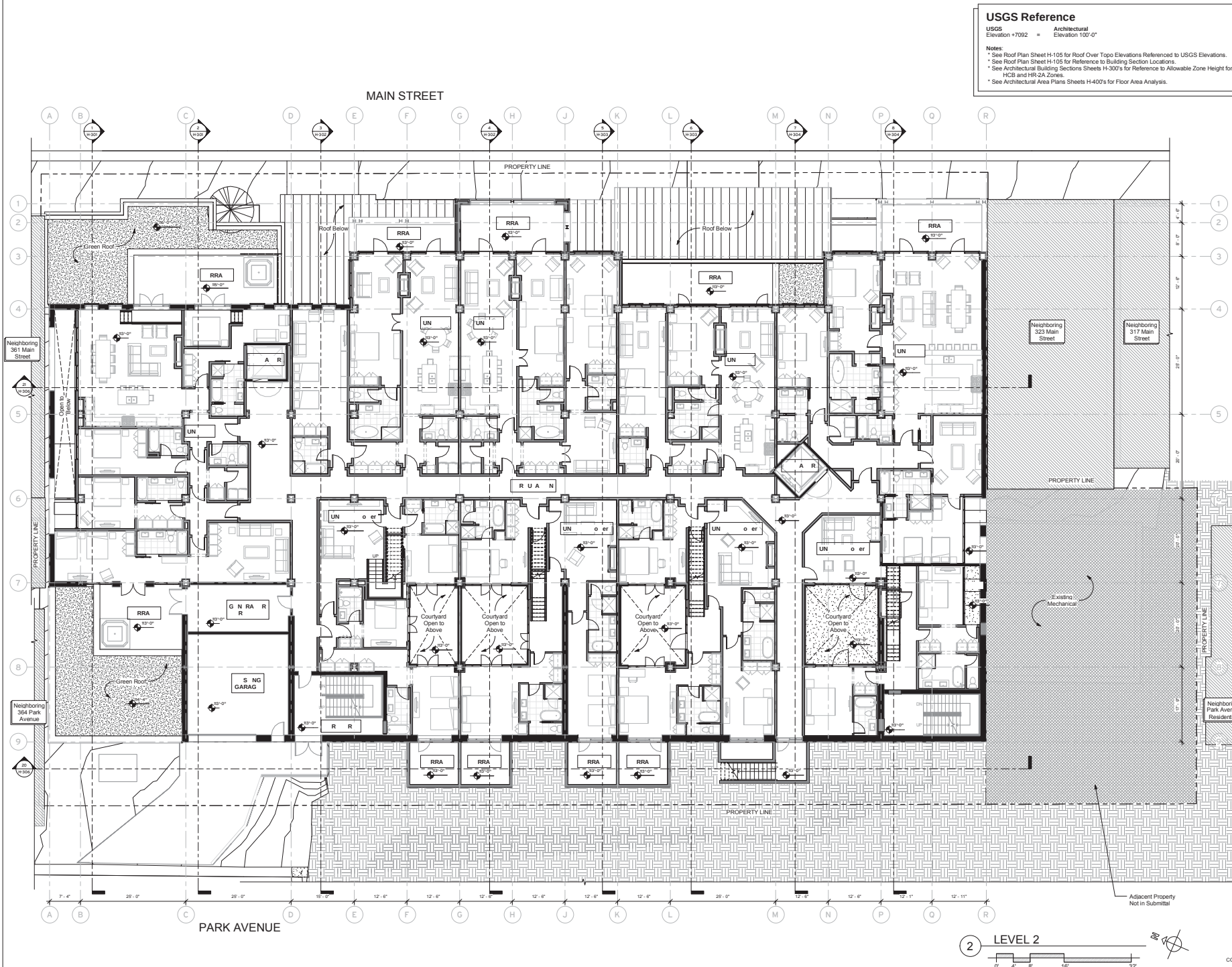
- \* See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
- \* See Roof Plan Sheet H-105 for Reference to Building Section Locations.
- \* See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A Zones.
- \* See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



Watt Investment Partners  
333 Main  
Adaptive Re-use  
333 Main Street  
Park City, Utah 84060

H-101

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Historic District Design Review  
 March 18, 2013

**elliott  
workgroup**  
 architecture

304 Main Street, P.O. Box 2419, Park City, Utah 84060  
 435.643.0001, Fax: 435.639.9999, www.elliottworkgroup.com

Walt Investment Partners  
**333 Main**  
 Adaptive Re-use  
 333 Main Street  
 Park City, Utah 84060

SECOND LEVEL - FLOOR PLAN

**H-102**

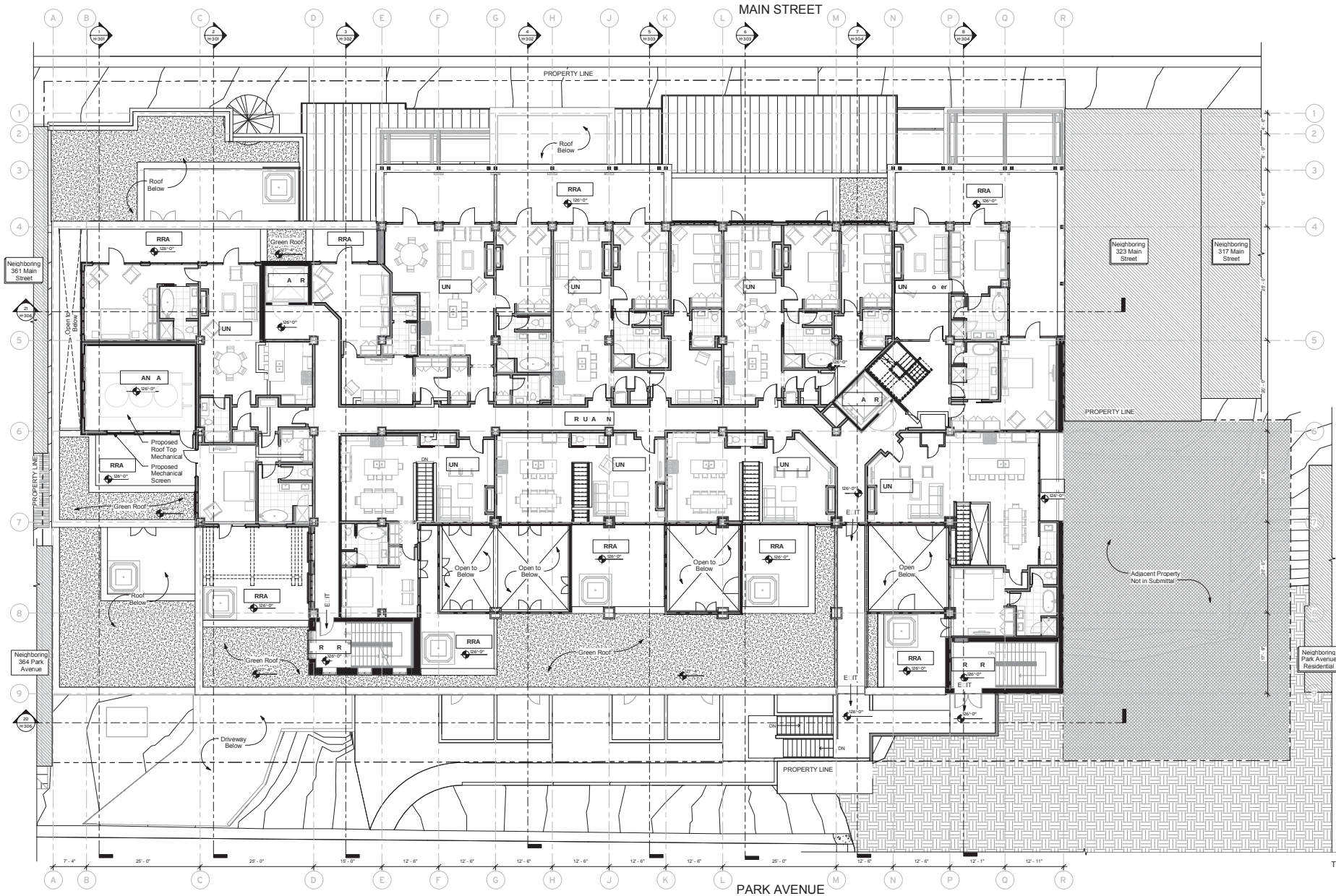
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# USGS Reference

USGS  
Elevation +7092 = Architectural  
Elevation 100'-0"

## Notes:

- \* See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
- \* See Roof Plan Sheet H-105 for Reference to Building Section Locations.
- \* See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A Zones.
- \* See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



Historic District Design Review  
March 18, 2013

**elliott**  
workgroup  
architecture

Wait Investment Partners  
**333 Main**  
Adaptive Re-use  
333 Main Street  
Park City, Utah 84060

THIRD LEVEL - FLOOR PLAN

**H-103**

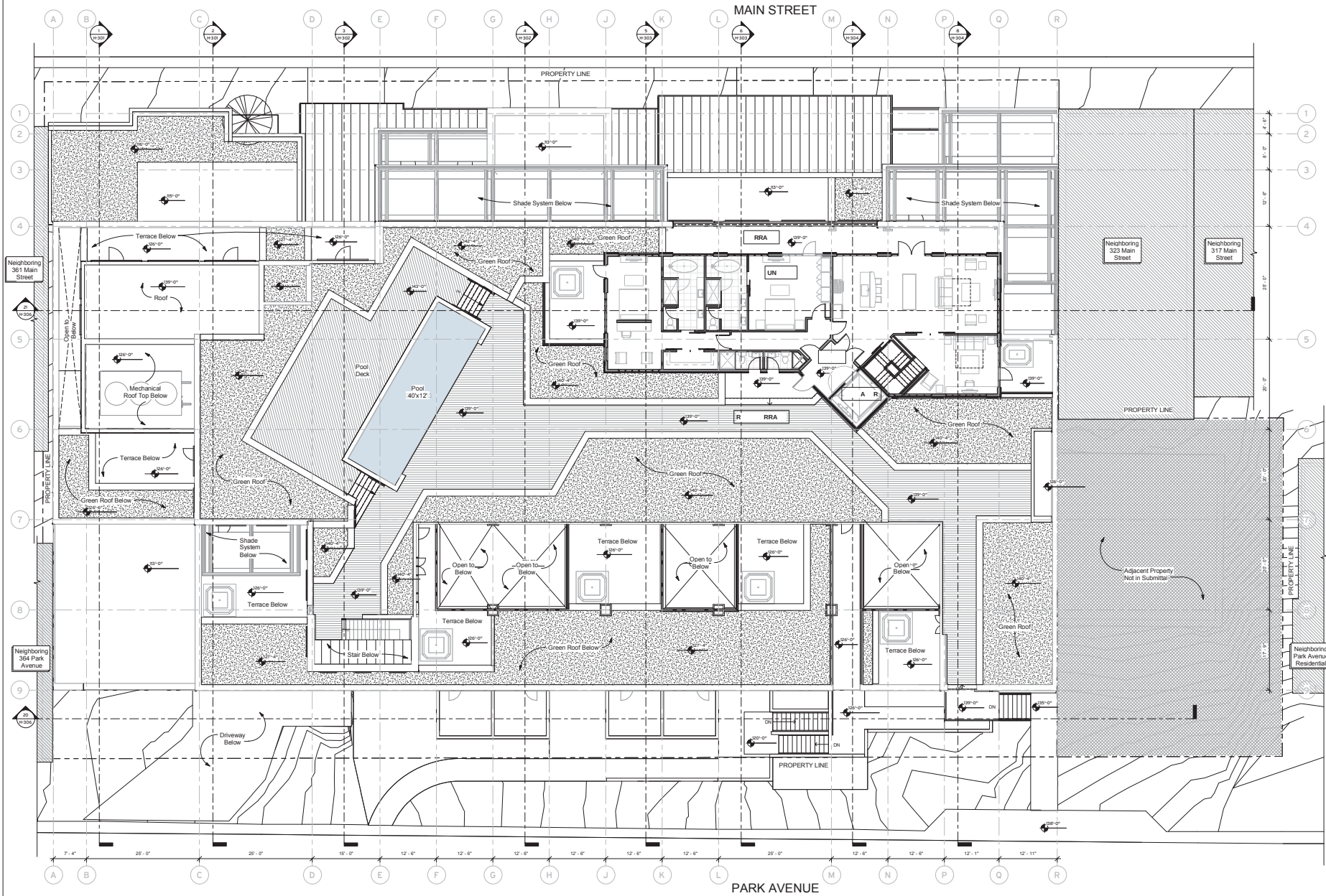
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# USGS Reference

USGS  
Elevation +7092 = Architectural  
Elevation 100'-0"

## Notes:

- \* See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
- \* See Roof Plan Sheet H-105 for Reference to Building Section Locations.
- \* See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A Zones.
- \* See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



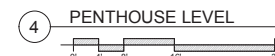
Historic District Design Review  
March 18, 2013

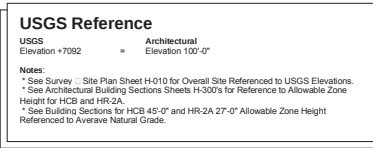
**elliott**  
workgroup  
architecture

Wait Investment Partners  
**333 Main**  
Adaptive Re-use  
333 Main Street  
Park City, Utah 84060

PENTHOUSE LEVEL - FLOOR PLAN

**H-104**





**elliott  
workgroup**  
architecture

200 West Main Street PO Box 3449  
Portland, ME 04112-3449  
Tel: 603.582.5500 Fax: 603.582.5501  
http://www.elliottworkgroup.com

Portland City, Unit 84000

Watt Investment Partners  
333 Main  
Adaptive Re-use  
333 Main Street  
Park City, Utah 84060

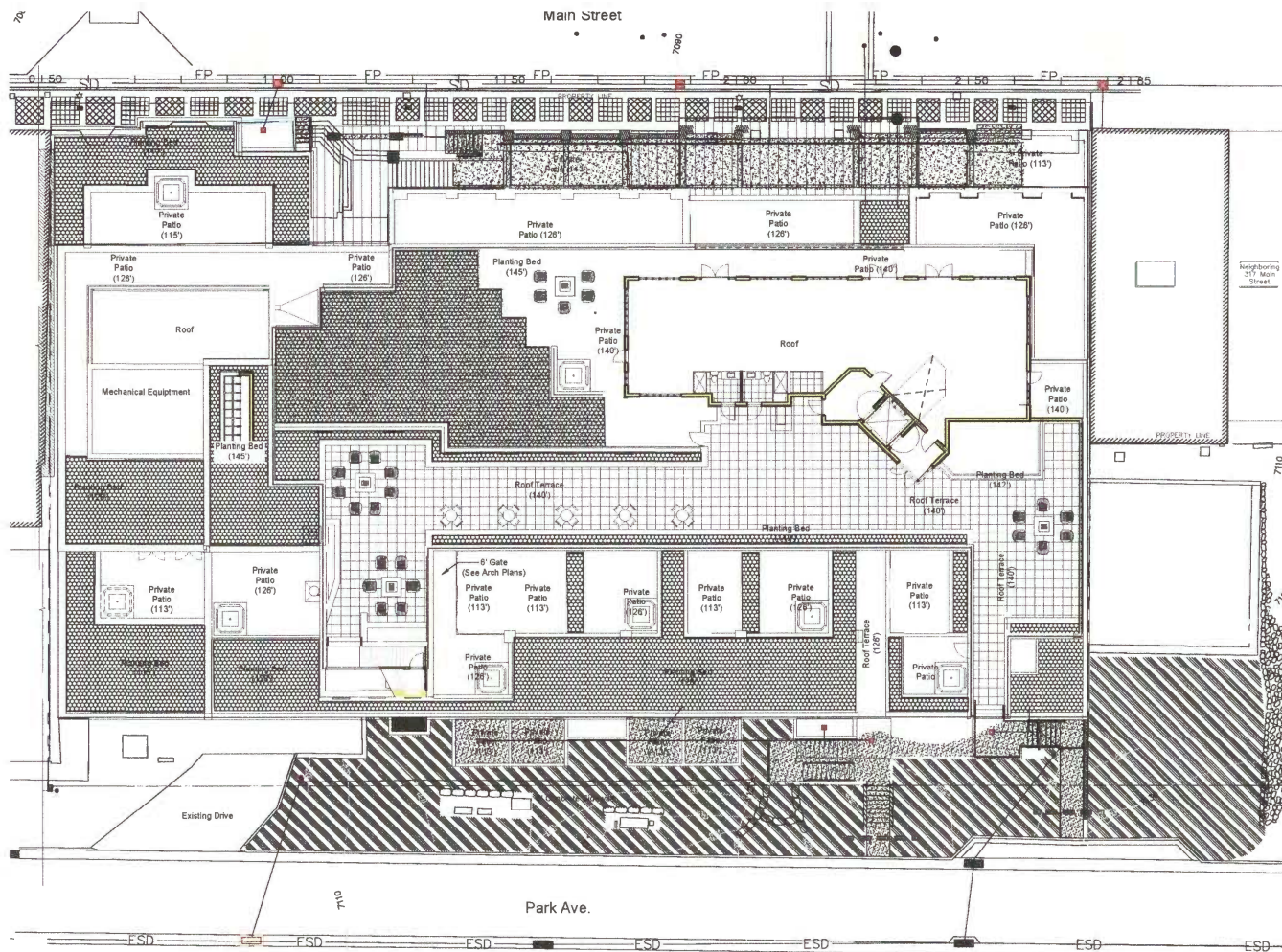
ROOF LEVEL - FLOOR PLAN

H-105

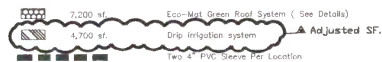
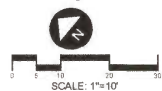
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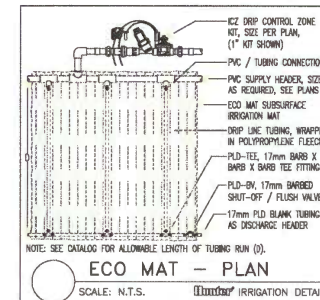


Overall Irrigation Plan

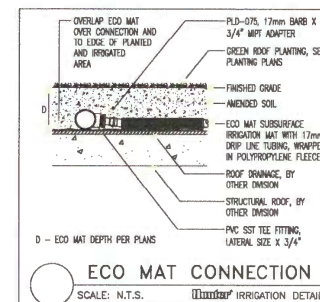
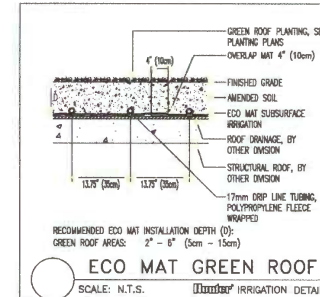


NOTE:

- 1) Shop drawings shall be provided by contractor and reviewed by Landscape Architect or equal, and approved before starting installation of the systems. Contractor shall tie into existing irrigation system and add zones as needed.
- 2) There will be provided both power and water to each Green Roof.
- 3) The Green Roof plantings will be temporary irrigated until plant material is established.



PVC SUPPLY HEADER AND POLY DISCHARGE HEADER.



| Rev | Date       | Revision Schedule | Description |
|-----|------------|-------------------|-------------|
| 1   | 5/15/2013  | 1                 | ADD         |
| 2   | 10/15/2013 | 1                 | ADD         |
| 3   | 12/15/2013 | 1                 | ADD         |
| 4   | 1/15/2014  | 1                 | ADD         |

#### CONSULTANTS



**elliott workgroup**  
architecture

344 Main Street, PO Box 5419, Park City, Utah 84060  
435.659.6514

DATE: Aug 23, 2013  
ISSUE: Permit Submittal / Bid Set  
PROJECT: 2012.36  
DESIGNED BY: SFO  
DRAWN BY: SFO  
REVIEWED BY: SFO

#### Permit Submittal / Bid Set

333 Main  
Adaptive Re-Use  
333 Main Street  
Park City, Utah 84060  
IRRIGATION PLAN

LA-200

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PARK CITY PLANNING DEPT.  
**APPROVED**  
*KAW 6.3.14*  
SIGNATURE  
DATE

JUN 03 2014  
JUN 14 2014

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
AUGUST 13, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, John Phillips, Clay Stuard

EX OFFICIO:

Planning Manager Kayla Sintz; Francisco Astorga, Planner; Christy Alexander, Planner;  
Kirsten Whetstone Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except for Commissioners Strachan and Joyce who were excused.

**ADOPTION OF MINUTES**

July 23, 2014

MOTION: Commissioner Stuard moved to APPROVE the minutes of July 23, 2014 as written. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Manager Sintz asked the Planning Commission to consider canceling the September 10, 2014 Planning Commission meeting, since several of the Staff would be leaving for City Tour on September 11<sup>th</sup>. Chair Worel stated that she was unable to attend on September 10<sup>th</sup> and would have to miss the meeting regardless. The Planning Commission concurred with canceling the meeting. Planning Manager Sintz clarified that the Planning Commission would only have one meeting in September.

Commissioner Stuard noted from the Staff report that the Silver Bird application was being represented by Mike Johnston with Summit Engineering. He disclosed that he has

construction documents and it would be four to six weeks before those plans are ready for submission.

Commissioner Phillips agreed with both Chair Worel and Commissioner Campbell. He did not think they should delay the applicants but he also thought they needed to be consistent with all applicants. For that reason, he favored the compromise suggested by Bruce Taylor as a fair way to address the issue. Commissioner Phillips hoped the Planning Commission would have the answers they needed before Mr. Taylor completed the construction drawings.

Planning Manager Sintz asked if Planner Astorga had any issues with the height exception for the roof form. Planner Astorga thought Mr. Taylor might be able to gain a foot or two by pushing the garage back. However, the Planning Commission could not give a height exception and the Planning Director could only consider a height exception for a tandem garage configuration. Assistant City Attorney McLean suggested that based on the criteria of the Steep Slope CUP, the Planning Commission could find that these alternatives are acceptable under the Steep Slope CUP. Making that finding would give the architect some design flexibility. Mr. Taylor stated that if he was given the parameters of no footprint increase towards Ontario and to stay within the 27' height restriction, he would follow those rules. He and his client would make the decision on whether or not increase the length of the garage.

Planning Manager Sintz suggested that the Planning Commission move to the next item on the agenda and allow Planner Astorga and Mr. Taylor time to work on revised findings and conditions. The Commissioners concurred.

Chair Worel announced that the Planning Commission would resume their discussion on 317 Ontario at the end of the regular agenda.

**2. 333 Main Street – The Parkite Condominiums Condominium Record of Survey Plat for Commercial Units (Application PL-14-02302)**

Planner Kirsten Whetstone reviewed the request for a record of survey for the Parkite Commercial condominiums located at 333 Main Street. The applicant was requesting a record of survey for the purpose of platting commercial condominium units on the lower level and the main level of the old Main Street Mall, which would be called the Parkite Commercial Condominiums.

Planner Whetstone reported that the plat was consistent with the approved Design Review. She noted that the residential units on the remaining floors were platted as a record of

survey for the Parkite Residential Condominiums, as recommended by the Planning Commission in June and approved by the City Council on July 10<sup>th</sup>. The plat was in the process of being recorded.

Planner Whetstone stated that the building is currently owned by a single entity. In order to sell either the residential or commercial units, the condominium units need to be created with the record of survey plat. Planner Whetstone noted that this property has an extensive history, as outlined in the Staff report. A building was built over many lot lines. A subdivision plat created one lot. There have been various design reviews and a Board of Adjustment action to do a change of non-conforming use from residential to multi-family in the HR-2 zone.

Planner Whetstone noted that this particular request plats two condominium units in the basement. Unit C-1 is on the south side. Behind the historic façade on the north side of the building is Unit C-2. On the next floor up is one convertible commercial space, which could potentially be future commercial condominiums. Planner Whetstone noted that the space could be carved up for rental tenant space or it could remain one space. She stated that the terrace along Main Street would be platted as commercial common area.

Planner Whetstone reported that this item was continued from previous meetings to allow time to resolve an issue with the ADA access to Unit C-1. The area is accessed through the tunnel from the other side of Main Street; however, the applicant did not have ADA access to utilize the space. The solution is an elevator that is accessed on the Main Street level that drops down to a corridor that would go over an easement of the residential condominiums and back to Unit C-1. Planner Whetstone reviewed the proposed plan showing the elevator and access. Planner Whetstone stated that after the residential plat is recorded, the residential HOA can grant an access easement to Commercial Unit C-1. The easement right would have to be recorded before the plat could be recorded.

The Staff had reviewed the record of survey plat for good cause and found that the condominium plat is consistent with the design, that the non-conforming use change application allows for individual ownership of commercial space, and that the condominium plat is consistent with the State Condominium law and complies with the Land Management Code. It also provides improved architectural design, building energy efficiency, and ADA access to a space that is desired to be used for community uses. The commercial spaces and the potential for individual ownership would have a positive visual and vital impact on Main Street.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the draft ordinance.

Chair Worel asked about potential uses for Unit C-1. Steve Bruemmer, representing the applicant, stated that it would be commercial business space that was always intended to be accessed through the tunnel. From a design standpoint it is considered ratskeller space. He noted that the applicant has been working with a potential tenant who could use the space as black box theater space.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross asked about progress on the easements and access off of Swede Alley related to the residential units that were approved. Tom Bennett, representing the applicant, stated that since the approval the easement was finalized through the Aaron Hoffman property and recorded. Part of that process was also modifying the easements with the City underneath Main Street. The applicant had provided a draft document to the City Legal Department and Assistant City Attorney McLean was in the process of reviewing the document. Planner Whetstone clarified that the easements agreements are required before the residential plat could be recorded. She noted that the applicant found that the design needed to be reconfigured and the new configuration would be shown on the residential plat.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Parkite Commercial Condominium Record of Survey Plat for commercial condominium units at 333 Main Street, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

Commissioner Stuard noted that the Staff recommendation in the Staff report included the commercial convertible space and the common area located in the building. He requested that Commission Phillips amend his motion to include those areas as well.

Commissioner Phillips amended the motion to include the commercial convertible space and the common area located in the building. Commissioner Campbell accepted the amendment to the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 333 Main Street

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space for the entire building consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use applications. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units and additional commercial convertible space also consistent with the HDDR and Board of Adjustment approval.
5. The building has a single entity as owner and is currently being remodeled with an active building permit.
6. Commercial uses currently under construction within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.
7. Residential condominium spaces within the building were platted with the concurrently submitted The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014.
8. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited

access to Park Avenue. The building was constructed with non-complying side yard setbacks of 0.2' to 2.92' total within the HR2 zone and total of 30' is required.

9. Main Street is important to the economic well-being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are currently renovating and improving the building with an active building permit.

10. On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

11. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.

12. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.

13. On June 27, 2011, the City received a complete application for a condominium plat to create commercial condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. The two unit plat was approved by Council however it was not recorded within a one year time period and it expired.

14. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office

uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).

15. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.

16. Access is also contemplated via the existing north tunnel to a proposed underground parking garage with fifteen parking spaces for the residential condominium units only. The parking garage is located in the lowest level and is designated as common area for the residential uses.

17. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.

18. An elevator will be constructed at the Main Street level to provide ADA access to Unit C-1 on the Lower Level. A walkway from the elevator to Unit C-1 will also be constructed. Easements for the elevator and walkway will be recorded prior to recordation of this plat to provide perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel. These easements will be recorded following recordation of The Parkite Residential Condominiums plat so that the Residential HOA is granting the easements.

19. Easement agreements between the City and Property Owner regarding the south and north tunnels will need to be revised to address tunnel access, utilities, maintenance, etc., as required by the City Engineer.

#### Conclusions of Law – 333 Main Street

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.

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

Conditions of Approval – 333 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.

2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.

3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.

4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.

5. Access easements for all required access to the south tunnel for commercial units and access from the Main Street level to Commercial Unit C-1, shall be recorded prior to plat recordation in order to provide perpetual ADA access to Commercial Unit C-1 from Main Street and to provide required access to the south tunnel. Recording information shall be provided on the plat prior to recordation.

6. Easement agreements between the City and the Property Owner regarding the south and north tunnels shall be reviewed and any required revisions to address tunnel access, utilities, maintenance, etc. shall be made. The amended agreements shall be recorded prior to or concurrent with the Commercial plat and recording information shall be provided on the plat.

3. **7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First Amendment - Condominium Plat Amendment** (Application PL-14-02322)

Planner Alexander reviewed the request to amend the existing Silver Bird Condominiums Plat. The purpose of the plat amendment is to convert the existing limited common area deck space into private area in order to enclose a covered patio and convert it to living

## City Council Staff Report



PLANNING DEPARTMENT

**Application #:** PL-14-02405  
**Subject:** 15 Anchor Avenue Subdivision  
**Author:** Anya Grahn, Historic Preservation Planner  
**Date:** September 18, 2014  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the City Council hold a public hearing for the 15 Anchor Avenue Subdivision plat amendment, located at the same address, and consider approving the proposed plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### Description

**Applicant:** Judy Scipione, represented by Architect David White  
**Location:** 15 Anchor Avenue (also known as 55 Anchor Avenue)  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Unbuilt Anchor Avenue, single family residential, multi-unit dwellings, private driveway  
**Reason for Review:** Planning Commission review and recommendation to City Council

### Proposal

The applicant is requesting a Plat Amendment for the purpose of combining portions of Lots 48, 49, 50, 51, 54, 55, 56, 57, 58, 59, and 60 of the Amended Plat of the Park City Survey. The site was designated as “Landmark” on the City’s Historic Sites Inventory (HSI). The applicant wishes to subdivide the property into two (2) lots of record in order to move forward with the renovation of the historic structure on the new Lot 1 as well as a new single-family dwelling on Lot 2.

### Purpose

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

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and

(F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

## **Background**

### *Current Application*

15 Anchor is designated as a “Landmark” site on the City’s Historic Sites Inventory (HSI). The 2009 Historic Structure Form documents the historic house as hall-parlor cottage. Though the informal landscaped setting, original workmanship, and historic character of the site have been preserved, the HSI form notes that the house was in poor, deteriorated condition already in 2009. The property is identified as 15 Anchor Avenue by Summit County; however, it also appears as 55 Anchor Avenue on historic Sanborn Fire Insurance Maps.

The applicant submitted a pre-Historic District Design Review (HDDR) application and met with staff to discuss renovation options in April 2014. The existing historic house straddles the interior property lines formed by Lots 48, 49, 57, and 58. A historic shed at the front (east) of the lot encroaches over Lots 56 and 57, and encroaches slightly over the rear property line to the east. The applicant does not propose, at this time, to relocate the structure; however, any proposal to do so would be required to meet LMC 15-11-13(A) which requires that the relocation abates demotion and the Chief Building Official and Planning Director determine unique conditions exist that warrant the proposed relocation. Any new construction, such as an addition, would be required to meet the required setbacks. Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

The historic structure is in dilapidated condition. As no HDDR application has yet been submitted, no determination has been made as to the treatment of the historic house during the renovation. Any proposals to panelize or reconstruct the house would require approval by the Planning Director and Chief Building Official as outlined in LMC 15-11-14.

In June 2014, the applicant applied for a plat amendment in order to subdivide the property into two (2) legal lots of record. The applicant intends to renovate the historic house on Lot 1 and construct a new single-family dwelling on Lot 2 of the 15 Anchor Avenue Subdivision. The new single-family construction would be required to meet the required setbacks, footprint allowance, and height requirements of the LMC.

### *Past Applications*

15 Anchor Avenue is only accessible to existing City streets by means of an easement. In 1985, the previous owners of the properties at 15 Anchor and 55 and 57 King Road entered into an agreement to create a private drive accessing these three (3) properties from King Road. The length of the drive is approximately 185 feet from the north property line of 55 King Road to the built King Road. The easement measures sixteen feet (16’) in width, though the paved road within the easement is only twelve feet (12’) wide (see Exhibit D). The private drive was constructed immediately to the west of 15

Anchor Avenue. This easement was replaced by a new easement agreement between the applicant and Anchor Development in 2008 (Exhibit E).

The 1996 re-plat of the Millsite Reservation Subdivision No.1, Block 75, Lots 43-47 and Lots 60-65 to create 55 and 57 King Road included provisions to regulate house size, mitigate potential impacts to the historic property at 15 Anchor Avenue, and negate any future development that may increase parking demands on the private drive (Exhibit F). The approval included a plat amendment specifying that further subdivision and/or the development of additional units beyond the two single-family units at 55 and 57 King Road were prohibited. The new single-family home at 55 King Road was completed in 2008 and the new single-family home at 57 King Road was completed in 2014.

City Council approved an ordinance to vacate Anchor Avenue and a part of Seventh Street on May 25, 1965. Remnants of these streets have since been incorporated into neighboring properties such as 15 Anchor Avenue. As no part of Anchor Avenue is constructed as a thoroughfare, 15 Anchor Avenue will be required to complete a legal address change. The City Engineer will assign the two (2) new lots of the 15 Anchor Avenue Subdivision King Road addresses.

## Analysis

The following chart outlines the existing conditions with the house in its historic location. The plat is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application to reconstruct the existing house.

|                               | HR-1 Zone Designation                              |            | Existing Conditions                                           |
|-------------------------------|----------------------------------------------------|------------|---------------------------------------------------------------|
|                               | Lot 1                                              | Lot 2      |                                                               |
| <i>Lot Size (as proposed)</i> | 5,367.5 SF                                         | 4,435.8 SF | 9,803.3 SF                                                    |
| <i>Setbacks</i>               |                                                    |            |                                                               |
| Front (East)                  | 0 ft. (Historic shed is valid complying structure) | 13 ft.     | 0 ft. (Historic shed encroaches over rear property line)      |
| Rear (West)                   | 0 ft. (Historic Shed is valid complying structure) | 12 ft.     | 0 ft. (Historic shed encroached over the east property line)  |
| Side (North)                  | 5 ft.                                              | 5 ft.      | 37 ft.                                                        |
| Side (South)                  | 4 ft. (Historic shed is valid complying structure) | 5 ft.      | 4 ft. (Historic Shed)                                         |
| <i>Allowed Footprint</i>      | 1,985.0 sf.                                        | 1,728.6 sf | 845 sf. House*<br><br>Total allowed footprint:<br>2,825.55 SF |

*\*Per the Building Footprint definition, accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged, or incorporated into the Main Building are not included in footprint.*

As seen in the following chart, the allowed footprint of 15 Anchor Avenue is similar in size to other historic sites and new development in the vicinity. The following chart shows the approximate house size for adjacent developments. Please note that some adjacent properties along King Road are in the HRL zone while 15 Anchor Avenue is in the HR-1 Zone.

| <b>Address:</b>        | <b>Zone:</b> | <b>Year Built:</b> | <b>Lot Size (+/-)</b> | <b>Existing SF</b>                   | <b>Max Footprint</b>                 | <b>Historical Significance</b> |
|------------------------|--------------|--------------------|-----------------------|--------------------------------------|--------------------------------------|--------------------------------|
| 5 King Rd (5 Daly Ave) | HR-1         | 1904               | 2,178 SF              | 1,188 SF                             | 963.5 SF                             | Significant                    |
| 14 King Rd             | HR-1         | 1995               | 2,448 SF              | 1,712 SF                             | 1,066.7 SF                           | Not Historic                   |
| 15 King Rd             | HR-1         | 2007               | 4,304 SF              | 1,768 SF                             | 1,689.6 SF                           | Not Historic                   |
| 33 King Rd             | HR-1         | 1901               | 5,735 SF              | 899 SF                               | 2,077.5 SF                           | Landmark                       |
| 39 King Rd             | HR-1         | 1901               | 4,356 SF              | 674 SF                               | 1,705.11 SF                          | Landmark                       |
| 52 King Rd             | HR-1         | 2005               | 5,760 SF              | 3,112 SF                             | 2,083 SF                             | Not Historic                   |
| 55 King Rd             | HR-L         | 2005               | 11,963 SF             | 2,318 SF                             | 3,400 SF above ground per plat notes | Not Historic                   |
| 57 King Rd             | HR-L         | 2012               | 7,305 SF              | 2,400 SF above ground per plat notes | 2,400 SF above ground per plat notes | Not Historic                   |
| 64 King Rd             | HR-1         | 1993               | 1,965 SF              | 1,554 SF                             | 879                                  | Not Historic                   |
| 68 King Rd             | HR-1         | 1990               | 3,049 SF              | 2,183 SF                             | 1,284.46 SF                          | Not Historic                   |
| 69 King Rd             | HR-L         | 1901               | 6,098 SF              | 819 SF                               | 2,164.42 SF                          | Landmark                       |
| 81 King Rd             | HR-L         | 1906               | 4,643 SF              | 1,382 SF                             | 1,787 SF                             | Significant                    |
| 83 King Rd             | HR-L         | N/A                | 6,251 SF              | Undeveloped                          | 2,199.7 SF                           | Not Historic                   |
| 41 Seventh St          | HR-1         | 1900               | 3,485 SF              | 1,925 SF                             | 1,432.53 SF                          | Significant                    |
| 10 Daly Ave            | HR-1         | 1901               | 5,519 SF              | 2,218 SF                             | 2,023.6 SF                           | Significant                    |
| 24 Daly Ave            | HR-1         | 1901               | 3,049 SF              | 1,022 SF                             | 1,284.5 SF                           | Significant                    |
| 32 Daly                | HR-1         | 1982               | Multi-                | Multi-unit condo                     | Multi-unit condo                     | Not Historic                   |

|                       |      |      |                     |                  |                  |              |
|-----------------------|------|------|---------------------|------------------|------------------|--------------|
| Ave                   |      |      | unit<br>condo       |                  |                  |              |
| 40 Daly Ave           | HR-1 | 1982 | Multi-unit<br>condo | Multi-unit condo | Multi-unit condo | Not Historic |
| 48 Daly Ave           | HR-1 | 1982 | Multi-unit<br>condo | Multi-unit condo | Multi-unit condo | Not Historic |
| 56 Daly Ave           | HR-1 | 1982 | Multi-unit<br>condo | Multi-unit condo | Multi-unit condo | Not Historic |
| 62 Daly Ave           | HR-1 | 1997 | 2,687.2<br>SF       | 1,339 SF         | 1,155.3 SF       | Not Historic |
| 64 Daly Ave           | HR-1 | 1997 | 2,687.2<br>SF       | 1,339 SF         | 1,155.3 SF       | Not Historic |
| 68 Daly Ave           | HR-1 | 1983 | 2,178<br>SF         | 1,521 SF         | 963.6 SF         | Not Historic |
| 80 Daly Ave           | HR-1 | N/A  | 3,485<br>SF         | Undeveloped      | 1,432.6 SF       | Not Historic |
| 84 Daly Ave           | HR-1 | 1900 | 3,485<br>SF         | 635 SF           | 1,432.6 SF       | Not Historic |
| 15 (55)<br>Anchor Ave | HR-1 | 1901 | 10,454<br>SF        | 790 SF           | 2,904.9 SF       | Landmark     |

As shown in the chart above, the subdivision of 15 Anchor Avenue into two (2) lots measuring 5,367.5 sf (Lot 1) and 4,435.8 sf (Lot 2) creates lots that are slightly larger than average, but still comparable in size to surrounding properties in the HR-1 zone. The average lot size of surrounding properties in the HR-1 Zone, not including the Empire Canyon Condos at 32, 40, 48, and 56 Daly, is 3,930 sf. Further, these two (2) new lot sizes will yield developments more in scale with the historic district overall than the neighboring properties at 55 and 57 King Road.

As seen in the Existing Conditions Survey (Exhibit B), there is an access easement that provides access to the site from King Road. This easement is sixteen feet (16') in width and intersects King Road to the north; the total paved driveway within the easement is twelve feet (12') in width. As the historic shed cannot be moved without meeting the criteria outlined in LMC 15-11-13(A) and the shed encroaches over the east property line, it is recommended that the property owner enter into an encroachment agreement with the neighboring property for this encroachment.

Aside from the HDDR and Building Permit, the applicant will be required to submit a Steep Slope Conditional Use Permit (SS CUP) should the structure be located upon an existing slope of thirty percent (30%) or greater and exceed a total square footage of one thousand square feet (1,000 sf). Portions of Lots 1 and 2 exceed thirty percent (30%) slope along the east and west edges of the property.

In 1985, Park City Municipal entered into an emergency access agreement with the property owners (Exhibit D). As previously noted, there is also an existing easement agreement between the property owners of 15 Anchor and 55 and 57 King Road in order to access these properties from King Road via a private driveway (Exhibit E).

In 1996, City Council approved the 55-57 King Road Plat Amendment which created the adjacent lots at 55 and 57 King Road (Exhibit F). These properties are both located in the HR-L district which permits larger development due to a larger minimum lot size of 3,750 sf compared to 1,875 sf in the HR-1 district. Further, conditions of approval were added to the plat amendment to ensure that the resulting lot size was compatible with the scale of historic structures in the neighborhood; the maximum gross floor area for Lot 1 cannot exceed 2,400 sf (not including the garage), and Lot 2 cannot exceed 3,400 sf (not including garage). As shown on the previous page, the allowable footprints of Lots 1 and 2 of the 15 Anchor Avenue Subdivision will be 1,985.0 sf and 1,728.6 sf, which is comparable to the overall above ground square footage of the adjacent properties.

The plat amendment for 55 and 57 King Road also included provisions negating the further subdivision and/or the development of additional units beyond the two (2) units for that subdivision. Staff recommends that a similar provision be added to the 15 Anchor Avenue plat amendment to ensure that the private driveway is not further burdened by increased development. At this time, the applicant proposes only to renovate the existing historic structure with a new addition as well as construct a new single-family home on the vacant Lot 2. Moreover, duplex dwellings, accessory apartments, and guest houses are conditional uses in the HR-1 District where the 15 Anchor Avenue Subdivision is located.

In reviewing this application internally, a number of concerns were brought up by other City departments. Utilities will need to be upgraded and run to both Lots 1 and 2 of the 15 Anchor Avenue Subdivision, and soil mitigation will be required due to the property's proximity to historic mine sites, though the property itself is not in the Soils District. These issues have been addressed as necessary in the Conditions of Approval.

The Planning Commission held a public hearing for the 15 Anchor Avenue Subdivision plat amendment on August 27, 2014. No public comment was received at the time of the hearing, and the Planning Commission forwarded a positive recommendation to City Council with a vote of 5-0.

### **Good Cause**

Planning Staff believes there is good cause for the application. Combining the lots will allow the property owner to move forward with site improvements, which include reconstructing the historic house and adding an addition. If left un-platted, the owner will only be able to reconstruct the historic house which will sit on top of lot lines. The plat amendment will permit the reconstructed historic building to no longer straddle interior lot lines. The plat amendment will also utilize best planning and design

practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along McHenry Avenue as well as resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with the HDDR addition until the plat amendment has been recorded.

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. Issues raised have been addressed by revisions to the application and/or conditions of approval. No additional issues were raised regarding the subdivision.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on August 13, 2014. Legal notice was published in the Park Record on August 9, 2014.

### **Public Input**

No public input was provided at the August 27, 2014, Planning Commission hearing.

### **Alternatives**

- The City Council may approve the 15 Anchor Avenue Subdivision plat amendment as conditioned or amended; or
- The City Council may deny the 15 Anchor Avenue Subdivision plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 15 Anchor Avenue Subdivision plat amendment; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The proposed plat amendment would not be recorded and eleven (11) partial existing lots would not be adjoined. Any additions to the historic house would not be permitted because the new construction would be required to meet the setbacks from the interior lot lines.

**Recommendation**

Staff recommends the City Council hold a public hearing and consider approving the 15 Anchor Avenue Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

**Exhibits**

- Exhibit A – Draft Ordinance with proposed plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph and streetscape photos
- Exhibit D – Fire Access Agreement
- Exhibit E – Easement agreement for private drive access
- Exhibit F – Ordinance No. 96-44 for the 55-57 King Road Plat Amendment
- Exhibit G – Public Input

## **Exhibit A – Draft Ordinance with Proposed Plat**

Ordinance 14-

### **AN ORDINANCE APPROVING THE 15 ANCHOR AVENUE SUBDIVISION PLAT LOCATED AT 15 ANCHOR AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 15 Anchor Avenue (also known as 55 Anchor Avenue), has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 27, 2014, to receive input on the proposed subdivision;

WHEREAS, on August 27, 2014, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 18, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 15 Anchor Avenue Subdivision.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 15 Anchor Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact:**

1. The property is located at 15 Anchor Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting combine Lots 47, 48, 49, 50, 51, 54, 55, 56, 57, 58, 59, and 60 of the Amended Plat of the Park City Survey into two (2) legal lots of record.
3. The plat amendment is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application for the purpose of renovating the historic house and adding an addition.

4. The amended plat will create two (2) new lots that measure 5,367.5 sf (Lot 1) and 4,435.8 sf (Lot 2) in size. Minimum lot size in the HR-1 zone is 1,870 sf.
5. The site is identified as "Landmark" on the City's Historic Sites Inventory (HSI). The existing house was in poor, deteriorated condition as documented on the 2009 Historic Sites Inventory.
6. The historic shed structure encroached over the east property line and into the neighboring property. The structure would not be permitted to be relocated on the property unless the relocation meets the criteria outlined in LMC 15-11-13.
7. The renovation of the house will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process. At this time, no HDDR application has been submitted to the Planning Department in order to renovate the house and add a small addition.
8. The maximum allowed building footprint allowed on Lot 1 is 1,985.0 square feet and on Lot 2 is 1,728.6 square feet. The applicant intends to construct a new rear addition and renovate the historic structure on Lot 1. A new single family house will be constructed on Lot 2.
9. This plat amendment will create two (2) legal lots of record that are slightly larger than adjacent properties in the HR-1 District, but remain comparable in size to the neighborhood overall.
10. The historic house and shed have a front and rear yard setback of 0 feet, a north side yard setback of 5 feet, and a south side yard setback of 4 feet. Historic structures that do not comply with building setbacks are valid complying structures.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
12. Any new development on Lot 2 of the 15 Anchor Avenue Subdivision will be required to meet the current setbacks, footprint, and height restrictions as required by the HR-1 District.
13. On June 16, 2014, the applicant applied for a plat amendment. The application was deemed complete on June 19, 2014.
14. In 1985, Park City Municipal Corporation entered into an Agreement to Provide Emergency Access with the owners of lots in Block 75 of the Park City Survey. The agreement stipulated that the property owners would widen the width of the access easement agreement to sixteen feet (16') and pave an area at least twelve feet (12') in width within the easement in order to accommodate emergency vehicles.
15. There is an existing easement between the applicant and Anchor Development allowing the applicant to access her property via a private driveway extending approximately 185 feet from the north property line of 55 King Road to the built King Road and measuring sixteen feet (16') in width. The paved driveway built within the easement is twelve feet (12') in width.
16. In 1996, City Council approved the 55-57 King Road Plat Amendment which created the adjacent lots at 55 and 57 King Road. This plat amendment included provisions negating the further subdivision and/or the development of additional units beyond the two (2) units for that subdivision to ensure that the private driveway and limited access were not further burdened by increased development.

17. The applicant has reviewed and agreed to the Conditions of Approval.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two (2) single family houses on Lots 1 and 2 shall be prohibited.
6. The plat shall contain a note referencing the 2008 access agreement for the private driveway.
7. The applicant shall change the addresses of Lots 1 and 2 of the 15 Anchor Avenue Subdivision to the satisfaction of the City Engineer and the addresses shall be identified on the plat prior to plat recordation.
8. An encroachment agreement for the historic shed is recommended.

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

PASSED AND ADOPTED this \_\_\_\_ day of September, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

# 15 Anchor Avenue Subdivision A replat of Lots 47, 48, 49, 50, 51, 55, 56, 57, 58, 59 & 60 Block 75, Park City Survey

## NARRATIVE

1. Survey requested by: Judy Scipione.
2. Basis of survey: S 21°33' W, 1101.58 feet between the Street Monuments found at the intersection of Main Street and Daly Avenue and the angle point of Southern Daly Avenue, the point of beginning for 15 Anchor Avenue Subdivision being S 59°42'42" W, 276.95 feet from the Street Monument at Main Street and Daly Avenue.
3. Date of survey: 2014.
4. Property monuments found or to be set as shown.
5. Located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. See the Leclerc Plat Amendment, the Empire Canyon Condominium Plat, 62 Daly Avenue Subdivision, the Anchor Development, 2nd Amended Plat Millite Reservation Subdivision No.1, the Galt Claim Deed recorded as Entry #708638 in Book 1641 at Page 1713 and the Warranty Deed recorded as Entry #66367 in Book 2177 at Page 586 along with the Galt Claim Deeds recorded as Entry #651282 in Book 1942 at Page 883 and Entry #651283 in Book 1942 at Page 886 all on file in the office of the Summit County Recorder.

## SURVEYOR'S CERTIFICATE

I, J.D. Golley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date \_\_\_\_\_ J.D. Golley RLS#359005

## OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Judy Scipione, the undersigned owner of the herein described 15 Anchor Avenue Subdivision, Block 75, Park City Survey, having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah law. Also, the owner hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government use, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set her hand this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

By: \_\_\_\_\_  
Judy Scipione, owner  
15 Anchor Avenue Subdivision

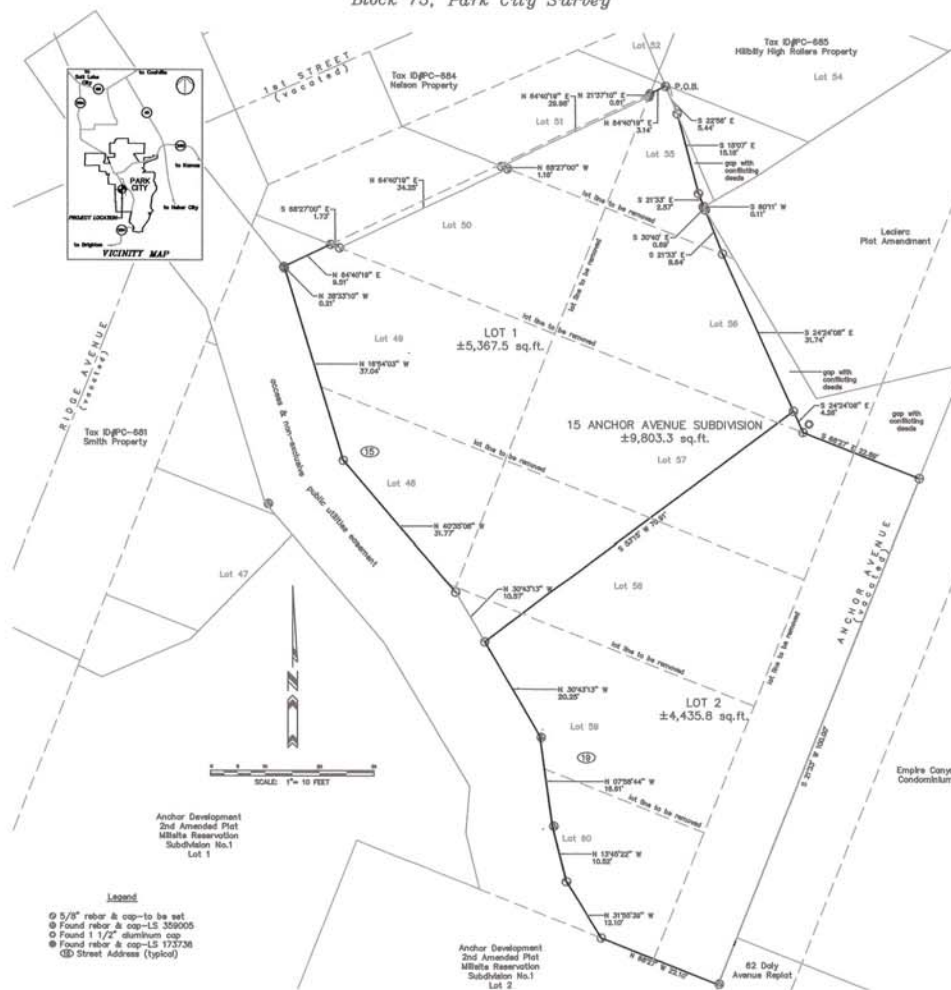
## ACKNOWLEDGEMENT

STATE OF UTAH  
County of Summit:

On this \_\_\_\_\_ day of \_\_\_\_\_ 2014, Judy Scipione personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that she is the owner of the herein described 15 Anchor Avenue Subdivision, that she has signed the above Owner's Dedication and Consent to Record freely and voluntarily and that she has executed this document for the purposes set forth herein.

My commission expires: \_\_\_\_\_

NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_ COUNTY, \_\_\_\_\_



## LEGAL DESCRIPTIONS

### 15 ANCHOR AVENUE SUBDIVISION

Those portions of Lots 47, 48, 49, 50, 51, 55, 56, 57, 58, 59 and 60 of Block 75 and a portion of Anchor Avenue, Park City Survey Amended, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, more particularly described as follows:  
Beginning at a point on the Westerly property line of the Hibilly High Rollers Investments, L.L.C., Tax ID #PC-685 recorded as Entry #66367 at Book 2177 on Page 586, in the office of the Summit County Recorder, said point being S 69°27' E, 2.36 feet and S 64°40'19" W, 0.31 feet, more or less, from the Northwest corner of said Lot 55, Block 75, Park City Survey Amended and running thence S 22°56' E, along said Westerly line, 5.44 feet; thence S 10°07' E, 15.16 feet; thence S 21°33' E, 2.57 feet to the Northern line of the Leclerc Plat Amendment, recorded as Entry #502036 in the office of the Summit County Recorder, thence along the line of said Leclerc Plat Amendment S 60°11' W, 0.11 feet and S 30°40' E, 0.69 feet; thence S 21°33' E, 0.64 feet; thence S 24°24'08" E, 30.00 feet to a point on the Northern line of said Lot 57 of Block 75; thence along said Northern line of Lot 57, S 69°27' E, 22.89 feet to the centerline of vacated Anchor Avenue, thence S 21°33' W, along said centerline of vacated Anchor Avenue, 100.00 feet to the intersection of said vacated Anchor Avenue and the extension of the Southern line of said Lot 60 of Block 75; thence along said extension of the Southern line of Lot 60 and said Southern line of Lot 60, W 69°27' E, 22.10 feet to the Eastern line of the "vacant and non-exclusive public utilities easement" as described on the Anchor Development 2nd Amended Plat Millite Reservation Subdivision No.1 recorded as Entry #624634 in the office of the Summit County Recorder; thence along said Eastern line the following seven courses: (1) N 31°52'30" W, 12.10 feet; thence (2) N 13°45'22" W, 10.52 feet; thence (3) N 07°58'44" W, 16.61 feet; thence (4) N 30°43'17" W, 20.25 feet; thence (5) N 40°20'08" W, 31.77 feet; thence (6) N 16°54'03" W, 37.04 feet; thence (7) N 38°33'10" W, 0.21 feet; thence N 64°40'19" E, 9.51 feet, more or less, to the Westerly line of the Hildon property, Tax ID #PC-684, recorded as Entry #708638 in Book 1713 on Page 1714 in the office of the Summit County Recorder, thence along said line of the Hildon property the following four courses: (1) S 69°27' E, 1.73 feet; thence (2) N 64°40'19" E, 34.25 feet; thence (3) N 69°27' E, 1.16 feet; thence (4) N 64°40'19" E, 29.06 feet; thence (5) N 21°37'10" E, 0.61 feet; thence N 64°40'19" E, 3.14 feet to the point of beginning, containing 9,803.3 square feet, more or less.

### LOT 1

Beginning at a point on the Westerly property line of the Hibilly High Rollers Investments, L.L.C., Tax ID #PC-685 recorded as Entry #66367 at Book 2177 on Page 586, in the office of the Summit County Recorder, said point being S 69°27' E, 2.36 feet and S 64°40'19" W, 0.31 feet, more or less, from the Northwest corner of Lot 55, said Block 75, Park City Survey Amended and running thence S 22°56' E, along said Westerly line, 5.44 feet; thence S 10°07' E, 15.16 feet; thence S 21°33' E, 2.57 feet to the Northern line of the Leclerc Plat Amendment, recorded as Entry #502036 in the office of the Summit County Recorder, thence along the line of said Leclerc Plat Amendment S 60°11' W, 0.11 feet and S 30°40' E, 0.69 feet; thence S 21°33' E, 0.64 feet; thence S 24°24'08" E, 30.00 feet to a point on the Northern line of said Lot 57 of Block 75; thence along said Northern line of Lot 57, S 69°27' E, 22.89 feet to the centerline of vacated Anchor Avenue, thence S 21°33' W, along said centerline of vacated Anchor Avenue, 100.00 feet to the intersection of said vacated Anchor Avenue and the extension of the Southern line of Lot 60 of said Block 75; thence along said extension of the Southern line of Lot 60 and said Southern line of Lot 60, W 69°27' E, 22.10 feet to the Eastern line of the "vacant and non-exclusive public utilities easement" as described on the Anchor Development 2nd Amended Plat Millite Reservation Subdivision No.1 recorded as Entry #624634 in the office of the Summit County Recorder; thence along said Eastern line the following four courses: (1) N 30°43'17" W, 20.25 feet; thence (2) N 40°20'08" W, 31.77 feet; thence (3) N 16°54'03" W, 37.04 feet; thence (4) N 38°33'10" W, 0.21 feet; thence N 64°40'19" E, 9.51 feet, more or less, to the Westerly line of the Hildon property, Tax ID #PC-684, recorded as Entry #708638 in Book 1713 on Page 1714 in the office of the Summit County Recorder; thence along said line of the Hildon property the following four courses: (1) S 69°27' E, 1.73 feet; thence (2) N 64°40'19" E, 34.25 feet; thence (3) N 69°27' E, 1.16 feet; thence (4) N 64°40'19" E, 29.06 feet; thence (5) N 21°37'10" E, 0.61 feet; thence N 64°40'19" E, 3.14 feet, more or less, to the point of beginning, containing 5,367.5 square feet, more or less.

### LOT 2

Beginning at the Southeast corner of the above described Lot 1 of the 15 Anchor Avenue Subdivision, said point also being N 69°27' W, 10.12 feet and N 24°24'08" W, 4.26 feet, more or less, from the Northeast corner of Lot 55, Park City Survey Amended and running thence S 24°24'08" E, 4.26 feet to a point on the Northern line of Lot 57 of Block 75, Park City Survey Amended, thence along said Northern line of Lot 57, S 69°27' E, 22.89 feet to the centerline of vacated Anchor Avenue, thence S 21°33' W, along said centerline of vacated Anchor Avenue, 100.00 feet to the intersection of said vacated Anchor Avenue and the extension of the Southern line of Lot 60 of said Block 75; thence along said extension of the Southern line of Lot 60 and said Southern line of Lot 60, W 69°27' E, 22.10 feet to the Eastern line of the "vacant and non-exclusive public utilities easement" as described on the Anchor Development 2nd Amended Plat Millite Reservation Subdivision No.1 recorded as Entry #624634 in the office of the Summit County Recorder; thence along said Eastern line the following four courses: (1) N 31°52'30" W, 12.10 feet; thence (2) N 13°45'22" W, 10.52 feet; thence (3) N 07°58'44" W, 16.61 feet; thence (4) N 30°43'17" W, 20.25 feet; thence (5) N 40°20'08" W, 31.77 feet; thence (6) N 16°54'03" W, 37.04 feet; thence (7) N 38°33'10" W, 0.21 feet; thence N 64°40'19" E, 9.51 feet, more or less, to the Westerly line of the Hildon property, Tax ID #PC-684, recorded as Entry #708638 in Book 1713 on Page 1714 in the office of the Summit County Recorder; thence along said line of the Hildon property the following four courses: (1) S 69°27' E, 1.73 feet; thence (2) N 64°40'19" E, 34.25 feet; thence (3) N 69°27' E, 1.16 feet; thence (4) N 64°40'19" E, 29.06 feet; thence (5) N 21°37'10" E, 0.61 feet; thence N 64°40'19" E, 3.14 feet, more or less, to the point of beginning, containing 4,435.6 square feet, more or less.

RECEIVED  
RECORDED  
JUN 16 2014

Alpine Survey, Inc.  
19 Prospector Drive  
Park City, Utah 84060  
(435) 655-8018

SNYDERVILLE BASIN  
WATER RECLAMATION DISTRICT  
MINUTES FOR THE MEETING OF THE BOARD OF DIRECTORS  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.  
BY: \_\_\_\_\_

PLANNING COMMISSION  
APPROVED BY THE PARK CITY  
PLANNING COMMISSION THIS  
DAY OF \_\_\_\_\_ 2014 A.D.  
BY: \_\_\_\_\_

ENGINEER'S CERTIFICATE  
I FIND THIS PLAT TO BE IN  
ACCORDANCE WITH INFORMATION ON  
FILE IN MY OFFICE THIS  
DAY OF \_\_\_\_\_ 2014 A.D.  
BY: \_\_\_\_\_

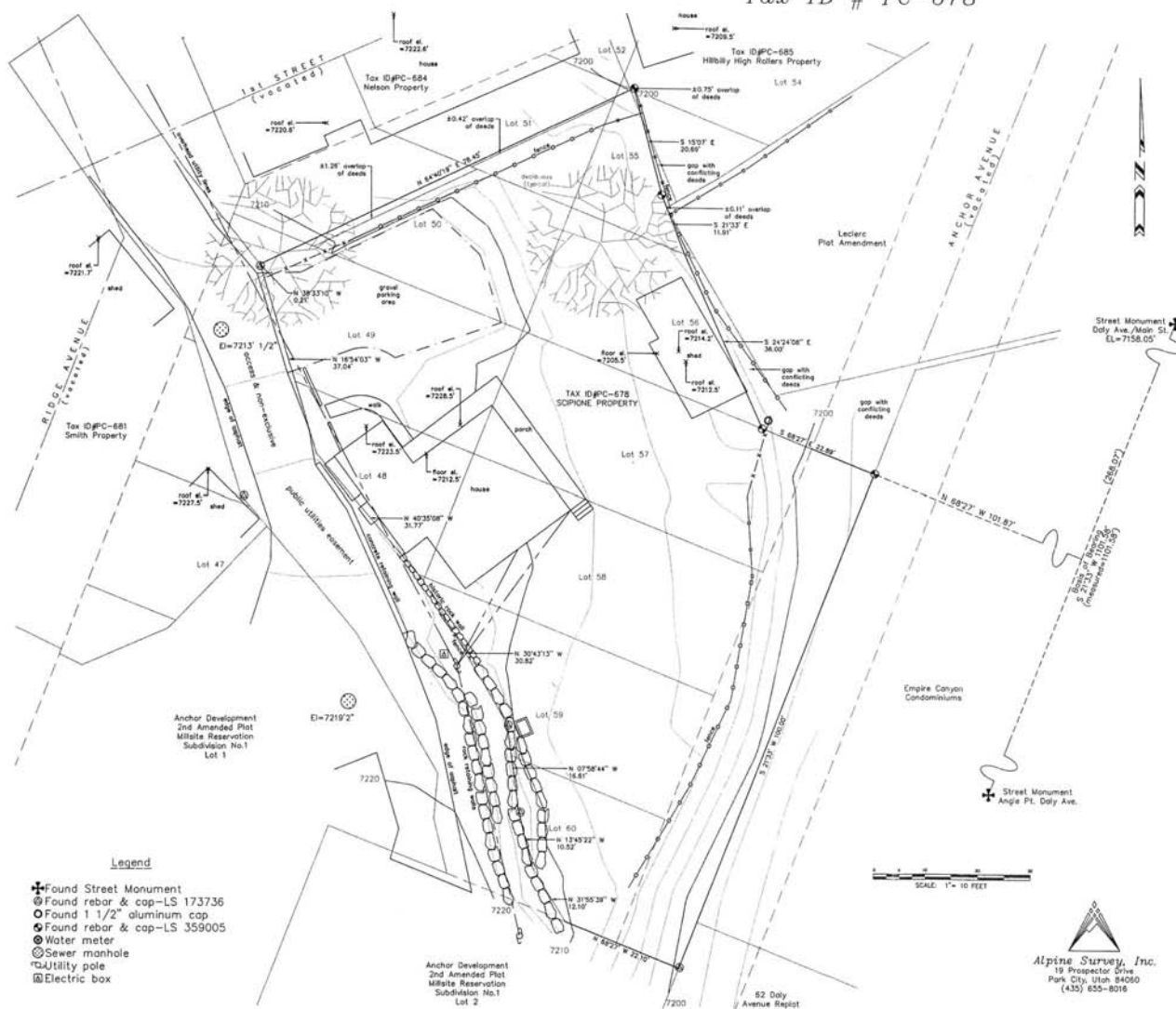
APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS  
DAY OF \_\_\_\_\_ 2014 A.D.  
BY: \_\_\_\_\_

CERTIFICATE OF ATTEST  
I CERTIFY THIS RECORD OF SURVEY  
MAP WAS APPROVED BY PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 2014 A.D.  
BY: \_\_\_\_\_

COUNCIL APPROVAL AND ACCEPTANCE  
APPROVAL AND ACCEPTANCE BY THE PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 2014 A.D.  
BY: \_\_\_\_\_

STATE OF UTAH, COUNTY OF SUMMIT, FILED  
AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \_\_\_\_\_  
PARK CITY PLANNING DEPARTMENT

*Millsite Reservation  
Block 75, Park City Survey  
Tax ID # PC-678*



NARRATIVE

1. Survey requested by: Judy Scipione.
2. Purpose of survey: locate the improvements and topographic relief.
3. Basis of survey: found property monuments as shown; Block dimensions from the Amendment of Sheet 3 of the Park City Monument Control Map by Bush & Gudgeon, Inc., on file and of record as Entry #199887 in the office of the Summit County Recorder. The breakdown of Block 75 according to the Map of Park City by Caldwell & Richards Engineers, traced from the Original Map, July 1927.
4. Date of survey: December 14, 2005; updated June 5, 2014.
5. Property monuments found as shown.
6. Located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. See the Leclerc Plat Amendment, the Empire Canyon Condominiums, 62 Daly Avenue Subdivision and the Anchor Development, 2nd Amended Plat, Millsite Reservation Subdivision No.1, along with the Quit Claim Deeds recorded as Entry No. 851282, Book 1942, Page 883 and Entry No. 851283, Book 1942, Page 886 all in the office of the Summit County Recorder.
9. An elevation of 7158.05 feet, from the Park City Monument Control Map, was assigned to the Street Monument at the intersection of Main Street and Daly Avenue, as shown.
10. It is recommended that Lot Line Agreements with the adjacent property owners be legally pursued to 'clean up' the gaps and overlaps along the various property lines, as shown hereon.

LEGAL DESCRIPTION

Those portions of Lots 47, 48, 49, 50, 51, 54, 55, 56, 57, 58, 59 and 60 of Block 75, and a portion of Anchor Avenue, Park City Survey Amended, more particularly described as follows:  
Beginning at a point on a fence, said point being S 68°27' E, 2.36 feet and N 64°40'19" E, 0.44 feet, more or less, from the Southwesterly Corner of said Lot 54, Block 75, Park City Survey Amended and running thence along a fence line the following three courses: 1) S 15°07' E, 20.69 feet; thence 2) S 21°33' E, 11.91 feet; thence 3) S 24°24'08" E, 36.00 feet to a point on the Northerly line of Lot 57 of said Block 75; thence along said Northerly line of Lot 57, S 68°27' E, 22.89 feet to the centerline of vacated Anchor Avenue; thence S 21°33' W, along said centerline of vacated Anchor Avenue, 100.00 feet to the intersection of said vacated Anchor Avenue and the extension of the Southerly line of Lot 60 of said Block 75; thence along said extension of the Southerly line of Lot 60 and said Southerly line of Lot 60, N 68°27' W, 22.10 feet to the Easterly line of the 'access and non-exclusive public utilities easement' as described on the Anchor Development 2nd Amended Plat Millsite Subdivision No.1 recorded as Entry No. 524934 in the office of the Summit County Recorder; thence along said Easterly line the following seven courses: 1) N 31°55'39" W, 12.10 feet; thence 2) N 13°45'22" W, 10.52 feet; thence 3) N 07°58'44" W, 16.61 feet; thence 4) N 30°43'13" W, 30.82 feet; thence 5) N 40°35'09" W, 31.77 feet; thence 6) N 16°54'03" W, 37.04 feet; thence 7) N 38°33'10" W, 0.21 feet; thence N 64°40'19" E, 78.45 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

I, J.D. Colley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the heron described property and that this plat is a true representation of said survey.

June 15, 2014  
Date



RECEIVED  
JUN 16 2014

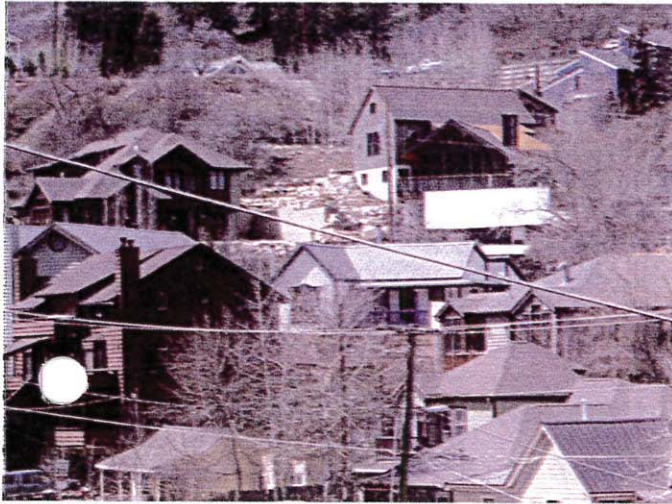
PARK CITY  
PLANNING DEPT.



Imagery ©2014 State of Utah, Map data ©2014 Google 20 ft

## SURROUNDING HOMES

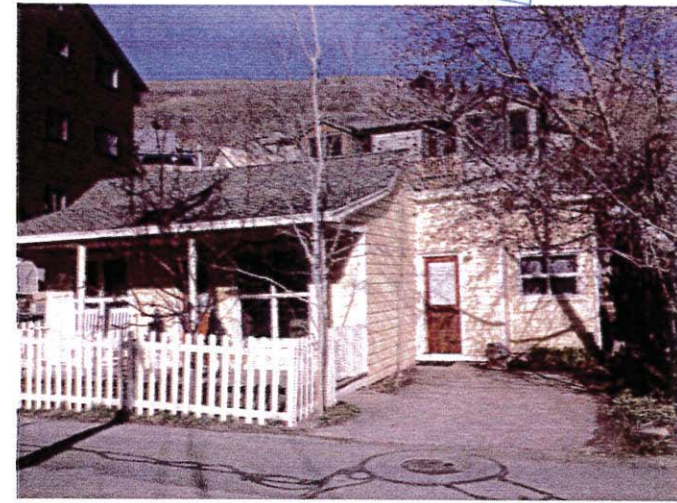
RECEIVED  
JUN 16 2014  
PARK CITY  
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SITE VIEWED FROM HILLSIDE



HOMES BELOW SITE ON DALY



HOMES ON KING ROAD

## HOMES ON ENTRY DRIVE



RECEIVED  
JUN 16 2014  
PARK CITY, UT

ENTRY FROM KING ROAD



VIEW OF ADJACENT HOMES FROM LOT



# HISTORIC HOME



FRONT ENTRY



VIEW OF HOME FROM DRIVEWAY



BACK AND SIDE VIEW & RETAINING WALL



DRIVEWAY RETAINING WALL

VIEW FROM SITE



FROM LOT ON LEFT OF HOME



FROM HISTORIC HOME



OVER CONDOS ON DALY



UPTOWARD EMPIRE

00851284 B: 1942 P: 0888  
Page 1 of 7  
Alan Spriggs, Summit County Utah Recorder  
07/29/2008 03:10:03 PM Fee \$25.00  
By PARK CITY TITLE COMPANY  
Electronically Recorded by Simplifile

180655  
When recorded mail to:

Thomas T. Billings, Esq.  
Van Cott, Bagley, Cornwall & McCarthy  
36 South State Street, Ste. 1900  
Salt Lake City, UT 84111

### AGREEMENT

This AGREEMENT (the "Agreement"), is made and entered into this 29<sup>th</sup> day of July, 2008, by and among JUDY SCIPIONE ("Scipione"), the owner of property located in Park City, Utah, with a tax identification number of PC-678 and BRADLEY J. BOOZIER, WILLIAM J. KRANSTOVER, and KEITH NELSON (collectively "Anchor Development"), the owners of All of Lot 2, Anchor Development Amended Plat MILLSITE RESERVATION SUBDIVISION No. 1, according to the official plat thereof on file and of record in the Summit County Recorder's Office. ANCH-2-2AM

### RECITALS

WHEREAS, on or about April 11, 1985, a grant of easement was executed by Kurt Oberhansley, Glen Peterson and Georgia Peterson regarding properties located in the northern portion of Block 75, Park City Survey (the "Easement"), which Easement was recorded on July 31, 1985 and attached to this Agreement as Exhibit "A"; and

WHEREAS, Anchor Development and Scipione are beneficiaries of the Easement; and

WHEREAS, Anchor Development, as consideration for certain accommodations made to it by Scipione, agreed to make certain improvements regarding the easement; and

WHEREAS, Scipione has agreed that those improvements need not be made provided the parties agree as set forth herein.

NOW THEREFORE, for good and valuable consideration, the parties agree as follows:

1. Anchor Development and Scipione agree that the non-exclusive Easement as attached hereto as "Exhibit A" remains in full force and effect; and
2. Anchor Development and Scipione agree that both parties may have unfettered use of the Easement pursuant to the terms therein; and
3. That Anchor Development and its successors or assigns agree that Scipione or her successors and assigns may make such improvements and alterations to the Easement, which are in Scipione's sole discretion, necessary for her benefit, provided that such alterations or improvements do not permanently interfere with other parties' use of the Easement; and

057:388049v1



4. This Agreement shall run with the land and shall bind all successors and assigns.

THIS AGREEMENT shall be effective the date this Agreement is executed.

By: \_\_\_\_\_

JUDY SCIPIONE

STATE OF UTAH )

ss:

COUNTY OF SUMMIT )

On the 19 day of July, 2008, personally appeared before me JUDY SCIPIONE, the signer(s) of the foregoing instrument, who duly acknowledged to me that she executed the same.

Commission expires: 1/6/2012

Residing at: Walla Walla, UT



Notary Public

By: \_\_\_\_\_

BRADLEY J. BOOZIER

STATE OF UTAH )

ss:

COUNTY OF SUMMIT )

On the \_\_\_\_ day of July, 2008, personally appeared before me BRADLEY J. BOOZIER, the signer(s) of the foregoing instrument, who duly acknowledged to me that he executed the same.

Commission expires:

Residing at:

Notary Public

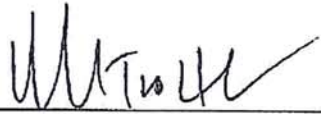
*see attached*



STATE OF UTAH )  
SS:  
COUNTY OF SUMMIT )

On the 29th day of July, 2008, personally appeared before me, WILLIAM J. KRANSTOVER, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same as Attorney-in-Fact for BRADLEY J. BOOZIER by authority of his Power-of-Attorney to execute the same.

Commission expires: 1/6/2012  
Residing at: Wallington, UT



NOTARY PUBLIC



00851284 Page 3 of 7 Summit County



By: \_\_\_\_\_

WILLIAM J. KRANSTOVER

STATE OF UTAH )

ss:

COUNTY OF SUMMIT )

On the 29<sup>th</sup> day of July, 2008, personally appeared before me WILLIAM J. KRANSTOVER, the signer(s) of the foregoing instrument, who duly acknowledged to me that he executed the same.

Commission expires: 1/6/2012

Residing at: Waltensburg, UT



By: \_\_\_\_\_

Keith Nelson

STATE OF UTAH )

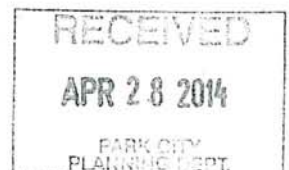
ss:

COUNTY OF SUMMIT )

On the 29 day of July, 2008, personally appeared before me KEITH NELSON, the signer(s) of the foregoing instrument, who duly acknowledged to me that he executed the same.

Commission expires: 1/6/2012

Residing at: Waltensburg, UT



When recorded, mail to:  
 Scott C. Welling, Attorney at Law  
 P. O. Box 712  
 Park City, Utah 84060

|            |                                   |
|------------|-----------------------------------|
| Entry No.  | 237041                            |
| REQUEST OF | WESTERN STATES TITLE              |
| FEE        | 9.00                              |
| By         | ALAN SPRIGGS, SUMMIT CO. RECORDER |
| RECORDED   | 7-31-85 at 12:04 M                |

## GRANT OF EASEMENT

Whereas Curtis Oberhansly, Glenn F. Peterson and Georgia Peterson are owners of properties located in and about the northern portion of Block 75, Park City Survey, Park City, Utah, which properties include the land over which these grantors wish to establish an easement, and whereas the aforementioned parties, considering that it will be beneficial to themselves, their heirs and assigns to establish a private roadway across certain properties owned by the parties to service their various real estate holdings in the area, and in consideration of the mutual grants and promises contained in the various mutual conveyances executed by these parties contemporaneously herewith:

NOW THEREFORE, CURTIS OBERHANSLY, GLENN F. PETERSON and GEORGIA PETERSON, on behalf of themselves, their several heirs, executors, administrators and assigns, do covenant, agree and grant each to the other, and reserve unto themselves, an easement in perpetuity for the common passage, use and enjoyment of themselves, their heirs, assigns, servants and invitees and for the installation of utility, water and sewer transmission lines in and to the following real property located in portions of Lots 47, 48, 49, 59 and 60, Block 75, and part of the now vacated portions of the Rights-of-Way of Ridge Avenue, Norfolk Avenue and First Street, Park City Survey as amended:

Beginning at a point S 69°25'20" W 367.43 feet from a monument located at the intersection of Main Street, Daly Avenue, and First Street in Park City, Utah as shown on the amendment of sheet 3, Park City Monument Control Map and recorded in the Offices of Summit County, Utah as Entry No. 199887 (December 30, 1982); and running thence S 34°59'27" E 4.00 feet; thence S 34°59'27" E 30.79 feet along a fence line; thence S 38°33'10" E 23.64 feet along a fence line; thence S 16°54'03" E 37.04 feet; thence S 40°35'08" E 31.77 feet; thence S 30°43'13" E 37.18 feet; thence S 4°55'22" W 11.02 feet along a fence line; thence S 13°45'22" E 10.52 feet along a fence line; thence S 31°55'39" E 12.10 feet along a fence line to a point on the southerly line of Lot 60; thence along said lot line N 68°27'00" W 24.23 feet; thence N 13°45'22" W 10.64 feet; thence N 4°55'22" E 8.51 feet; thence N 30°43'13" W 30.66 feet; thence N 40°35'08" W 33.74 feet; thence N 16°54'03" W 37.34 feet; thence N 38°33'10" W 21.08 feet; thence N 34°59'27" W 35.29 feet; thence N 55°00'33" E 16.00 feet to the point of beginning.

## APPURTENANT TO CERTAIN LOTS

In addition, the parties agree that this easement is appurtenant to the following described properties and that the transferees of all or any portion of these properties shall enjoy the same rights and privileges to this private easement as the parties hereto. The easement is appurtenant to:

Lots 47, 48, 49, 59, 60 and 61 of Block 75, Park City Survey as amended and of record in the Office of the County Recorder of Summit County, Utah.

IN WITNESS WHEREOF, we have set our hands and seals this 11<sup>th</sup> day of April, 1985.

Curtis Oberhansly  
 CURTIS OBERHANSLY

Glenn F. Peterson  
 GLENN F. PETERSON

Georgia Peterson  
 GEORGIA PETERSON

350 P.M.C. 283-284



STATE OF UTAH

)  
: ss.

COUNTY OF SUMMIT

On the 11<sup>th</sup> day of April, 1985, personally  
appeared before me Curtis Oberhansly, Glenn F. Peterson and George Peterson, the  
signers of the within Grant of Easement, who duly acknowledged that they  
executed the same.

  
NOTARY PUBLIC

My Comm. expires: 10/6/85

Residing at: Park City, Utah

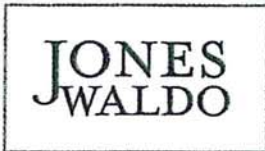
BOOK 350 PAGE 284

-2-

RECEIVED

APR 28 2014

PARK CITY  
PLANNING DEPT.



Attorneys Est. 1875

TEL: 435-200-0085  
FAX: 435-200-0084

1441 WEST UTE BLVD, SUITE 330  
PARK CITY, UTAH 84098

WWW.JONESWALDO.COM

AFFILIATED FIRM  
LEAR & LEAR LLP

May 1, 2014

VIA E-MAIL

Rob Harris  
3376 Big Spruce Way  
Park City, UT 84098  
[Rob@YouInParkCity.com](mailto:Rob@YouInParkCity.com)

Re: *Opinion – Scope of Easement*

Dear Rob:

As requested, I reviewed the materials you provided during our meeting on April 28, 2014, including the Historic District Design Review Pre-Application materials submitted by David White on behalf of Judy Scipione, various plats, surveys and photos of the subject property, the July 29, 2008 Agreement between Ms. Scipione and the principals of Anchor Development (the "2008 Agreement"), and the April 11, 1985 Grant of Easement (the "1985 Grant") pertaining to the property. Based on that review, and the information you supplied, my opinion is that the access easement Ms. Scipione shares with the owners of the other properties on Anchor Avenue may be used to access the two additional lots you are planning to develop.

Before expanding on that opinion, it is important you understand that it is based on the following assumptions:

1. The 1985 Grant creates an easement (the "Easement") that is appurtenant to Ms. Scipione's property and to the property of the Anchor Development principals.
2. Ms. Scipione and the Anchor Development principals are successors in interest to the parties to the 1985 Grant.
3. No parties other than Ms. Scipione and the Anchor Development principals have rights under the 1985 Grant or the 2008 Agreement.

If any of these assumptions are incorrect, please let me know; the correct information may have a bearing on the opinions expressed in this letter.

Rob Harris  
May 1, 2014  
Page 2

Easements are generally limited by the terms and conditions of the instruments that create them. However, as expressed by the Utah Supreme Court, "a change in the manner, frequency, and intensity of use of the easement within the physical boundaries of the existing easement is permitted without the consent of the other party, so long as the change is not so substantial as to cause unreasonable damage to the servient estate or unreasonably interfere with its enjoyment." *Stern v. Metropolitan Water Dist.*, 2012 UT 16, ¶ 69.

The 1985 Grant created in the parties to the document a perpetual right of passage over the Easement, which is described in the 1985 Grant by metes and bounds. The 1985 Grant expressly extends the Easement rights to "assigns" and includes this key language:

[T]he parties agree that this easement is appurtenant to the following described properties and that the transferees of all or any portion of these properties shall enjoy the same rights and privileges to this private easement as the parties hereto.

I read this language as expressing an intent to extend rights under the 1985 Grant to transferees who acquire only a "portion" of any of the properties described in the document. In other words, dividing Ms. Scipione's property into three lots and accessing those three lots using the Easement appears consistent with the intent of the 1985 Grant.

The 2008 Agreement identifies Ms. Scipione and the Anchor Development principals as the "beneficiaries of the Easement" and reaffirms that these parties "may have unfettered use of the Easement pursuant to the terms ..." of the 1985 Grant. The 2008 Agreement includes this language:

Anchor Development and its successors or assigns agree that Scipione or her successors and assigns may make such improvements and alterations to the Easement, which are in Scipione's sole discretion, necessary for her benefit, provided that such alterations or improvements do not permanently interfere with other parties' use of the Easement.

I do not know if the parties to the 2008 Agreement had specific "improvements and alterations" in mind when agreeing to this language. If so, and assuming someone challenges your development efforts, the "improvements and alterations" intended by the parties may have some bearing on a court's interpretation of this language. As written, however, I interpret this language as giving Ms. Scipione (or you as her successor in interest) the right to modify the Easement property as needed. The only limitation on that right is the requirement that modifications "not permanently interfere with other parties' use of the Easement."

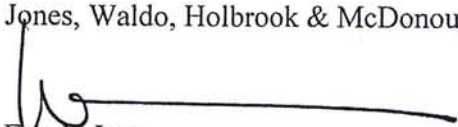
Rob Harris  
May 1, 2014  
Page 3

Note that the 2008 Agreement does not appear to reflect an intent to expand the scope of the Easement to allow access to the two additional lots you are now planning. Instead, the right to use the Easement for additional lots is implicit in the 1985 Grant language discussed above, and is found in general pronouncements of Utah law like the one quoted above. In each case, however, the right is limited by the prohibition against interfering with the rights of others to use the Easement.

Note also that other recorded documents may bear on the rights at issue. A review of any such document is beyond the scope of this engagement. But such a review may result in an opinion different from that expressed above. For that reason, you may want to secure a title report for further information regarding whether the rights at issue are impacted by any other recorded documents.

Finally, the best way to assure no conflict with the other easement beneficiaries is to secure their permission to proceed with the development as planned. This can be done with a simple agreement that clarifies the operative language in the 1985 Grant and the 2008 Agreement. Let me know if you want assistance putting together such an agreement. Go to sleep-

Yours truly,  
Jones, Waldo, Holbrook & McDonough, PC



Eric P. Lee

**Ordinance No. 96-44**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE MILLSITE  
RESERVATION SUBDIVISION NO.1, BLOCK 75, LOTS 43-47 AND LOTS 60-65,  
LOCATED AT 55-57 KING ROAD TO BE KNOWN AS THE 55-57 KING ROAD PLAT  
AMENDMENT, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 have petitioned the City Council for approval of an amendment to the amended Park City Survey; and

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

WHEREAS, the City Council held a public hearing on August 22, 1996 to receive input on the proposed amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

WHEREAS, the AGREEMENT TO PROVIDE EMERGENCY ACCESS AT BLOCK 75, PARK CITY SURVEY, dated April 1985, allows access for the development of two houses on applicants' property subject to certain driveway and fire mitigation improvements;

WHEREAS, The proposed plat amendment will limit the development of the property to two (2) single-family lots;

WHEREAS, the proposed lots sizes meet the minimum standards for buildable lots in the HR-1 District;

WHEREAS, the proposed lots are substantially larger than the standard 25 ft. x 75 ft. platted lots in the HR-1 District. Due to the large lot sizes and existing HR-1 District floor area ratios, the maximum permitted house sizes on the proposed lots would be substantially larger than residences constructed on standard platted HR-1 lots;

WHEREAS, the Planning Department has evaluated the neighborhood and finds that building sizes in the immediate vicinity of the property ranging from approximately 1000 square feet in the case of historic residences and over 4000 square feet in the case larger, non-conforming structures. To insure development of the property that is compatible with the scale of historic structures within the neighborhood and consistent with the inherent constraints of the property's hillside topography and driveway access, Staff recommends that above-ground square footage limitations be established for the proposed lots;

WHEREAS, the root cellar of an adjacent historic residence extends under the applicants' proposed driveway. Without proper the consideration of a methodology to mitigate construction impacts, the structural integrity of the historic structure may be jeopardized. It is in the public interest to preserve historic residences in the Historic District; and

WHEREAS, an historic shed is located in close proximity to the applicants' property line which may be impacted as a result of the proposed driveway construction.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

**SECTION 1. FINDING.** The above recitals are hereby incorporated as Finding of Fact.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

**SECTION 3. PLAT APPROVAL.** The amendment of the Millsite Reservation Subdivision No. 1, Block 75, Lots 43-47 and Lots 60-65 is approved as shown on the attached Exhibit A with the following conditions:

1. The City Engineer and City Attorney's approval of the form and substance of the amended plat is a condition precedent prior to recording the plat.
2. All Standard Project Conditions shall apply.
3. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two units shall be prohibited is a condition precedent to recording the plat.
4. The addition of a plat note specifying that:

the maximum above-ground square footage for Lot 1 not exceed 2400 square feet (*not including garage*) and 3400 square feet (not including garage) for Lot 2 . In recognition of sloping lots, above-ground square footages are considered to be the floor area of the building that is 80% or more above finished grade. Above-ground square footage does not include the floor area associated with a true basement or crawl space.

The addition of the plat note is a condition precedent to the recording of the plat.

5. City approval of an Engineer's plan or similar methodology intended to insure that the structural integrity of the Scipione residence and shed are protected during any construction

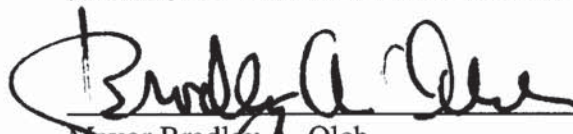
on the applicants' property or improvements to the driveway is a condition precedent to the issuance of a building permit.

6. Approval of a Certificate of Appropriateness of Demolition for the shed located directly west of the applicants' driveway is a condition precedent to any demolition, damage or relocation of the shed in conjunction with the construction of the driveway.
7. City approval of a plan for, and construction of, a 16 foot wide paved driveway constructed to the front property line of the Lot 2 is a condition precedent to the issuance of any building permit on the property.
8. Installation and City approval of fire sprinklers using the modified 13D standard on any residence constructed on the property is a condition precedent to any issuance of a Certificate of Occupancy.
9. The City Engineer's review and approval of a subdivision utility plan is a condition precedent to recording the plat.
10. Submittal of an up-to-date title report for the property is a condition precedent to recording the plat.
11. The plat shall contain a note referencing the 1985 Agreement To Provide Emergency Access.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 5th day of September, 1996.

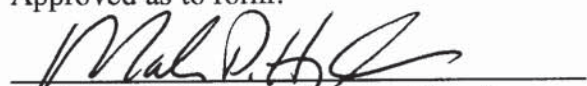
PARK CITY MUNICIPAL CORPORATION

  
Mayor Bradley A. Olch

Attest:

\_\_\_\_\_  
Janet M. Scott, Deputy City Recorder

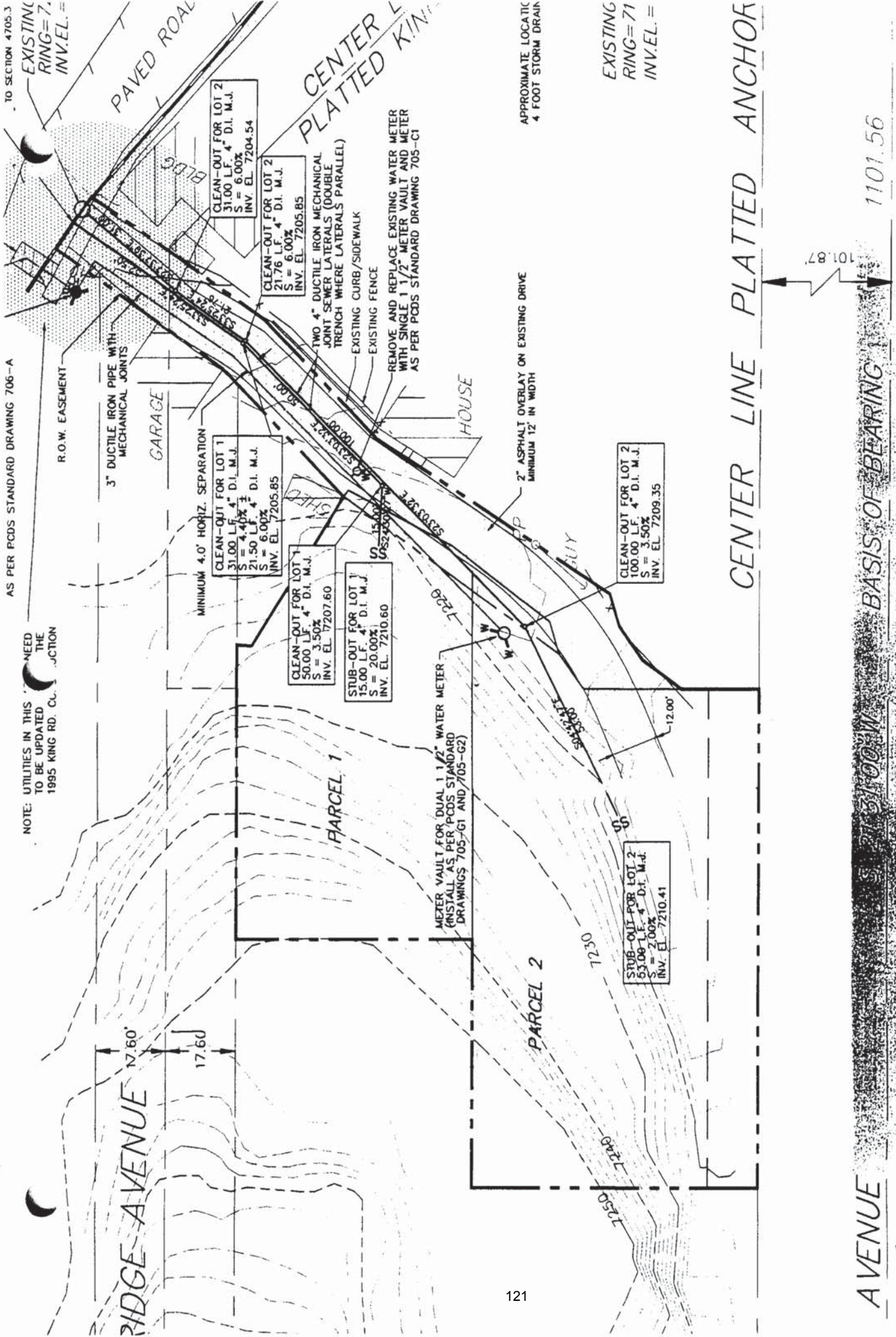
Approved as to form:

  
Mark D. Harrington, Assistant City Attorney

TO SECTION 4705.3

AS PER PCDS STANDARD DRAWING 706-A

NOTE: UTILITIES IN THIS AREA NEED TO BE UPDATED TO THE 1995 KING RD. CO. ACTION



CENTER LINE PLATTED ANCHOR

AVENUE

BASIS OF BEARING

1101.56

"EXHIBIT A"

From: Rudolf Otrusinek – owner 57 King Road, Park City, UT 84060

To: Anya Grahn, Historic Preservation Planner

Re: 15 Anchor Avenue Subdivision

PL-14-02405

Dear Anya,

I would like to provide input to proposed project of 15 Anchor Avenue subdivision. It is a matter which directly affects me as the owner of 57 King Road. I read planning commission staff report dated August 27, 2014.

These are my concerns:

-my property (57 King road) is only accessible by easement which is only wide enough for 1 car to pass at a time, it creates issues regarding parking, snow removal, emergency access .

-The 1996 re-plat of the Millsite Reservation Subdivision No.1, Block 75, Lots 43-47 and

Lots 60-65 to create 55 and 57 King Road included provisions to regulate house size,

mitigate potential impacts to the historic property at 15 Anchor Avenue, and negate any

future development that may increase parking demands on the private drive.

THE APPROVAL INCLUDED A PLAT AMENDMENT SPECIFYING THAT FURTHER SUBDIVISION AND/OR THE

DEVELOPMENT OF ADDITIONAL UNITS BEYOND THE TWO SINGLE-FAMILY UNITS AT 55 AND 57 KING

ROAD WERE PROHIBITED. CURRENTLY PROPOSED LOT 2 WAS CLEARLY NOT INTENDED IN THE APPROVAL PROCESS AT THAT TIME.

- The 2008 agreement for easement states: Easement alterations or improvements do not permanently interfere with other parties use of the Easement.
- It is my opinion that creating additional lot with intent to build house there would permanently increase traffic 50% for 57 King Road and was not intent of creating this easement.
- Legal opinion states: change in the manner, frequency and intensity of use of the easement within the physical boundaries of the existing easement is permitted without the consent of the other party, SO LONG AS THE CHANGE IS NOT SUBSTANTIAL, as to cause unreasonable damage to the

servient estate or unreasonably interfere with its enjoyment. “ Stern vs. metropolitan Water Dist., 2012 UT 16

- Increase in traffic 50% (so far owner of 55 King Road only would travel through easement in front of my house) is “SUBSTANTIAL CHANGE” in my opinion. Would like to get PC attorney input regarding this matter.
- Planning commission should consider impact of construction/renovation – I am not at all against renovation of historic structure- as long as it is done as per PC Land Management Code.
- Easement was freshly paved at the expense of owners of 55 and 57 King Road, would like to see requirement of construction bond for repair of easement before any construction begins (I understand that this may be part of building permit and not proposed subdivision) I am happy to provide copies of construction cost (\$8849) of road base and paving of easement in assessing bond amount.
- Opinion of city engineer regarding snow deposit, sewer, water, gas, electric power, storm drainage, emergency access
- Would like to see requirement for snow removal agreement/cost sharing between parties to the easement.

Thank you for your consideration,

Rudolf Otrusnik  
57 King Road  
Park City, UT84060  
[otrusnik@yahoo.com](mailto:otrusnik@yahoo.com)  
cell: 4358817227