PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 14, 2006

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 14, 2006.

Closed Session – City Council Chambers

4:00 p.m. Property and personnel

Work Session – City Council Chambers

4:50 p.m. Council questions/comments
5:00 p.m. Quinns Recreation Complex update
5:20 p.m. Quinns Wind Turbine Update
5:40 p.m. Meeting questions/comments
5:50 p.m. Break

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 17, 2006 AND AUGUST 24, 2006

V RESIGNATIONS AND APPOINTMENTS

Appointments to the Art Advisory Board: four members for two year terms expiring June 30, 2008; and one member to fill an unexpired term to June 30, 2007

VI CONSENT AGENDA PUBLIC HEARINGS

1. Continuation of hearing on Ordinance – 101 Prospect Street Subdivision plat amendment **(motion to continue to October 19, 2006)**

2. Continuation of hearing on Ordinance approving the Silver Baron Lodge, Phase II Condominium Record of Survey Plat located at 2800 Deer Valley Drive East, Park City, Utah

3. Ordinance approving the Iron Canyon Subdivision Lot 4 Plat Amendment, located at 2409 Iron Mountain Drive, Park City, Utah

4. Ordinance approving the 5th Amended Condominium Record of Survey for The Knoll at Silver Lake Phase I, located at 7915 and 7895 Royal Street, Park City, Utah

5. Ordinance approving a one-year extension of a plat amendment to combine Lots 1-3, Block 30 of the Snyders Addition to the Park City Survey into one lot of record located at 819 Empire Avenue, Park City, Utah

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VIII NEW BUSINESS

Memorandum of Understanding with United Park City Mines Company and the Leo – Rhea Partnership for release of mining claims on Gambel Oak Park in exchange for two payments in the total amount of $2 million by Park City Municipal Corporation

IX 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.

Posted: 09/11/06
See: parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

August 2006

31 **No meeting - Dana gone**

September 2006

7 **No meeting – city tour**
14 *ULCT Conference*
21 *Last City Golf Tournament* (regular 6 p.m. meeting only)
Resolution – polling places for open space bond election
MFL – Showdown on Main to be held on October 7, 2006 and request to close lower Main Street
28 Closed session
Property tax discussion – Gary – 6:15 p.m.
Recreation summer program recap and recreation service levels (1 hour)
One year review of Ordinance No. 05-49, outdoor display of merchandise – Jon
LMC amendments – ROS, POS, E, E-40, HRM, HRC, HCB, SLO (work/hearing/action)
Amendment to Development Agreement – Talisker
Continuation of hearing on Ordinance – 101 Prospect Street Subdivision plat amendment
Ordnance – 1505 Park Avenue - Brooks
Ordinance – 2414 Iron Canyon Drive plat amendment – Ray
Ordinance – 562 Main Street Chloe Lane - Jon
MFL – Fall Family Fest at Quinns Sports Complex to be held on Saturday, October 7 from noon to 6 p.m.
MFL – Dirt Jump Jam Showcase at PCMC Dirt Jump Park to be held on Saturday, October 14
Concession contract – ice rink - Stacey

October 2006

5 **Roger and Tom gone**
12 **No meeting – UEA weekend**
19 RAB update
Amendment to Talisker/UPCMC/PCMR Annexation and Amended Empire Pass/Flagstaff Development Agreement – public hearing
KAC - work
26 Snow removal service levels
Joint Venture update - Bob Kollar

November 2006

2
9
16 Canvass of special open space bond election
23 **No meeting**
30

Pending Items:
Park Bonanza District General Plan amendments - Kirsten
LMC Amendments - Kirsten
Air quality discussion
Brewpub lease assignment – RDA
Mosquito Abatement District update - John Yassi, District Director
Eagle Pointe V annexation public hearing/action - Brooks
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
Briefing on parking regulations and event parking permits for Sundance – Fall 2006

City Council
Staff Report

Author: Matthew A. Twombly
Subject: Quinn's Recreation Complex
Date: September 14, 2006
Type of Item: Construction Update, Legislative

PARK CITY 1884

ECONOMIC DEVELOPMENT AND CAPITAL PROJECTS

Summary Recommendation:
Review the update on the Quinn's Recreation Complex construction, remaining items, budget and request for additional funding for changes to the contracts and landscaping and provide direction on funding strategies to complete the project as contracted.

Description:
Topic: Quinn's Recreation Complex

Background:
On April 7, 2005 the City approved an amendment in the amount of $1,304,703 for early mobilization, rink excavation and building concrete. A second contract award on May 5, 2005 in the amount of $5,466,843 was made for utilities, rink infrastructure and included the previous amendment. The final contract award was made on June 2, 2005 which added $5,110,475 for fields and rink finishes for a cumulative Guaranteed Maximum Price (GMP) addendum to the Construction Manager/General Contractor, CM/GC construction contract in the amount of $10,577,318 with Hogan Construction. The GMP was based off of the 90% construction plans bid for construction.

In the CM/GC construction contract negotiations, there were a number of deferred items and a considerable amount of value engineering to the project. One of the many items value engineered prior to the setting of the "Guaranteed Maximum Price" was the landscaping. The lowest bid for all of the landscaping, playing fields seeding, irrigation and lawns as designed was in the amount of $1,502,000. The City and CM managed to value engineer this portion of the project to approximately $650,000 for the fields, lawns, irrigation and seeding, and set aside a placeholder for drip irrigation, shrubs and trees in the amount of $70,000 but this was not included in the CM/GC scope of work and was not planned to be completed until the Spring in any event. Often the City will contract for the planting of trees and shrubs with local firms after the major earthwork, building and paving work is completed. In review of the plantings and drip irrigation needed, staff estimates the costs to be about $150,000 for the entire project.

Also in the value engineering efforts many of the more specialized items were not included in the scope of work or budget for the project both in the rink and for the fields. These items include: Infield conditioner, at $25,000 for 3 fields; backstop rubber at $10,000 for 3 fields; storage bins for maintenance at $18,000; completion of parking lot and lights north of the maintenance building at $60,000; portable/temporary goal posts for rugby matches or tournaments at $6,000 for one natural field, and $7,500 for the synthetic field; fuel cells ((2)150 gallon) for equipment fueling at $10,000; signage for interior and exterior of the rink at about $15,000; hood for the kitchen at $15,000; picnic tables for rink patio $5,000; lift and pallet truck for rink @ $7,000; hockey equipment for rentals $10,000; audio/visual equipment for meeting room(s) $5,000; figure skating harness $5,000; rink dividers $3,000; and the shade pavilion budgeted at $130,000 including design and engineering.

In addition to the value engineering was additional work not included in the GMP due to the bidding at the 90% construction documents and additional items requested by the owner and requested by the contractor for unforeseen conditions and catastrophic fuel and asphalt price increases. Examples of owner requested items, are additional fencing, lights and conduits for audio at the plaza, shades in the rink, and electrical conduit, manhole and panel at Field A for events, lights in parking lot D, and concrete bleachers at the rink. The additional items were added to the contract while the contractor was mobilized and the items could be incorporated into the work where it may otherwise be impossible in the future. Many items were budgeted as part of the GMP (such as the maintenance and restroom buildings) and the cost of the work came in higher than budgeted in the GMP due to unforeseen conditions.

To complete the owner requested items, including the reverse osmosis system for the ice rink, the change orders, and costs noted above, all resources were utilized including the money set aside for landscaping to complete the project and occupy the buildings.

The contractor has also requested relief due to catastrophic fuel, oil and aphalt price increases. The relief for fuel, oil and asphalt price increases is part of the State's contracting policy. After review of the City's Construction Management contract the Architect of Record, Elliott Work Group is recommending that the Contractor should receive relief as has consistently been done on most CM/GC contracts with municipalities. The contractor has completed the paving of the trails and parking lots in good faith while the issue is being resolved.

The project was originally scheduled to be substantially complete at the end of July. The anticipated substantial completion is now scheduled for mid October. Landscaping is not scheduled to begin until next spring/summer. The architect is continuing to attend weekly meetings, review questions, pay requests, and detail revisions to the plans. This work is beyond the scope of their contract and they seek reimbursement for their work. The architect is requesting a payment for time and materials not to exceed $4,500 per month for four months until closeout for construction administration.

When considered together, it is anticipated that $150,000 will be needed to complete the items included in the construction and architects contract.

Analysis:

During the budget hearings for the Capital Improvement Program, the Council approved adjustments to the ’06 Budget for changes in revenue sources and $335,000 for the ’07 Budget. The prioritized items for ’07 were 1. Successful completion of approved scope of work. 2. Completion of remaining trails/sidewalk connections. 3. Completion of permanent bleachers at Field A. 4. Completion of Phase 2 shade structure pavilion. This budget adjustment was adopted prior to the change orders increasing the GMP as noted above. The first three items will be completed as currently contracted. The shade pavilion is included in the prioritized items for which there are no longer sufficient funds budgeted.

The City has worked with the contractor to complete all items of the project within the scheduled budgets. Unfortunately the timing to proceed with the items desired by the City, such as the bleachers, electrical & lights, fencing, came ahead of the realization of cost increases on budgeted items not yet completed.

In order to fund the $150,000 needed to complete the remaining items anticipated in the construction contract, staff recommends using general obligation bond interest earnings that have been budgeted to the Neighborhood Parks CIP (#805).

In 2004 the City issued $9,000,000 in General Obligation bonds. $4,000,000 was earmarked for parks and the ice arena, with the remainder budgeted for open space purchases. The Parks and Ice bonds were divided between projects as follows:

	Neighborhood Parks	Ice Rink	Fields Complex	City Park	Total
Original Budget	$1,200,000	$2,000,000	$500,000	$300,000	$4,000,000

The City has been earning interest on the bond proceeds since the bonds were issued in 2004. As of June 30, 2006, the City had earned $364,041 in interest earnings all of which was budgeted to the Neighborhood Parks CIP (#805). Staff recommends that $150,000 of the interest earnings be used to complete the construction contract. This will leave approx. $600,000 for neighborhood parks.

	Neighborhood Parks	Ice Rink	Fields Complex	City Park	Total
Original Budget	$1,200,000	$2,000,000	$500,000	$300,000	$4,000,000
Interest Earnings	$364,041				$364,041
(Expenditures to Date)	($813,211)	($2,000,000)	($500,000)	($300,000)	($3,613,211)
Balance	$750,830	$0	$0	$0	$750,830
(less $150,000 for Quinns)	($150,000)				($150,000)
Revised Balance	$600,830				$600,830

Staff is not requesting an adjustment to the budget for the landscaping at this time, but will return to council as a part of the budget process when the landscaping work is bid for construction early in the Spring. Staff is planning to request a budget of $150,000 for soil amendments, drip irrigation, trees, shrubs, flowers, and bark mulch.

Staff has outlined and prioritized below the costs of specialty items excluded from the budget and contracts for the project.   These items are for consideration, and differed for future funding:

	Fields		
1.	Fuel cells		$10,000
2.	Infield conditioner		$25,000
3.	Backstop rubber		$10,000
4.	Goal posts (2 natural fields)		$12,000
5.	Maintenance Bld. storage bins		$18,000
6.	Shade pavillion		$130,000
7.	Goal posts (synthetic)		$7,500
8.	Parking lot		$60,000
	Total Fields		**$272,500**
	Ice Rink		
1.	Lifts		$7,000
2.	Hockey equipment		$10,000
3.	Range hood		$15,000
4.	Audio visual equipment		$5,000
5.	Picnic tables		$5,000
6.	Figure skating harness		$5,000
7.	Rink divider		$3,000
	Total Rink		**$50,000**

In consideration of a recent letter to the editor regarding the sports lights, the architect chose the galvanized steel poles instead of darkly painted poles because the galvanized poles require very little maintenance, if any, compared to a painted pole which is especially important to the longevity of such an expensive investment. The poles were only recently assembled and erected and the finish will continue to dull over time.

To summarize the request: The $150,000 will be spent to complete the contracts of the architect and the contractor including the catastrophic fuel/asphalt increase, unforeseen conditions, and extra work on the project. Staff is not requesting additional funds for the landscaping or specialty items at this time.

Department Review:
City Manager, Economic Development and Capital Projects, Budget, Debt and Grants Department, Quinn's Recreation Complex Manager; have reviewed this report and all comments have been incorporated into the report.

Alternatives:

Approve the Request:
Approve the request to spend $150,000 in interest earning from the Neighborhood Parks CIP in order to complete the items currently included in the construction contract.

Deny the Request:
Denial of the request would jeopardize the contracts with the Contractor and the Architects for the performance of the project.

Continuance:
Continuance would prolong the negotiations with the contractor on the remaining uncompleted and outstanding items.

Do Nothing:
Doing nothing would have the same effect as continuance.

Significant Impacts:
There is enough budgeted in the Neighborhood Parks CIP to complete the construction contract items at Quinn’s. Using these funds will still leave sufficient funding for neighborhood parks as originally anticipated.

Consequences of not taking the recommended action:
Not taking the recommended action would jeopardize the contracts with the contractor and architect for the performance of the project.

Recommendation:
Use interest earnings budgeted in the Neighborhood Parks CIP to complete the construction contract items at Quinn’s Junction.

City Council
Staff Report

Author:	**Alison Butz**
Subject:	**Alternative Energy – Park City Ice Arena**
Date:	**September 14, 2006**
Type of Item:	**Informational**

Summary Recommendations:
Discuss the proposed placement and number of wind turbines and provide Staff with direction needed to implement the project.

Description:
Topic:
City Council review of potential alternative energy project.

Background:
On June 29th the Council discussed the placement of wind turbines at the Park City Ice Arena and provided Staff with direction to proceed with Land Management Code amendments to allow installation through a Conditional Use Permit in the ROS zone.

Mayor Williams strongly believed, with support from other Council members, that the turbine should be placed in an area with the highest wind potential rather than installing it next to the building as a demonstration.

Council discussed pursuing the option to become a beta test site for the turbine which reduces the cost of the turbines and allows for the return of the equipment to the manufacturer after a year. Council did provide direction to continue moving ahead with the project rather than conducting a wind test.

In March 2006, the City Council specifically outlined their Goals, Policies and Strategies with regards to the City's environmental initiatives. As part of that resolution Council listed "Pursue model environmental sustainability projects that are working symbols of the city's commitment" as part of their Policies and Strategies. Placement of a wind turbine at the Park City Ice Arena is consistent with parts of this policy.

Analysis:
On June 29th Staff received direction to proceed with amendments to the Code, return with location options, and continue to explore other renewable energy sources.

Land Management Code Amendments

The Planning Department has been actively researching and drafting language to permit wind turbines in the ROS zone through a Conditional Use Permit. Sample draft regulations drafted by the American Wind Energy Association form the basis of the amendments. The amendments will address everything from height, setbacks, noise and aesthetics.

The Planning Commission is scheduled to review the amendments and conduct a public hearing on September 27th. The amendments will then be forwarded to the City Council with a recommendation. Once the amendments are passed, the Planning Commission can then review the application for a Conditional Use Permit to allow the placement of the turbine at the Ice Arena.

Location Options

As discussed in June, the higher the wind generator is positioned, and the less interference it has the better its operation will be.

The model, storm 1.8, has changed names to the Skystream 3.7 and some of the estimated construction capacity has been changed. The turbine has a 35 foot high guy-wireless pole and is made of galvanized steel at the base would is similar to a flag pole. The pole can be painted a dark color to blend in with the vegetation in the background or match the finish of the field lighting poles. Its estimated minimum production capacity is 400 KWh per month at 12 MPH (daily production of 13KWh). A desire to be able to minimally power the zamboni has been expressed. The zamboni requires daily charging and based on a normal day use it would require 48kwh of electricity. With this knowledge the proposed options show the placement of three towers.

Staff did investigate the ability to place turbines on the new field lights. What Staff found was that once the towers exceed 35' in height, they require guy-wires to stabilize the towers. The proximity of the field lights to the fields would place the guy-wires directly in the field of play which is not optimal.

Option #1

Based upon comments received in June, Staff met on site with Utah Clean Energy and Tai Robinson with Intergalactic Hydrogen (distributor of turbines) and surveyed the hill site behind the Ice Arena and determined the wind corridor. Also discussed was the potential to place three turbines which could produce an amount of electricity closer to the needs of the zamboni. As seen on Exhibit A, by placing the turbines up along the west slope of the hill, the potential for gathering higher wind speeds increase.

The placement on the hillside would require some disturbance of the vegetation and staff is considering having the equipment carried in to the site instead of allowing vehicles on the hill. The trench for the conduit could follow the existing cut along the south side of the hill (Exhibit B) to reach the electrical panel at the Ice Rink.

Option #2

Some Council members were concerned about placing the turbines on the hillside behind the Ice Arena. During the walkthrough with Utah Clean Energy and Tai

Robinson, the group looked at the potential to replace some parking lot lights adjacent to the Ice Arena with towers that would accommodate both the turbines and lights. The existing poles are not designed for the sheer force needed for the turbine placement and the replacement poles would be higher, but are still within the wind corridor at the site which allows for a higher potential of wind speeds.

Cost
The cost of each unit is $5,400 without the tower. With the addition of the tower, foundations, conduit and connection to the Ice Arena's electrical panel the estimated total cost for three turbines is $30,000. Due to the cost of the unit and installation staff would need to conduct an RFP which can be done concurrently with the CUP process.

The beta test program is no longer available for this model type. Staff will continue to discuss options with the manufacturer and pursue rebates, grants and other funding sources.

<u>Other Renewable Energy Sources</u>
Council has stated their interest in pursing solar power at the Ice Arena. During its research, Staff has found that municipalities in California have leased out their roofs to companies for them to invest in the infrastructure and receive the tax credits while the City then negotiated a reduced KWh rate from the leasee. Staff is continuing to investigate this option along with alternate funding options that would reduce the cost of solar.

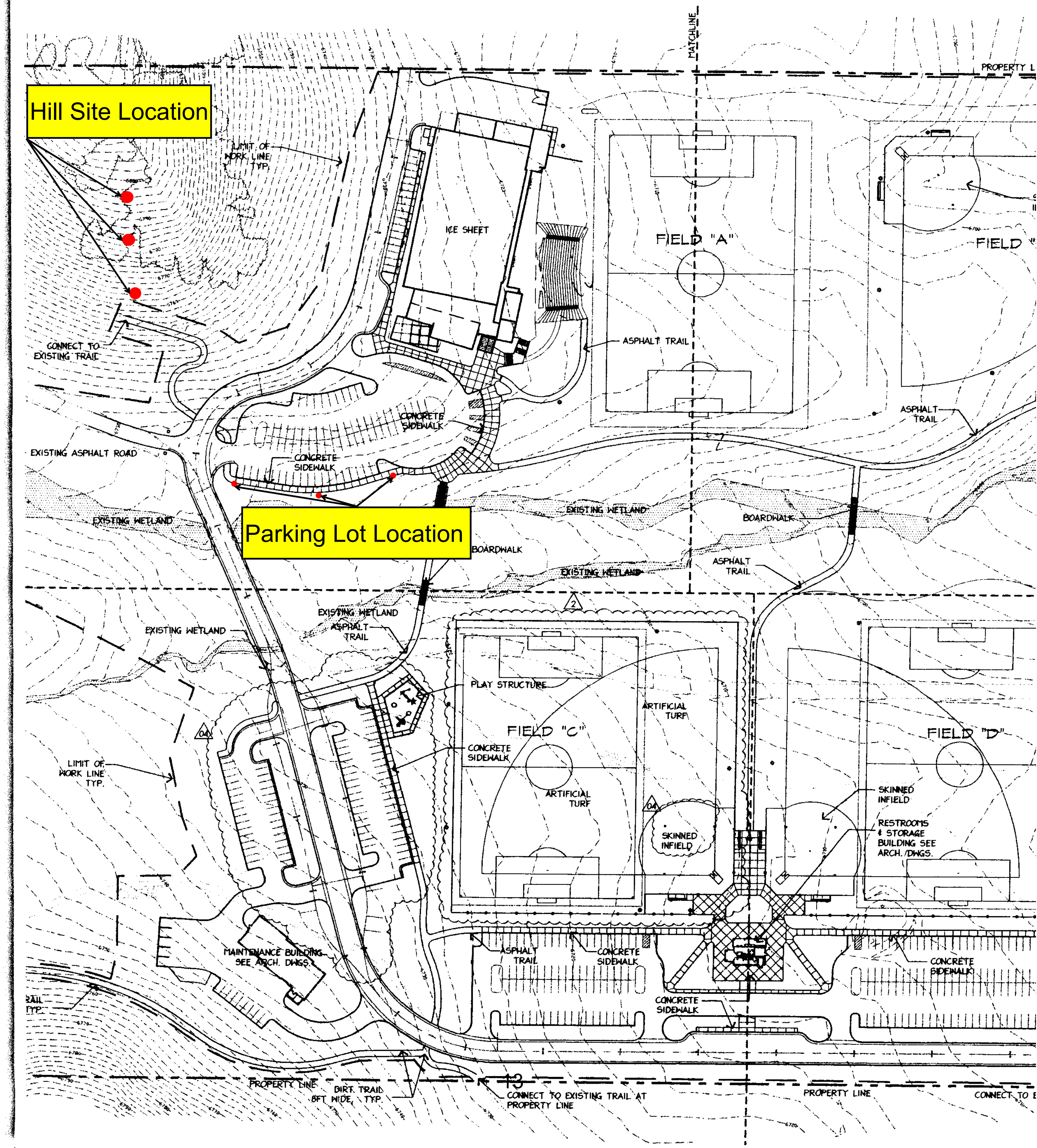
Significant Impacts:
The placement of the wind turbine at the Park City Ice Arena meets parts of Council's Environmental Policy and Strategy to pursue model environmental sustainability projects that are working symbols of the city's commitment to the environment. The modest energy production of one wind turbine does not meet Council's goal to power the zamboni. Staff has proposed the placement of three turbines at an increased cost.

At this time, no budget line has been identified for this project; Staff would evaluate current projects and funding to determine funding.

Department Review:
All applicable departments have reviewed the proposed wind turbine and their comments have been incorporated within the report.

Recommendation:
Review the proposed placement of wind turbine and provide Staff with direction on how to proceed.

Attachments:
Exhibit A – Site Plan of proposed location
Exhibit B – Renderings of height of turbines on hill site
Exhibit C – Rendering of turbines on parking lot lights



Hill Site Location
Parking Lot Location
MATCHLINE
PROPERTY LINE
LIMIT OF WORK LINE TYP.
ICE SHEET
FIELD "A"
FIELD "C"
FIELD "D"
ASPHALT TRAIL
CONNECT TO EXISTING TRAIL
EXISTING ASPHALT ROAD
CONCRETE SIDEWALK
EXISTING WETLAND
BOARDWALK
PLAY STRUCTURE
ARTIFICIAL TURF
SKINNED INFIELD
RESTROOMS & STORAGE BUILDING SEE ARCH./DWGS.
MAINTENANCE BUILDING SEE ARCH. DWGS.
DIRT TRAIL 8FT WIDE, TYP.
CONNECT TO EXISTING TRAIL AT PROPERTY LINE

13


DANGER

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 17, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jon Weidenhamer, Planner; Patrick Putt, Planning Director; and Alison Butz, Project Manager

Carol Potter, Mountain Trails and Share the Road; Dr. Laura Nelson, State of Utah Energy Advisor

1. Walk-able communities. Jon Weidenhamer explained the make-up of the internal task force charged to determine the scope of the study, including the Share the Road group and IBI, a local planning consulting firm. He pointed out that a bike-able community will be an added component and the Share the Road group will act as a Friends liaison. Carol Potter, representing Share the Road, explained the benefits of having a variety of interested state and local agencies participating in meetings. She spoke about attending seminars hosted by Mark Fenton, a nationally-renowned walk-ability expert who offered to conduct a walk-able audit of the Park Bonanza area.

Mr. Weidenhamer recommended updating the Trails Master Plan, having the consultant assess our existing trails network, and identifying project priorities and funding sources. There was discussion about determining reasonable walking distances from destinations. Mr. Weidenhamer advised that the consultant will be asked to formulate criteria to assist in the capital improvement budget process, to hold a series of neighborhood meetings as defined by the General Plan, and to present findings to the Planning Commission and City Council. The RFP is slated to be published early September, the audit September 19, the award of the contract about mid-October, and the completion of the study in February.

In response to a question from Joe Kernan, Mr. Weidenhamer expected that there will be different levels of financial commitment associated with recommended improvements. Roger Harlan expressed that the City is on the right track. Jim Hier advised devoting enough time to the RFP so that the scope is clear. The Mayor stated his support for the project as proposed. Marianne Cone asked if the Trails Master Plan will be a helpful tool. Matt Twombly explained that the Master Plan is primarily geared toward new development, i.e., location of easements, connections, etc., rather than improvements to established neighborhoods.

Mr. Weidenhamer discussed the two walk-able projects underway. He referred to a neighborhood meeting held on July 19 regarding the Racquet Club improvements where there was general support from residents. The plan includes installing a temporary bus pull-out and moving the Racquet Club's main entrance. A permanent bus area and intersection alignment will be constructed after the remodel of the building. He continued to explain that the school drop-off zone on Lucky John Drive has been a concern of the neighborhood. The challenge is meeting the needs of different user groups and a plan was presented to the School Board Tuesday evening. A berm is contemplated between the drop-off and the street. There are five to six parallel parking spaces available but neighbors are opposed to parking there in general. Because of the lack of consensus from the School Board, he recommended that a temporary drop-off zone be tried to assess separating cars and traffic on Lucky John Drive. The final plan will identify permanent parking to the west, closer to school property, and a memorandum of understanding will be executed between the City and the School District. In response to a question from Jim Hier, it was indicated that the storage shed will be moved. Mr. Hier pointed out that the plan will severely impact parking for patrons using the fields. Planner Weidenhamer responded that this has not been communicated with the recreation leagues and the neighborhood has not provided input on parking. Mr. Hier suggested a *waiting zone* for picking up students; adequate directional signs, and monitoring circulation by the District. Marianne Cone acknowledged the conflicts with dropping off kids and parking and believed the project should be a drop-off zone. Jim Hier felt that parking problems occur in the afternoon when kids are being picked up. There was discussion about designing the drop-off wide enough so there is enough room to pass a parked car. Roger Harlan pointed out the congestion on SR248 because of left-hand turns to the schools and the Mayor noted that the cross-walk at Comstock is also a major problem.

Marianne Cone stated her support of realigning the intersection at Little Kate and Monitor Drive. However, she felt that the entrance to the Racquet Club at its current location should be maintained to keep cars separate from people exiting and accessing the building. Candace Erickson indicated her general support. Tom Bakaly explained that staff will move ahead on temporary improvements at the Racquet Club and work with the School District on a memorandum of understanding for the construction of a drop-off zone.

2. Council questions/comments. Roger Harlan reported on the status of closings of units scheduled for the 555 Deer Valley Drive affordable housing project. As soon as all units are sold, the City will be repaid and this will probably occur in September. There was discussion about the two historic structures; one has been sold and it was pointed out that all properties are subject to affordable housing requirements and restrictions. Patrick Putt explained that the MPD approval contemplated disassembling the structures and the architectural details are consistent with approved plans. When the siding was removed and evaluated by the Building and Planning Departments and the architect, it was found that only about 30% could be reused, which would be installed on the front sides of the buildings. There were associated issues with doors which have been replicated and he felt that the intent of the approval has been generally met. There were no historic grants awarded to the project.

Joe Kernan discussed the County Fair, specifically the dunk tank. Jim Hier commended staff on the pig roast held at McPolin Farm last weekend and also the Women's Golf

Association Invitational Tournament being held this week where the funds raised benefit the Huntsman Cancer Center. Marianne Cone reported on the success of the Share the Road Rally where a lot of information was exchanged. She commented on the Tour of Utah and the pig roast and publicly recognized the good job Human Resources Director Kim Leier for doing for the City. Candace Erickson congratulated staff for getting the rink open and Marianne Cone for helping to organize the Share the Road event. She mentioned that a quilt has been donated to the Friends of the Farm who will use its own funds to build a display in the little house; Council members supported the project. Ms. Erickson also felt that the pig roast was a great success and encouraged the public to participate in the scarecrow project at the Farm this fall. She reported on an Envision Utah meeting attended today where the expansion of light rail and sales tax legislation were discussed. The latter is probably a good discussion topic for Council. Quality growth strategies were reviewed and she felt that the City adheres with many of Envision Utah's promoted principals.

Mayor Williams thanked Max Paap for his involvement in the Mustang Rally last weekend. He has been contacted by Iron Canyon residents about parking at the trail head and recommended meeting with the neighborhood since in-fill development has occurred on the cul-de-sac. Matt Twombly reported that the City and the Fire District will meet on this issue and report back to Council. The Mayor spoke about being invited to Real Madrid activities over the weekend and his presentation on renewable energy at the Utah Association of Municipal Power Producers annual conference. He reported that the West Nile Virus has been detected in ten Utah counties.

Myles Rademan commented on SOS, the private organization charged with promoting the open space bond. The part-time residents' party at the Symphony at Deer Valley over Arts Festival Weekend was a good event. Ms. Erickson presented an idea brought up at a Friends of the Farm meeting, to create a newsletter for members, which was determined to be too expensive to produce. She asked if Friends of the Farm could be included in the City's regular updates and Mr. Rademan indicated that he could accommodate them. He discussed the upcoming City Tour.

3. Presentation by Dr. Laura Nelson. Dr. Nelson described her position as the Energy Advisor to Governor Huntsman. She is charged to develop a policy for the state, coordinate with other states agencies for implementation of programs, and provide advice on energy issues. This translates into working with stakeholders including communities, the Legislature, industry, and consumers. She spoke about the dissolution of the prior energy office and the staffing and funding allocated to the new department to develop effective programs. The state has formlulated an advanced performance rating system for buildings and are progressing on major retrofits for old state buildings and institutions. Dr. Nelson discussed the clean vehicle grant program which is functioning better with the reorganization.

She explained that the Legislature developed House Bill 46 which contains energy policy principals, codifies her position as Energy Advisor and identifies the Governor's work plan. The following areas of study are as follows: transmission to load centers, energy efficiency, advancement of regional and local renewal development, oil and gas development and mitigation, regulating oil shell and tar sands mining, and the potential for nuclear power. She explained each directive in detail. In response to a question from Jim Hier, Dr. Nelson explained the process for establishing a baseline for measuring energy effectiveness.

4. Art Board interviews. The City Council interviewed the following applicants: Rhoda Stauffer, Puggy Holmgren, Chelsea Deckert, Hilary Nitka, John Vrabel, Emily Chaney, Mary Anne Neumeister, and Stew Gross.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 17, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 17, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Matt Twombly, Project Manager; Polly Samuels McLean, Assistant City Attorney; Jonathan Weidenhamer, Planner; Myles Rademan, Public Affairs Director; Dave Gustafson, Project Manager; Ken Fisher, Recreation Director; and Phyllis Robinson, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Disclosures - Joe Kernan disclosed that he has recycling contracts with Rail-Central tenants and Main Street customers.

2. Oath of office for Police Sergeant Bob Lucking – Chief Lloyd Evans explained the process for the appointment to Sergeant, and the Mayor administered the oath of office.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 27, 2006 AND AUGUST 3, 2006

Roger Harlan, "I move approval of work session notes and minutes of the meetings of July 27 and August 3". Marianne Cone seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Acceptance of resignation of Historic Preservation Board Member Roger Durst and appointment of Ken Martz to fill his unexpired term to June 30, 2008 – Marianne Cone, "I move that we accept the resignation of Roger Durst and appoint Ken Martz to fill his unexpired term to June 30, 2008". Jim Hier seconded. Motion unanimously carried.

VI OLD BUSINESS

Amendment to the Rail-Central Encroachment Agreement – Centura Development – Matt Twombly explained that this request is to construct an additional 12 parking spaces behind Building #2 of the Rail-Central Project. It was discussed and continued from the August 3 meeting so that Council would have an opportunity to review the final agreement. The completion date for the pedestrian connection is specified as December 31, 2007.

Jim Hier disclosed that he met with Rodman Jordan earlier in the week and he asked Mr. Jordan to share his concerns. Mr. Jordan referred to the provision dealing with the pedestrian connection and was concerned with the wording, *"This approval in no way (is) intended to contradict the Land Management Code requirement for on-site parking and accordingly is not intended to facilitate the use of parking on the south side of the Rail Tail for development on Centura property to the north".* He explained that amendments to the General Plan affecting the Park Bonanza District are proceeding and one consideration is consolidated parking. There may be a possibility of conflicting provisions once General Plan amendments are made and the property will always be required to comply with the Land Management Code. There is the possibility that the final language of the amended General Plan will conflict with the encroachment permit. Polly Samuels McLean pointed out that the timing for the completion of the pedestrian bridge is a Council decision. The subject phrasing was included in the document to clarify Council's original intent that the pedestrian bridge was not intended to be created for access to commercial parking. If there is a resulting conflict in provisions, Centura can return to request an amendment to the encroachment agreement. Council member Hier noted that Centura property to the north contains more than one parcel and suggested it to be described as *directly adjoining property to the north*. Another general concern is whether this is overly restrictive with regard to future implementation of walk-able community initiatives. Tom Bakaly clarified that the goal in this wording is consistency with conservation easement language and Ms. McLean added that the conservation easement should be strictly adhered to.

Joe Kernan understood that the pedestrian bridge was already evaluated for compliance with conservation easement language earlier. He felt that Council should focus on the matter of parking and the draft as it was presented at the last meeting. If the developer receives a benefit for additional parking, that can be considered at a later date. He favored striking the language. Marianne Cone stated that she is comfortable with the document as written, since it can be amended in the future if needed. Candace Erickson favored waiting to see what happens with regard to consolidated parking, so that there aren't contradicting provisions. Roger Harlan believed Council should restrict its review to the issues discussed two weeks ago. Jim Hier disagreed and felt that at that meeting, there were other elements of the agreement that were raised, including requirements for landscaping. In response to comments made by Mr. Hier about the Deer Valley Maintenance Building, Rodman Jordan explained that Centura plans to redevelop that property in a future phase. It was remodeled but will be torn down and that project will provide required parking; he discussed a circulation plan. He asked the purpose of creating a new constraint when the property is already subject to the LMC. Polly McLean felt that the bridge was never contemplated as a connector between two commercial properties which would not strictly adhere to the open space bond. The bridge was intended for access to the Rail-Trail and not for commercial purposes. Her legal advice is that there can not be a pedestrian bridge on open lands property in order to connect two commercial properties. The Mayor agreed that the wording should not be changed. Joe Kernan pointed out that the agreement does not contain that statement and perhaps should be included in the document. The question as to the value of any additional parking on the north side is a future discussion. Rodman Jordan withdrew his opposition.

Candace Erickson, "I move we amend the Rail-Central Encroachment Agreement with Centura Development as it is currently written". Jim Hier seconded. Motion carried.

Marianne Cone	Nay
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Nay

The Mayor changed the order of the agenda and opened the public hearing on the ordinance regulating use of outdoor decks and balconies at this point in the meeting.

VII NEW BUSINESS

1. Authorization to the City Manager to enter into a professional service provider contract for the Park City Police Facility Project, in a form approved by the City Attorney, to Consolidated Engineering Laboratories in the estimated amount of $28,148 – Dave Gustafsen explained that the purpose of the contract is to perform specialty inspections on the police facility. This cost is included in the project's budget. Marianne Cone, "I move that we authorize the City Manager to enter into a professional service provider contract for the Park City Police Facility Project, in a form approved by the City Attorney, to Consolidated Engineering Laboratories in the estimated amount of $28,148". Jim Hier seconded. Motion unanimously carried.

2. Resolution providing for the holding of a special bond election on November 7, 2006 for the purpose of submitting to the qualified electors of the City the question of the issuance and sale of General Obligation Bonds of the City in an amount not to exceed $20,000,000; declaring official intent with respect to certain expenditures; and providing for related matters – Item 2 was discussed before Item 1 of New Business, but appears here for reference purposes. Myles Rademan explained that the $20 million bond election is recommended to be held in November. City voters supported both the 1998 and 2002 issues, and all funds, except about $1 million has been spent. The bond language will read:

> *"Shall Park City be authorized to issue General Obligation Bonds in an amount not to exceed $20 million to mature no more than 21 years from the date or dates of such bonds are issued to improve and forever preserve park and recreational land together with related historical or cultural improvements to protect the conservation values thereof, to remove existing unneeded manmade*

improvements, to make limited improvements for public access, parking and use".

The cost will be about $50 per $100,000 valuation for a primary residence for the new bond and prior open space bond debt. He explained the role of the advocacy group promoting the bond. Joe Kernan expressed his support of the initiative but suggested that the ballot language be clearer by referring to the property tax increase. Myles Rademan indicated that the brochure promoting the bond will address property tax. Brandon Johnson, Chapman and Cutler serving as bond counsel, explained that he has never seen the property tax wording and spoke about the information brochure. The proposition addresses the bond itself and he recommended that the ballot language be simple and concise.

Courtney Stern, committee member, emphasized how well supported the last two bond issues were in the community and discussed the importance of preserving open space and wildlife habitat. She felt that having additional bond money to acquire open space will benefit the entire community and urged the adoption of the resolution.

Gordon Strachan expressed his support of the initiative and the wisdom of Park City to continue to actively pursue this effort.

Kelly Thorpe believed that open space purchases positively affect everyone in the community and supports adoption of the resolution.

Marianne Cone asked how the word "*unneeded*" will be defined. Myles Rademan acknowledged that it wasn't included in the language for the last two bonds, but pointed out the potential of acquiring property with structures and staff desires to keep this option available. There will be a representative group who will decide on a case-by-case basis what "unneeded" manmade structures should be removed. Candace Erickson indicated her support and encouraged the public to vote. Joe Kernan again asked that "property taxes" be included in the ballot language; this was not supported by other members. Myles Rademan stated that this will be clear in the brochure.

Jim Hier, "I move we adopt the open space resolution authorizing the $20 million open space bond on the November 7, 2006 General Election Ballot". Roger Harlan seconded. Motion unanimously carried.

3. Authorization to enter into a service provider contract with Gould Evans, in a form approved by the City Attorney, for the design and development of construction documents, bidding assistance and construction observation for the remodel of the City Park Recreation Building, 1400 Sullivan Road, in the amount of $45,000 – Ken Fisher referred to his staff report and clarified that the project will be phased. Jim Hier, "I move that we authorize the City Manager to enter into a service provider contract with Gould Evans, in a form approved by the City Attorney, in an amount not to exceed $45,000". Candace Erickson seconded. Motion unanimously carried.

4. Property Exchange Agreement between Park City Municipal Corporation and the Park City Fire Service District of property located at 1333 Park Avenue and 1353 Park Avenue for the parcel located at 2360 Holiday Ranch Loop Road, Park City, Utah – Phyllis Robinson recommended that Council hold a public hearing, consider input and act on the agreement. This is not a real estate purchase contract because it involves the exchange of property between two parties, consistent with state code. The transaction involves three parcels. Lot 1 of the Creekside Subdivision will be transferred to the Fire District for the purpose of constructing a new fire station. The City will make a cash payment of $1.5 million to the Fire District in exchange for the Park Avenue property. She pointed out that the City is required under state law to provide a benefit analysis which is included in the staff report and has been available for the public to review over the past few weeks. The Mayor opened the public hearing and hearing no comments, closed the hearing.

Joe Kernan, "I move we authorize the City Manager to enter into a property exchange agreement between Park City Municipal and the Park City Fire District for the above-mentioned property". Marianne Cone seconded. Motion unanimously carried.

5. Public hearing on the consideration to amend Section 4-4-16(k) of the Municipal Code to allow Liquor Licensed establishments to use their decks and patios until 1:00 a.m. – This discussion occurred after the Rail-Central Encroachment Permit item, but appears here for ease of reference.

Jonathan Weidenhamer explained that this appears on the agenda in response to a request from the Main Street merchants which triggered a broader review of the City's noise regulations, which will also be reviewed by the Planning Commission next week. He discussed noticing the neighborhoods and businesses. The HMBA requests consideration of the manner in which the City measures and defines an acceptable level rather than an excessive level. He pointed out the four options outlined in the staff report, including (1) allowing patrons on decks and patios until 1 a.m. provided that food and alcohol are not served or consumed; (2) allowing outdoor dining outside after 10 p.m. but not for bar operations; (3) allowing Options 1 or 2 with a sunset provision; and (4) do nothing. Staff is recommending Option 1. The Mayor opened the public hearing.

Barbara Kuhr, Park Avenue resident, spoke about the neighborhood's relationship with the City under the home owners group, UPAPA. She thanked the Council for the opportunity to speak and felt that there is a solution for Main Street and the surrounding neighborhoods so that everyone is successful. Adjacent neighbors already deal with bar noise emanating from Main Street until 1 a.m. and this is why the ordinance was changed in the 1980s. Please do not change the ordinance, enforce it.

Bill Dark, Park Avenue resident, questioned the decibel level of laughter or conversation. What does it take to wake someone up? Currently, residents can expect nine hours of quiet time from 10 p.m. to 7 a.m. If the ordinance is changed to 1 a.m., it diminishes sleep by three hours. Residents are willing to put up with the noise until 10 p.m., but not 1 a.m.

Gordon Strachan, attorney on Main Street and Old Town resident, recalled deliberations on the current ordinance and urged Council to not amend it.

Connor Watts, Sidecar owner, urged Council to establish an acceptable level of noise. Business owners have no control over patrons when they are on the street. He felt there is can be an acceptable level after 10 p.m. and supports Option 1. Limiting use of his deck drives people out of his establishment. When the no smoking laws become effective, more people will be out on the street where there is no ability to control noise.

Kevin Blake, restaurant owner and representative of the Restaurant Association, explained that he has a second floor business. The Association believes the ordinance needs to be amended and there is a compromise position. Use of decks is vital to the success of restaurants because of expanded seating but he is sympathetic to the neighborhood. The Mayor asked that the Association to provide input on Option 2.

Bruce Sanchez, Rossi Hill resident, spoke about transient noise emanating from open doors of bars and restaurants and the loud clatter from dumpster activity. He felt there is no way to control noise with a decibel method. He felt 1 p.m. is unreasonable.

Andy Sepy, 421 Park Avenue, explained that his house is directly behind Harry O's and strongly discouraged amending the ordinance and he is also concerned about the proliferation of deck use.

Alan Schueler, Prospect Avenue resident, expressed he couldn't imagine Old Town being noisier than it already is and asked that an acceptable noise level be defined.

Tim Lee, Rossi Hill resident, emphasized that the noise from Main Street is already too loud and expanding the ordinance would be terrible. Swede Alley acts like an amphitheater and he spoke about quality of life issues on Ontario. He felt that there were good reasons for enacting this noise ordinance years ago, which works. Don't change the ordinance.

Ramona Meyer, Park Avenue, addressed compounded noise from a number of establishments heard at her location. The amendment will affects residents who would like to enjoy their evenings.

Todd Ford, Park Avenue resident, echoed his support of downtown businesses but felt that 1 a.m. seems excessive. He believed that distinguishing between bars and restaurants makes some sense. Enforcement of decibel levels seems awkward and should be reconsidered.

Ron Whaley, 819 Park Avenue, stated that his opposition to the current ordinance which is evident with his lawsuit against the City regarding noise. Tonight's discussion is quite predictable because some time ago, the City decided to more than double the allowable decibel reading. The City Council must reign in the human cry for more allowances to the business community.

Mike Wong, business owner, stated that he was born and raised here and returned to Park City after school to operate a business. The outdoors is a critical component for visitors and it is a shame not to allow use of decks. This is a democracy and there are patrons who want to go outside after 10 p.m. but are forced on the street. He supports an amendment to the noise ordinance.

Jack Meyer, Park Avenue, agreed with prior comments made by residents, and explained his situation living behind 412 Bistro. The level of noise significantly escalates with opened doors and he also commented on Main Street noise after 10 p.m. which is often very loud and unpredictable.

Lynn Suksborf, Director of Egyptian Theater, explained that the box office promotes Main Street restaurants and about 31% of their patrons indicated that they want to do something on Main Street after a performance. Most people prefer having dinner and drinks after the show. About 47% travel from Salt Lake and expect to spend an evening in Park City. Mr. Suksborf mentioned that the theater is sold out for the next four nights; this represents 266 seats a night. Attendees at later performances aren't able to be served by local restaurants. He felt there can be a compromise reached to accommodate guests of the City.

Lisa Kristopherson, martini bar owner, felt that bars are already "*boxed in*" and hates to see another distinction made in regulating them.

Jesse Shetler, owner of Butchers and No Name Saloon, stated that when the no smoking laws become effective, there will be more noise on the street. He is in favor of amending the ordinance but isn't sure if 1 a.m. is the right time. He acknowledged the noise impacts to adjoining neighborhoods and supported Option 2.

Russ Wong, resident and Main Street Mall owner, felt that noise is a separate issue. The matter at hand is extending the hours of use of a balcony after 10 p.m. He felt it is reasonable to extend hours and asked if residences would be in violation of holding an outdoor party after 10 p.m.

Mike Sweeney, Main Street property owner, explained that he conducted a decibel study which he will present to the Planning Commission next week. He stated that Park City is a resort community and 77% of tax revenues are provided by businesses. He shared his decibel findings for daytime uses including motorcycles, MFL music, and the trolley, etc. which ranged from 99 db to 110 db. The level for people talking is less than 80 db, music from open doors from 50 feet at less than 65 db, talking on neighborhood and commercial decks less than 75 db, and barking dogs about 90 db. He emphasized that outdoor dining is important to the community and attract people who actually spend money on Main Street, unlike bars. There was less noise downtown during the Arts Festival because there were no cars on Main Street. Mr. Sweeney stated that he conducted the analyses on July 2, 2005 until 2 a.m. and on August 4, 5, 11, and 17, 2006.

Candace Erickson understood that restaurants don't serve past 10 p.m. Mr. Blake of the Restaurant Association responded that 99% of the restaurants remain open to at least 10 p.m. but not in the shoulder seasons. Marianne Cone felt it reasonable to provide residents with a respite from noise, especially in consideration of the daytime impacts of construction noise. Jim Hier believed that allowing people on decks to smoke may be something to consider and agreed with Mike Sweeney that Park City is a resort town. However, we are also a community, not just a resort, and must take into consideration the interests of residents as well as businesses. It's important to balance interests which may be different than other competing winter resorts like Aspen or Vail. Mr. Hier expressed that it behooves us to ponder this to arrive at a compromise for all interested persons. Roger Harlan felt it would be difficult to monitor patrons taking drinks and/or food outside without opposition. Joe Kernan expressed the importance of accommodating visitors. The Mayor stated that this is going to be a tough decision and emphasized that the Council has the responsibility to hear controversial requests; public input is very important to the City Council. Marianne Cone, "I move that we continue this to our meeting on August 24, 2006". Jim Hier seconded. Motion unanimously carried.

There was discussion about the amendments pertaining to the LMC that the Planning Commission is currently examining. A distinction between establishments associated with Option 2 can be made in the LMC which regulates restaurants and bars, not the Municipal Code. He pointed out that if the Municipal Code is not amended, there would be no reason to address it at the Planning Commission level. Marianne Cone stated that she is not in favor of changing the ordinance. There was a suggestion about assigning a six-month sunset clause, and Roger Harlan pointed out that in six months, it will be winter and not an issue. Joe Kernan supported the Council making a decision on Option 1. The Mayor preferred that Council be presented with some options next week. There was again discussion about separate Municipal Code and LMC amendments and Tom Bakaly explained that the Municipal Code relates to Option 1 but consideration of additional options need to be reviewed by the Planning Commission first. Roger Harlan felt that approving an amendment next week would provide at least a two to three week trial period to assess potential impacts of extending hours on outdoor decks. It was decided to deliberate on Option 1 next week.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 24, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; and Joe Kernan**

Tom Bakaly, City Manager; Kent Cashel, Assistant Public Works Director; Myles Rademan, Public Affairs Director; and Ray Milliner, Planner

Absent: **Council member Jim Hier**

1. Council questions/comments. Marianne Cone reported on Ski Utah meeting business. Roger Harlan noted that resident Bob Wilkinson was hired as the University of Utah's hockey coach and suggested that both college and high school games at the rink be well promoted. Candace Erickson commented on a ULCT meeting where transportation was the focus. The Mayor spoke about the passing of Jim Santy, Jr. Dana Williams announced that two horses in Summit County have been diagnosed with the West Nile Virus. and hHe discussed attending the first Governor's panel on climate and its relationship with energy development in Utah. The European Union has made a decision that by 2020, 200 million people will be served with renewable energy; currently the number is 90 million.

2. Review of regular meeting:

Short range transportation plan. Kent Cashel explained that the contract for development of a short range transit development plan in the amount of $63,940 is scheduled for adoption on the agenda tonight. Any recipient of federal funds is required to produce a five-year operations and capital plan to guide decisions over a reasonable timeframe. Staff conducted a procurement process and selected LSC Transportation Consultants Inc. He stated that staff was able to secure a FTA grant for 80% of the cost of the study, making and the City share's share only is $6,394.

Transportation Summit 2 update. Through a computer-assisted presentation, Myles Rademan explained that the City-hosted Transportation Summit will be used as a model in the future and it is hoped to include the Chamber and business community at a later date. He noted that a Sustainability Summit is also contemplated. There was a review of the City's accomplishments from the last Ssummit held a year ago. The objective of the session was to gain a regional perspective and a variety of agencies were invited to participate including Wasatch County, Summit County, School District, Chamber/Bureau and UDOT. Another goal was to create an action agenda for one, three and five year durations. There was also a list of "*what we should never do*". He emphasized the distinction between *problems* and *predicaments*. Problems can be solved and predicaments are situations people have to accept and live with, although impacts can be mitigated somewhat. He spoke about KPCW's traffic reports and the benefit of keeping motorists informed about traffic and congestion. Growth will continue and the Basin population nowestimated at about 25,000 is projected to n the Basin will increase to 80,000. The topography of our area is a challenge adding expense to road projects. The purpose of the Summit was to share information and to acknowledge regional problems and solutions. He spoke about major transit-related projects completed by the City, including construction of the transit center and expansion of downtown parking. Wasatch and Summit Counties also updated the group and UDOT provided a lot of information on infrastructure installed throughout the state and associated maintenance and projects specific to our area. Kent Cashel added that UDOT's state-of-the-art coordinated signalization is a great addition tobenefit on SR224 and is a work in progress. The equipment senses traffic patterns and coordinates signals to move the traffic in a direction that is most needed and is a work in progress. Limiting the number of street accesses points along a corridor is key to its success. Mr. Rademan continued that the Chamber is promoting car-free vacations.

The first year action plan focuses on park and ride and bus facility land acquisitions. It also addresses working with the counties on modeling, holding transportation summits, and entering into inter-local agreements. The group will also examine the feasibility of a pedestrian underpass or overpass on SR248, which is only a small part of overall considerations. There was discussion of installing another median on SR224 from Kimball Junction to Canyons Resort Drive in the first phase. Mr. Cashel referred to the staff report, defining projects for each year. He explained that he and Myles Rademan will make this same presentation to each agency and also urge them to commit to these action items. With regard to the "*never to do list*", Myles Rademan stated that no one wants another Kimball Junction. In response to a question from Marianne Cone, Mr. Cashel spoke about the variety of types of park and rides and UDOT will be working with the group with regard to use of the state's right-of-ways for access. The park and rides are mainly contemplated to help alleviate congestion on SR224.

Wilburn West annexation. Mayor Williams referred to a letter to the City Council delivered today from G. Joseph Prendergast opposing approval of the annexation. The Mayor believed that any false representations to Mr. Prendergast about this property remaining as open space were made by realtors not the City. Ray Milliner agreed and added that Mr. Prendergast relayed to him that they were mislead by the developer and/or real estate agent into thinking the Wilburn West parcel is City-owned property and will be perpetually preserved as open space. Mr. Milliner acknowledged that there may have been some confusion about the location of property lines because a significant portion of Round Valley abuts the general area. Candace Erickson pointed out that Wilburn West is now County land, zoned at 1:20 or 1:10 acres, and the property can be developed regardless of the annexation. There was discussion about the stability of the soils and the geotechnical reports provided by the applicant. The site plan was subsequently revised because of information in the soils study, and the density reduced from six to four. For the benefit of Roger Harlan, Mr. Milliner described staff’s review, including application of the sensitive lands ordinance to the application to determine the recommended zoning of the property.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 24, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 24, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, and Joe Kernan. Jim Hier was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events Coordinator; Brooks Robinson, Planner; Ray Milliner, Planner; and Patrick Putt, Planning Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that he has recycling contracts with various businesses on Main Street.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

None.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a condominium conversion plat for 2800 Deer Valley Drive East Silver Baron Lodge at Deer Valley **(motion to continue to September 14)** – The Mayor requested a motion to continue. Roger Harlan, "I so move". Marianne Cone seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye

2. Master Festival License for the 9-11 Remembrance Ceremony to be held at City Park and Miner's Hospital on September 11, 2006 – Park City Fire District and Park City Police Department - Max Paap explained that this event is planned from 5 p.m. to 7 p.m. and participants include responding agencies from the area as well as military personnel and vehicles. The Mayor opened the public hearing and with no comments, closed the public hearing.

3. Master Festival License for Miners Day to be held on September 4, 2006 – Park City Rotary Club – Max Paap described the activities planned for this annual community event, beginning at 7 a.m. The change this year from past celebrations is the venue for

mucking and drilling which is relocated because of the skate park expansion project. Ms. Cone asked about the new name, "*Funky Old*" Miners Day and Mr. Paap indicated that this name was used on this and last years' applications. She indicated that she would hate to see the name forever changed. The Mayor opened the public hearing and with no comments or questions from Council or the audience, closed the hearing.

4. Ordinance approving the Silver Strike Lodge Condominium Record of Survey Plat located at 8902 Empire Club Drive, Park City, Utah – Brooks Robinson, Planner, explained that this project is located in Pod A in Empire Pass and contains 34 residential units, an employee housing unit and two ADA accessible units. The Planning Commission forwards a positive recommendation based on the findings of fact, conclusions of law, and conditions of approval outlined in the Ordinance. There was discussion about the rate of development in Pod A and the status of compliance with associated affordable housing requirements. The Mayor opened the public hearing and with no input, closed the hearing.

5. Ordinance approving a part of Block 72 of the Millsite Reservation to the Park City Survey known as the Hughes Subdivision located at 156 Sandridge Avenue, Park City, Utah – Ray Milliner, Planner, explained that the application contemplates combining part of Lot 22 and two parcels into one platted lot in order to accommodate an addition to a single family home. The Planning Commission forwards a recommendation to approve. In response to a question from Marianne Cone, Mr. Milliner stated that the owner is dedicating a portion of Sandridge to the City, so the total square footage will be reduced. The Mayor opened the public hearing and with no comments, closed the hearing.

6. Ordinance approving the Second Amended Record of Survey of The Gables, located at 1335 Lowell Avenue, Park City, Utah – Planner Ray Milliner explained that the applicant is rehabilitating the façade and remodeling the interior to reduce the number of units from 20 to 12 units. Staff recommends approval as outlined in the Ordinance and staff report. The Mayor opened the public hearing and with no comments or questions from Council or the audience, closed the hearing.

7. Ordinance approving the 'Amended Plat of the Lowell Avenue Subdivision' establishing Lot 1 and Lot 2, of the amended plat at 1138 Lowell Avenue, in the Snyder's Addition to the Park City Survey, Park City, Utah – Planner Brooks Robinson pointed out a typographical error and explained that the owner is requesting subdividing a lot which was combined three years ago. There is an existing house on one of the lots which meets current setbacks, etc. and the owner decided to plat the property to its original configuration. The Planning Commission reviewed this proposal and recommends approval based on the Ordinance, as amended. The Mayor opened the public hearing and with no comments or questions from Council or the audience, closed the hearing.

V CONSENT AGENDA

Candace Erickson, "I move that we approve Consent Agenda Items 1 through 8". Joe Kernan seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye

1. Master Festival License for the 9-11 Remembrance Ceremony to be held at City Park and Miner's Hospital on September 11, 2006 – Park City Fire District and Park City Police Department – See staff report and public hearing.

2. Master Festival License for Miners Day to be held on September 4, 2006 – Park City Rotary Club - See staff report and public hearing.

3. Ordinance approving the Silver Strike Lodge Condominium Record of Survey Plat located at 8902 Empire Club Drive, Park City, Utah - See staff report and public hearing.

4. Ordinance approving a part of Block 72 of the Millsite Reservation to the Park City Survey known as the Hughes Subdivision located at 156 Sandridge Avenue, Park City, Utah - See staff report and public hearing.

5. Ordinance approving the Second Amended Record of Survey of The Gables, located at 1335 Lowell Avenue, Park City, Utah - See staff report and public hearing.

6. Ordinance approving the 'Amended plat of the Lowell Avenue Subdivision' establishing Lot 1 and Lot 2, of the amended plat at 1138 Lowell Avenue in the Snyder's Addition to the Park City Survey, Park City, Utah - See staff report and public hearing.

7. Authorization to the City Manager to execute a professional services contract, in a form approved by the City Attorney, with LSC Transportation Consultants, Inc. in an amount of $63,940 for the preparation of a five year Short Range Transit Development Plan - See staff report and work session discussion.

8. Authorization to staff to apply for an Economic Development Corporation of Utah (EDCU) Grant – See staff report.

VI NEW BUSINESS

1. Amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight – Patrick Putt explained that the Municipal Code regulates licensed premises and limits the use of outdoor areas and decks after 10 p.m. In the 1980s, establishments were expanding use of those spaces, which

resulted in noise complaints and conflicts with residential neighborhoods and as a result, the Municipal Code was amended with the 10 p.m. cut-off time, which seemed to be the most effective way to mitigate potential conflicts. Mr. Putt stated that the HMBA continually explores ways to bring more vitality on the street, and have petitioned Council to consider an amendment to the Code extending use of outdoor spaces beyond 10 p.m. He pointed out that there is language in the Land Management Code regulating licensed premises from a land use perspective. In response to the request from the HMBA, the Council decided to look at 4-4-16(k) and hold public hearings on the matter.

Mr. Putt noted that the Planning Commission was charged to concurrently review the LMC sections addressing outdoor uses and public hearings are also being conducted. About 17 to18 people provided comments at the Commission meeting held last night and opinions were split. It was pointed out that noise on Main Street is more noticeable at night, in the absence of the variety of daytime ambient noises. He spoke about an email from Barbara Kuhr, Park Avenue resident, who expressed concerns about loosening regulations, but an interest in working with the HMBA on options. The Planning Commission was supportive of the neighborhood and business community collaboratively working together to address solutions.

The Planning Director pointed out that the staff recommendation is to amend the Municipal Code to allow limited use of outdoor decks and patios to 12 a.m., with the original proposal being 1 a.m. There is a three month sunset provision with an automatic renewal for another three months, unless there is a request to revisit the issue. Mr. Putt stated that the Planning Commission expressed concerns about the challenges of enforcement and felt the amendment to the Municipal Code is a good interim test. The Commission recommended that staff begin a broader in-depth examination of the noise and use issues in Old Town. Staff's recommendation is approval of the Ordinance, as described as Option 1 in the staff report.

Mark Harrington pointed out typographical errors in the draft. Roger Harlan asked if there is a method of measuring the effectiveness of the amendment and Pat Putt noted that the Planning Commission felt that the regulation should be easy to understand and to enforce. Members also believed that a distinction can be made between restaurants and bars. Candace Erickson stated that constant noise is probably easier to sleep through than intermittent disturbances. For instance, opening a door will result in a burst of noise and she asked residents to comment on this. Marianne Cone commented on the reluctance of residents to call police when there is a noise problem. Mayor Williams thanked the audience for its participation and civility. He emphasized that when a petition from the public is made to the City Council, members feel obligated to respond. The Mayor opened the continued public hearing.

Ken Davis, HMBA, stated that the prior public hearing was an *eye-opener* for him, particularly hearing the variety of noise issues relayed by residents. The board met earlier this week and members felt that there may be methods that could be explored to improve the quality of life for the adjoining neighborhood. It's a challenge balancing the interests of businesses and residents. He asked for a short test period of the ordinance to determine its effects.

Mike Wong, member of HMBA and co-owner of Sidecar, thanked Council for considering an amendment to extend hours. He acknowledged Council members' concerns about opening and closing doors at late night hours. The Mayor clarified that the statement was initiated from members of the public not the City Council. He stated that he is willing to install a revolving door in his establishment to take care of that potential problem. It's a travesty not to allow people outside on balconies and this is not an effort to amend the noise ordinance. Owners have no control of patrons once they are on the street. He is in favor of extending outdoor uses until 1 a.m. consistent with closing time.

Carter Watts, co-owner of Sidecar, felt that complaints from residents relate more to noises which are not necessarily coming from decks, but from motorcycles and dumping bottles into dumpsters, for instance. He described a test he conducted at his restaurant and believes that management can control noise levels on decks.

Jessica, musician at Sidecar, stated that performing in a building with the doors closed is hot and uncomfortable. As a resident on Hillside, she relayed that she doesn't hear bar noise, but often motorcycles.

Jean Carlin, manager of the Washington Inn and resident on Park Avenue, relayed that none of her guests have complained to her about not being able to use outdoor decks and patios. She is appreciative that there is an ordinance in place to keep the Old Town area quiet but doesn't view this as an issue for bars owners or residents because of the limited opportunities of using outside decks due to weather. Residents, however, hear everything at 1:30 a.m. when people are walking back to their places. It will be beneficial for residents and members of the HMBA to collaborate.

Ken Martz, Park Avenue resident, stated that his initial reaction was not to change the ordinance but is now more open to options. He suggested conducting a trial period for a couple of weeks and perhaps next summer and if there is too much noise, to provide recourse for residents.

Jeff Ward, General Manager of 350 Main and The Spur, stated his support of the HMBA letter requesting an extension in hours and facilitating a dialog with City staff. He felt there was an interest expressed to explore an amendment at last night's public hearing before the Planning Commission. Establishments are not asking to open windows and/or doors, and he spoke about the no smoking legislation which will become effective in 2009. He asked that the Council consider use of decks until 1 a.m. consistent with closing, as opposed to 12 a.m. and was a little confused about the timing in seating people for dinner.

Floyd English, Park Avenue resident, felt that the current ordinance encourages a good balance.

Brian Vanhecky, Empire Avenue resident, stated that there is a significant problem with noise as it relates to Old Town, which has nothing to do with outdoor cafes or people sitting outside. He felt that over the last couple of years, decisions have been skewed toward businesses and development, resulting in oversized homes on small lots. He personally enjoys restaurants and bars where he can sit outside and sees no reason to prohibit that after 10 p.m.

Mike Sweeney, board member of HMBA and Chamber/Bureau, stated that the Chamber is supportive of the efforts of the HMBA which was represented last night at the Planning Commission. There was also an opportunity to learn about more issues in the neighborhood. He felt that restaurants should stop seating guests outside at 10 p.m. The HMBA chose the 1 a.m. hour consistent with liquor laws and putting people on the streets at midnight may not provide the right information to analyze. He spoke about the HMBA meeting with neighbors after a test is performed to address any negative impacts.

Eileen Dunn, Park City Restaurant Association, stated that the Association fully supports extending the time for use of outside decks. It's an added benefit to guests and will bring additional revenue to the City. She encouraged the Council to maintain the fun feeling in Park City and to provide an opportunity for patrons to enjoy beautiful evenings on Main Street. Restaurant owners don't want loud rowdy people on their decks either, in consideration of other patrons in their establishments.

Paula DeFoe, Park Avenue resident, asked why the ordinance is being considered to be amended. There is a lot of noise during the day and residents don't know what to expect with extended hours. It is an unknown. A voice or the clatter from a coffee cup on Main Street can be heard on Park Avenue.

Carol Fontana, Old Town resident, expressed her concern about rushing this matter. It seems really fast to consider an ordinance that affects residents' quality of life. Clienteles vary on the street. The proponents of the ordinance will make them more money and businesses have a much stronger interest. She stated that she wants her nine hours of rest. By allowing establishments an additional hour, means later ambient noise like fans, vehicles, and dumping. Ms Fontana believed that people get louder as they drink whether or not they have a drink in hand late on an outside deck. Comments have been made about the negative impacts of people going on to the street, but at least the noise is captured there, unlike Swede Alley. She is tired of sacrificing for the benefit of the Main Street business owners and checked on-line with regulations in other resort communities. Aspen's outdoor time limit is 9 p.m. to 7 a.m. and Breckenridge is 10 p.m. to 7 a.m. and neither allows construction on Sundays. In response to a question from Ms. Fontana, Mayor Williams responded that with regard to the sunset provision, Council members will decide whether or not the trial is a success or a failure. She read an excerpt from a publication citing noise as environmental pollution and emphasizing that the control of noise is important to the health and welfare of the public.

Kyra, Old Town resident, stated that she likes being able to sit on decks and patios at restaurants. She urged Council to consider 1 a.m. when the bars close and pointed out that people on the street would be much noisier than on a deck.

Chris Wickland, Main Street resident, stated that he has lived in Old Town for 23 years. In response to a question from Mr. Wickland, Mr. Harrington advised that the decibel level is fixed and time limits apply to regulating activities of licensed premises. The proposed amendment would allow people to go out on decks two hours later than currently for purposes of anything but consuming food and alcohol. Mr. Wickland believed that this would benefit very few establishments on Main Street. The City is moving very quickly on this and he questioned the sunset provision. The next few months will not be telling and the matter should be tabled until next summer when a valid test can be conducted. Another option is extending the sunset provision for one year and having the ability to rescind it at any time.

Kent Mars, Old Town resident, believed that residents can not use their decks after 10 p.m. but businesses are allowed to operate outside until 1 p.m. There is a difference between constant and intermittent noise. He spoke about his nightly rentals in Old Town where people more interested in skiing than partying. He asked who will be affected by loosening the ordinance. He felt that business will increase with no smoking bans in establishments which was demonstrated in California.

Jesse Shetler, owner of Butchers and No Name Saloon, indicated that Butcher's has a deck, which he would like to use past 8:30 p.m. He is in support of the HMBA's proposal to amend this while at the same time meet with residents to arrive at some solutions to identified issues. He doesn't feel that a smoking ban will increase his business. Park City is a tourist town and increase in revenue is not his main objective.

Liza Simpson, 510 Main Street, pointed out that amplified music is a nuisance, not people sitting out on a deck. She spoke about major construction projects in the area, over the past eight years, including the transit center, parking garage and in-fill development. Old Town residents have been subjected to non-stop noise. She doesn't object to the HMBA's request, but felt there is no benefit in amending the ordinance now. A test would be more beneficial in June and in the meantime, the businesses and residents can meet to identify potential problems before the ordinance is modified.

Ron DeFoe, 213 Park Avenue, felt that with adoption of this ordinance that there will be a proliferation of new decks on Main Street and compounded noise with extended hours. He urged Council members to listen to and not penalize residents because of economics. It's unlikely that tourism will increase with this modification.

Reed Carlin, 569 Park Avenue, believed that most residents are worried about loosening the ordinance and then being taken advantage of by economics. He emphasized that he wants Main Street businesses to succeed but there needs to be a balance with the needs of the neighborhood so there are people living in Old Town. The summertime may be a better time to hold a trial rather than the fall.

In response to a comment in the audience, the City Attorney emphasized that this ordinance does not impact outdoor dining whatsoever, which is regulated by the LMC. It applies to licensed establishments that have deck areas and the effective date would be its publication date. There are trigger dates where Council will decide to renew it on November 24 and/or February 24. Restaurants must comply with the 10 p.m. cut-off time for decks by planning for preparation and serving time. With no further comments, Mayor Williams closed the public hearing.

Marianne Cone expressed that a positive result of this discussion is the effort of residents and businesses working together on noise. Her main focus is keeping full-time residents in Old Town which is uncommon in many other resort communities. She is not in favor of change unless the bars consider non-amplified music as a compromise. The downtown canyon is geographically sensitive and there are reasons why the current ordinance was put in place. She doesn't feel the next three months is a good duration to test outside uses.

Candace Erickson believed there are only about four bars with decks that would be affected and possibly more establishments if the LMC is amended addressing restaurants. She acknowledged that she has changed her mind throughout the discussions and agreed that the testing should occur in the summer with standards so there are parameters that can be effectively measured. Ms. Erickson pointed out that Ms. Fontana is allowed to sit on her deck as late as she wants as long as there isn't a level of amplified music that would annoy her neighbors. By postponing action until spring will provide some time for business owners and residents to meet and will result in a better trial period.

Roger Harlan pointed out the on-going effort of the Council to make Main Street viable and the proposed amendment is very narrow in scope. He preferred holding a trial in the fall, discussed the amphitheater effect of noise in a canyon, and urged affected parties to meet. It is uncertain how effective management will be monitoring patrons on the decks, but he is willing to give it a try to evaluate the modification.

Joe Kernan expressed his appreciation of the high level of public participation throughout the process which has made people more aware of each other's issues. He felt the suggestion of looking into regulations of other resort communities is a good one and is in favor of the business community testing the extension.

Dana Williams relayed that Main Street has always been noisy. With regard to the amendment, he estimated that only about three businesses would be affected and in general, bars have done a good job of policing their establishments. He emphasized that this will not change the noise ordinance which is subject to its own decibel regulations. Given the limited extension in time, he is comfortable with trying it now. In response to a question from the audience, the Mayor described the designated three month reviews.

Roger Harlan, "I move that we approve an Ordinance amending Section 4-4-16(k) of Park City's Municipal Code to allow liquor licensed establishments to allow limited use of their decks and patios after 10 p.m. and to midnight". Joe Kernan seconded. Motion carried.

Marianne Cone	Nay
Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Mayor Dana Williams	Aye – tie breaking vote

There was an exchange between members of the audience and the Council on points of clarification. In response to a request to have the City facilitate neighborhood meetings, the Mayor pointed out that this was introduced by and should be an initiative of the HMBA. Representatives of the City will be happy to attend meetings and participate. City Attorney Mark Harrington emphasized that the first sunset provision automatically renews unless the City Council takes affirmative action to call it up.

2. Ordinance approving the annexation of the Wilburn West Parcel and approving an amendment to the Park City Zoning Map to zone the Wilburn West property Residential Development (RD) and Recreation Open Space (ROS) – Ray Milliner explained the location of the 40 acre parcel. The Planning Commission reviewed the application and forwards a positive recommendation based on the findings in the ordinance. The proposed zoning is RD for five acres for the purpose of building two duplexes and the remainder of the property would be zoned ROS, which is recommended for a conservation easement for perpetual open space. He referred to correspondence from an adjacent property owner concerned about impacts of the annexation on his property and misrepresentations about preserved open space. Staff is recommending approval after a public hearing is conducted. Mayor Williams commented that properties are continually misrepresented by real estate agents and asked if the City properly noticed the application. Ray Milliner responded that the annexation was noticed according to state law; there was published notice, mailed notice sent to owners within a half mile radius and a sign was posted on the property. The property was also noticed a year ago. The Mayor opened the public hearing and with no input, closed the hearing.

Joe Kernan, "I move to approve the annexation of the Wilburn West Parcel and an amendment to the Park City Zoning Map to zone the Wilburn West Parcel as residential development and recreation open space". Marianne Cone seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Marianne Cone, "I move to close the meeting to discuss personnel and property". Roger Harlan seconded. Motion carried. The meeting opened at approximately p.m. Candace Erickson, "I move to open the meeting". Marianne Cone seconded. Motion unanimously.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye

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

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

PARK CITY 1884

Author:	**Brooks T. Robinson**	**PLANNING DEPARTMENT**
Subject:	**Silver Baron Lodge, Phase II Condominium Conversion**	
Date:	**September 14, 2006**	

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Silver Baron Lodge, phase II, condominium record of survey plat and approve the application based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Silver Baron Partners, L.C.
Location:	2800 Deer Valley Drive East
Zoning:	Residential Development (RD) as part of the Deer Valley Master Planned Development (MPD)
Adjacent Land Uses:	Courcheval to the south, The Lodges to the north, undeveloped Estate-zoned land to the east, wetlands and open space to the west across Deer Valley Drive East

Background

On April 5, 1996, the Planning Commission approved a Conditional Use Permit for 125 residential condominium units utilizing 108 Unit Equivalents. This project is called The Lodges at Deer Valley. It is part of the Deer Valley Master Plan.

Buildings B, C, D, E and F have been completed and occupied. In 2001 the Planning Commission approved a CUP amendment and Deer Valley MPD amendment to transfer of 7 UEs from neighboring Courcheval. With the completion of building F, there are 109 units utilizing 94.66 Unit Equivalents (UEs). A total of 20.34 UEs were remaining for what would be Building A.

The City amended the CUP and Record of Survey for The Lodges in March and April of 2005. The amendments separated The Silver Baron Lodge (Building F) from The Lodges and platted the condominium record of survey for the Silver Baron Lodge. The new project includes the Silver Baron Lodge (Building F) with the remaining 20.34 Unit Equivalents from Building A and Courcheval. The previous location of Building A on the north (Queen Esther) side of The Lodges project is now included in the Silver Baron Lodge condominium plat and will remain as open space.

On November 9, 2005 the Planning Commission amended the Silver Baron Lodge CUP to add 24 units encompassing 20.25 Unit Equivalents (UEs) to the Silver Baron Lodge.

The remnant 0.09 UEs (180 square feet) cannot be transferred to any other project. The CUP also included a small exercise room (711 sf) for owners and guests and a conference room of approximately 3,500 square feet.

The City received a completed Condominium Conversion application on June 7, 2006, for Phase II of the Silver Baron Lodge. Phase II is currently under construction. This application creates 25 condominium units (total of 124 out of 125 allowed) utilizing 20.25 Unit Equivalents (total of 114.91 UEs of 115 allowed). The remnant 0.09 UEs (180 square feet) cannot be transferred to any other project.

On August 23, 2006, the Planning Commission heard this application during its regular meeting and forwards a positive recommendation.

Analysis

The project is located within the RD zoning district. Setbacks in the RD zone are as follows:

- Front: 20 feet, a front facing garage 25 feet
- Rear: 15 feet
- Side: 12 feet

The Silver Baron Lodge meets the minimum setback requirements. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code and the Conditional Use Permit approval for the Silver Baron Lodge.

This application creates 25 condominium units (total of 124 out of 125 allowed) utilizing 20.25 Unit Equivalents (total of 114.91 UEs of 115 allowed). The remnant 0.09 UEs (180 square feet) cannot be transferred to any other project. The units range in size from 998 square feet to 2,000 square feet.

Parking is provided at the Code requirement as Phase I had excess parking for the number of units constructed at that time.

Staff finds good cause for this record of survey as this condominium is consistent with the development pattern envisioned in the Deer Valley MPD, as amended, and the Conditional Use Permit for the Lodges/Silver Baron Lodge, as amended.

Courchevel has notified the City that they dispute applicant's ownership of the seven transferred units and the applicant has not complied with the Courchevel CC&Rs. That matter is beyond the jurisdiction of the City.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

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

Alternatives

- The City Council may approve the Silver Baron Lodge, phase II, condominium record of survey as conditioned or amended, or
- The City Council may deny the Silver Baron Lodge, phase II, condominium record of survey and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Silver Baron Lodge, phase II, condominium record of survey.

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

Consequences of not taking the Suggested Recommendation
The units could not be separately sold.

Recommendation
Staff recommends the City Council hold a public hearing for the Silver Baron Lodge, phase II, condominium record of survey plat and approve the application based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Ordinance No. 06-

AN ORDINANCE APPROVING THE SILVER BARON LODGE, PHASE II, CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 2800 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Silver Baron Lodge, located at 2800 Deer Valley Drive East, have petitioned the City Council for approval of the Silver Baron Lodge, phase II, record of survey; 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 23, 2006, to receive input on the Silver Baron Lodge, phase II, record of survey;

WHEREAS, the Planning Commission, on August 23, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 14, 2006, the City Council approved Silver Baron Lodge, phase II, condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Silver Baron Lodge, phase II, record of survey.

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 Silver Baron Lodge, phase II, record of survey 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. On April 5, 1996, the Planning Commission approved a Conditional Use Permit for 125 residential condominium units utilizing 108 Unit Equivalents. This project is called The Lodges at Deer Valley. It is part of the Deer Valley Master Plan.
2. Buildings B, C, D, E and F have been completed and occupied. Building F is Silver Baron Lodge, phase I.
3. In 2001 the Planning Commission approved a CUP amendment and Deer Valley MPD amendment to transfer of 7 UEs from neighboring Courcheval.
4. With the completion of building F, there are 109 units utilizing 94.66 Unit Equivalents (UEs). A total of 20.34 UEs were remaining for what would be Building A.

5. The City amended the CUP and Record of Survey for The Lodges in March and April of 2005. The amendments separated The Silver Baron Lodge (Building F) from The Lodges and platted the condominium record of survey for the Silver Baron Lodge. The new project includes the Silver Baron Lodge (Building F) with the remaining 20.34 Unit Equivalents from Building A and Courcheval. The previous location of Building A on the north (Queen Esther) side of The Lodges project is now included in the Silver Baron Lodge condominium plat and will remain as open space.
6. On November 9, 2005 the Planning Commission amended the Silver Baron Lodge CUP to add 24 units encompassing 20.25 Unit Equivalents (UEs) to the Silver Baron Lodge. The remnant 0.09 UEs (180 square feet) cannot be transferred to any other project. The CUP also included a small exercise room (711 sf) for owners and guests and a conference room of approximately 3,500 square feet.
7. The City received a completed Condominium Conversion application on June 7, 2006, for Phase II of the Silver Baron Lodge. Phase II is currently under construction. This application creates 25 condominium units (total of 124 out of 125 allowed) utilizing 20.25 Unit Equivalents (total of 114.91 UEs of 115 allowed). The remnant 0.09 UEs (180 square feet) cannot be transferred to any other project.
8. The Silver Baron Lodge meets the minimum setback requirements.
9. The units range in size from 998 square feet to 2,000 square feet.
10. Parking is provided at the Code requirement.
11. The proposed record of survey is consistent with the approved Deer Valley Master Planned Development, as amended, and the Lodges/Silver Baron Lodge CUP, as amended.
12. Courchevel has notified the City that they dispute applicant's ownership of the seven transferred units and the applicant has not complied with the Courchevel CC&Rs. That matter is beyond the jurisdiction of the City.

Conclusions of Law:
1. There is good cause for this record of survey.
2. The record of survey 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 record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Deer Valley Master Planned Development and the Silver Baron Conditional Use Permit shall continue to apply.
4. Should a court of competent jurisdiction invalidate ownership of or the transfer of the

seven units of density from Courchevel, this approval is null and void. Developer is proceeding at their own risk.

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

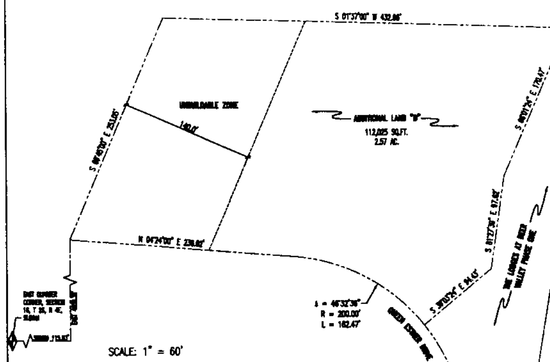
PASSED AND ADOPTED this 14th day of September, 2006.

THE SILVER BARON LODGE AT DEER VALLEY

PHASE II

AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN



ADDITIONAL LAND "C"

BEGINNING AT A POINT SOUTH 1128.51 FEET AND EAST 4084.91 FEET AND SOUTH 85°42'00" EAST 208.79 FEET AND SOUTH 00°11'40" EAST 433.87 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE SOUTH 00°11'40" EAST 35.00 FEET; THENCE NORTH 88°20'00" WEST 240.28 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF DEER VALLEY DRIVE EAST; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 00°40'00" EAST 35.00 FEET; THENCE SOUTH 88°20'00 EAST 238.77 FEET TO THE POINT OF BEGINNING.

ADDITIONAL LAND "D"

BEGINNING AT A POINT SOUTH 115.83 FEET AND EAST 4058.38 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE; SOUTH 86°45'00" EAST 253.85 FEET; THENCE SOUTH 01°37'00" WEST 432.86 FEET; THENCE NORTH 89°01'24" EAST 176.47 FEET; THENCE NORTH 81°27'30" WEST 97.82 FEET; THENCE NORTH 39°03'24" WEST 94.43 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF QUEEN ESTHER DRIVE, SAID POINT ALSO BEING ON THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 39°03'19" WEST) THENCE NORTHEASTERLY ALONG SAID 200.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 46°32'36", A DISTANCE OF 162.47 FEET; THENCE NORTH 04°24'00" EAST 238.02 FEET TO THE POINT OF BEGINNING.

NOTES:

1. THIS CONDOMINIUM PLAT RELATES TO REAL PROPERTY WHICH IS SUBJECT TO THAT CERTAIN DECLARATION OF CONDOMINIUM – THE SILVER BARON LODGE AT DEER VALLEY, RECORDED SIMULTANEOUSLY HEREWITH, AND SUBSEQUENT AMENDMENTS THERETO ("DECLARATION"). THE DECLARATION SETS FORTH THE EASEMENTS, RESTRICTIONS AND GENERAL PLAN OF IMPROVEMENT FOR THE PROPERTY AS DESCRIBED IN THIS CONDOMINIUM PLAT, AND THE DETAILS CONCERNING THE RIGHTS AND OBLIGATIONS OF THE OWNERS HAVING OR ACQUIRING AN INTEREST THEREIN.

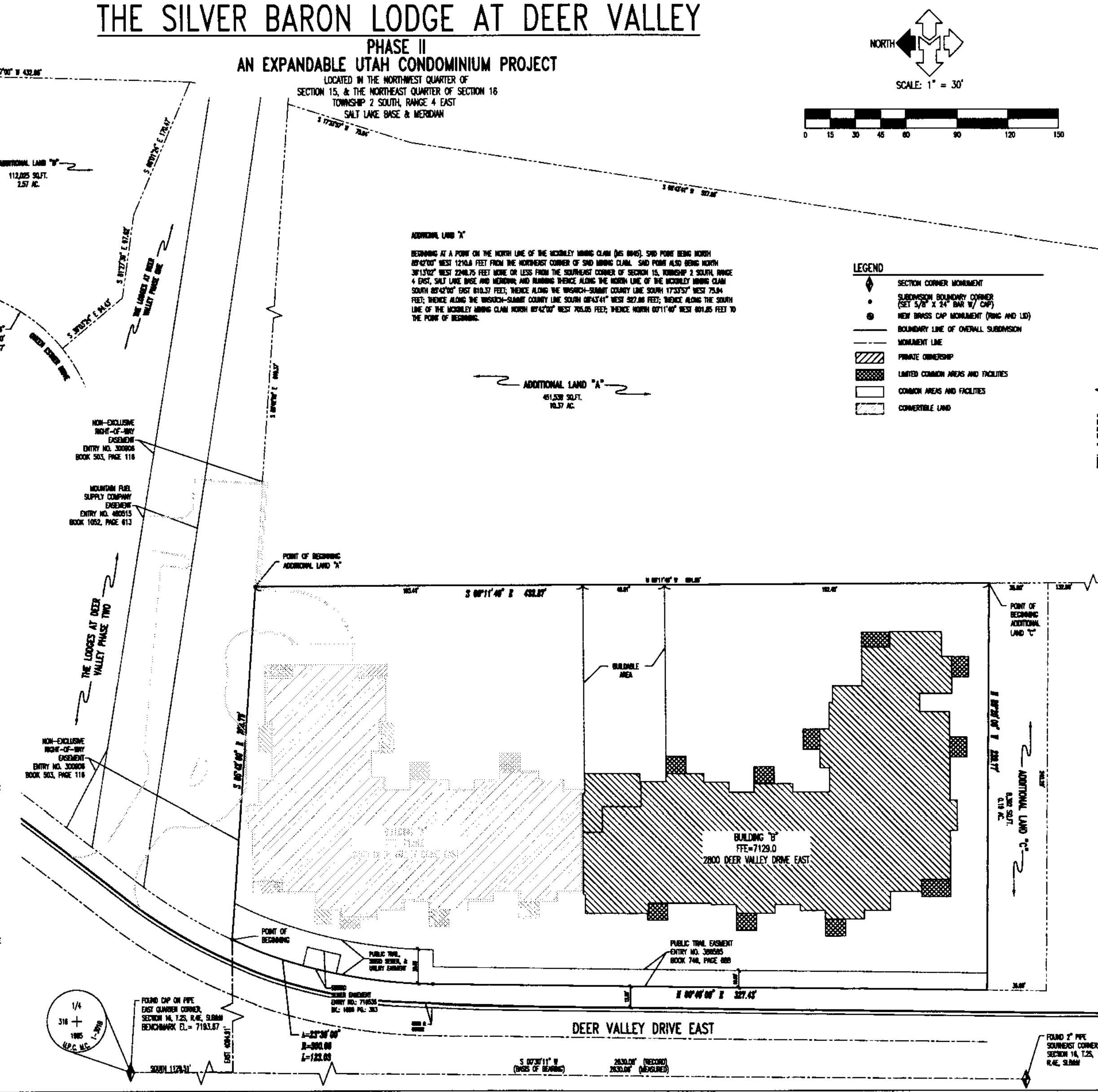
2. PURSUANT TO THE DECLARATION, THE SILVER BARON LODGE AT DEER VALLEY OWNERS ASSOCIATION, INC., A UTAH NONPROFIT CORPORATION, IS RESPONSIBLE FOR MAINTAINING CERTAIN PORTIONS OF THE PROJECT, INCLUDING BUT NOT LIMITED TO THE COMMON AREAS AND FACILITIES, AND THE ASSOCIATION SHALL HAVE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE PROPERTY FOR SUCH MAINTENANCE PURPOSES AS FURTHER DESCRIBED IN THE DECLARATION.

3. THE PROPERTY AS DEPICTED ON THIS CONDOMINIUM PLAT IS SUBJECT TO THE DEVELOPMENTAL RIGHTS AS DESCRIBED IN THE DECLARATION, AND DECLARANT SHALL HAVE THE RIGHT, SUBJECT TO APPLICABLE STATE LAW AND LOCAL ORDINANCES AND REGULATIONS, TO EXERCISE ANY APPLICABLE DEVELOPMENTAL RIGHT PROVIDED FOR IN THE DECLARATION, INCLUDING, WITHOUT LIMITATION, THE OPTION TO EXPAND, RESERVATION AND GRANTING OF CERTAIN EASEMENTS, REDUCING OR RELOCATING IMPROVEMENTS WITHIN THE PROJECT, ADDING ADDITIONAL RECREATIONAL AND SERVICE FACILITIES AND MAKING SUCH OTHER DEVELOPMENT DECISIONS AND CHANGES AS DECLARANT SHALL DETERMINE IN ITS SOLE AND EXCLUSIVE DISCRETION.

4. THE LIMITED COMMON AREAS AND FACILITIES AS DEPICTED ON THIS PLAT ARE RESERVED FOR THE USE OF CERTAIN OWNERS TO THE EXCLUSION OF OTHER OWNERS. EXCEPT AS OTHERWISE DESIGNATED HEREON, EACH RESPECTIVE PORCH, DECK, BALCONY, FOYER, STORAGE CLOSET, HOT TUB, PATIO, AND ATTIC DESIGNATED ON THIS PLAT AS LIMITED COMMON AREAS AND FACILITIES FOR USE AND ENJOYMENT BY THE OWNER THEREOF IS APPURTENANT TO THE RESPECTIVE UNIT TO WHICH SUCH LIMITED COMMON AREAS AND FACILITIES ARE ADJACENT AS SHOWN HEREON.

5. IF AND WHEN THE ADDITIONAL LAND DESCRIBED HEREON IS ADDED TO THE PROJECT, IT MAY BE ADDED TO THE PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION.

6. THE UNITS OF THE SILVER BARON LODGE AT DEER VALLEY ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE SILVER BARON LODGE AT DEER VALLEY OWNERS ASSOCIATION, INC., A UTAH NONPROFIT CORPORATION, SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.



McNEIL ENGINEERING AND LAND SURVEYING, L.C.
PROFESSIONAL CIVIL ENGINEERING & LAND SURVEYING SERVICES
8866 SOUTH 900 EAST, MIDVALE, UTAH 84047
TEL (801) 255-7700 FAX (801) 255-8071 EMAIL www.mcneilengineering.com

SURVEYOR'S CERTIFICATE

I, SCOTT F. MCNEIL DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 150788, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT AT THE REQUEST OF THE OWNERS OF THE BELOW DESCRIBED LAND, I PERFORMED A SURVEY OF SAID LAND, THAT THE DESCRIPTION BELOW CORRECTLY DESCRIBES THE RESIDENTIAL DEVELOPMENT OF THIS CONDOMINIUM AND THAT THIS PLAT, CONSISTING OF 4 SHEETS IS ACCURATE AND COMPLIES WITH THE PROVISIONS OF SECTION 57-8-13(1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT. I FURTHER CERTIFY THAT THE REFERENCE MARKERS SHOWN ON THIS PLAT ARE LOCATED AS SHOWN AND ARE SUFFICIENT TO READILY RETRACE OR REESTABLISH THIS SURVEY.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF DEER VALLEY DRIVE EAST, SAID POINT BEING SOUTH 1128.51 FEET AND EAST 4084.91 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE SOUTH 85°42'00" EAST 208.79 FEET; THENCE SOUTH 00°11'40" EAST 433.87 FEET; THENCE NORTH 88°20'00" WEST 238.77 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF DEER VALLEY DRIVE EAST; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 00°40'00" EAST 327.43 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 88°20'00" EAST) THROUGH A CENTRAL ANGLE OF 23°30'00", A DISTANCE OF 123.03 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 2.372 AC.

DATE: ______________

____
SCOTT F. MCNEIL
LICENSE NO. 150788

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned Silver Baron Partners, L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas and facilities, limited common areas and facilities, convertible land, additional land, and easements, all as set forth herein, to be known as

THE SILVER BARON LODGE AT DEER VALLEY
PHASE II

Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property and the installation, use, maintenance, and eventual replacement of utilities.

SILVER BARON PARTNERS, L.C. a Utah limited liability company.
by: F. LYNN PADAN
Its Manager

____

ACKNOWLEDGMENT

STATE OF UTAH }
Summit County } S.S.

On the ______ day of __________, A.D. 20___, ____________________ personally appeared before me, the undersigned Notary Public, in and for said County of Summit County in said State of Utah, who being by me duly sworn, acknowledge to me that he signed the foregoing Consent to Dedicate on behalf of ______________

MY COMMISSION EXPIRES: ______________ ______________
NOTARY PUBLIC
RESIDING IN SUMMIT COUNTY

CONSENT TO RECORD AND SUBORDINATION

The undersigned U.S. Bank National Association is the holder of a Deed of Trust dated December 23, 2003, and recorded December 24, 2003, as Entry No. 683815, in Book 1590, beginning at Page 743 of the official records of Summit County, Utah, together with related loan documents (collectively "Loan Documents") which constitute liens of record against the property to this Record of Survey Map. U.S. Bank National Association hereby subordinates the liens and encumbrances of the Loan Documents to this Record of Survey Map and to the rights of the Owners as set forth in the Declaration of Condominium for THE SILVER BARON LODGE AT DEER VALLEY and consents to the recordation of this Record of Survey Map.
U.S. Bank Association

By______________
Its______________

ACKNOWLEDGMENT

STATE OF UTAH }
Summit County } S.S.

On the ______ day of __________, A.D. 20___, ____________________ personally appeared before me, the undersigned Notary Public, in and for said County of Summit County in said State of Utah, who being by me duly sworn, acknowledge to me that he signed the foregoing Consent to Dedicate on behalf of ______________

MY COMMISSION EXPIRES: ______________ ______________
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

RECORD OF SURVEY MAP
THE SILVER BARON LODGE AT DEER VALLEY
PHASE II
AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

SHEET 1 OF 4

COUNCIL APPROVAL	PARK CITY PLANNING COMMISSION	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT APPROVAL	PARK CITY ENGINEER	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	RECORDED #
APPROVED BY THE PARK CITY COUNCIL ON THIS ____ DAY OF ______ A.D. 20 ___	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ______ A.D. 20___	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF ______ A.D. 20 ___	I, ______ PARK CITY ENGINEER HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE	APPROVED AS TO FORM ON THIS ____ DAY OF ______ A.D. 20___	I CERTIFY THIS CONDOMINIUM PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS ______ DAY OF ______ 20 ___ A.D.	STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF ______ BOOK ____ PAGE ____ DATE ____ TIME ____ FEE $ ____ SUMMIT COUNTY RECORDER
PARK CITY MAYOR	CHAIRMAN	S.B.W.R.D.	DATE / CITY ENGINEER	PARK CITY ATTORNEY	BY ______ PARK CITY RECORDER	

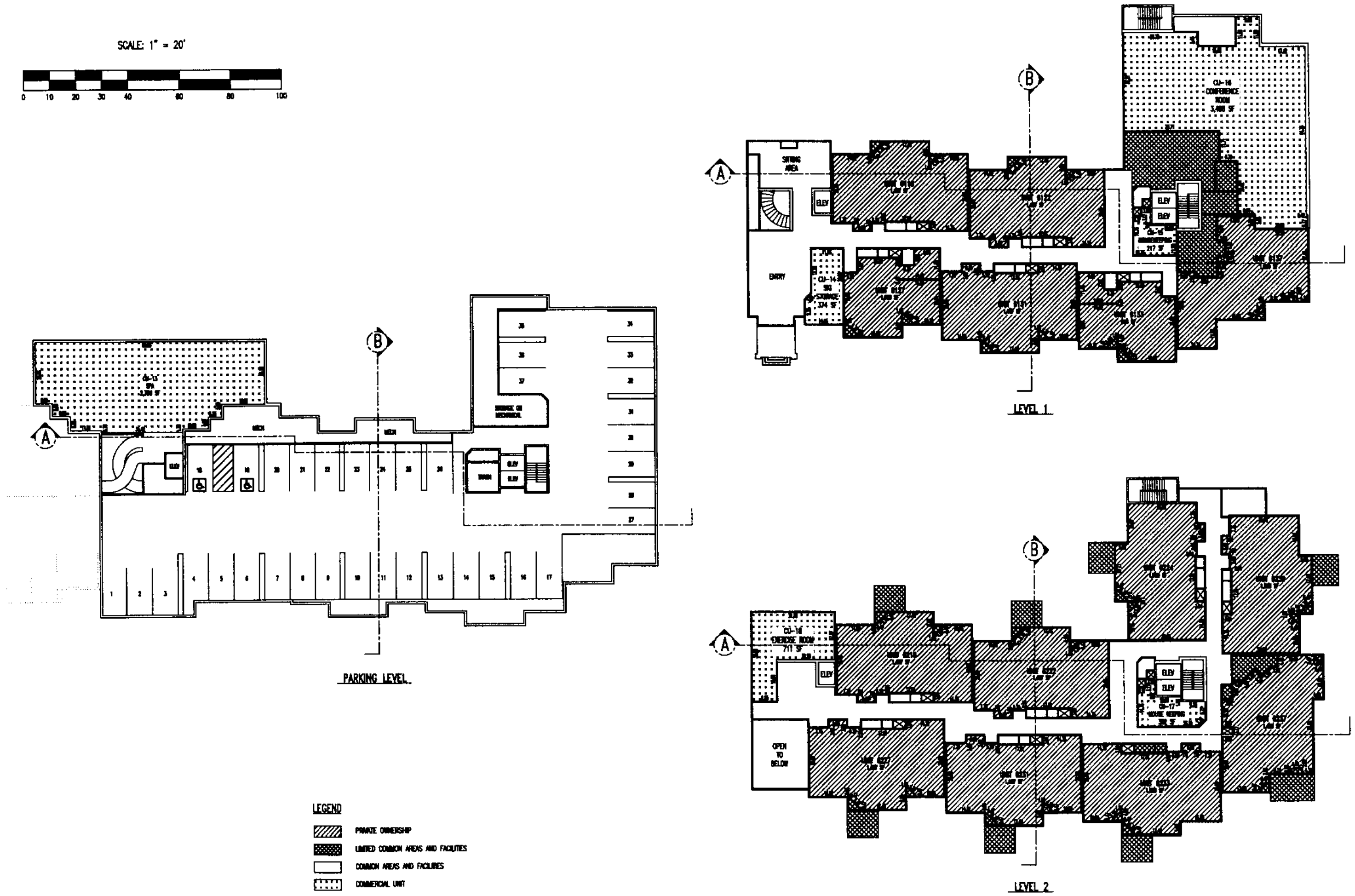
AUG 14 2006

THE SILVER BARON LODGE AT DEER VALLEY

PHASE II

AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN



McNEIL ENGINEERING
AND LAND SURVEYING, L.C.
8866 SOUTH 900 EAST, MIDVALE, UTAH 84047
TEL (801) 255-7700 FAX (801) 255-8071

SHEET 2 OF 4

RECORDED #
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
BOOK PAGE DATE TIME
FEE $ SUMMIT COUNTY RECORDER

AUG 14 2006

THE SILVER BARON LODGE AT DEER VALLEY

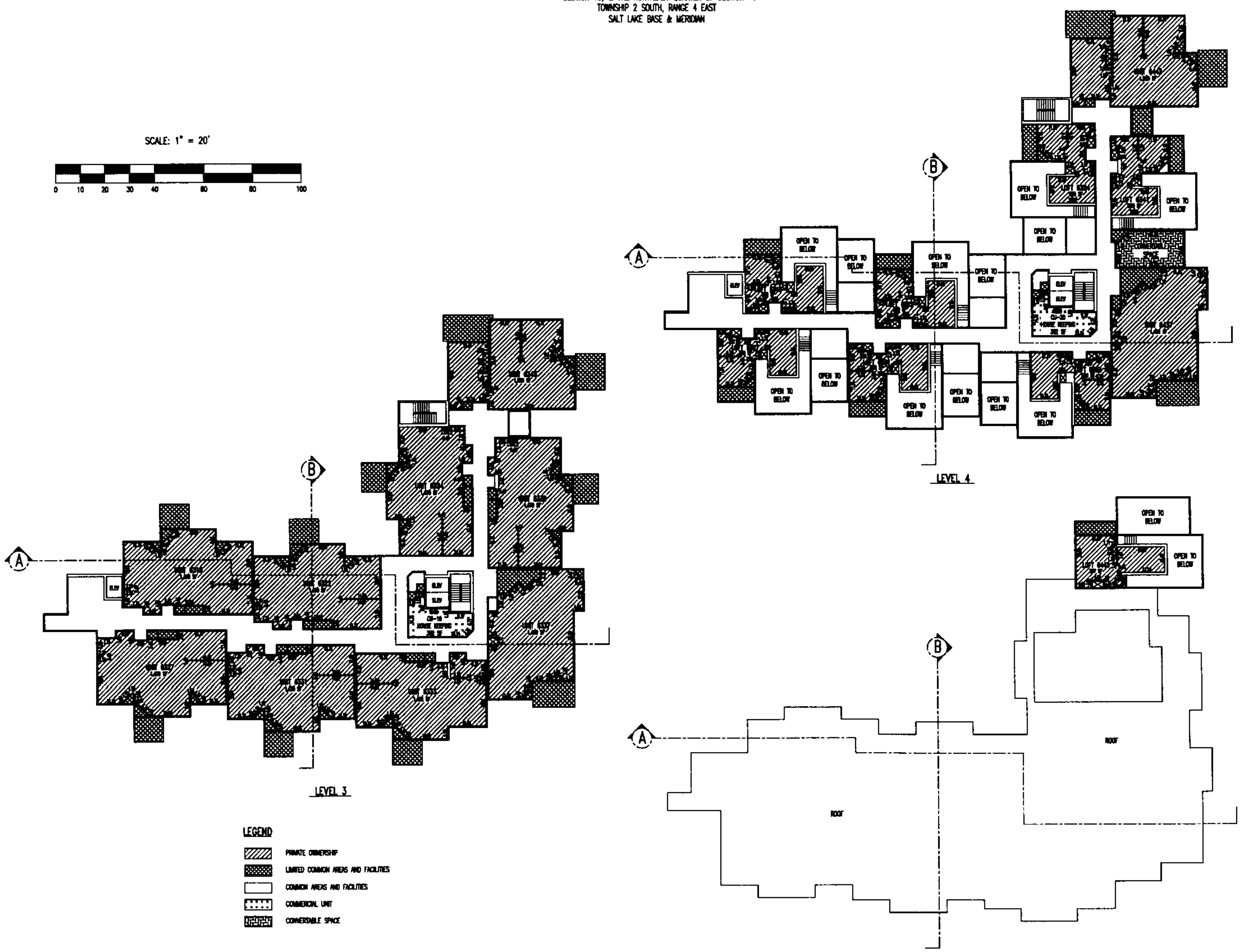
PHASE II

AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

SCALE: 1" = 20'

0 10 20 30 40 60 80 100



LEGEND

- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES
- COMMERCIAL UNIT
- CONVERTIBLE SPACE

SHEET 3 OF 4

RECORDED #
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
BOOK PAGE DATE TIME
FEE $ SUMMIT COUNTY RECORDER

AUG 14 2006

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THE SILVER BARON LODGE AT DEER VALLEY

PHASE II

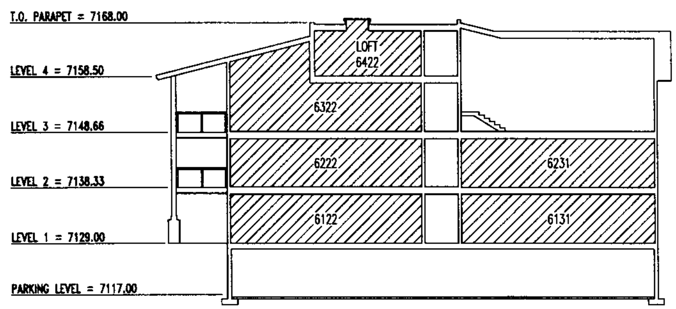
AN EXPANDABLE UTAH CONDOMINIUM PROJECT

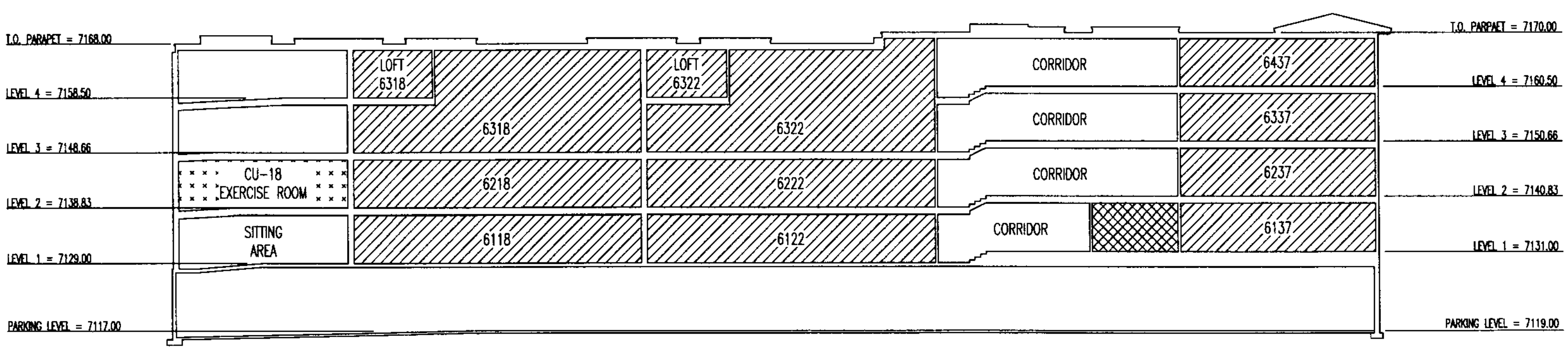
LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

SCALE: 1" = 10'

LEGEND

- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITES
- COMMON AREAS AND FACILITES
- COMMERCIAL UNIT





McNEIL ENGINEERING AND LAND SURVEYING, L.C.

8896 SOUTH 900 EAST, MIDVALE, UTAH 84047
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SHEET 4 OF 4

RECORDED #
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
BOOK ___ PAGE ___ DATE ___ TIME ___
FEE $ ___ SUMMIT COUNTY RECORDER

AUG 14 2006

-							
Building B							
Silver Baron Lodge							
Unit Mix and Paint to Paint							
Square Footage							Rev 2006-08-14
				Paint to			
Unit	**View**	**Bedrooms**	**Keys**	**Paint Area**	**UEs**		
6118		2	2	1,487	0.75		
6122		2	2	1,487	0.75		
6127		1	1	1,000	0.50		
6131		2	2	1,487	0.75		
6133		1	1	998	0.50		
6137		2	2	1,500	0.75		
6218		2	2	1,487	0.75		
6222		2	2	1,487	0.75		
6224		2	2	1,500	0.75		
6227		2	2	1,487	0.75		
6231		2	2	1,487	0.75		
6233		2	2	1,500	0.75		
6237		2	1	1,498	0.75		
6239		2	2	1,500	0.75		
6318		3	3	2,000	1.00		
6322		3	3	2,000	1.00		
6324		3	3	2,000	1.00		
6327		3	3	2,000	1.00		
6331		3	3	2,000	1.00		
6333		3	3	2,000	1.00		
6337		2	1	1,499	0.75		
6339		3	3	2,000	1.00		
6343		2	2	1,500	0.75		
6437		2	1	1,499	0.75		
6443		3	2	2,000	1.00		
25		**56**	**52**	**40,403**	**20.25**		

AUG 1 4 2006

City Council Staff Report

Author: **Ben Davis**
Subject: **Lot 4, Iron Canyon Subdivision**
Date: **September 14, 2006**
Type of Item: **Legislative- Plat Amendment**

PARK CITY
1884

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council conduct a public hearing on the Lot 4, Iron Canyon Subdivision Plat Amendment, and approve the plat amendment according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

DESCRIPTION

Project Name:	Lot 4, Iron Canyon Subdivision plat amendment
Representative:	Robert Schumacher
Owner of Property:	Allison Fuller (trustee)
Location:	2409 Iron Mountain Drive
Zone:	Residential Development (RD)

BACKGROUND

On June 27, 2006 the applicant submitted a complete application for a plat amendment to adjust the platted building pad of Lot 4 of the Iron Canyon Subdivision. The existing home on the lot was not built within the original building pad, and the applicant seeks to adjust the building pad to meet the existing location of the home and allow for a 360 square foot addition for a garage.

When the houses were originally built in the Iron Canyon subdivision, it was determined that the building pads only identified a general location for the buildings. On the subdivision plat, the pads are not legally identified as to size. The pads are also not legally tied down as to location. The City previously interpreted pads shown on the plat to illustrate approximately where a building site would be located.

In 1995 or 1996, the Legal Department Staff determined that building outside of the rectangular box required a plat amendment. Since then, plat amendments have been required. There have been several recent applications for plat amendments approved to reconfigure building pads in the Iron Canyon Subdivision.

ANALYSIS

The property is located in the RD zone. The setbacks within the RD zone are 20’ front, 15’ rear, and 12’ side. The height limit is 33’ above existing grade. The proposed building pad meets setback requirements.

The proposed plat amendment will change the existing rectangular building pad to an irregular shaped pad that encompasses the existing home that was built outside of the existing pad and allow for a small addition onto the home for a garage bay. The existing pad is 4000 square feet; the proposed new pad is 3983 square feet.

To bring the existing home into compliance and allow for a 360 square foot addition for a garage bay onto the home, the applicant is requesting that the City Council approve the proposed amendment to the building pad. The Iron Canyon Architectural Review Committee has approved the addition to the house. The house currently has a two car garage.

Staff finds that there is good cause for the proposed plat amendment as it will bring the existing home into compliance and does not increase the size of the building pad. The proposed building pad does not violate the required building setbacks. Staff further finds that no member of the public will be materially harmed by the project as any future development on the property will be within the parameters of the existing Land Management Code and International Building Code.

On August 23, 2006 the Planning Commission forwarded a positive recommendation to the City Council for the plat amendment.

NOTICE
Notice of this hearing was sent to property owners within 300' on July 10, 2006. Staff has received no comments from the public at the time of this writing. There was no public input at the Planning Commission hearing on August 23, 2006.

ALTERNATIVES
1. The City Council may approve the Plat Amendment as conditioned or amended, or
2. The City Council may deny the Plat Amendment and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Plat Amendment.

SIGNIFICANT IMPACTS
If this Plat Amendment is not approved, the building will not be compliant with the plat and the owner cannot build the addition.

DEPARTMENT REVIEW
The Planning, Engineering and Building Departments have reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording.

RECOMMENDATION
Staff recommends that the City Council conduct a public hearing and approve the plat amendment according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance outlined below:
EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Existing Plat
Exhibit C – Proposed Plat Amendment
Exhibit D – Approval from Iron Mountain Architectural Committee

Ordinance No. 06-

AN ORDINANCE APPROVING THE LOT 4 OF THE IRON CANYON SUBDIVISION PLAT AMENDMENT, LOCATED AT 2409 IRON MOUNTAIN DRIVE, PARK CITY, UTAH

WHEREAS, the owner of the property known as 2409 Iron Mountain Drive, has petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 23, 2006 the Planning Commission held a public hearing to receive public input on the proposed Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on September 14, 2006 the City Council held a public hearing on the proposed Plat Amendment; and

WHEREAS, the proposed Plat Amendment allows the property owner to relocate and adjust the lot building pad; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Plat Amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Development (RD) zone.
2. The RD zone is a residential zone characterized by a mix of contemporary residences.
3. The lot is located within the Iron Canyon Subdivision.
4. There is a 4000 sf building pad indicated on the plat. The building pad is not tied in to the survey with exact dimensions and bearings.
5. The existing home was built outside of the platted building pad.
6. The applicant seeks to construct a 360 sf addition for a garage bay onto the home. The house currently has a two-car garage.
7. The amendment will adjust the platted building pad of the residence.
8. The proposed building pad is 3990 square feet.
9. The proposed building pad complies with the setback requirements.
10. The Planning Commission forwarded a positive recommendation for the

Plat Amendment to the City Council on August 23, 2006.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following 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.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

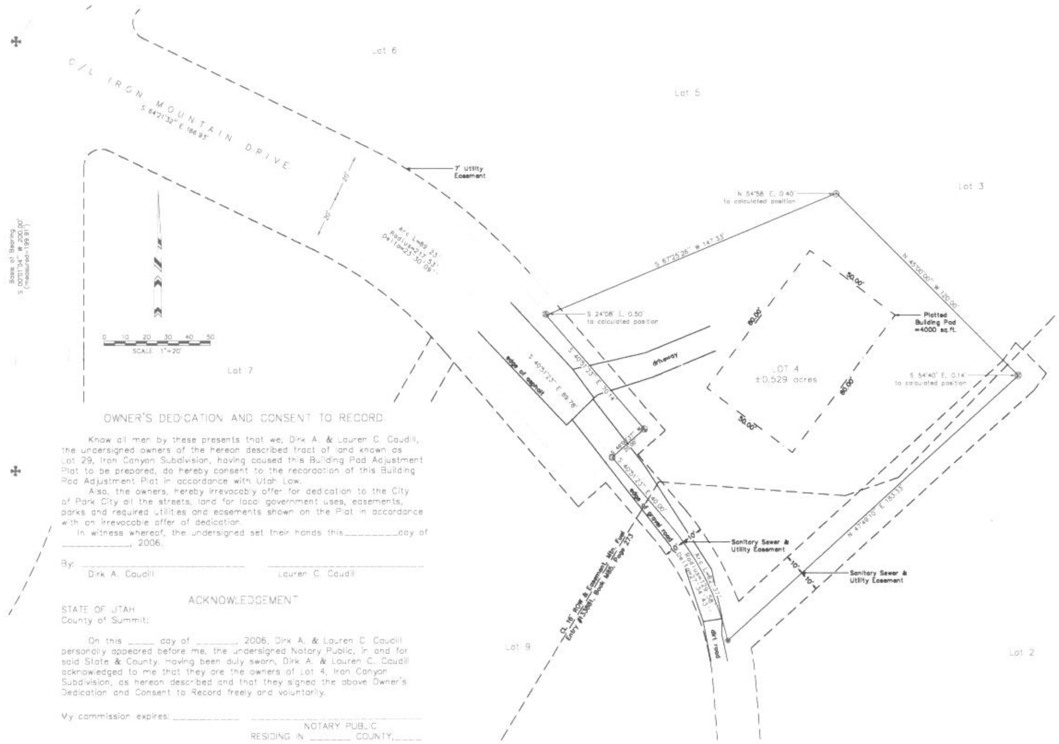
1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 14th day of September, 2006.

APR 12 2006
PARK CITY
PLANNING DEPT.

Iron Canyon Subdivision
Lot 4
Building Pad Adjustment



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that we, Dirk A. & Lauren C. Caudill, the undersigned owners of the hereon described tract of land known as Lot 29, Iron Canyon Subdivision, having caused this Building Pad Adjustment Plat to be prepared, do hereby consent to the recordation of this Building Pad Adjustment Plat in accordance with Utah Law.

Also, the owners, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the Plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this ________ day of ____________, 2006.

By: ______________________________ ______________________________
Dirk A. Caudill Lauren C. Caudill

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of ________, 2006, Dirk A. & Lauren C. Caudill personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, Dirk A. & Lauren C. Caudill acknowledged to me that they are the owners of Lot 4, Iron Canyon Subdivision, as hereon described and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: ____________ ______________________________
NOTARY PUBLIC
RESIDING IN ________ COUNTY,_____

NARRATIVE

1. Survey requested by: Dirk A. & Lauren C. Caudill.
2. Purpose of survey: building pad adjustment.
3. Basis of survey: found Street Monuments as shown.
4. Property monuments found as shown.
5. Located in the Southwest Quarter of Section 5, Township South, Range 4 East, Salt Lake Base & Meridian.
6. See the official plat of Iron Canyon Subdivision, for other possible easements, restrictions or setbacks.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. The Street address of Lot 4 is 2409 Iron Mountain Drive.

LEGAL DESCRIPTION

All of Lot 4, Iron Canyon Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, containing 0.529 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, 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 hereon described property and that this plat is a true representation of said property.

______________ ______________________
Date J.D. Galley RLS#359005

Legend

- Found Street Monument
- Found rebar & cap-LS 173736
- Found rebar & cap-LS 154491
- Found rebar & cap-LS 163486
- Found rebar & cap-unreadable
- Found 5/8" rebar-no cap
- Found rebar & cap-LS 359005
- Utility & Drainage Easement
- Platted Building Pad
- Proposed Building Pad

Alpine Survey, Inc.
19 Prospector Dr.
Park City, Utah 84060
(435) 655-8016

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ________ 2006
BY: ______________________
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2006 A.D.
BY ______________
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF __________, 2006 A.D.
BY ______________
PARK CITY ENGINEER

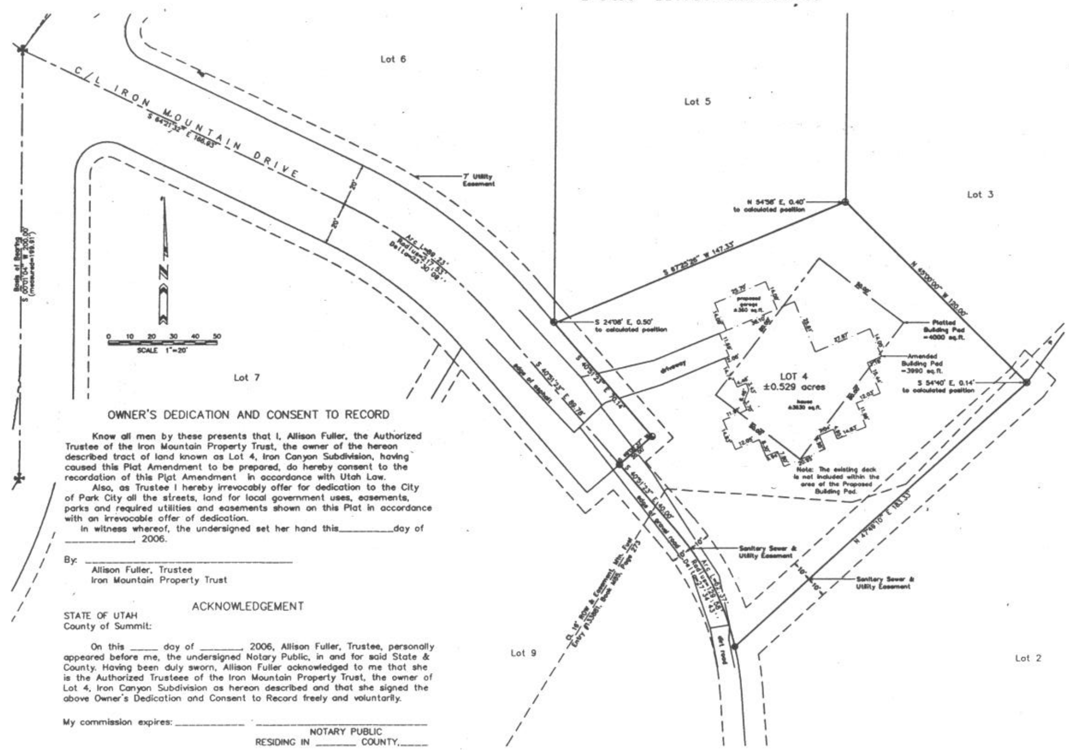
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ______ DAY OF __________, 2006 A.D.
BY ______________
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF __________, 2006 A.D.
BY ______________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF __________, 2006 A.D.
BY ______________
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______________
DATE ______ TIME ______ BOOK ______ PAGE ______
______ FEE ______ RECORDER

Iron Canyon Subdivision
Lot 4
Plat Amendment



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that I, Allison Fuller, the Authorized Trustee of the Iron Mountain Property Trust, the owner of the hereon described tract of land known as Lot 4, Iron Canyon Subdivision, having caused this Plat Amendment to be prepared, do hereby consent to the recordation of this Plat Amendment in accordance with Utah Law.

Also, as Trustee I hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on this Plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set her hand this_________day of ___________, 2006.

By: ______________________________
Allison Fuller, Trustee
Iron Mountain Property Trust

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of _______, 2006, Allison Fuller, Trustee, personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, Allison Fuller acknowledged to me that she is the Authorized Trusteee of the Iron Mountain Property Trust, the owner of Lot 4, Iron Canyon Subdivision as hereon described and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: __________ ______________________
NOTARY PUBLIC
RESIDING IN _______ COUNTY_____

NARRATIVE

1. Survey requested by: Allison Fuller.
2. Purpose of survey: building pad adjustment.
3. Basis of survey: found Street Monuments as shown.
4. Property monuments found as shown.
5. Located in the Southwest Quarter of Section 5, Township South, Range 4 East, Salt Lake Base & Meridian.
6. See the official plat of Iron Canyon Subdivision, for other possible easements, restrictions or setbacks.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. The Street address of Lot 4 is 2409 Iron Mountain Drive.

LEGAL DESCRIPTION

All of Lot 4, Iron Canyon Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; containing 0.529 acres, more or less.

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 hereon described property and that this plat is a true representation of said property.

____________ Date
____________ J.D. Golley RLS#359005

Legend

- Found Street Monument
- Found rebar & cap-LS 173736
- Found rebar & cap-LS 154491
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- Found rebar & cap-unreadable
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- Utility & Drainage Easement
- Platted Building Pad
- Proposed Building Pad

Alpine Survey, Inc. 19 Prospector Dr. Park City, Utah 84060 (435) 655-8016	SNYDERVILLE 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 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ___ DAY OF ____, 2006. BY: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ___ DAY OF _____, 2006 A.D. BY ____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ___ DAY OF _____, 2006 A.D. BY ____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ___ DAY OF _____, 2006 A.D. BY ____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF _____, 2006 A.D. BY ____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF _____ 2006 A.D. BY ____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____ DATE ___ TIME ___ BOOK ___ PAGE ___ FEE ___ RECORDER

Iron Canyon
Architectural Review Committee
#10 Iron Canyon Court
Park City UT 84060

June 22, 2006

Robert Schumacher Construction, LLC
POBox 4078
Park City UT 84060
Fax: 435 658 0216

RE: 2409 Iron Mountain Drive

Dear Rob,

After reviewing your plans for the above remodel, the Iron Canyon ARC has approved the addition of an additional single bay garage to the home at 2409 Iron Mountain Drive.

Sincerely,

David Wiener (Verbal)

David Wiener, ARC President

Dee McCarthy

Dee McCarthy, ARC Member

JUL 2

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City Council Staff Report

PLANNING DEPARTMENT

Author: Ben Davis
Subject: 7915 & 7895 Royal Street Amendment to Record of Survey
Date: September 14, 2006
Type of Item: Legislative- 5th Amended Record of Survey "The Knoll" at Silver Lake Phase 1 Condominiums

RECOMMENDATION: Staff recommends that the City Council conduct a public hearing and approve the Knoll at Silver Lake 5th Amended Record of Survey according to the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

DESCRIPTION

Applicant:	Stephen Ross
Project Address:	7915 & 7895 Royal Street; Units 2 & 4
Zoning:	Residential Development (RD-MPD)
Adjacent Land Uses:	Residential, "The Knoll" Condominiums, Deer Valley Club Estates
Reason for Review:	Amendments to Records of Survey require City Council Approval.

BACKGROUND

On June 26, 2006, the City received a completed application to amend the Record of Survey for Unit 4 and Unit 2 of The Knoll at Silver Lake Condominiums. "The Knoll" Condominiums is a 4-unit project. The Knoll Condominiums have been amended 4 times previously.

The applicant has received written permission from 100% of the owners within The Knoll Condominiums, exceeding the 2/3 majority required under state law.

The 4 previous amendments to the Record of Survey Plat have all been approved and recorded.

ANALYSIS

The 5th Amendment to the Record of Survey Plat is to increase the floor area of Units 2 and 4. The amendment to Unit 2 will remove an area that was previously platted, while adding floor area in another location. The approximate increase in size of Unit 2 will be 35 square feet.

The amendment to Unit 4 adds approximately 138 square feet of floor area located above the garage. The building footprint will be unaffected by this plat amendment.

The floor area added to each unit will be designated private. Currently, the areas to be added to each unit are platted as common.

RD-MPD requirements for Condos require that at least 60% of the lot must remain as open space. With this amendment, the open space percentage will decrease from 61.33% to 60.085%.

Parking requirements remain at 12 parking spaces.

Staff finds that there is good cause for this Amendment to Record of Survey. The City and public will not be materially harmed by this proposed amendment.

On August 23, 2006, the Planning Commission forwarded a positive recommendation to City Council for approval of the 5th Amended Record of Survey for The Knoll at Silver Lake Phase 1 Condominiums.

	Permitted/ Existing	Proposed
Height	33’	33’
Front setback	20’	20’
Rear setback	15’	15’
Side setbacks	12’	12’
Lot size	27,184 square feet	27,184 square feet
Footprint	10,511 square feet	10,643 square feet
Open Space Required	60% req. 61.33% exist.	60.085%
Parking	12	12

DEPARTMENT REVIEW
The Planning, Engineering and Building Departments have reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording.

NOTICE
Notice of this hearing was sent to property owners within 300'. Legal notice was also put in the Park Record.

PUBLIC INPUT
Staff has received no comments from the public at the time of this writing. No public input was given at the Planning Commission hearing on August 23, 2006.

ALTERNATIVES

4. The City Council may approve the Amendment to Record of Survey as conditioned or amended, or
5. The City Council may deny the Amended to Record of Survey and direct staff to make Findings for this decision, or
6. The City Council may continue the discussion on the Amendment to Record of Survey.

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

CONSEQUENCES OF NOT TAKING THE SUGGESTED RECOMMENDATION
The building would remain as is and no additional floor area would be built at this time.

RECOMMENDATION
Staff recommends that the City Council conduct a public hearing and approve the 5th Amended Record of Survey for The Knoll at Silver Lake Phase 1 Condominiums according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance outlined below:

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment
Exhibit C – Survey of Property

AN ORDINANCE APPROVING THE 5th AMENDED CONDOMINIUM RECORD OF SURVEY FOR THE KNOLL AT SILVER LAKE PHASE I, LOCATED AT 7915 AND 7895 ROYAL STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 7915 and 7895 Royal Street have petitioned the City Council for approval of the 5th Amended The Knoll at Silver Lake Phase I Condominium Record of Survey; 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 23, 2006, to receive input on the 5th Amended The Knoll at Silver Lake Phase I Condominium Record of Survey;

WHEREAS, the Planning Commission, forwarded a positive recommendation on August 23, 2006 to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 5th Amended Condominium Record of Survey at The Knoll at Silver Lake Phase I; and

WHEREAS, on September 14, 2006, the City Council held a public hearing on the 5th Amended Condominium Record of Survey at The Knoll at Silver Lake Phase I; and

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 5th Amended The Knoll at Silver Lake Phase I Condominium Record of Survey 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 7915 and 7895 Royal Street.
2. The zoning is Residential Development (RD-MPD).
3. The Condominium lot is 27,965 square feet in size.
4. Height for this lot is 33 feet.
5. Setback requirements of 20’ front, 12’ side, and 15’ rear.
6. The Knoll at Silver Lake Phase I Condominium is a 4-unit condominium.
7. No significant vegetation is affected as a result of this plat amendment.
8. The area added to Unit 2 is 35 square feet.
9. The area added to Unit 4 is 114 square feet.
10. Open space in this condominium with the proposed changes is 60.085%.

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 condominiums.
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 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.

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

PASSED AND ADOPTED this 14th day of September, 2006.

Exhibits
Exhibit A – Record of Survey Plat
Exhibit B- Cross Section
Exhibit C- Floor Plan

LEGEND

UNIT (PRIVATE OWNERSHIP)

LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO DESIGNATED UNIT

COMMON AREAS AND FACILITIES

UNIT 2 7895 ADDRESS ON ROYAL STREET

UNIT 4 7915 ADDRESS ON ROYAL STREET

LINE TABLE

CURVE TABLE

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 under the laws of the State of Utah. I further certify that by authority of the owners I have prepared this Amended Record of Survey Map of the Knoll at Silver Lake in accordance with Utah Code Section 57-8-13. I further certify that the information on this plat is correct.

PROFESSIONAL LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

JOHN DEMKOWICZ, L.S. #154491 ____ DATE

BOUNDARY DESCRIPTION

THE KNOLL AT SILVER LAKE PHASE 1, a Utah Condominium Project, according to the official plat thereof on file in the office of the Summit County Recorder, recorded No. 190071, April 5, 1982. I further certify the information on this plat is correct.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT Stephen M. Ross and Kara Ross, husband and wife, as joint tenants with full rights of survivorship, hereby certifies that we have caused this survey to be made and this record of survey map to be prepared and consents to the recordation of this Fifth Amended Record of Survey Map for the Knoll Condominium. The owner signing this plat represents that the amendment has received his approval, which consent is recited in and evidenced by their execution of the Fifth Amended Declaration of Condominium, which is recorded with this Record of Survey Map.

Stephen M. Ross and Kara Ross
Husband and Wife, joint tenants
Owners, Unit 4 ____ Date

ACKNOWLEDGMENT

STATE OF ________)
:ss
COUNTY OF ________)

On this ____ day of ________, 2006, personally appeared before me, the undersigned Notary Public, in and for said County and State, Stephen M. Ross and Kara Ross, husband and wife, as joint tenants with full rights of survivorship, being duly sworn, acknowledged to me that they are the owners of Unit 4, the Knoll at Silver Lake, a Utah Condominium Project, and that the foregoing Owner's Certificate and Dedication was signed freely and voluntarily.

A Notary Public Commissioned In ________

Printed Name

Residing at: ________

My Commission Expires: ________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT Richard W. Arendsee, Trustee of the KAWA Irrevocable Trust, owner of Unit No. 2, the Knoll at Silver Lake, a Utah Condominium Project, hereby certifies that he has caused this survey to be made and this record of survey map to be prepared and consents to the recordation of this Fifth Amended Record of Survey Map for the Knoll Condominium. The owner signing this plat represents that the amendment has received his approval, which consent is recited in and evidenced by their execution of the Fourth Amended Declaration of Condominium, which is recorded with this Record of Survey Map.

Richard W. Arendsee
Trustee of the KAWA Irrevocable Trust
Owner, Unit 2 ____ Date

ACKNOWLEDGMENT

STATE OF ________)
:ss
COUNTY OF ________)

On this ____ day of ________, 2006, personally appeared before me, the undersigned Notary Public, in and for said County and State, Richard W. Arendsee, being duly sworn, acknowledged to me that he is the owner of Unit 2, the Knoll at Silver Lake, a Utah Condominium Project, and that the foregoing Owner's Certificate and Dedication was signed freely and voluntarily.

A Notary Public Commissioned In ________

Printed Name

Residing at: ________

My Commission Expires: ________

NOTES:

1. THIS AMENDED RECORD OF SURVEY MAP PLAT REFLECTS THE EXPANSION OF OWNERSHIP IN UNITS 2 AND 4, AND EXCEPT AS SHOWN ON THIS PLAT, NO OTHER CHANGES TO THE CONDOMINIUM PROJECT ARE BEING MADE.
2. UNIT 4 WAS AMENDED BY RECORD OF SURVEY PLAT RECORDED 11-29-96 AS ENTRY NO. 468315. UNIT 3 WAS AMENDED BY RECORD OF SURVEY PLAT RECORDED 12-21-99 AS ENTRY NO. 555669. UNIT 2 WAS AMENDED BY RECORD OF SURVEY PLAT RECORDED 5-21-2002 AS ENTRY NO. 619599. EXCEPT AS SHOWN IN THE AMENDED PLATS LISTED ABOVE, ALL OTHER DESCRIPTIONS AND DIMENSIONS SHOWN ON THE RECORD OF SURVEY PLAT "THE KNOLL AT SILVER LAKE PHASE 1", RECORDED 4-5-82 AS ENTRY NO. 190071 SHALL REMAIN OF RECORD.
3. A VOTE EXCEEDING 66.66% OF THE AFFECTED HOMEOWNERS HAVE APPROVED THE AMENDMENT; ALL FOUR (4) HOMEOWNERS AFFECTED BY THE AMENDMENT HAVE DULY EXECUTED A DOCUMENT ACKNOWLEDGING THEIR CONSENT TO TO RECORD THIS AMENDED RECORD OF SURVEY MAP.

JUN 26 2006
PARK CITY
PLANNING DEPT.

FIFTH AMENDED RECORD OF SURVEY MAP

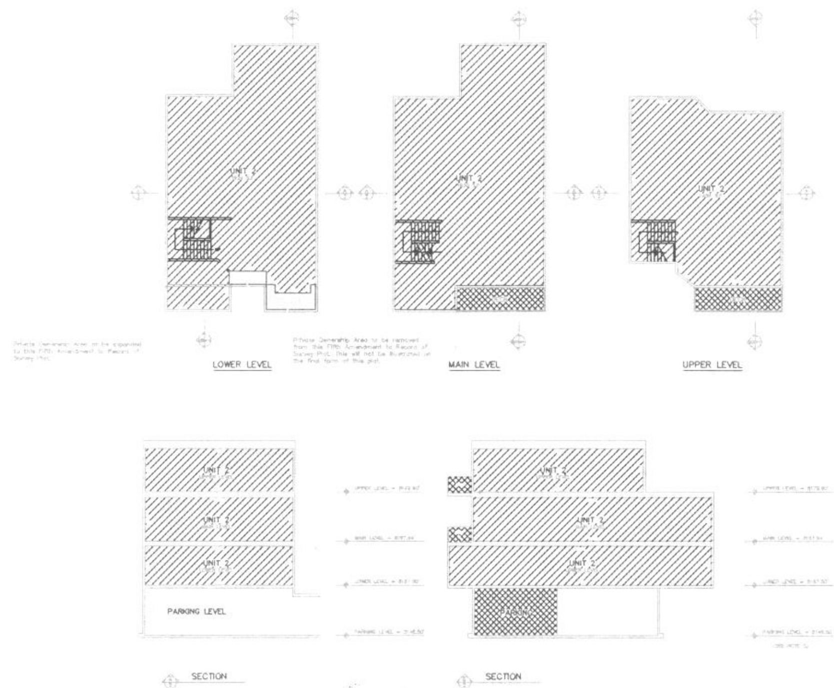
THE KNOLL AT SILVER LAKE PHASE 1

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 3

JOB NO.: 3-5-05 FILE: X:\DV\KNOLL\PLAT\Page 01.dwg

Alliance Engineering Inc (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ________, 2006 A.D. BY ________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________, 2006 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 2006 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 2006 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 2006 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 2006 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER



LEGEND

- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO DESIGNATED UNIT
- COMMON AREAS AND FACILITIES

S.F. = SQUARE FEET

RECEIVED
JUN 26 2006
PARK CITY
PLANNING DEPT.

NOTES:

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
4. THE DIMENSIONS OF THE PRIVATE SPACES AND SQUARE FOOTAGE CALCULATIONS ARE BASED ON THE RECORD OF SURVEY MAP OF THE KNOLL AT SILVER LAKE PHASE 1, AND ON MEASUREMENTS IN THE FIELD. MINOR VARIATIONS MAY OCCUR. IT IS THE INTENT THAT THE PRIVATE OWNERSHIP AREA OF THIS UNIT WILL BE AS CONSTRUCTED.
5. BENCHMARK = LOWER FLOOR ENTRY TO UNITS 3 & 4 = ELEVATION [illegible]. REFER TO THE RECORD OF SURVEY MAP OF THE KNOLL AT SILVER LAKE PHASE 1, RECORDED NO. [illegible] IN THE SUMMIT COUNTY RECORDER'S OFFICE.

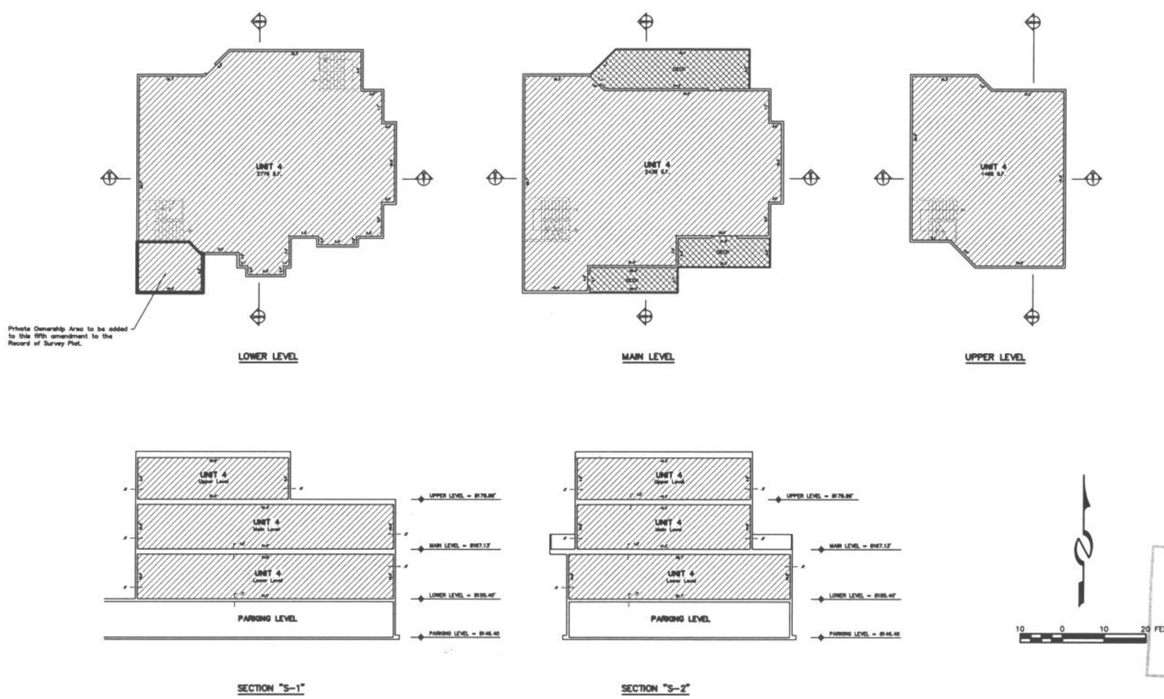
FIFTH AMENDED RECORD OF SURVEY MAP

THE KNOLL AT SILVER LAKE PHASE 1

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 2 OF 3

RECORDED



JUN 26 2006
PARK CITY PLANNING DEPT.

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY CRAIG T. KITTERMAN AND ASSOCIATE ARCHITECTS AND FROM THE RECORD OF SURVEY MAP OF THE KNOLL AT SILVER LAKE PHASE 1. NO FIELD VERIFICATIONS WERE MADE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

LEGEND

- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO DESIGNATED UNIT
- COMMON AREAS AND FACILITIES

S.F. REPRESENTS SQUARE FEET

FIFTH AMENDED RECORD OF SURVEY MAP

THE KNOLL AT SILVER LAKE PHASE 1

A UTAH CONDOMINIUM PROJECT LOCATED IN THE SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 3 OF 3

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PAGE ______

______ FEE ______ RECORDER

JOB NO. 5-6-06 DV\KNOLL\5AMD\P3.DWG

City Council
Staff Report

PLANNING DEPARTMENT

Author: Ray Milliner
Subject: 819 EMPIRE AVENUE EXTENSION
Date: September 14, 2006
Type of Item: Legislative

Summary Recommendation: Staff recommends that the City Council Approve the request for a second one year extension to the September 30, 2004 plat amendment approval for the property located at 819 Empire according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance.

TOPIC

Owners:	Magnus Floden
Location:	819 Empire Avenue
Zoning:	HR-1
Adjacent Land Uses:	Historic Residential
Project Planner:	Ray Milliner
Date of Application:	June 30, 2004

BACKGROUND

On September 30, 2004 the applicant received approval from the City Council to combine Lots 1-3 in Block 30 of the Snyder's Addition to the Park City Survey into one 3,884 square foot lot. On September 8, 2005, the City Council granted the applicant a one year extension to the approval. The newly created lot is located north of the proposed Creole Gulch/Treasure Hill development, and is south of platted Ninth Street. The property is currently vacant, and is located within the HR-1 zone. The applicant was unable to record the plat prior to the expiration of the subdivision approval and is therefore requesting that the City Council grant another one year extension to the September 30, 2004 approval, and September 8, 2005 extension.

ANALYSIS

The applicant is seeking a one year extension to an plat amendment that was granted by the City Council in 2004. Section 15-1-10 (G) of the LMC requires that the applicant demonstrate that no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension. The applicant is requesting that the City Council extend the 2004 approval as is. Additionally, no applicable changes to the LMC have occurred in the time since the application was initially approved.

RECOMMENDATION

Staff recommends that the City Council Approve the request for a one year extension to the September 30, 2004 plat amendment approval for the property located at 819 Empire according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment
Exhibit C – September 2004 Approved Ordinance

Ordinance No. 06-

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A PLAT AMENDMENT TO COMBINE LOTS 1-3 IN BLOCK 30 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD AT 819 EMPIRE AVENUE.

WHEREAS, the owners of the property known as 819 Empire Avenue have petitioned the City Council for approval of an extension to a plat amendment; and

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

WHEREAS, on September 30, 2004, the City Council approved proposed plat amendment; and

WHEREAS, on September 8, 2006, the City Council approved a one year extension to the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the one year extension to the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

Findings of Fact

1. The property located at 819 Empire Avenue is located in the HR-1 zone.
2. There are no existing buildings on the property.
3. Plat amendments expire one year from the date of Planning Commission approval.
4. The applicant received approval for a subdivision plat amendment on September 30, 2004
5. The applicant received a one year extension to the September 30, 2004 approval on September 8, 2005.
6. The applicant is requesting a one year time extension of the plat to combine 3 old town lots into one lot of record, for the purpose of constructing a single family home.
7. No changes to the existing approval are proposed at this time.
8. Because no changes are proposed, no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension.
9. The approval will expire on September 30, 2006.

10. No building permits will be issued for the property until the plat amendment is recorded at the county.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

Conclusions of Law

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

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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 Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. All conditions of approval for the plat amendment will continue to apply as found in the City Council approval on September 30, 2004.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 14th day of September 2006.

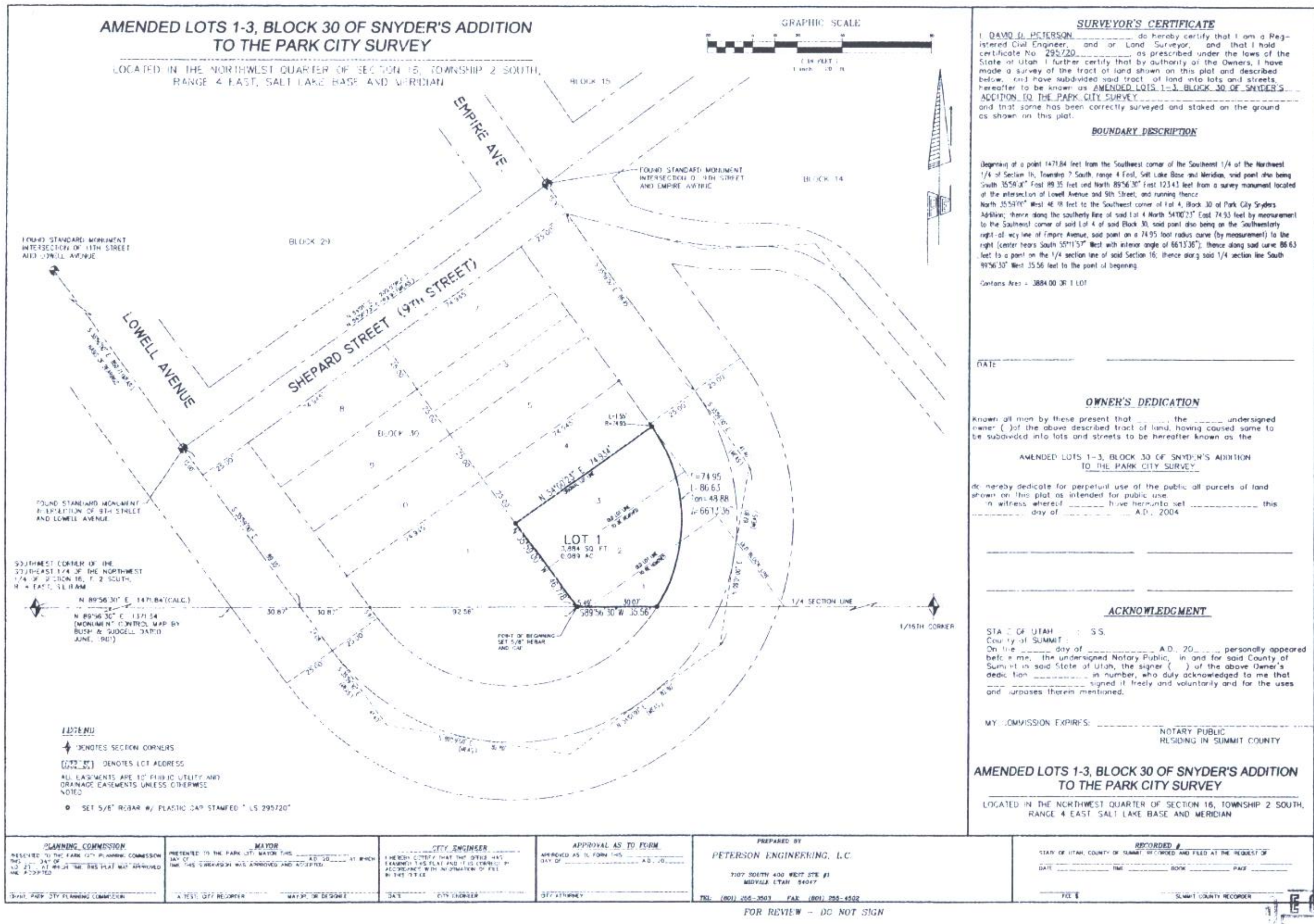


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Exhibit A - Proposed Plat Amendment

Ordinance No. 04-

AN ORDINANCE TO COMBINE LOTS 1-3 IN BLOCK 30 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD, LOCATED AT 819 EMPIRE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 819 Empire Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 25, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove the lot lines between three lots of record creating one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located at 819 Empire Avenue and is in the Historic Residential (HR-1) District.
2. The applicant proposes to combine Lots 1, 2 and 3 of the Snyder's Addition to the Park City Survey into one lot of record.
3. The newly created lot would be 3,884 square feet in size.
4. The maximum building footprint for the newly created lot would be 1,737 square feet.
5. Empire Avenue encroaches onto Lots 1-3.
6. The applicant is proposing to construct one single-family dwelling.
7. The minimum lot area is 1,875 square feet for a single-family dwelling and 3,750 square feet for a duplex.
8. The plat amendment will not increase density on the lot.
9. No remnant lot is created.
10. Any development that encroaches onto 30% slope shall require a steep slope conditional use permit.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

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

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The City Attorney and City Engineer shall review and approve the dedication of the portion of the property under Empire Avenue to the City prior to the issue of a building permit.
3. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. All standard Project Conditions shall apply and Land Management Codes shall apply.
5. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
6. Prior to building plans submittal, the applicant shall obtain approval for a Historic Design Review/Conditional Use Permit for steep slope application, if required.
7. The applicant shall place a Plat note specifying the front and rear yard setback have a 10-foot setback and the side yards have 5 feet.
8. Dedication of right-of-way for Empire Avenue in accordance with the adopted master streets plan is required.

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

PASSED AND ADOPTED this 30th day of September 2004.

City Council Staff Report

Executive

Author: **Tom Bakaly, City Manager**
Mark Harrington, City Attorney
Subject: **BLM Gambel Oak Lease Parcel; MOU Re: Disposition Of Mining Claims**
Date: **September 14, 2006**
Type of Item: **Administrative**

Summary Recommendations: Approve and execute a Memorandum of Understanding between the City and United Park City Mines Company ("UPCMC") and the Leo-Rhea I Partnership ("LRP") regarding the release of mining claims on the Gambel Oak Park in exchange for a total of $2 million dollars.

Description:

Topic:
A Memorandum of Understanding between the City and the owners of mining claims on the Gambel Oak Park to obtain the release of the mining claims. See Attachment #1.

Background:
In 1985, the City entered a 25-year Recreation and Public Purpose Lease with the BLM for approximately 90 acres of open space. The lease was subject to the valid, existing rights of two mining claims, Moose No. 7 and FIR No. 1-7 and fraction No. 8-10, held by UPCMC and LRP respectively. Additional MOUs were executed with the individual owners of the mining claims to specify the relationship of the Lease to the mining claims. Over the past ten years, in addition to exploring a variety of other options, Park City has been attempting to acquire the property as permanent park and open space. Federal legislation is now pending that would direct the BLM to convey the property to the City as open space. See Attachment #2- **HR 3462**.

However, the City is responsible for obtaining the release of the mining claims.

Analysis:
After years of negotiations, with the aid of U.S. Representative Rob Bishop (R-Utah) and his staff, the City and owners of the mining claims have agreed to use recent open space purchases by the city as comparable sales for the release of the claims. Applied to the acreage of the claims, this amounts to $1,900,000 for LRP and $100,000 for UPCMC, for a total of $2 million. Only a portion of the Moose claim (UPCMC) overlaps the Gambel Oak parcel. The MOU is subject to the final passage of HR 3462.

The Bill also transfers an additional BLM property on the other side of the Aerie called White Parcel, which is about 22 acres, to the City. There are no mining claims encumbering White Parcel.

Department Review:
Administration, Finance and Legal have reviewed this staff report.

Alternatives:

A. Approve the Request:
Approve and execute a Memorandum of Understanding between the City and United Park City Mines Company ("UPCMC") and the Leo-Rhea I Partnership ("LRP") regarding the release of mining claims on the Gambel Oak Park in exchange for $2 million dollars. This is the recommended action.

B. Modify the Request:
Substantive changes would require the approval of the other parties.

C. Deny the Request:
Council could deny the request. The City would continue to remain in compliance with the BLM Lease and seek to add improvements pursuant to the Park City Master Parks Plan, as approved by the BLM. The City's ability to protect the property long term is unclear. Development applications may be expected from the owners and/or BLM.

D. Continue the Item:
Council could continue the item and direct Staff to return with additional information. Further delay would likely require the City to re-negotiate the release price and terms as the market continues to change significantly.

Significant Impacts:
The City would use remaining open space bond proceeds to cover the $2 million. There is currently approximately $3 million available.

Recommendation:
Approve a Memorandum of Understanding between the City and United Park City Mines Company ("UPCMC") and the Leo-Rhea I Partnership ("LRP") regarding the release of mining claims on the Gambel Oak Park in exchange for $2 million dollars.

Attachments:
1. MOU (executed by LRP)
2. HR 3462

MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding ("**MOU**") is entered into by and between Park City Municipal Corporation, a political subdivision of the State of Utah ("**Park City**"), United Park City Mines Company, a Delaware corporation ("**UPCMC**") and The Leo-Rhea 1, a Utah general partnership, (collectively, "**Parties**") dated, SEPT 6, 2006 ("**Effective Date**").

Recitals

A. The Bureau of Land Management, an agency of the United States Federal Government ("**BLM**"), holds legal title to that certain property as described in **Exhibit A**, attached hereto, consisting of one lot located entirely within Park City, Utah ("**Gambel Oak Parcel**").

B. The Leo-Rhea 1 Partnership, including its assignees and successors (collectively "**Leo Rhea**"), pursuant to the Mining Law of 1872 own the rights to FIR Claims 1 – 7 and Fractions 8 – 10 ("**FIR Claims**"), located entirely within Park City, Utah, as described in **Exhibit B**, attached hereto, and on the basis of such claims maintain a property interest in the Gambel Oak Parcel. FIR Claims 1 – 10 are located substantially within the Gambel Oak Parcel.

C. UPCMC, including its assignees and successors, pursuant to the Mining Law of 1872 as amended, owns the unpatented mining claim Moose No. 7 (UMC 3355), a portion (the "UPCMC Mining Claim Portion" as described in **Exhibit C** attached hereto) of which mining claim is located within the boundaries of the Gambel Oak Parcel, located entirely within Park City, Utah, and on the basis of the UPCMC Mining Claim Portion, UPCMC holds beneficial title to the UPCMC Mining Claim Portion of the Gambel Oak Parcel.

D. The City Council of Park City, a political subdivision of the State of Utah, is the legislative body charged with the authority to administer land use decisions for land located within Park City, including the Gambel Oak Parcel.

E. Park City has asserted its interest in acquiring and maintaining open space in the general vicinity of the Gambel Oak Parcel. A majority of the Gambel Oak Parcel has been zoned Recreational Open Space, which substantially restricts development. Five acres of the Gambel Oak Parcel remains zoned as Estate Residential.

F. Subject to the passage of certain federal legislation, the BLM will convey in fee simple the Gambel Oak Parcel to Park City. Immediately following the conveyance of the Gambel Oak Parcel from the BLM to Park City, and subject to payment for one-million nine hundred thousand dollars ($1,900,000.00) from Park City to Leo Rhea, Leo Rhea will relinquish any and all interest to the FIR Claims to Park City. Immediately following the conveyance of the Gambel Oak Parcel from the BLM to Park City, and subject to the payment of one hundred thousand dollars ($100,000.00) by Park City to UPCMC, UPCMC will relinquish any and all interest to the UPCMC Mining Claim Portion to Park City.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this MOU, and for their mutual reliance, the Parties hereto agree as follows:

1. Subject to passage of certain federal legislation, entitled "Amendment in the Nature of a Substitute to H.R. 3462" that authorizes the BLM to transfer the Gambel Oak Parcel to Park City, the BLM will transfer fee simple interest to the Gambel Oak Parcel to Park City.

2. a. Concurrent to the transfer of the Gambel Oak Parcel from the BLM to the City, pursuant to Paragraph 1, above, and in no event more than five (5) business days after such transfer, Leo Rhea shall relinquish any and all interest to the FIR Claims to Park City and Park City will, concurrent to Leo Rhea's relinquishment of its FIR Claims, pay Leo Rhea one-million nine hundred thousand dollars ($1,900,000.00) as consideration for relinquishment of the FIR Claims.

b. Concurrent to the transfer of the Gambel Oak Parcel from the BLM to the City, pursuant to Paragraph 1, above, and in no event more than five (5) business days after such transfer, UPCMC shall relinquish any and all interest to the UPCMC Mining Claim Portion to Park City and Park City will, concurrent to UPCMC's relinquishment of the UPCMC Mining Claim Portion, pay UPCMC one hundred thousand dollars ($100,000.00) as consideration for relinquishment of the UPCMC Mining Claim Portion.

3. **Inconsistent Acts**. To the extent that Park City, its City Council or any other City agency constitutes and sits as any other board or agency, it shall not take any action that is inconsistent with the terms of this MOU, thereby voiding all conveyances and approvals hereto.

4. **Governing Law.** This MOU shall be governed by and construed and enforced in accordance with the laws of the State of Utah.

5. **No Third Party Beneficiaries**. None of the provisions of this MOU are intended by the Parties, nor shall they be deemed, to confer any benefit on any person or entity not a Party to this MOU.

6. **Assignment & Transfer**. Either Party may at its sole discretion assign or transfer its rights and obligations under this MOU, provided written notice of any assignment or transfer is given to the other party within five (5) business days after the assignment or transfer is executed.

7. **Expenses and Attorneys' Fees**. Each Party shall pay its own costs and expenses in connection with the acts contemplated by this MOU, including, without limitation, the disbursements and fees of their respective attorneys, accountants, advisors, agents and other representatives, incidental to the negotiation and performance of this MOU. If any arbitration or legal action is brought by any party to enforce any provision of this MOU, the prevailing party shall be entitled to recover its court costs, arbitration expenses and reasonable attorneys' fees.

8. **Severability**. If any provision of this MOU is adjudged to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions will not in any way be affected or impaired, and the parties will use their best efforts to substitute a valid,

legal, and enforceable provision which, insofar as practical, implements the purposes of this MOU.

9. **Miscellaneous**. This MOU may be executed in counterparts by facsimile, each of which shall be deemed an original, but all of which together shall constitute one and the same MOU, binding on the parties hereto. This MOU constitutes the entire agreement between the City, UPCMC and Leo Rhea with respect to the matters contemplated by this MOU and no prior negotiation, understanding, arrangement or course of dealing or performance will be of any effect.

10. **Arbitration**. Any disagreement, dispute or claim arising out of or relating to this MOU which cannot be settled by the parties hereto shall be settled by arbitration in accordance with the following provisions:

(a) Forum. Forum for arbitration shall be Salt Lake City, Utah.

(b) Law. Governing law shall be the law of the State of Utah.

(c) Selection. The number of arbitrators shall be three (3), unless the parties hereto are able to agree on a single arbitrator. In the absence of such agreement within ten (10) days after the initiation of an arbitration proceeding, Leo Rhea shall select one (1) arbitrator, the City shall select one (1) arbitrator, and UPCMC shall select one (1) arbitrator, all of whom shall be neutral. The decision in writing of at least two (2) of the three (3) arbitrators shall be final and binding upon the parties.

(d) Administration. Arbitration shall be administered by the American Arbitration Association.

(e) Rules. Rules of arbitration shall be the Commercial Arbitration Rules of the American Arbitration Association, as modified by any other instructions that the parties hereto may agree upon at the time, except that each party hereto shall have the right to conduct discovery in any manner and to the extent authorized by the Federal Rules of Civil Procedure as interpreted by the federal courts. The arbitrators shall not modify the terms of this MOU.

(f) Award. The award rendered by arbitration shall be final and binding upon the parties hereto, and judgment upon the award may be entered in any court of competent jurisdiction in the United States.

(g) Survival. This Section shall survive the expiration or earlier termination of this MOU.

IN WITNESS WHEREOF, this MOU has been entered into as of the day and year first above written.

PARK CITY MUNICIPAL CORPORATION
a Political Subdivision of the State of Utah

By: ____________________________
Name: __________________________
Title: __________________________

THE LEO-RHEA 1,
a Utah general partnership

By: Patrick M Hurley
Name: PATRICK M HURLEY
Title: PARTNER

UNITED PARK CITY MINES COMPANY,
a Delaware corporation

By: ____________________________
Name: __________________________
Title: __________________________

ACKNOWLEDGED BY:

BUREAU OF LAND MANAGEMENT

By: ____________________________
Name: __________________________
Title: __________________________

ND: 4838-7294-0545, Ver 1

Exhibit A
Gambel Oak Park - BLM Parcel 16

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE VIRGINIA NO. 1 MINING CLAIM (MS 5711) AND ON THE NORTH LINE OF SUNNYSIDE SUBDIVISION, AS MONUMENTED, SAID POINT BEING N 89°59’07” E 786.72 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE ALONG THE EASTERLY LINE OF THE VIRGINIA NO. 1 MINING CLAIM N 8°30’00” E 112.10 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE APRIL MINING CLAIM (MS 5711) N 67°33’50” E 1205.43 FEET; THENCE ALONG THE EASTERLY LINE OF THE APRIL MINING CLAIM N 0°04’34” W 645.35 FEET; THENCE ALONG THE EASTERLY LINE OF THE APRIL FRACTION MINING CLAIM (MS 5711) N 14°57’35” E 4.93 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE ALVINA MINING CLAIM (LOT 688) S 83°07’47” E 6.24 FEET; THENCE ALONG THE EASTERLY LINE OF THE ALVINA MINING CLAIM N 12°08’09” E 1516.09 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE EMMA MINING CLAIM (MS 3262) S 77°24’43” E 209.21 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE EDISON NO. 7 MINING CLAIM (MS 6992) S 51°00’00” E 404.66 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE EDISON NO. 8 MINING CLAIM (MS 6992) S 60°47’39” E 601.17 FEET; THENCE ALONG THE WESTERLY LINE OF THE EDISON NO. 9 MINING CLAIM (MS 6992) S 34°26’41” W 34.78 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE EDISON NO. 9 MINING CLAIM S 60°49’46” E 600.64 FEET; THENCE ALONG THE EASTERLY LINE OF THE EDISON NO. 9 MINING CLAIM N 34°01’08” E 230.86 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE MOOSE NO. 6 MINING CLAIM (MS 6727) S 57°06’19” E 465.96 FEET; THENCE ALONG THE WESTERLY LINE OF THE MOOSE NO. 5 MINING CLAIM (MS 6727) S 0°18’01” W 580.77 FEET; THENCE ALONG THE NORTH LINE OF THE MOOSE NO. 2 MINING CLAIM (MS 6727) S 88°29’38” W 600.42 FEET; THENCE ALONG THE NORTH LINE OF THE MOOSE NO. 3 MINING CLAIM (MS 6727) N 88°32’05” W 600.01 FEET; THENCE ALONG THE WEST LINE OF THE MOOSE NO. 3 MINING CLAIM S 0°19’20” W 943.50 FEET; THENCE ALONG THE NORTH LINE OF THE MOOSE NO. 4 MINING CLAIM (MS 6727) S 89°58’30” W 1498.10 FEET; THENCE ALONG THE WEST LINE OF THE MOOSE NO. 4 MINING CLAIM S 0°15’52” W 557.79 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE MOOSE NO. 4 MINING CLAIM S 89°59’07” E 61.30 FEET; THENCE ALONG THE WESTERLY BOUNDARY OF THE PINNACLE AT DEER VALLEY, AS MONUMENTED S 0°02’44” E 150.87 FEET; THENCE ALONG THE PINNACLE BOUNDARY N 50°41’30” W 48.02 FEET; THENCE ALONG THE PINNACLE BOUNDARY S 31°13’27” W 48.52 FEET; THENCE S 31°02’06” W 51.53 FEET; THENCE S 31°07’44” W 130.53 FEET; THENCE ALONG THE WESTERLY LINE OF THE STONEBRIDGE DEVELOPMENT, AS MONUMENTED S 31°05’57” W 202.34 FEET; THENCE N 0°04’28” E 200.45 FEET; THENCE N 0°03’05” W 165.52 FEET; THENCE N 0°00’50” W 136.30 FEET; THENCE N 0°09’58” E 54.58 FEET; THENCE N 0°00’41” W 232.59 FEET; THENCE S 30°09’17” W 167.14 FEET; THENCE N 0°00’27” E 203.83 FEET;

THENCE ALONG THE NORTHERLY LINE OF THE SUNNYSIDE SUBDIVISION, AS MONUMENTED S 89°58’08” W 532.47 FEET TO THE POINT OF BEGINNING. AREA DESCRIBED CONTAINS 91.0 ACRES.

Exhibit B

FIR Nos. 1-7 (UMC 34463-9 inclusive) and
FIR Fraction Nos. 8-10 (UMC 258878-80 inclusive)

Exhibit C
(draft)

That portion of Moose No. 7 (UMC 3355) within Gambel Oak Park

Attachment #2

Union Calendar No. 227
109th CONGRESS
2d Session
H. R. 3462
[Report No. 109-418]

To provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 27, 2005

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on Resources

April 25, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 27, 2005]

A BILL

To provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.

(a) Land Transfer- Subject to the conditions set forth in subsections (b) and (c), and notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey within 180 days of enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.
(b) Deed Restriction- The conveyance of the lands under subsection (a) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.
(c) Consideration- In consideration for the transfer of the land under subsection (a), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 USC 869 et seq.).

SEC. 2. SALE OF LANDS AT AUCTION.

(a) Sale of Land- Notwithstanding the planning provisions of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act and other applicable law, and subject to valid existing rights, offer for sale within 180 days of enactment of this Act, any right, title or interest in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area.
(b) Method of Sale- The sale of land under subsection (a) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

SEC. 3. DISPOSITION OF LAND SALES PROCEEDS.

(a) In General- All proceeds derived from the sale of the lands described in this Act shall be deposited in a special account in the

treasury of the United States and shall be available without further appropriation to the Secretary of the Interior until expended for--

> *(1) the reimbursement of costs incurred by the Bureau of Land Management in implementing the provisions of this Act, including surveys, appraisals, and compliance with applicable Federal laws; and*
>
> *(2) environmental restoration projects on Bureau of Land Management administered public lands within the Salt Lake City Field Office of the Bureau of Land Management.*

(b) Investment of Special Account- Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.