PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 30, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 30, 2012.

Closed Session
3:00 p.m. Personnel, property and litigation

Work Session

5:00 p.m.	Council questions and comments	
5:10 p.m.	iPad discussion	P. 5 - 6
5:20 p.m.	UDOT underpass project	P. 7 - 9
5:30 p.m.	Housing assessment and plan	P. 10 - 37
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV JOINT WORK SESSION NOTES OF JULY 12, 2012 P. 38 - 47

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

1. Consideration of a Resolution adopting 2030 Long Range Strategic Plan for Park City, Utah P. 48 - 87

2. Consideration of a Use Agreement for Sundance Film Festival Automatic Vehicle Location P. 88 - 95

VI NEW BUSINESS

Consideration of authorization to the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Miller Paving Inc., in the amount of $178,897 P. 96 - 98

VII OLD BUSINESS

Consideration of a plat amendment for 80 Daly Avenue, Park City, Utah P. 99 - 177

a) Public hearing
b) Action

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 6, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, September 6, 2012.

Posted: 08/27/12
See: www.parkcity.org

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

September 2012

6 **No meeting – City Tour**

13 **Liza gone**
429 Woodside Avenue plat amendment
200 Ridge Avenue Subdivision
Parking Code amendments
OTIS update - MC

20 Special event update – work - JW
Rocky Mountain Power – study session
Housing Resolution for Adaption - PR

27 Latino Community outreach and engagement – study
Richards/PCMC Parcel – Annexation Petition
PCSD Mitigation Agreement Extension (RDA)
Lower Park Avenue Redevelopment Plan Extension (RDA)

October 2012

4
11
18 **Diane gone – No meeting**
25 Bonanza Park update

November 2012

1
8
15
22 **Thanksgiving**
29 Annual insurance renewals

Pending Items:

RDA and other economic districts strategic plan
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety
Quarterly goals update – after 2030 Plan is adopted
Business Recruitment Study
MFL - RAGNAR 2013 – Wasatch Back Relay
Dark skies – work session - Tyler

PARK CITY 1884

City Council Staff Report

Subject: iPad Standardization
Author: Scott W. Robertson, IT Director
Department: IT; Executive
Date: August 30, 2012
Type of Item: Administrative

Summary Recommendations:
Approve standardization of iPad app iAnnotate for viewing meeting packets and agree to a firm transition date, Sept. 30, for downloading and using only the designated app.

Topic/Description:
iPads have proven to be a useful and cost effective tool. However, variances in technology standards (e.g., application brands, versions and features) do create inconsistencies in the presentation of meeting packets. Standardizing the apps and tools will help minimize issues and allow for better quality control.

Staff is also seeking to understand other concerns with the use of iPads for reviewing meeting packets.

Background:
On August 8, 2012, Council and Staff discussed the use of PDF reader apps and standardizing the use of PDF writer versions. Council requested continuation at a future date when all members were present.

On April 28, 2011, Council directed staff to convert to e-packet delivery and provide the Council with a stipend for the purchase of iPads to reduce the needs of printing and the associated costs.

Over the past year, we have developed a better understanding of iPad support and use. As a result, changes to the production and content of Council meeting packets have also evolved. While most iPad PDF apps meet the overall need, there can be inconsistencies in the appearance and document formats. This is particularly noticeable between Microsoft and Apple platforms.

The Executive Department will begin reviewing meeting packets on iPads before publication, but further standardization is required to improve consistency. In addition, the Executive Department has requested direct involvement with technical issues related to meeting packet presentation on the iPad. To make sure there is a central contact and tracking of all issues, IT and Exec propose designating Jody Morrison in Exec as the Council's primary iPad contact.

Analysis:

Standardization of Apps: Standardization will minimize display inconsistencies and provide efficiencies in the training, support and delivery of meeting packets. Is Council willing to standardize on one app, specifically iAnnotate, for viewing meeting packets? Also, it's recommended that app updates are applied after 30-days of initial release unless critical security updates are identified.

Council iPad Support: Support of iPads through the Executive Department would improve the identification/resolution of issues and establish a common knowledgebase. Going forward, Jody Morrison will be Council's direct contact for all issues related to Council iPads and interface with the IT Department as necessary.

Planning Commission: The IT Department plans to deploy iPads to Planning Commission upon verification of testing and ensuring that technical capabilities fulfill the required needs. However, there are process and technical issues need to be resolved given the complexity of files Planning Commission reviews.

Other Issues: Staff requests that Council address any other policies or procedural questions regarding the iPad during work session.

Department Review:
This report has been reviewed by the Executive and Legal Departments.

Alternatives:

A. **Approve:** Council would purchase individually (or as necessary) the agreed iPad PDF app, iAnnotate, by Sunday, September 30, 2012. Council would work with Jody Morrison in the Executive Department on technical issues related to the iPad.
B. **Deny:** Denying the proposal will result in no changes to the current process.
C. **Modify:** Modifications would be incorporated into this proposal.
D. **Continue the Item:** Same as deny
E. **Do Nothing:** Same as deny

Significant Impacts:
If approved, anticipated impacts include app purchases, training and time to adjustment to new processes.

Consequences of not taking the recommended action:
There is an increased risk of meeting packet inconsistencies between Council and Staff; support issues would be addressed on an individual basis.

Recommendation:
Approve standardization of iPad app iAnnotate for viewing meeting packets and agree to a firm transition date, Sept. 30, for downloading and using only the designated app.

City Council Staff Report

Subject: Utah Department of Transportation Highway 40 Underpass Proposal
Author: Heinrich Deters
Department: Sustainability
Date: August 30, 2012
Type of Item: Administrative

Summary Recommendations: Staff recommends Council provide direction to staff to communicate City Council's conceptual support of the Highway 40 underpass project without any funding support from Park City Municipal.

Topic/Description: Collaborative regional planning efforts and regional trail connections.

Background:
In June of 2012, the Director of Region 2 for the Utah Department of Transportation announced a funding opportunity for the construction of a pedestrian/wildlife tunnel and a supporting trailhead. Approximately $700,000 in federal enhancement funds had become available and needed to be committed to a project by October 1st of this year. UDOT's recommended location of the tunnel was from the Round Valley Open Space on the west side of highway 40, 'day lighting' on the east side of Highway 40 across from the Triangle Parcel. This location was preferred by UDOT because:

a) The topography of that area presents the easiest and lowest-cost construction; and
b) UDOT does not want the tunnel to terminate on privately owned land.

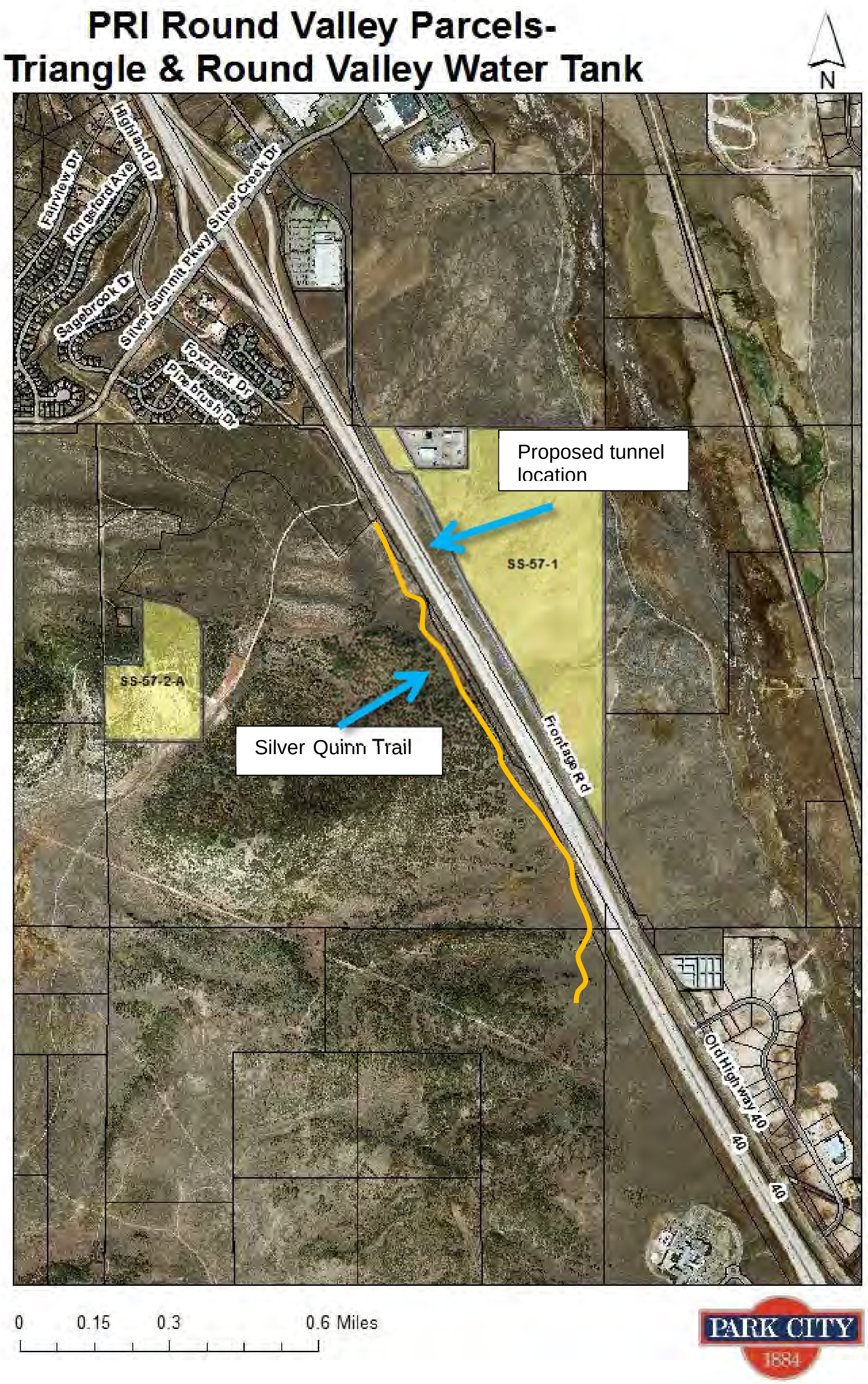
While UDOT has $700,000 to fund the project, the project was estimated to cost approximately $1.5 – $2 million.

On August 9, 2012, staff discussed the proposed UDOT underpass project with Council and how the project may impact planning efforts on the City/County owned Triangle parcel. At the time of the discussion, the project was extremely fluid per the scope, location and funding aspects. Staff recommended that the item should be continued to a later date and Council confirmed the recommendation.

Analysis:
Since the August 9th Council meeting, additional information and funding commitments have come to light. The current proposed UDOT project entails the following:

- A 'multi-purpose recreational' underpass from the Round Valley Open Space on the west side of highway 40, 'day lighting' on the east side of Highway 40 across from the Triangle Parcel.
- The trailhead component of the project on the Triangle parcel has been removed.
- Snyderville Basin Special Recreation District (SBSRD) has committed to fully funding the project in conjunction with the UDOT federal enhancement funds.

The proposed project would be constructed within the UDOT right of way, and would daylight on City owned open space in Round Valley, as well as, across from the Triangle parcel. The project would connect to the soon to be paved Silver Quinn multi-purpose trail, which parallels highway 40 on the west side, to the frontage road on the east side of highway 40. (Exhibit A) This is a very popular road cycling route and would provide a much safer option to the busy Silver Summit overpass currently utilized by recreationalists.



At the August 20th Triangle Planning committee meeting, County and City staff agreed to recommend support the project as outlined above.

Because the City and County jointly own and manage the Triangle Parcel and the tunnel terminates just across from the Triangle Parcel, UDOT would like to know that the City and County are conceptually supportive of the building of the tunnel.

Alternatives:

A. Approve: This is the recommended action.
B. Modify the request: Provide additional information and direction.
C. Deny the request: The UDOT/federal enhancement funding would likely be lost.
D. Continue the Item: Ask staff to return with more information.
E. Do Nothing: Same effect as continuance.

Significant Impacts:

Triangle Planning Efforts

The current proposed project does not preclude any future planning or implementation efforts on the Triangle parcel.

Funding

UDOT and SBSRD have committed to fully funding the project, thus staff is not requesting any funding from Council for the project.

Regional Trail Connection

The project will provide an off grade trail connection for City and County residents between the two recreational trail systems and greatly improves the safety for recreationalists currently utilizing the Silver Summit overpass.

Departmental Review

This report has been reviewed by the City's Sustainability, Planning, Legal and Executive Teams, Summit County Planning and Public Works Staff and City Manager.

Staff Recommendations: Staff recommends Council provide direction to staff to communicate City Council's conceptual support of the Highway 40 underpass project without any funding support from Park City Municipal.

PARK CITY 1884

City Council Staff Report

Author:	**Rhoda J. Stauffer, Sustainability Team**
Subject:	**Housing Assessment and Five-Year Plan**
Date:	**August 30, 2011**
Type of Item:	**Administrative**

A. Summary Recommendation: Staff requests that Council review, discuss and adopt the 2012 Housing Assessment and Five-Year Plan.

B. Topic: Updated Housing Needs Assessment

C. Background: Affordable housing is a key component of City Council Goal #1 – *Preservation of Park City Character* – and has been an annual City Council goal since the early 1990s. In addition, both the community and City Council have identified a number of desired outcomes to "***Keep Park City Park City***" including, *A Diverse Population and Social Fabric.* Housing that is affordable to a wide range of income levels is critical to achieving this goal.

This housing needs assessment is prepared in accordance with Utah State Code. Municipalities are required to complete "a Moderate-Income" housing plan every five years. Moderate-income is defined by the US Department of Housing and Urban Development as 80 percent of the Area Median Income (AMI) which equals $72,216 for a family of three (average family size is 2.6 persons in Park City). The plan must contain an estimate of the need for additional moderate-income housing. It must also provide plans for how the municipality will facilitate a reasonable opportunity for building a variety of housing, "to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life." Based on these requirements, the attached Housing Plan is incorporated into the General Plan as the housing component.

D. Analysis:

The 2012–2017 Housing Needs Assessment defines the need for affordable housing in Park City and recommends approaches to meet these housing needs.

Housing Profile:

- Park City's year round population changed little since the 2000 Census. While the net population only increased from 7,371 to 7,558, there was considerable out-migration in the younger age groups. We lost population in all age groups between 5 and 49 – close to 700 in total. Meanwhile the number of persons aged 50 and older increased by more than 800.
- Also notable is that the percentage of Hispanic members has continued to increase: one percent in 1990, to 20 percent in 2000, and 24 percent in 2010.

	AMI	WFW
2012	$90,270	$55,714
2011	89,100	54,664
2010	83,970	51,764
2005	75,060	46,746
2000	61,470	42,434

- As a tourism-based economy, Leisure and Hospitality Sectors continue to dominate employment in Park City, making up 39% of jobs. Wages in this sector are considerably less than wages overall. Median Summit County wage in 2010 was $34,380, yet the average tourism (hospitality, leisure, food services) wage was $24,227 (30 percent less).
- There are more lower-cost homes in Park City's real estate market than in prior years, however, most of the properties are not suitable for families. They are quite small (600 square feet and less), require considerable amounts of work, or are time-share properties. In 2011 the median property sales price in Park City was $453,000.
- The 2012 Median Workforce Wage (WFW) in Park City is $55,714 for a family of three, based on 2011 Summit County wages documented by the Utah State Division of Workforce Services. Park City's WFW is equal to 62 percent of AMI as determined by HUD which has been consistent over the past seven years.
- There are 468 affordable units in Park City – 16 percent of occupied units or five percent of total units (including vacation properties and 2nd homes). Another 179 units are in the pipeline, scheduled to be built over the next two to five years. This number includes: Empire Pass units fulfilling the remainder of Talisker's AHU obligation, Park City Heights, and an estimate of what will be built in the Lower Park Avenue RDA Plan.
- The mortgage loan market has gotten so tight that it is difficult for most people to qualify for a mortgage and especially hard for lower-income households to buy a home.
- Over 50 percent of Park City's households that are renting are "cost-burdened" which means that their rent is more than 30 percent of their income (784 households). Of those households, <u>*336 are severely cost burdened*</u> – paying more than 50 percent of their income for rent.
- There are over 500 renter households with household incomes of $75,000 to $100,300, which is sufficient for the purchase of a home. However, what are needed in Park City are homes at affordable prices for these households to purchase (between $270,000 and $400,000).

Low and Moderate-Income Housing Needs:
Housing need in the next five years will be between 213 and 390 units. The charts below illustrate three alternative formulas for determining need.

Housing Demand 2012-2017 Based on Commuting Employee Profiles

Individuals working in Park City	10,500
Less 20% of those living in PC	2,066
Workers Living outside city limits	8,434
Multiplied by 84% for primary jobs	7,059
Divided by 1.5 jobs per household	4,706
Less 69% for households living in 84098	3,247
Estimate of those wanting to live in the City	1,459
Multiplied by 39% for Core Sector Jobs	569
Less: Pipeline of Projects	***179***
Estimate of households needing housing assistance	**390**

Housing Demand 2012-2017 Based on Rate of Location Substitution[1]

Individuals working in Park City	10,500
Multiplied by Location Substitution rate of 34%	3,570
Subtract persons already living in the City	2,066
Balance	1,504
Divided by 1.5 jobs per household	1,003
Multiplied by 39% for Core Sector Jobs	391
Less: Pipeline of Projects	***179***
Estimate of households needing housing assistance	**213**

Housing Demands 2012-2017 Based Renter Household Incomes

Pent-up Demand for Owner-Occupied Housing	131
Pent-up Demand for Affordable Rental Housing	336
New Core Resort Worker Demand	0
Subtotal	467
Less: Pipeline of Projects	***179***
Total estimate of remaining demand by households	**288**

Overall, Park City's housing picture is in pretty good shape, which is due to early commitment and actions on the part of City Council. Our current pipeline of 179 units will go a long way towards addressing current demand as well as future need with the exception of the need for additional rentals. Based on the 2010 Housing Market Assessment provided by James Wood of the University of Utah's Bureau of Business and Economic Research, we currently have a need for rental units affordable to very low-income households – those households with annual incomes at less than $35,000. This is right where annual income sits for Park City's Core Sector Workforce – Leisure and Hospitality employees.

The 2012 Housing Plan recommends four strategies over the next five years on which staff is requesting Council guidance.

1. ***Community mortgage assistance program to assist in purchase of existing market cost homes**.* The mortgage lending market has become difficult to navigate for most people. It is especially difficult for low and moderate-income households to qualify for a mortgage with less than 20% cash for down-payments and closing costs. Meanwhile, there are homes on the market that would be viable options for purchase, but they remain out of price range for many of Park City's workforce households. Park City has limited land for new projects and thus we will never be able to meet all affordable housing needs with new construction. In other words, we can't ***build*** our way out of this. Using existing property to meet our housing needs is the ultimate in recycling and much more sustainable. Therefore, staff is recommending that we leverage existing resources to create a pool of funds for an equity-sharing program that will assist eligible households to buy existing homes within the city limits of Park City.

[1] Location Substitution is the number of employees who work in one area and live in another. The optimal Location Substitution rate was set for Park City in 2005 at 34% (34% of households employed by Park City employers living within the city limits).

2. ***Alternative deed restriction approaches.*** Current deed restrictions limit appreciation to no more than three percent per year on the purchase price (this is a compounding number). Also, some of the earliest deed restrictions allowed for renting the property rather than being owner-occupied. As a result, there are today a high number of rental units (though set at affordable rents) in what where originally ownership properties. In one case, an owner struggled to sell her unit due to the difficulty in finding a lender who would give a loan where more than 51 percent of the units in the project are rentals. Lenders – including FHA – have had various problems over the years with our deed restrictions depending on the issues that the current mortgage market is dealing with. Staff recommends that deed restrictions – especially those on units built before 2000 are in need of updating. Staff recommends examining the feasibility of a program to purchase existing deed restricted units, revising deed restrictions and then re-selling the units back to qualified buyers.

3. ***Stewardship program for aging deed restricted properties.*** There are more than 60 deed restricted units built in the mid-1990's and a small percentage are in need of repairs and all units would benefit from energy efficiency upgrades. The program would also have a monitoring component to stay current on the financial and physical health of all owner-occupied, deed restricted properties, making sure that the inventory of affordable units remains viable.

4. ***Update to the 20-07 Housing Resolution.*** Staff is proposing to amend the 20-07 Housing Resolution to reflect the City's current priorities, establish consistency for calculation of key numbers and to meet changing community needs. Staff will be presenting a revised resolution to the Housing Authority in September for public hearing and possible action. Key changes recommended include:
   - Updating the Payment In Lieu of Fee to $135,000 for 2012 and a proposed formula to update the Payment In Lieu of Fee annually in April of each year;
   - Establishing a formula to set the initial sales price range for new units;
   - Establishing a formula for calculating Maximum Rent to be published in April of each year; and
   - Establishing a formula for calculating Park City's Median Workforce Wage to be published in April of each year.

5. ***Regional Housing Approach.*** With the completion of the City's housing plan and the County's completion of the Snyderville Basin plan, staffs will be working together to identify opportunities for collaboration. The jurisdictions are indistinguishable to most local residents. The city's housing resolution defines its service area as Park City School District boundaries therefore, staff recommends focusing on the entire region as a resource for meeting affordable housing needs.

E. **Department Review:** This report was reviewed by Sustainability, Legal, and the Interim City Manager.

Recommendation: Staff requests Council discussion and adoption of the 2012 Housing Assessment and Five-Year Plan.

Attachment A: 2012 Housing Needs Assessment and Plan

Housing Assessment

Plan

Park City Municipal Corporation

2012

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PART I: OVERVIEW AND BACKGROUND

BACKGROUND

Park City Municipal Corporation has long been and continues to be committed to ensuring that housing is affordable to all sectors of our world class resort community. One of Council‟s Annual goals is "Preservation of Park City Character." Essential to meeting this goal is social and economic diversity. Since the early 90‟s Council has been forward-thinking about the provision and preservation of affordable housing. In 1993, Park City issued the first of a number of housing resolutions that grew more goal-specific with each update. The last update – *Resolution 20-07* – was adopted in July of 2007.

> ***Park City is actively committed to fostering a diverse social and economic community in keeping with its unique heritage and equitable ideals. Toward this end and within its financial means, Park City will encourage, facilitate, and promote a wide range of inclusive housing choices for those who have demonstrated their commitment to the community...***
>
> **– 1994 Affordable Housing Task Force Mission Statement**

This plan is prepared consistent with Section 10 of Utah Code which requires municipalities to complete "a Moderate-Income" housing plan every five years as part of the General Plan. This Plan must contain an estimate of the need for additional moderate income housing. It must also provide plans for how the municipality will facilitate a reasonable opportunity for a variety of housing to be built "to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life."[1]The State‟s definition of moderate-income is 80 percent of Area Median Income (AMI) which in 2012 is $72,216 for a family of three in Summit County.

Park City‟s on-going commitment to affordable housing is demonstrated in the inventory of affordable and deed restricted housing that exists today. These units have been built and upgraded through Federal Low - Income Housing Tax Credits (LIHTC), USDA Rural Development funds, the efforts of Mountainlands Community Housing Trust (MCHT), the City, and private developers fulfilling their requirements under Housing Resolutions 17-99 and 20-07.

In 2005, the housing plan determined that the available low-cost rental housing was meeting the most critical needs of the target Core Sector workforce. However there was a much greater need for affordable homeownership opportunities. The resulting plan focused on for-sale housing. As a result, 47 homeownership units have been added and another 79 are in the pipeline.

Affordable units have been put into service as follows:

- Prior to 2000, 43 built by private developers and 326 with the help of the Federal USDA Rural Development program ;
- Between 2000 and 2006, 22 ownership units built by Mountainlands Community Housing

[1] Utah Municipal Code: Municipal Land Use, Development and Management Act, Plan Preparation (10-9a-403).

Trust with a bridge loan from the City and 122 existing rental units were rehabilitated and upgraded using Federal Low-Income Housing Tax Credits also with gap loans from the City and
- Since 2006, 63 built by private developers to fulfill their requirements under Park City"s Housing Resolution, 13 built by the City and one by Habitat for Humanity.

The numbers listed above total to a current inventory of 468 affordable, workforce and/or deed restricted units within the city limits of Park City. Park City maintains a goal of providing workforce or affordable housing equal to 10 percent of total housing units. The number of affordable units (468) currently equals five percent of all housing units (9471) and 16 percent of those homes occupied year-round (2885).

The affordable units are categorized as follows:

- 398 are rental units and
- 70 are owner-occupied.

The units are located throughout the city with the majority off Kearns Blvd in the Prospector/High School area (273), 80 in Park Meadows, 39 in Old Town, 53 in Thaynes/Snow Creek area, and 23 in Deer Valley/Empire Pass area.

Based on annual compliance reports, the affordable units in Park City are serving the following populations:

- Rental units built or preserved with LIHTC and or USDA Rural Development subsidy programs are serving households with annual incomes at 35 to 60 percent of AMI ($31,000 to $54,000);
- Rental units built by private developers as a result of Park City"s Housing Resolutions are serving households with annual incomes between 60 and 80 percent of AMI ($54,000 to $72,000); and
- Owner-occupied units are serving households with annual incomes between 65 and 105 percent of AMI ($58,000 to $95,000).

Park City Municipal Corporation provides "employer-assisted housing" in a number of ways. The City provides assistance to full-time regular employees to encourage them to live within Park City"s School District boundaries. Assistance takes the following forms:

- Down-payment and closing cost assistance to enable employees to buy property within the School District boundaries (to date 32 loans have been made totaling $384,000 in assistance);
- Up to six low-cost rental properties to assist in employee recruitment and retention purposes, helping employees hired from outside the region to have a stable place from which to find a permanent home in Park City;
- A housing allowance for those living within School District boundaries (close to 40 percent of city employees currently qualify) and
- Use of underutilized properties for seasonal housing (in four years 39 transit employees have benefited from the availability of these rental properties).

Guiding Vision for Park City's Affordable Housing Plan

City Council has adopted the following vision for affordable housing – ***Promote the availability of a range of affordable, quality housing for***

persons of all economic levels. This vision includes the following goals:

- Provide a variety of high quality housing options to meet the diverse socio-economic needs of people who live and work here, including persons with special needs.
- Maintain a community that contains a broad diversity of owner-occupied and rental housing types.
- Promote housing that is energy efficient, environmentally sensitive and that blends with the City"s natural environment.

For the purposes of this plan, affordable housing is defined as those homes that households earning a median workforce wage in Park City can afford to rent or buy. A universally accepted formula for housing affordability is that households should spend no more than 30 percent[2] of their income on housing costs which include mortgage or rent and basic utilities. For the purposes of this assessment and plan, the costs included in the 30 percent are: mortgage or rent, gas, electric, water, sewer, mortgage/fire/hazard insurances, property taxes and HOA or Condominium dues.

[2] AFFORDABLE HOUSING: In general, housing for which the occupant(s) is/are paying no more than 30 percent of income for gross housing costs, including utilities. Please note that some jurisdictions may define affordable housing based on other, locally determined criteria, and that this definition is intended solely as an approximate guideline or general rule of thumb – from the HUD User website at http://www.huduser.org/portal/glossary/glossary_a.html.

PART II: CURRENT STATUS OF ECONOMY AND HOUSING

HOUSING NEEDS AND CURRENT MARKET CONDITIONS

Park City is a world-class resort community that requires world class amenities provided on a constant basis and the workforce that provides world class amenities. Wages for employees working in the leisure and service fields are more than 30 percent below average monthly wages in Summit County. In contrast, according to the 2011 fourth quarter sales report provided by Utah Association of Realtors, housing sales prices in the Park City region are significantly higher than any other area in Utah: 159 percent higher than the State average and 69 percent higher than the next highest region (Garfield County)[3].

In this current housing assessment, the data creates a framework for understanding housing affordability while the primary focus is on analyzing affordable housing demand. Using data from a number of sources, this assessment will focuses more on how Park City can create policy to help address affordable housing demand in the next five years. The sources being used are listed below:

- 2010 Housing Market Assessment conducted by the Bureau of Business and Economic Research at the University of Utah;
- Electronic Survey and focus groups with Park City residents and workforce members and
- Balanced Growth Management Study completed by czb, LLC and The Planning Center/DC&E.

The studies can be found in their entirety posted to Park City‟s website at www.parkcity.org.

Census Bureau data was also utilized from the 2010 Census as well as the 2006-2010 American Community Survey estimates including an analysis completed by Rosenthal and Associates. And finally, staff conducted interviews with key employers which included: Deer Valley, Park City Mountain Resort, Canyons, and Park City Municipal Corporation‟s department heads.

Year	Park City Population	Absolute Change	Percent Change
1970	1,193	-173	-13%
1980	2,823	1,630	137%
1990	4,468	1,645	58%
2000	7,371	2,903	65%
2010	7,558	187	3%

Figure 1: Population Changes in Park City (US Census)

[3] Utah Association of Realtors, Fourth Quarter Sales Report, 2011.

Demographics

The total population in Park City has changed little since 2000 (7,317). In the 2010 Census, permanent, year-round population increased by 187 persons. This is a significant change from the prior decades which saw substantial increases beginning with the years between 1970 and 1980 (see Figure 1, page 5).

While the net population increased 7,371 to 7,558 between 2000 and 2010, there was considerable out-migration in the younger age groups. We lost population in all age groups between 5 and 49 – close to 700 in total. Meanwhile the number of persons aged 50 and older increased by more than 800.

The average household size in Park City today is 2.6 persons[4]. This number is important in planning for the type and size of housing that will meet the needs of Park City"s population over the next five years. Like other areas of Utah, household size is expected to trend downwards, so that in future years smaller homes will likely meet an average family"s needs, both physically and economically.

Park City"s median age and family size are going in opposite directions. Family size is trending down and median age is trending up. Please note in Figure 3 on page 7 that the number of persons aged 55 and younger is coming down, while the number of persons aged 55 and above is on the rise. In addition, the median age was 32.7 in the 2000 Census and has risen to 37.4 in 2010.[5]

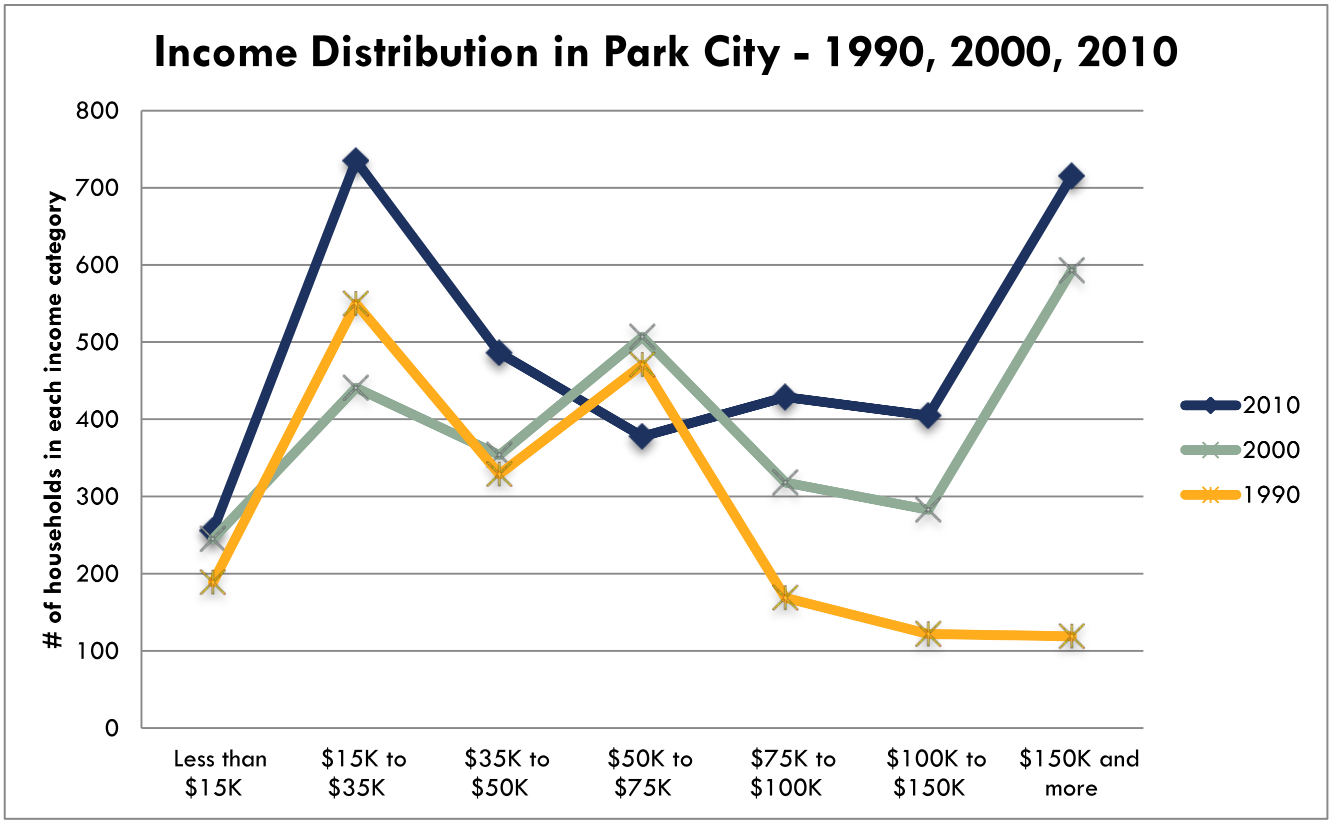


Figure 2: Twenty-Year Comparison of Park City Household Incomes (nominal terms)

[4] 2010 U.S. Census, www.factfinder2.census.gov.
[5] U.S. Census, www.factfinder2.census.gov.

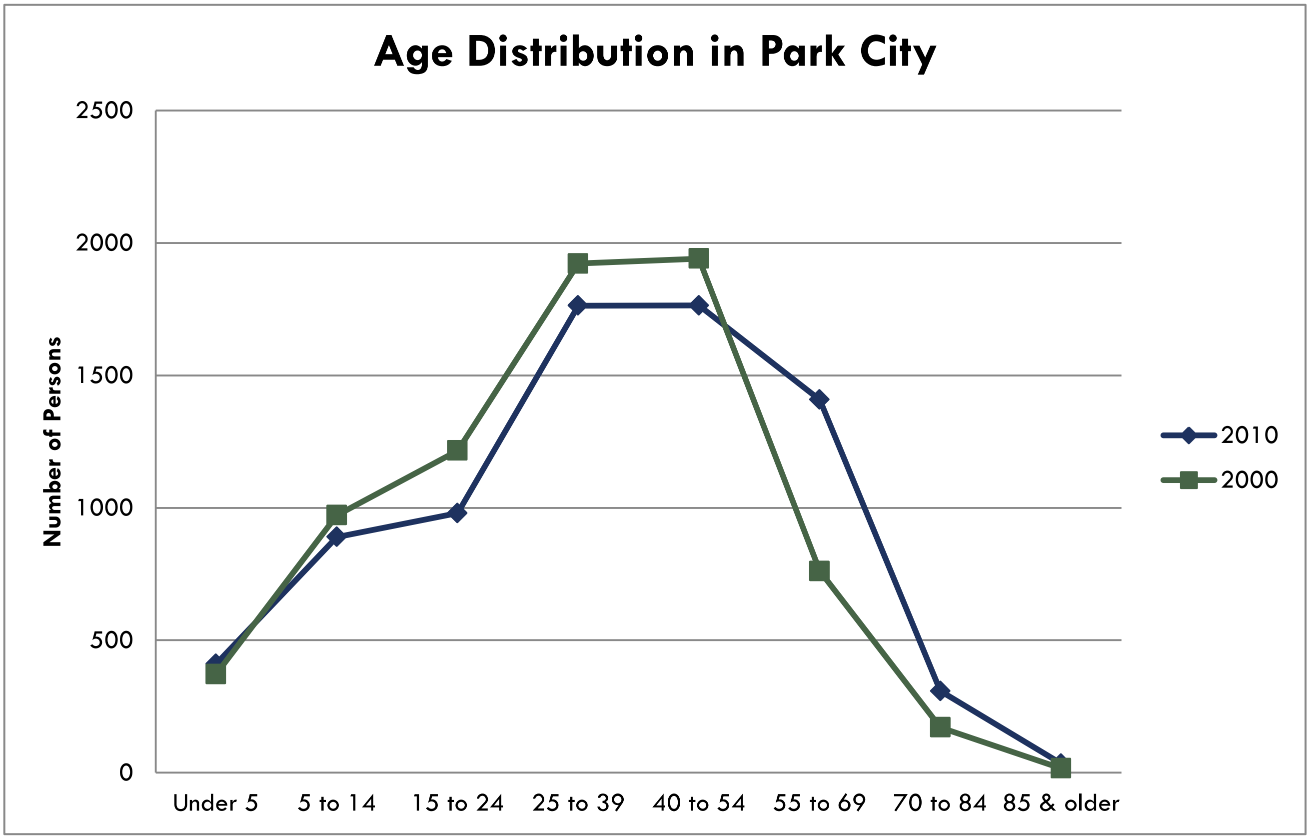


Figure 3: Age Distribution of Park City's Residents

Park City‟s population is aging and we seem to be losing our young families. The School District has verified that young families can‟t afford homes in Park City and thus the number of school-aged children is dwindling.

Park City‟s population continues to be primarily white. It is made up of 72 percent white non-Hispanic persons and 24 percent persons of Hispanic or Latino origin. The balance of the population is a mixture of Asian, Black, American Indian and persons reporting two or more races each making up 2.3 percent or less.

Economy

Although Park City suffered an economic downturn in 2008 to 2010 like everyone else, it was not nearly the sustained recession that many other areas experienced. Park City continues to be the employment center of the region. The total number of jobs in Park City is 10,436 of which 8,370 are filled by nonresidents.[6]

According to the National Housing Conference, Park City‟s employment trends mirror the national trend. Data analysis indicates that incomes for all households have declined since 2008.[7] The largest decline was seen between 2008 and 2010 from a national average for working homeowners of $43,570 in 2008 to $41,413 in 2010 (in nominal dollars) which equals about five percent decrease.

Today, economic projections are bright for Park City and the resort industry as a whole. In 2011, visitor numbers were up

[6] *Balanced Growth Strategy Outline*, czb/TPC, March 12, 2012, Page 40.
[7] Williams, Laura, *Housing Landscape*, February 2012, National Housing Conference, www.nhc.org.

and sales tax income was also edging up again.[8] A recent financial report states that "*of the three primary travel sectors, high-end leisure travel was the last to fall off going into the recession and the first to emerge*."[9] The sales tax projections for the next five years through 2017 indicate an increase by close to $1.5 million or 16 percent. Property tax revenue is likely to increase by 12 percent or just under $1 million.[10] These projections underline the likelihood that incomes will increase – as will the cost of living – over the next five years.

The downside to these projections is that the primary industry in Park City is the service and hospitality industry which pays on average more than 30 percent less than other local industries. Figure 2 on page 6 shows that the number of households at lower incomes is on the rise.

In March of 2012, the Department of Housing and Urban Development determined that the Area Median Income (AMI) for a family of four is $100,300 in Summit County. Based on this calculation, AMI for a family of 3 (average family size in Park City is 2.6[11]) is $90,270 and 80 percent is $72,216. The 2010 Census data lists 991 households in Park City as earning less than $35,000 annually and 1,120 earning $100,000 and more. While economic diversity has been vital to Park City"s character as a community, ensuring that all these income levels are able to live in town is becoming more critical to "***Keeping Park City Park City.***"

According to the Biennial Strategic Plan adopted by City Council in February of 2012, for *Goal #1: Preservation of Park City"s Character*, to be successful, there are a number of desired outcomes identified by both the community and City Council in order to "*Keep Park City Park City*." One of those outcomes is a "diverse population and social fabric."[12] Housing that is affordable to a number of income levels is critical to achieving this.

The Median Workforce Wage (WFW) in Summit County is more indicative of the financial constraints under which key community members must live. Using quarterly reports provided by the Utah Department of Workforce Services, an analysis of all quarters in 2011 reveals that the annual workforce wage for an average Park City household (family of 3) was $55,714.[13] Park City"s WFW is equal to 62 percent of AMI as determined by HUD which has been

	AMI	WFW
2012	90,270	55,714
2011	89,100	54,664
2010	83,970	51,764
2005	75,060	46,746
2000	61,470	42,434

Figure 4: AMI as Compared to WFW – Family of 3

[8] *Milepost 2011, A Report on Key Indicators in our Changing Community*, published by the Park Record and the Park City Foundation, page 16.
[9] *Financial Impact Assessment Report: A 10-Year Projection of Park City's Financial Condition*, January 2011, page 2, Park City Municipal Corporation.
[10] *Financial Impact Assessment Report: A 10-Year Projection of Park City's Financial Condition*, January 2011, pages A-3 and A-4, Park City Municipal Corporation.
[11] 2010 U.S. Census, www.factfinder2.census.gov.
[12] 2013-2014 Biennial Strategic Plan, www.parkcity.org
[13] Workforce Wage is calculated as follows: Most recent annual end-of-year average monthly income from the Utah Department of Workforce Services plus 3% for additional earnings such as tips, bonus, overtime, etc.; plus another 3% for other income such as investment income, non-cash benefits, etc.; and multiplied by 1.5 to account for the average jobs per household in Park City.

consistent over the past seven years.

In fact, Figures 2 and 3 on pages 6 and 7, indicates trends moving farther away from our community vision. Not only is our population aging, we are also increasingly divided between those at either end of the income spectrum. It seems that the population is adjusting to the two ends of an income divide while also headed toward the higher end of the age meter. Without additional affordable housing suited for young professionals and families, this dual bell curve is likely to increase, dividing the population more dramatically.

Housing Profile

According to the 2010 Census Bureau, there are 9,471 housing units in Park City which accounts for 36 percent of all housing units in Summit County. As a resort town with many vacation and 2nd homes, Park City has a high vacancy rate. In 2010, 6,586 or 69.5 percent of all housing units were vacant and 2,885 or 30.5 percent were occupied. This percentage has held true over the past 20 years with the exception of the 2000 Census. The 2000 Census captured the influx of people moving into town to be a part of the 2002 Olympics and the vacancy rate (vacation & 2nd homes) dropped to just over 59 percent. In other Census years it has held fairly steady - close to a 70/30 split between vacant and occupied.

Park City has a lower ownership rate as compared to the rest of Summit County and the State of Utah. In 2010, 62 percent of homes were owned – very little change from 61 percent in 2000. In comparison Summit County has a 76 percent ownership rate which is much closer to the State level of 74 percent.[14] Park City"s low ownership rates can be traced to the much higher housing costs here. In recent years persons interested in buying have had difficulty due to the tightening of mortgage lending requirements.

Housing prices in Park City have historically risen faster than incomes. According to the 2012 Balanced Growth Report compiled by czb/TPC between 1990 and 2010, the median value-to-median income ratio nearly tripled: in 1990, the median value of owner-occupied units was equal to 4.19 times the median household income; by 2010, the median value was equal to 12.14 times the median household income.[15]

2012 Park City
Housing Affordability Analysis

% of workforce wage	Annual Income	Monthly rent or mortgage	Purchase Price
60%	$ 33,248	$ 720	$ 124,166
80%	$ 44,571	$ 966	$ 174,974
100%	$ 55,714	$ 1,207	$ 224,974
120%	$ 66,857	$ 1,449	$ 274,991
150%	$ 83,571	$ 1,811	$ 349,972
175%	$ 97,500	$ 2,112	$ 412,474
200%	$ 111,428	$ 2,414	$ 474,971

Figure 5: Affordable Housing Rents and Prices

[14] U.S. Census, www.facfinder2.census.gov.
[15] *Balanced Growth Strategy Outline*, czb/TPC, March 12, 2012, Page 41.

Meanwhile, due to the recent recession, there is a perception that affordable units are now on the market. However, these units are primarily fractional ownership (time shares) or small studios and one-bedrooms at 400 to 600 square feet – not suitable for families or even couples for that matter. For most of 2010 and 2011, rather than sell the larger units – both condos and single family homes – sellers held onto their properties. In the same time-frame, rents increased.

According to the 2011 fourth quarter sales report provided by Utah Association of Realtors, the median housing sales price in the Park City region continues to be higher than any other area in Utah (condominiums and detached homes combined). This sales report places the median sale price in Park City at $453,000 which is 159 percent higher than the State median and 69 percent higher than the next highest region which in 2011 was Garfield County. This is a price that is only affordable to households earning 200 percent or more of Park City"s median Workforce Wage (see Figure 5 on page 9).

This is certainly better than the median sale price in 2008 which was over $700,000[16] yet it is still out of range for many of Park City"s workforce members. The affordability range for households earning between 100% and 150% of Park City"s Median Workforce Wage ($55,714 to $83,571) are homes selling at $224,974 to $349,972. See Figure 5 for the affordable purchase prices associated with various income levels.

An online survey conducted in June of this year, revealed that those respondents who are interested in becoming homeowners need homes in the price-range that is affordable up to 120% of Median Workforce Wage or homes priced between $174,974 and $274,991 (see Figure 5).

Staff recommends that the focus of the affordability analysis range from 60 to 200 percent of household workforce wage or $33,248 to $111,428. The rational for a range that includes higher incomes is due to housing prices in Park City continuing to be so much higher than surrounding areas. Also, in resort communities especially, with such a large portion of vacation and 2nd home sales, prices are expected to increase again. In many cases they will increase enough to price out essential members of the community with higher incomes, such as Police and Fire Chiefs, School Superintendents, Doctors and Medical Clinic Managers. According to the affordability formula mentioned above, a household would need an income of $122,553 or more to afford the 2008 median sale price mentioned above.

The National Center for Housing Policy did a review of literature in 2011 that reveals how the availability of affordable housing can be an economic driver in a community. "*In surveys, many representatives of the business community report that a lack of affordable housing makes it more difficult to recruit and retain employees…and the business community recognizes the importance of affordable housing when making location decisions and demographic trends suggest that given the alternative, mobile individuals will abandon areas with the highest housing costs for opportunity-rich regions with lower housing costs.*"[17]

[16] Utah Association of Realtors, Fourth Quarter Market Statistics, 2008, www.utahrealtors.com

[17] *The Role of Affordable Housing in Creating Jobs and Stimulating Local Economic Development: A Review of Literature*, Wardrip, Williams and Hague, Center for Housing Policy, January, 2011.

Interviews with HR Directors at the three ski resorts in the past year revealed that:

- In 2010, 27.5 percent of Canyons Resort employees commuted from Salt Lake Valley – 49 percent lived in the Park City/Snyderville Basin region with a high rate of ownership among their year-round employees. About 50% of those who don‟t live in the Park City area cited affordability as the main issue (rents, purchase price and/or security deposit);
- Deer Valley owns and leases properties for their seasonal employees which can accommodate 400 persons. These seasonal units have not been to capacity in the past few years. A high number of their 400 year-round employees are homeowners with the highest percentage living in Heber, then Park City School District boundaries and the smallest percentage in the Salt Lake Valley.
- Park City Mountain Resort has a very similar story with year-round employees – many of whom own their homes – living primarily in Park City/Snyderville Basin, Heber Valley and the Salt Lake Valley. Seasonal employees primarily organize group houses through the Roommate Roundup organized by the Christian Center and Mountainlands Community Housing Trust.

All three resorts indicate that they have a small number of year-round employees who would prefer to live in Park City, but can‟t afford to do so.

Rental Market

There are 1,507 year-round renter households in Park City. In 2010, James Wood of the Bureau of Economic and Business Research at the University of Utah conducted an analysis of rental properties both in Summit County and Park City. The study states that "*the city accounts for more than half of all rental units in the county.*" Most properties are apartments and condominiums. Median rental rates in 2010 were $850 for a two-bedroom apartment and $1,150 for the same size condominium.[18]

Currently, there are many households renting who could afford to buy a home if the sale prices were more affordable. As Mr. Woods states: "*Renters paying close to Fair Market Rents for two and three bedroom units have sufficient income to buy condominium units priced at about $180,000 and $250,000 respectively. About 750 or 60 percent of all renters in Park City have incomes above 50 percent of AMI. If a fraction of these higher income renters were induced by favorable interest rates and market conditions to move to homeownership a significant number of rental units would be „freed-up‟ thereby offsetting and alleviating some supply constraints and pressures on the local rental market.*"

Rosenthal and Associates also provided a study of „cost burdened‟ renters[19]. According to the analysis conducted in March of 2012, of the total renter households (1,507), 52 percent or 784 are „cost burdened‟ (paying more than 30 percent of their household income for basic housing costs). Of that group, 336 are considered „severely cost burdened‟ (paying more than 50 percent). The mortgage assistance program mentioned above could help higher-income renters to buy homes and can

[18] Wood, James, *Housing Market Assessment: Park City*, Bureau of Economic and Business Research, University of Utah, 2010.
[19] "Cost Burdened" is defined as paying more than 30% of household income for basic housing costs which include rent or mortgage plus utilities and HOA fees. "Severely Cost Burdened" is a household paying more than 50% of income.

free up more affordable units for the cost-burdened renters.

In addition to freeing up occupied affordable rental units, some additional rental properties will need to be built. According to Scott Loomis of Mountainlands Community Housing Trust (MCHT), rental units priced for very low-income households are in high demand, however, those priced closer to market level are not renting quickly. The MCHT Elmbridge project in Heber City serves - on average - households at 43 percent of AMI ($31,340). "*This property has been leasing well because it is $2-400 per month under market and the 23 unit senior project has over 100 people on the wait list (for October occupancy). In contrast the Liberty Peak Apartments in Kimball Junction are 58 percent vacant this summer. The rents are close to or equal to market rents for households at 50 – 60 percent of AMI ($50-60,000 annual income).*"[20]

Although not everyone must be a homeowner to be successful, the results of the online Housing Survey conducted in June indicate that owners remain in town longer (see Figure 6 below). Providing incentives for renters to become owners will go a long way towards "***Keeping Park City Park City***".

Senior Housing Issues

In 2009, a special senior issues survey was completed by 307 persons aged 55 and above. The results of that survey indicated that most seniors in Park City are quite active and have no special housing needs until they are well into their 80"s. At that point and as their physical and heath needs slow them down, there are a small number of seniors who would like options for remaining in Park City. This is not a huge group, but the numbers are growing. However, many of the

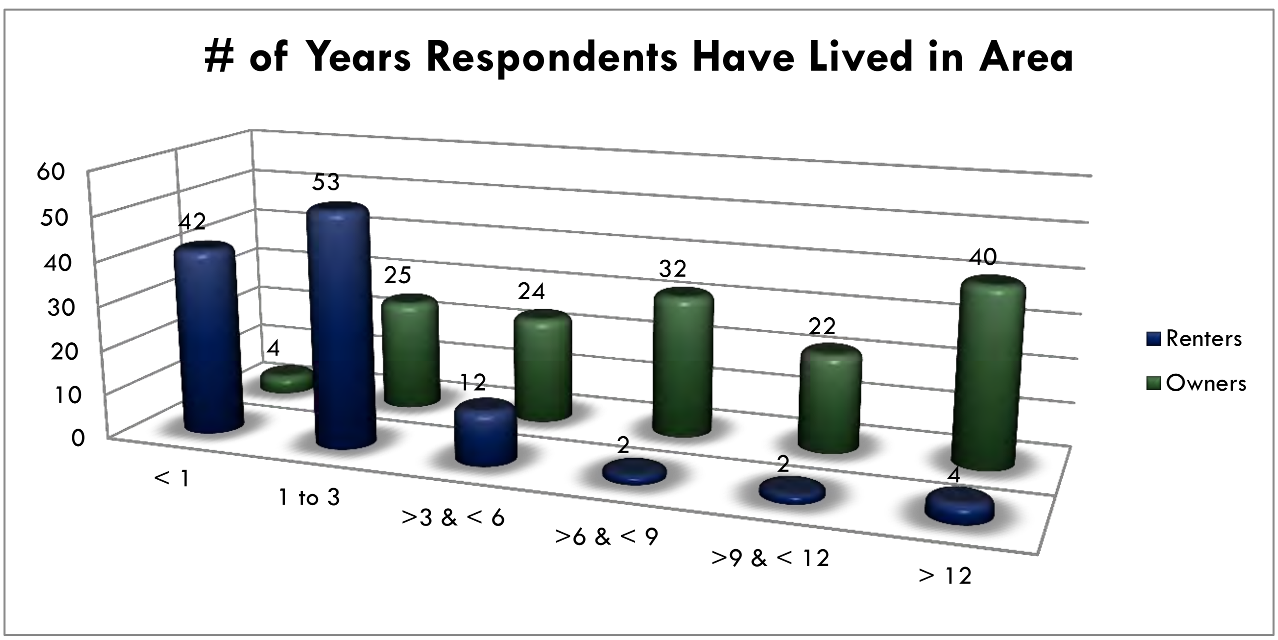


Figure 6: Renter and Owner Longevity

[20] Interview with Scott Loomis, Mountainlands Community Housing Trust, www.housinghelp.org.

A focus group was held in July of this year to discuss housing issues with seniors. The focus group participants varied in age from mid- 60‟s to 90‟s. The most pressing issues shared by the group were the need for a small number of units developed that are accessible or senior „friendly‟ (no stairs, wider shower doors, etc.) – one and two bedrooms ideally – with storage as well as covered parking and no lawn to care for. Also noted was the need for help so that persons can age-in-place in their homes – assistance with home care as well as transportation to get around town and to important appointments.

During the group discussion, a number of persons expressed they would plan on Park City being their lifelong home if **there were a range of housing and service options** available. They felt that the reason we didn‟t get high numbers of people responding to the 2009 Survey that they planned on remaining in town till death, was because those people did not think they had options here in Park City. In other words, given a menu of housing and services options, a higher number of respondents would have indicated they would remain in town.

And finally, the group shared that their greatest desire for future development was to have: homes in multigenerational neighborhoods; housing that comes with food and service programs for those who want to subscribe such as a congregate living arrangement with private rooms and baths, and a majority preferred to rent rather than own the units. These are the types of units that can be incorporated into the redevelopment plans for Lower Park Avenue and Bonanza Park. It will be ideal to keep these units close to amenities and services.

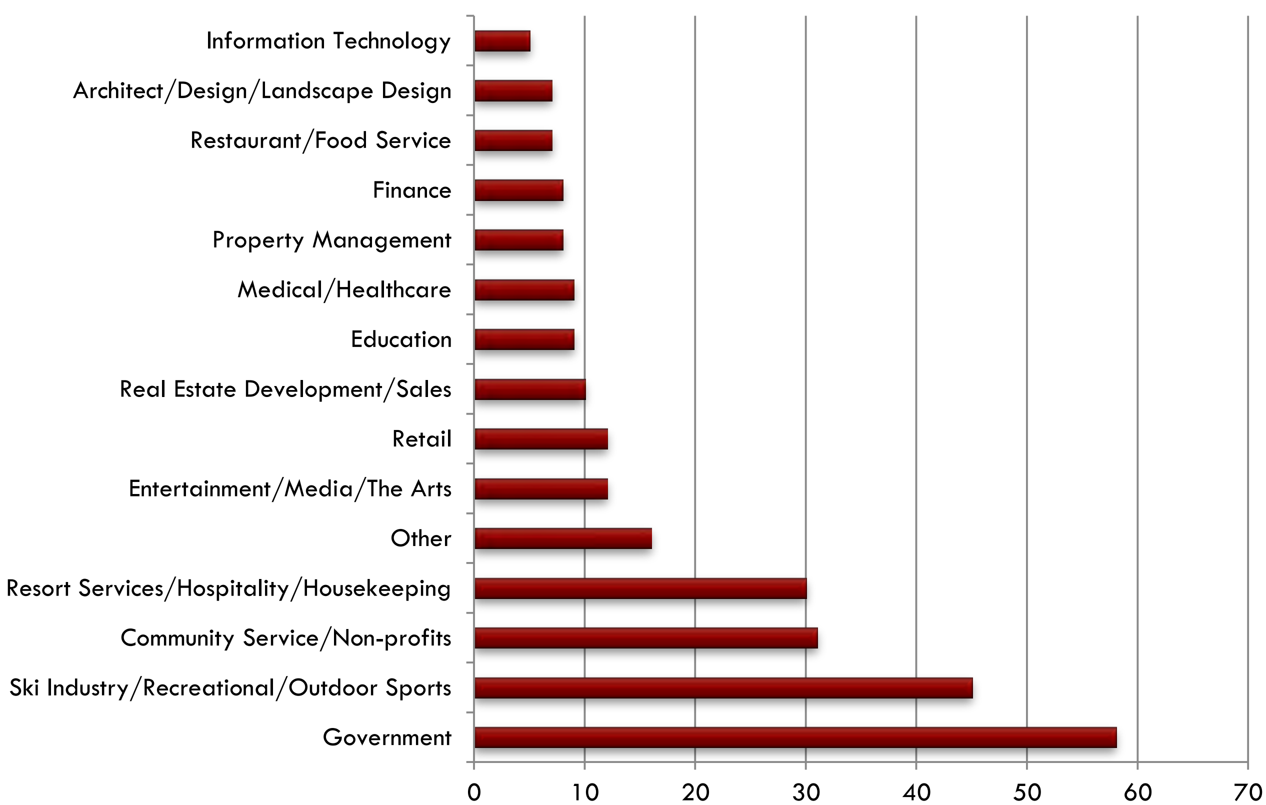


Figure 7: Employment of Survey Respondents

Survey and Focus Groups of Local Residents and Employees

An online survey and three focus groups were conducted in June and July of this year. A total of 300 persons responded to the survey and 25 persons participated in focus groups. A detailed report of the feedback can be found on the City‟s website at www.parkcity.org.

There were few surprises in the survey responses. Respondents were made up of both owners and renters with 57 percent owning their homes. Renters make up 41 percent of the respondents and 88 (72 percent) of the renters indicated that they would like to buy a home. Most respondents live in the Park City/ Snyderville Basin region – 86% of the 240 respondents who provided their zip code listed one of the three Park City zip codes for their home address: 46 percent in 84060; 38 percent in 84098 and 6 percent in 84068. The balance were from Heber City, the rest of Summit County, Utah County and the Salt Lake Valley. Average household size for respondents is 3.2 persons and 28 percent have more than one job. Some key findings are identified below:

- Employment of respondents was diverse and represented many of Park City‟s workforce sectors. Figure 7 on page 14 illustrates the diversity of employment. The fields included as part of "Other" are two or less responses in the following categories: construction or manufacturing, marketing, legal, distiller, logistics, pilot, engineering, consultant, and office management.
- The bulk of renter respondents are employed by resorts in hospitality or outdoor sports, government and the community services or nonprofit sector.
- The bulk of owners were employed by government, resorts and media and entertainments fields.
- A majority of renters indicate that affordability is the primary reason for why they don‟t own. There are

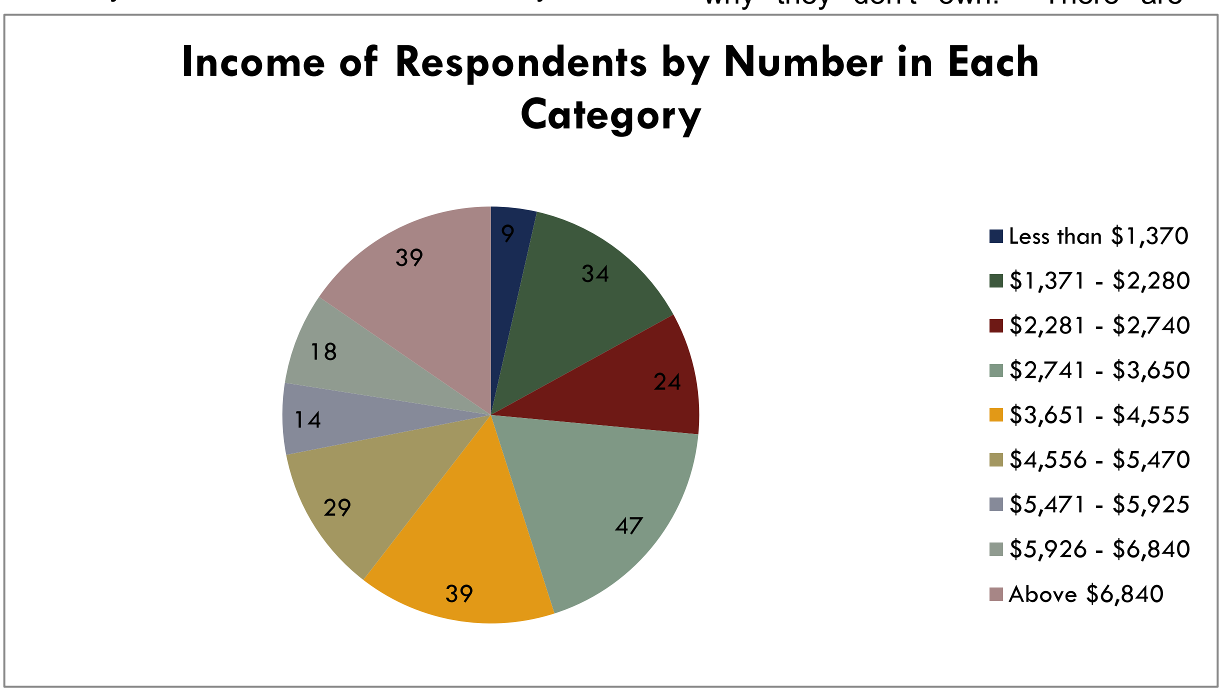


Figure 8: Income of Survey Respondents

simply not enough homes in their range of affordability and those homes that are affordable are either too small or need major repairs.

- 72 percent seldom or never have a problem meeting monthly housing costs.
- Satisfaction with a number of housing elements from commute (location) to number of bathrooms and housing costs were rated between “Dissatisfied” (value of 1) to “Satisfied” (value of 5). Owners‟ satisfaction rankings averaged 4.33 while renters‟ rankings averaged 3.78.
- Owners have longevity in the community as compared to renters. A majority of the owners have lived here more than three years with 40 percent more than twelve years. In contrast, a majority of the renters have been in town three years and less. Figure 6 on page 12 illustrates this contrast.
- The primary reason listed for living outside of the Park City/Snyderville Basin area was the lack of affordable housing in Park City – 75 percent of the 91 persons who answered the question – 68 households – live in other parts of Summit County (Kamas, Oakley and Coalville), Wasatch County or the Salt Lake Valley.

A total of 99 respondents provided additional written comments. More than 60 of the comments stated a need for additional affordable housing options and assistance programs while four comments stated their opinion that the City has done enough and no more units are needed. The main themes are summarized as follows (these themes were repeated a minimum of three times):

- There is a need for smaller units for seniors and empty nesters who want to downsize from a full-size family home to a smaller property;
- Additional affordable *rental* properties are needed (emphasis added);
- HOA fees can render an otherwise affordable home/condominium no longer affordable;
- There is new difficulty in accessing mortgages – whether in buying a home or refinancing an existing home;
- Even Park City‟s affordable housing is not affordable to many lower-income households;
- New affordable housing should be built with storage capacity and/or basements; and
- Many homes in Park City are too large.

The following is a summary of key points made in focus groups held in June and July.

- New units are needed including smaller units that are accessible or senior „friendly‟ and have plenty of storage, detached houses for young families;
- Need a sufficient number of units accessible for physically disabled persons;
- The senior focus group felt that there is a need for multigenerational neighborhoods, housing programs that also provide meal and health service options for those who want to subscribe, housing located in or near Historic Old Town, built and/or managed by a nonprofit such as a church institution and congregate living with private individual living quarters.
- The current lending environment makes it difficult for low and moderate-income buyers to get a mortgage.

- Regional collaborations will be necessary in order to build single family homes.
- Communication is key and the City should take the long-range view – communicate plans and long/short-term goals as soon as they are known.
- A collective of employers might be willing to pool resources to build units jointly, provide input on housing issues and assist with a mortgage program.
- Collect data on what percentage of employees living locally is optimal for a healthy community.

Current Affordable Housing Stock in Park City

Park City maintains a goal of providing workforce or affordable housing equal to 10% of total housing units. The number of affordable units (468) currently equals five percent of all housing units (9471) and 16 percent of those homes occupied year-round (2885).

Affordable or workforce housing is provided in a variety of housing types to meet life-cycle needs of the local population such as singles, couples, young families, retired persons, and seniors. Homes take the form of single family homes, duplexes and both small and large multi-family rental properties. Units vary in size from studios and one bedroom units to two and three bedroom houses.

By summer of 2016, 79 additional affordable housing units will be built by Ivory Homes in the Park City Heights project. The project includes town-homes, detached houses and several small condominium buildings. Units ranging in size from 1,000 to 2,000 square feet and have two and three bedrooms. These homes will be sold at prices that will meet the affordability needs of persons at 100 percent to 150 percent of the Median Workforce Wage ($55,714 to $83,571). In the future, the Park City Heights development will also include larger houses that will sell at attainable rates such as those that are affordable to households at 175 percent to 200 percent of Median Workforce Wage ($97,500 to $111,428).

Rental Units	
In Empire Pass	21
In Town	36
Apartments Built with LIHTC	312
Duplexes Built with LIHTC	14
Other Duplexes	15
Total Rental Units	**398**

Owner Occupied Units	
Condos In Empire Pass	1
Condos In Town	35
Duplexes in Town	20
Single Family Homes	14
Total Owner Occupied Units	**70**

Figure 9: Deed Restricted Units in Park City

Over the years, affordable housing has been financed in a number of ways including:

- Federal Low-Income Housing Tax Credits (LIHTC) and USDA Rural Development – these are rental properties with the most affordable rents in Park City;
- Developers" obligations under the City"s Housing Resolutions (PCHR) – these are privately financed and both rentals and owner-occupied units;
- City-sponsored or supported projects such as the Snow Creek Cottages – these are owner-occupied units only, and
- Built by a local housing nonprofit – Mountainlands Community Housing Trust (MCHT) – these are also owner-occupied units.

Compliance reports are collected each year from the owners of all the deed restricted or workforce housing in town. There are currently 118 units in the inventory of Workforce Housing Units provided through development agreements or as a result of the affordable housing resolutions adopted since 1993. Of the 118 units, 42 percent or 49 units are owner-occupied and 58 percent or 69 units are rentals.

The following is a profile of those households being served:

- All but one of the 21 units located in Empire Pass and Deer Valley areas are occupied by employees working in that region;
- 36 or 61 percent of the deed restricted rental units in Prospector, Old Town and Silver Star serve seasonal employees;
- All owner-occupied units are home to members of the local workforce, such as employees of: Summit County Health Department, Park City-based nonprofits, property management firms, ski and snowboard industries, Park City Municipal Corporation, Summit County, three area ski resorts, local retail & restaurants.

As described on page 3 of this document, the City also has an employer-assisted housing program. The City‟s programs can be replicated by other Park City-based employers. Some of the resorts are already providing assistance. By way of example, Deer Valley Resort owns and leases properties for their winter seasonal workforce. Provision of down payment assistance or housing allowances might also help year-round workforce members live in town.

In the past, affordable units have served as stepping stones – assisting workforce households to move from a deed-restricted property into the conventional market. This is an ideal scenario and Park City‟s affordable housing programs should continue to provide this for as many households as possible.

Outdated Housing Stock

There are close to 60 owner-occupied units that were built in the mid-1990‟s in accordance with Housing Resolutions. They are a mixture of duplexes and condominiums. A small number of these units are also pushing up against the affordability ceiling, meaning that in the next few years, they will no longer be affordable to the targeted workforce population. These older units are difficult for current owners to sell when the price is so close to the prices for new homes such as the Snow Creek Cottages. Following are two examples:

- Silver Meadows Estates – 3br/1.5 bath 1,200 square foot townhomes began at $120,000 in 1996 – current resale values average $193,000.
- 1465 Park Avenue – 3br/2 bath 993 square foot condos began at $170,000 in 1998 – current resale values average $255,000.

Meanwhile, the current price for the 1,600 square foot three-bedroom unit at Snow Creek is $281,000.

Studying the feasibility of a recapitalization strategy – similar to what has been done in other areas such as Montgomery County, Maryland or San Francisco – would ensure that the affordable properties continue to be stepping stones into the conventional market. One strategy to moderate the increases in value would be to make the annual allowable appreciation non-compounding.

In the recent past, deed restricted homeownership units in San Francisco were becoming too expensive for target eligible families to buy. The city began a program on a very small scale to buy back units at the maximum resale value, upgrade them and then resell them at a new lower rate. Another option might be to utilize a shared equity or mortgage assistance program to assist a buyer in purchasing the unit in the same way it could be used for market sales. The key to success here, would be to balance the financial needs of the seller with current market conditions and the needs of the community overall.

Some older units are also in need of energy efficiency upgrades as well as major repairs that would assist in the longevity of the properties as well as reducing on-going energy costs to maintain the units. For example, the earliest deed restricted properties in Park City were completed in the mid-1990‟s. Some of these properties are in need of major upgrades and repairs due to issues of mismanagement, deferred major maintenance projects and/or high flood insurance costs (FEMA‟s updating of flood plain maps in 2006 after Hurricane Katrina repositioned a number of properties in Park City within the 100 year floodplain). Assisting the owners of older properties with low-interest loans and recapitalization strategies on a case-by-case basis will ensure these units are viable for future qualified buyers.

RECOMMENDED STRATEGIES

Mortgage Lending

Over the past few years, mortgage lending has become very difficult and a new reason for workforce households to not buy homes. As a result of the real estate foreclosure crisis, mortgage lending has become tighter than ever. It is even difficult for those seeking conventional mortgages with upwards of 20 percent cash down to finalize sales. Target households for Park City‟s affordable housing are likely to have:

- Less than 5 percent cash for a down-payment,
- Less than stellar credit scores (650 and less), and
- Financial issues such as caring for aging parents, paying off medical bills or credit cards.

Households with these issues are finding it exceedingly difficult to find affordable mortgages today – and ironically it is in a mortgage market that has more affordable interest rates than it‟s had in a very long time. This creates a significant hurdle for buyers of Park City‟s affordable housing stock. Without mortgages, it will be difficult to sell new homes built for Park City workforce members.

A mortgage assistance program could begin to address these issues. It could also assist workforce households to purchase existing homes. Park City will never be able to build enough new homes to meet housing needs. This is due to the limited amount of unoccupied or usable land left for new-construction. Yet there are a number of homes on the market that are just out of the range of affordability for workforce members.

Therefore, staff is recommending that a finance pool be developed to assist eligible households in buying. Mortgage assistance in this form is often called equity sharing. It works as follows:

Example I: The gap between property price and affordability for a household at 100 percent of Park City median Workforce Wage (WFW) or $55,714 might be $158,000 or 42 percent of the total mortgage. The City lends this amount at 3.5 percent interest for as long as the family remains in the home. In seven to ten years the household is moving and sells the home. The seller receives all equity they've paid in plus original down-payment as well as 58 percent of any remaining profit. The City receives the original loan principal, accumulated interest and 42 percent of any remaining profit.

Example II: The gap between property price and affordability for a household at 150 percent of WFW or $83,571 might be $99,116 or 22 percent of the total mortgage. The City lends this amount at 3.5 percent interest for as long as the family remains in the home. In seven to ten years the household decides to upgrade and move into a larger home. The seller receives all equity they've paid in plus original down-payment as well as 78 percent of any remaining profit. The City receives the original loan principal, accumulated interest and 22 percent of any remaining profit.

Park City can use existing resources as a loan loss guarantee for a pool of funds. City staff has already met with lenders interested in such a program who are interested in participating. The fund can be capitalized with five or six individual investments of $750,000 to $1.5 million with a goal of having $5 million in five years. Once loans begin to revolve, the City has the potential for making enough to pay investments back as well as build additional equity to keep the program revolving.

Stewardship of Homeownership Resources

The Cornerstone Partnership based in Oakland, California is focused on the core issues of how to ensure that affordable homeownership programs realize generational success and are sustainable on a long-term basis. Although homeownership is not for everyone, it continues to be the basis of the American Dream and "*we envision a world where more Americans are able to safely realize that dream – one generation after another*."[21]

Cornerstone states that although research backs up the fact that homeownership can be an effective path to economic security, the way that mortgages are structured has made it a risky investment even prior to the recent real estate melt – down. They recommend the development of standards with the following rationale:

"*Public agencies and nonprofit organizations operate a range of programs under different names in different parts of the country, all of which strive to bring the cost of homeownership down to a level that is affordable to lower-income buyers. They do this either by providing deferred payment purchase assistance loans or by selling homes at below market prices. In spite of their differences, these programs share a common set of challenges:*

- *Assuring that publically subsidized homeowners do not end up in predatory mortgages;*
- *Protecting the public subsidy in the event of foreclosures;*
- *Ensuring that buyers understand affordability restrictions, and that those restrictions are fair;*
- *Avoiding confusion or misunder-standings that result when different programs in the same region have different requirements, and*
- *Planning and managing the cost of staffing for adequate monitoring and support*."[22]

In the past, Park City Municipal Corporation has been fairly hands-off as

[21] Cornerstone Partnership, http://affordableownership.org/vision/.
[22] Cornerstone Partnership, http://affordableownership.org/principles/developing-the-principles/.

to how the deed restricted properties are managed and/or maintained. The process has been that once a unit is sold, other than tracking compliance annually to ensure that the unit is in accordance with the restrictions on the property and that targeted populations were being served, no other inspections have been conducted.

Staff recommends that based on some current issues, closer monitoring might be in order to apply good stewardship principles where public resources are applied. Cornerstone recommends six guiding principles:

1. Impact-driven – set and track goals that reflect community priorities;
2. Targeted – focus on buyers who need help but are likely to succeed;
3. Balanced – build wealth for owners while preserving the community interest;
4. Managed – steward the public investment to ensure long term benefit;
5. Safe – ensure sound mortgage financing; and
6. Understandable – educate buyers on program requirements.

"These principles are intended to guide the implementation of programs that invest public or philanthropic resources to reduce the cost of homeownership and seek to preserve this public investment for maximum impact."[23]

For the most part, Park City‟s housing programs have adhered to the principles listed; however, several deliverables might assist in assurance of even greater future success:

- Provide education and technical assistance to the HOAs;
- Review annual financials of the HOAs of deed restricted properties;
- Utilize PCMC Building Department to inspect deed restricted properties periodically;
- Meet annually with HOA Boards of deed restricted properties;
- Assist homeowners with mortgage issues as they arise through education and advocacy and
- Provide referrals for credit counseling as is needed or appropriate.

CURRENT DEMAND FOR AFFORDABLE HOUSING

Housing demand in the next five years will be between 213 and 390. Figures 10, 11 and 12 on page 21 provide charts that illustrate three alternative formulas for determining future demand.

Regional Housing Approach

With the completion of the City‟s housing plan and the County‟s completion of the Snyderville Basin plan, staffs will be working together to identify opportunities for collaboration. The jurisdictions are indistinguishable to most local residents. The City‟s housing resolution defines its service area as Park City School District boundaries. Within the city limits, there is scarce opportunity for construction of new units. Therefore, staff recommends focusing on the entire region as a resource for meeting affordable housing needs.

[23] Cornerstone Partnership, http://affordableownership.org/principles/.

According to the *Balanced Growth Strategy Outline* developed by czbLLC and TPC in March of this year, a regional approach is our best mechanism for balancing future growth in Park City. *"It will be necessary to have either or both a local and a regional mechanism in place not to limit growth but to shape and channel it to outcomes mutually desired by Park City and its neighbors. The imperative to cooperate regionally is clear, thus requiring the municipality and the County both to „give" in order that both may „get".*"[24]

Housing Demand 2012-2017 Based on Rate of Location Substitution

Individuals working in Park City	10,500
Multiply by Location Substitution rate of 34%	3,570
Subtract persons already living in the City	- 2,066
Estimate of those wanting to live in the City	1,504
Divided by 1.5 jobs per household	1,003
Multiplied by 39% for Core Sector Jobs	391
Less: Pipeline of Projects	***179***
Estimate of households needing housing assistance	**213**

Figure 10: Housing Demand Based on Rate of Location Substitution. Location Substitution is the number of employees who work in one area and live in another. The optimal Location Substitution rate was set for Park City in 2005 at 34% (34% of households employed by Park City employers living within the city limits).

Housing Demands 2012-2017 Based on Renter Household Incomes

Pent-up Demand for Owner-Occupied Housing	131
Pent-up Demand for Affordable Rental Housing	336
New Core Resort Worker Demand	0
Subtotal	467
Less: Pipeline of Projects	***179***
Estimate of households needing housing assistance	**288**

Figure 11: Housing Demand Based on Rental Household Incomes

Housing Demand 2012-2017 Based on Profile of Commuters

Individuals working in Park City	10,500
Less 20% of those already living in PC	- 2,066
Workers Living outside city limits	8,434
Multiplied by 83.7% primary jobs	7,059
Divided by 1.5 jobs per household	4,706
Less 69% for households living in 84098	- 3,247
Estimate of those wanting to live in the City	1,459
Multiplied by 39% for Core Sector Jobs	569
Less: Pipeline of Projects	**179**
Estimate of households needing assistance	**390**

Figure 12: Housing Demand Based on Profile of Commuters

[24] *Balanced Growth Strategy Outline*, czb/TPC, March 12, 2012, Page 15.

PART III: 5-YEAR AFFORDABLE HOUSING PLAN

AFFORDABLE HOUSING PROJECT PIPELINE

The first recommendation is to ensure that all the projects in the pipeline are successfully built and sold or leased to eligible households. The following affordable housing projects are in the works and will produce 179 units.

- Ivory Homes – under sales agreement with Park City Municipal Corporation – will build 79 affordable homes as part of their larger Park City Heights development in Quinn"s Junction. These will be for sale beginning in the fall of 2012.

- Lower Park Avenue Redevelopment – residential development is projected to produce up to 45 units of affordable housing. These will be a mixture of properties tailored to the needs of seniors and lower income households not ready to become homeowners. A small number of affordable ADA accessible units are projected as well.

- Another 42 units will be built to fulfill the affordable housing obligations of private developers working in the Empire Pass area. These units will be a combination of rental and for sale units.

- Park City"s Public Works department received a Federal Transportation Administration grant to build 13 units for seasonal transit employees. These units will be completed by fall of 2013.

These projects combined meet much of the current need for new units projected over the next five years. Staff recommends that the key to ensuring success with all the projects listed above is to create a mortgage assistance product that will assist low and moderate-income buyers to close on purchases of these homes as well as other eligible, market rate homes.

GOALS

Therefore, staff recommends the following goals for meeting housing needs over the next five years:

Goal 1: Establish a Community Mortgage Assistance Program

Strategy A: Over the next five years establish partnerships with sufficient investment partners to build a pool of funds totaling $3-5 million.

Strategy B: Within 12 months develop an application process and identify two candidates for an initial demonstration program.

Strategy C: Within five years ramp up the program to 10 loans per year (depending on market and community needs/issues).

Goal 2: Establish a Program to Amend Deed Restrictions on Existing Units

Strategy A: Examine the feasibility and formulate a plan for buying deed restricted properties over time in order to update deed restrictions and convert the current appreciation caps to a shared equity framework.

Goal 3: Establish a Stewardship Program for Owner-Occupied Deed Restricted Properties.

Strategy A: Understand the current physical and financial condition of all owner-occupied deed restricted units.

Strategy B: Over two years develop a stewardship program that tracks the physical and financial health of deed restricted properties. Implement and then assess its effectiveness every five years.

Strategy C: Help owners of older properties to ensure long physical life for their units including energy efficiency upgrades to reduce utility costs.

Goal 4: Facilitate the Development of New Rental Units Including Units Specially Targeted to Seniors.

Strategy A: Incorporate housing development goals into the redevelopment plans for Lower Park Avenue and Bonanza Park that ensures the development of up to 80 affordable rental units as well as a limited number of market-priced, smaller-sized units for seniors.

CITY COUNCIL/ PLANNING COMMISSION
JOINT WORK SESSION
JULY 12, 2012

City Council Members: Dana Williams, Cindy Matsumoto, Alex Butwinski, Dick Peek, Liza Simpson, Andy Beerman

Planning Commission: Charlie Wintzer, Brooke Hontz, Mick Savage. Jack Thomas arrived later in the meeting.

Ex Officio: Charles Buki, czb, LLC, Facilitator; Mark Harrington, City Attorney; Thomas Bakaly, City Manager; Thomas Eddington, Planning Director; Cattie Cattan, Planner; Phyllis Robinson, Public Affairs Manager; Bob Jasper, Summit County Manager

Mayor Williams opened the work session at 6:00 p.m.

Charles Buki, a consultant with czb, LLC from Alexandria, Virginia, was hired by the City to work with the City Council and Planning Commission on a Balanced Growth Management Study. After five previous sessions with the Planning Commission and the City Council, Mr. Buki was back this evening to present the results of the Study.

Mr. Buki presented a series of slides. The first slide was a sunrise bike ride that he had taken that morning. He used it as the beginning slide because it would evolve into a discussion about price and demand and how it all fits in. Mr. Buki stated that on a personal level, where he currently lives he does not have access to a beautiful morning bike ride each day. However, if he wanted daily access to that type of activity, he would have to purchase outside of Park City primarily because of how the market is priced today. Mr. Buki believed that issue raised a range of causes and effects for discussion.

Mr. Buki summarized that from October to January, his firm partnered with Ted Knowlton from Envision Utah and the Planning Center to evaluate the region. They looked at the trajectory and did collaborative data collection and analysis with PPC and the University of Utah. Mr. Buki pointed out that the timing of the study was done in conjunction with the General Plan. They looked at Bonanza Park and crunched a lot of affordability numbers to contribute to the General Plan process in November and December. They eventually shifted to the regional piece in the Spring. The report was completed in May. Mr. Buki recognized the people and organizations that participated and contributed towards the success of the study.

Mr. Buki reported that throughout the process they looked at approximately 11,000 sales transactions, taking into account the relationship of bedrooms to bathrooms, location, and many other factors in an effort to understand the market. The exercise was County-wide and went beyond Park City. Mr. Buki stated that it was important to remember the number 70,000 because it was the projected population by the year 2040. He pointed out that it was a conservative estimate and the actual number would probably be higher. The current

County-wide population is 36,000.

Mr. Buki stated that 26,000 was the number of units they could expect to see at Jordanelle by the year 2040. City Attorney Harrington asked if that number included the MIDA project or strictly the County. Mr. Buki replied that it was only the County. He emphasized that 26,000 was the number of structures projected, and not the number of people they could expect around Jordanelle.

Commissioner Savage clarified that 26,000 was the number of entitled units that could be built around the Jordanelle. Mr. Buki replied that this was correct. Council Member Simpson noted that in Wasatch County a UE is not a certain number of square footage. It is a range, and that range can go as high as 15,000 square feet.

Mr. Buki remarked that the next important number was 3,000, which was the number of additional units expected to be built in Park City by 2040. Over the last ten years Park City absorbed 2,226 residential structures in the City, of which 180 units are filled by year-round residents. Mr. Buki pointed out that 10,500 people work in Park City. Of that number, 2,026 people live and work in Park City. The remaining 8,474 people were an important number because it represents the number of commuters who generate traffic.

Mr. Buki presented the ratio of County workers. He noted that 7,300 of 8,500 County workers live in the County. Park City was subtracted from that number.

Mr. Buki remarked that between $2 billion to $9 billion was the estimated amount needed to control development by purchasing open space.

Mr. Buki outlined the drivers identified by Arthur Nelson with the University of Utah. He read a direct quote from Mr. Nelson. “As its resorts and second home markets grow over the long term, the County will need to provide a diversified housing stock that meets the needs of public service and private sector workers. The local economy needs to be attractive.” A second quote from Mr. Buki’s partner, Karen, was more specific to Park City. “Continued resort and second home growth trigger not just infrastructure requirements, but also labor market shifts and resulting demand for housing specific price points that the resort economy will not generate.”

Mr. Buki stated that his personal view was that growth used to be an “if” matter. That has changed and he now believes the discussion is “where, when, how it looks, and with what impacts”. He felt strongly that future growth in the region was already out of the hands of Park City to directly or solely control. To support that statement, Mr. Buki read comments from colleagues and experts from around the Country who do not live in Park City but know Park City well. The comments identified the challenges Park City faces in terms of trying to address growth.

Mr. Buki talked about the baseline projectory and the substantial growth on the back side of the County over the next 20 years. The population will grow from 36,000 to 70,000, which would require approximately 13,000 housing units, plus an additional 3,000 for Park City. On the other side the projection was 26,000$_+$. Mr. Buki estimated that by the year 2040 there would be approximately 10,000 year-round residents. Unless radical changes are made, 200 of the 3,000 would be seasonal. Deer Valley and Old Town would become more seasonal; and Lower Park and Bonanza Park would become more dense. Park City will continue to be one of the costliest markets in the United States. The cost of units would be a limiting factor and goes to the issue of how many of the 3,000 units would be occupied by those who live and work in Park City.

Council member Beerman noted that further into the report it said that 62% or 1846 units of the 3,000 units would be owner units. He asked why Mr. Buki expected a change in the ratio. Council member Simpson stated it was owner/second home. Council member Beerman pointed out that the report said “owner units”. Mr. Buki offered to verify the report to see which was accurate.

Mr. Buki remarked that Snyderville would continue to grow and be very attractive to upper end professionals. It was certain that they could expect the expansion of Kimball Junction. Quinn’s Junction would grow and be more middle income oriented. Further out would be developed and they would be looking at distance relative to income and relative to purchasing power and housing costs. Most of the growth would occur outside of the direct reach of Park City; therefore, they would only have indirect control.

Mayor Williams asked if the Governor’s Growth Projections were used in the study. Mr. Buki replied that they did look at the projections, but most were dated prior to the collapse of the economy, which would have changed the numbers. Mayor Williams had concerns with the Governor’s Growth Projections because it was based on a formula that determined certain models, but no consideration was given to slope or purchased open space. Mayor Williams could not fathom ever reaching that point because the population in Park City has dropped by a 1,000 people in the last three years. Even when the economy was strong, the demand was not there for Jordanelle. Mayor Williams stated that for various reasons he was skeptical of some of the projections and took the numbers with a grain of salt.
Mr. Buki believed that was a good approach. It is a well-informed, educated guess, but nothing is definite. However, the order of magnitude was still good.

Commissioner Savage asked about the primary drivers that would help reach the projected numbers. Mr. Buki stated that magnets for growth were the first driver. On the supply side Utah is a young state and that youth is an enormous demographic driver. The only thing that would negatively impact the number is if the national economy, particularly sections that drive people to the second home market, stays too soft. Commissioner Savage wanted to know the justified economic basis for projecting the increase in growth from 35,000 to 70,000 County-wide. Mr. Buki stated that it is initially Salt Lake City, but it eventually becomes self-fulfilling. As Salt Lake City begins to drive it, economies begin to grow separate from Salt Lake. Kimball Junction becomes a center all its own that attracts business and residential. Salt Lake City is an important influence but it ceases to become a sole influence.

Board member Simpson remarked that the accuracy of the numbers was not important because it is a trend. If growth does not occur as fast as projected, they would have more time to plan and address it. She stated that many people are much more able to live wherever they want, and that trend would remain.

Mr. Buki recalled four pieces from Visioning that sought to describe a balanced approach. The first was economic prosperity. In looking at the projections, they primarily see an upside as it relates to prosperity; and that is good news. From an economic prosperity point of view there is wealth through land value appreciation, and everyone benefits.

Council member Matsumoto understood that a growing community was good economically; however, the Resorts and second home owners drive the economy in Park City. She was concerned that if Park City grows too large it would no longer be a resort and that would not be good economically. Mr. Buki agreed that they could over-shoot the curve and suffer consequences. He stated that prosperity comes with other pieces. Environmental pressures include water issues, congestion, air quality and carbon footprint, wildlife and sanctuary issues. At this point they need to think about balance. Equity outcomes were the second piece. The third was principle equity outcomes which are jobs, housing, not living where you work, and an affordable ratio. Mr. Buki pointed out that the study identifies a market decrease in affordability. The last piece is quality of life and how it all nets out. Open space is under pressure, congestion and travel time are issues, demands on tourist infrastructure, and seasonal home impacts. Mr. Buki remarked that economic prosperity, environmental costs, equity costs, and quality of life costs all come into play when looking at the core values of sense of community, natural setting, small town and historic character. A major question is how to balance small town as a core value versus economic prosperity.

Mr. Buki presented a slide showing the last 100 years of permits in time motion that identified construction in the County beginning with 1881. Mr. Buki pointed out the changes in economy, environment, equity and quality of life throughout the years, as well as projections from 2012 through 2040. In looking forward, the economy in Park City looked good, but it was not without substantial environmental and equity costs.

Council member Simpson clarified that the projections assumed status quo. Mr. Buki replied that this was correct. It is what they call the “do nothing” approach. Commissioner Savage assumed the bubbles identified the areas of density growth. Mr. Buki answered yes.

Mr. Buki stated that the question is whether Park City wants to be in a “them and us” situation. As a consultant, he advised against it. The issue of keeping Park City has key pathways. One option is to do nothing differently than what they do now. However, that approach is a demand incubator, a price escalator and a sprawl generator. A second option would be to annex or buy-down rights, which is a very expensive approach. Option three would be to establish inter-jurisdictional agreements among Summit and possibly other counties, so every party has a chance to give and get. Mr. Buki encouraged Option 3 given the magnitude of the numbers and aggregate development rights. Option 3 requires the City to look at growth differently and it requires them to make friends with opposing jurisdictions.

Commissioner Savage stated that in looking at the big picture in terms of how Wasatch and Summit Counties relate to Park City, Wasatch County is a major piece in the puzzle and they should have a seat at the table. Mr. Buki agreed that Park City should do everything possible to make Wasatch County feel welcome at the table

City Manager, Tom Bakaly stated that he had contacted Mike Davis, the Wasatch County Manager, and he was willing to participate. Mr. Bakaly was unsure whether Mr. Davis had proposed participation to the Staff or County Council. Mr. Buki believed the wisest move would be for the City to come together with Wasatch and Summit County. In the meantime, it was important for Park City to reconcile whether or not they think substantial growth is coming and if growth probabilities are radically overstated.

Council Member Simpson stated that even if there was no growth, there would still be a benefit for regional collaboration on planning. Mr. Buki agreed, but noted that collaboration was difficult.

Mr. Buki stated that if Park City determines that substantial growth was coming, they have to decide whether the current approaches are sufficient or if the current approaches need to be modified. Council Member Beerman asked if they could look at the second option but keep all the aspects of the current approach. Mr. Buki suggested that they should try to rely less on the LMC to regulate growth. They should still purchase land, but resist the temptation to use land purchase as default behavior when the values are not working. Mr. Buki remarked that they should definitely play with density inside the City.

Council Member Simpson remarked that most of the open space purchases have been to preserve the environment as opposed to buying down density. Mr. Buki used the Round Valley purchase as an example of where the environmental gain also created an environmental cost. Developable land was taken off the table and the cost of land and housing escalated. It also insured that 80% of workers in Park City would commute. In hindsight it would have been better to purchase Round Valley and increase the density inside to account for the affordable housing implications.

Mr. Buki remarked that a second question was whether Park City believes that incentivizing good outcomes equals facilitating growth that would not otherwise occur. If they think they are facilitating growth, they have to confront the aggregate impacts of what already exists, and develop an alternative method for achieving the outcome they want. If they conclude that incentivizing good outcomes does not facilitate growth, they need more tools.

Mr. Buki stated that Growth v. No Growth was a pivot point. Most communities he works with operate under the illusion that it is a growth versus no growth discussion. He believes those communities are wrong. The real issue is growth without input discussion versus growth with input discussion. He noted that during Visioning equity was more than affordable housing. It was about playing fair. Mr. Buki explained that the City was shunting the cost of its gains on to Summit and Wasatch Counties. It was coming in the form of congestion and air pollution, which prices the environment at zero. The best way to address the issue is through inter-jurisdictional agreements.

Council Member Butwinski disagreed that the City was pushing it elsewhere, because Wasatch County and Summit County have the tools to control their own destiny through zoning. He did not believe it was as simple as one choice. There were other nuances and dramatic choices that are not necessarily bad.

Bob Jasper, Summit County Manager, stated that Park City has been a city for a long time and has certain abilities and authorities. The County has gone back and forth over the years from those who were not heavy-handed to those who wanted to really control growth. He recently provided two maps to the Summit County Council. One was the open space that the County purchased and the other was subdivisions and development throughout the County. Most of the development occurred at Kimball Junction. Mr. Jasper pointed out that Summit County has its own challenges but the goals are the same as the City. He remarked that Park City has surrounded itself with open space, which pushed growth to the County. He used Boulder, Colorado as an example. Boulder purchased open space with dedicated sales tax bond and the result was sprawl outside into Boulder County. Mr. Jasper thought the City and Counties should work together, but he agreed that it would be difficult.

Mr. Jasper stated that growth and where it should go was highly political in the County and it was currently an unpopular subject. Mr. Jasper concurred with Mr. Buki that growth can be managed and shaped, but it cannot be avoided. He was concerned that Summit County would end up with a bunch of Kimball Junction's all over the east side of the County. They have been trying to get the cities to plan growth, and it he would like to work with Park City. Otherwise, they would end up with court ordered sprawl.

Council Member Simpson agreed that the City was pushing growth somewhere by creating the demand. It appears that everything they do well makes it worse. Mr. Buki explained that the other piece was accounting for the cost of their perfectness and addressing the consequences of that perfection. For example, as part of Park City's attempt to perfect, they could decide to be aggressively committed to catching up on the affordable housing gap. The payers for that cost was everybody spread out over the two counties who are dealing with the resulting congestion and resulting air quality and carbon footprint issues.

Council Member Butwinski believed what Mr. Jasper describe helped support his earlier point. There is already vested density that takes up a large quantity of the projected density through 2040. It does not mitigate against regional collaboration, but he was not totally convinced that the way in which they take a product off the table would push development elsewhere, because that development would occur regardless. For example, they could take the demand that was going to go to Round Valley and put in a place that already exists. He believed there was a known supply side that would absorb much of the demand side for a long time. Council Member Butwinski clarified that he was not arguing against the study. However, he did not believe it was as simple as driving towards one specific point. The difference in which they collaborate was on the table.

Commissioner Savage stated that the level of cooperation has to speak to the fact that what they want to do is shape the impacts of the existing vesting schedule. People have certain rights and that will provide the density. Mr. Buki pointed out that their statutory authority to shape was zero. Therefore, they needed to find another way. If they intend to stay committed to the values established in Visioning, the shaping process would compel them to determine their role and how they should collaborate to achieve the environmental, equity and quality of life objectives.

The group discussed TDRs. Council Member Beerman understood that TDRs could be a good tool to shape development, but he did not think they were an effective tool for shaping the type of development. Mr. Buki stated that TDRs would simply play with the densities and move things around. They should not rely on TDRs as the only tool.

Commissioner Savage stated that his suggestion would be to turn Bonanza Park into an affordable housing complex for people who cannot afford to live in Park City currently. It could be done in a way that creates a nucleus for affordable housing and solves many of the issues related to commuting and environmental impacts. Commissioner Savage asked why they could not take City-owned property or property that could be acquired by the City, and use it as a receiving zone to develop a quality affordable product. Council Member Simpson remarked that they could not build enough of the affordable product to solve the problem because there is no way to pay for it. Commissioner Savage replied that the people who purchase the units are the ones who pay for it.

Mr. Buki pointed out that the issue of mix, how it gets paid for, how much the market covers, the gap and the upside and downside was all part of this discussion. As a practice exercise, Mr. Buki raised a few questions for the group to consider regarding the 107 acres of City-owned property in the County. The first question was who had direct control. The second question was who makes the decisions. Council Member Matsumoto remarked that the land is in the County and the County has direct control. Mr. Jasper pointed out that the County owns half the property and the County is the zoning authority.

Mr. Jasper noted that because it was a Park City study, the report talks about City control. He wanted to know how the City would react if the County hired a consultant to do a study to put growth inside the City limits for the County to control. Mr. Jasper felt it was important for the City and the County to work together as an equal partnership, and for both entities to take the tough political hits. He thought Mr. Buki had outlined good reasons why collaboration was important.

Council Member Simpson clarified that from the time it was purchased, the City always intended to jointly plan that property. She never intended to imply that the City has zoning rights. However, as a joint owner, the City collaboratively has control over what they put through that process. The City purchased the land for Public Works possibilities, but if they jointly decide on another use, that use would go through the zoning law.

Mr. Jasper noted that UDOT wants to build a tunnel under the highway for hikers, bikers and wildlife. He believed this was a good example of why it was important for the City and County to determine a joint vision for their co-owned property. Mr. Buki clarified that if he had been aware that the County and the City co-owned a piece of property, he would have put that first.

Mr. Buki outlined the questions for this exercise. The first question was who had direct control. The second question was for the City and the County to articulate its own position. Once that is articulated, they need to let it go and focus on the third question, which was their interest. Mr. Buki remarked that most of the issues were not being settled the right way because both entities were positionally bargaining. If they approach it as an interest-based negotiation and both interests are satisfied, it would lead them to think through a set of decisions to achieve a mutual outcome.

Mr. Buki stated that an exercise for Park City was to suppose the County's position based on the assumption that they were partners. Park City should then take a further step back to consider their interests. Until the City truly figures out the County's interest, they will not dispose of the property adequately. Mr. Buki remarked that those were critical questions that led to the next question of what they might be willing to give in order to get, and what that "get" would be. He noted that Park City had applied those principles internally and it was now time to apply it externally. The final piece was to find the best alternative to negotiate an agreement if the other steps did not result in agreement.

Commissioner Thomas arrived.

Mr. Buki stated that the next step was to operate on two tracks. It is important to have Council to Council, Manager to Manager, Commission to Commission, Staff to Staff shared values; and have the commitment to invest the time to do that. They need to consider joint General Plan discussions. He recognized that neither entity would favor that collaboration because they each have their own Plan. Mr. Buki remarked that collaboration is important to see if there is an overlap. Another critical step is joint commitment to planning resources, as well as joint give and get discussions. Mr. Buki clarified that the steps were placed in sequential order. Without that order it would be difficult to have a value differential discussion, which is a key piece of sending and receiving. If they go down the road of TDRs, that would lead to a basket of tools that need to be market-based.

Mr. Buki recommended that the City and the County choose a site and work collaboratively to test out interest determinations and reframing discussions.

Mayor Williams noted that nothing in the study was based on defending zoning. He understood that it was an issue Mr. Jasper and the County Council were facing on the East side of Summit County. The east side is a very rural area and now some of the larger land owners want to subdivide their property to cash in on the market. Speaking as an individual and not on behalf of the City, Mayor Williams felt it was important to protect the zoning. The City has come to realize that there needs to be annexation boundaries and the need to look at the potential growth. The County is now feeling that pressure.

Mr. Buki remarked that the operative principle is to identify the political math that identifies the dollar value that the community places on quality of life. Mayor Williams believed another factor was how much is planned by a judge as the consequence for not making that decision. Mr. Buki stated that Marin County has the most successful County-wide set of tools and he encouraged the group to study that model County. He provided an example to show how Marin County makes use of those tools. Mr. Buki thought Marin

County was a good model to contemplate on what to move toward with and what to avoid.

Mayor Williams thought the exercise Mr. Buki had suggested should be done on the land they jointly own with the County. Regardless of the current jurisdiction, he thought it would be a worthwhile process.

Ms. Simpson thought this was a good time for bettering relationships with Summit and Wasatch Counties and building on it. Mr. Jasper agreed that this was an important time, particularly with MIDA coming to Wasatch County.

Mayor Williams thanked Mr. Buki for his facilitation.

The joint Work Session was adjourned at 7:30 p.m.

City Council
Staff Report

Subject: **Park City 2030 Long Range Strategic Plan**
Author: **Bret Howser**
Department: **Executive**
Date: **August 30, 2012**
Type of Item: **Legislative**

Summary Recommendation: City Council should adopt the Park City 2030 Long Range Strategic Plan by resolution, which sets Council priorities and defines desired outcomes, key indicators and strategic approaches related to these priorities.

Topic/Description: Strategic Planning

Background:
Over the past several months, staff has been working alongside the Leadership ICMA team on the layout, content and eventual implementation of the City's long-range strategic plan. The process for creating the Park City 2030 strategic plan has been very involved and included input from staff, Council and the community. The Leadership ICMA team worked closely with a steering committee which included both City staff and community representation. The ICMA team also interacted with a panel of business leaders from the community, generated input from a community open house, met key local and regional representatives, presented to the City's management team and had drafts of the document directly reviewed by Council members.

On July 12, 2012, the Leadership ICMA Team presented to Council the recommended draft of Park City 2030, the City's long-range strategic plan. Council took public input, provided some feedback, and directed staff to return with a work session for further input. On August 9, 2012 and August 23, 2012, staff returned in work session to receive Council's comments and edits and to have further discussion on the document. Following discussion on August 23, staff was directed to return with a resolution for adoption on August 30.

Analysis:
Since Council's discussion on Park City 2030 on August 23, the following changes have been made to the Park City 2030 plan:

- All key indicators referring to citizen survey responses of "Good" or "Excellent" were changed to percent rated as "Good" or "Excellent" *and* percent rated as "Excellent"
- A desired outcome of "Primarily locally owned businesses" was added to the Inclusive Community of Divers Economic & Cultural Opportunities priority
- Implementation was amended to recommend updates to the Community Vision at seven year intervals

The attached resolution adopts the Park City 2030 strategic plan. The resolution clearly specifies that the Council Priorities, Desired Outcomes, Key Indicators, Strategic Approaches and Implementation are adopted by Council and that the content of sample documents contained in the appendix of Park City 2030 are not adopted by Council.

Department Review: This report was reviewed the City Attorney and the City Manager**.**

Alternatives:

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

B. **Deny the Request:**
Council could request further changes to the document or simply not adopt the plan. At that point, staff would go back and reconfigure the City's strategic planning approach.

C. **Continue the Item:** Same as B

D. **Do Nothing:** Same as B

Significant Impacts:
The content of Park City 2030 will guide administrative decision making and the creation of business plans. Staff will be working to tie back everything the City does, via business plans and the BFO budgeting process, to the Desired Outcomes in Park City 2030.

Recommendation: City Council should adopt the Park City 2030 Long Range Strategic Plan by resolution, which sets Council priorities and defines desired outcomes, key indicators, and strategic approaches related to these priorities.

Attachments:
A – Park City 2030 Adoption Resolution (which includes Park City 2030 as an exhibit)

RESOLUTION NO. _________

A RESOLUTION ADOPTING THE PARK CITY 2030 LONG RANGE STRATEGIC PLAN.

WHEREAS, the residents of Park City have provided the City with a broad vision to pursue via the 2009 Community Visioning process; and

WHEREAS, the City Council has determined that it is in the public's best interest to have a strategic plan to communicate how the City will accomplish this Vision; and

WHEREAS, the City Council desires to set Priorities, Desired Outcomes, and Key Indicators in order to guide decision making and implementation in the long term.

NOW, THEREFORE BE IT RESOLVED by the City Council (the "Council") of Park City, Utah, as follows:

Section 1. Park City adopts the "Park City 2030" long range strategic plan as attached hereto as Exhibit A. Specifically, the sections outlining Council Priorities, Desired Outcomes, Key Indicators, Strategic Approaches, and Implementation are adopted as guiding policy. Sample documents contained in the appendix of Park City 2030 are for illustration purposes only and are not adopted as policy by this resolution.

Section 2. This Resolution shall become effective immediately upon its adoption.

ADOPTED AND APPROVED August 30, 2012.

By:___________________________________
Mayor Dana Williams

ATTEST:

By:___________________________________
City Recorder

APPROVED AS TO FORM:

By:___________________________________
City Attorney

EXHIBIT A

Park City 2030 Long Range Strategic Plan

PARK CITY 2030

Keeping Park City "Park City"

A strategic framework for Park City Municipal Corporation and the community to ensure that the Community Vision to "Keep Park City, Park City" is protected and holds true in 2030.

July 2012

TABLE OF CONTENTS

This document was produced by the Leadership ICMA Capstone Team:
Todd Aerni
Nelsie Smith
Marc Landry
Dele Lowman-Smith

Special thanks to the Park City 2030 Steering Committee:

Diane Foster	Jason Glidden
Jessica Moran	Katie Wright
Pace Erickson	Bret Howser

Additional thanks to all members of the Park City community and City staff who contributed

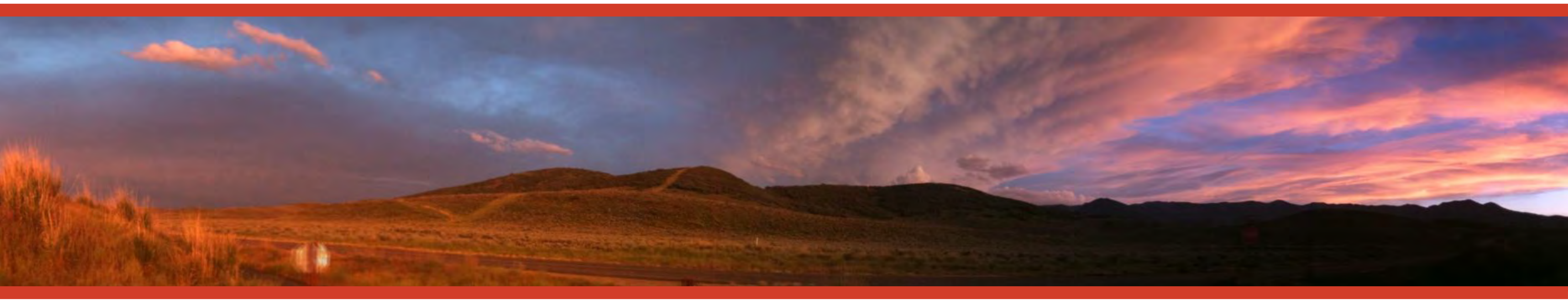
In their book "That Used to Be Us," Thomas Friedman and Michael Mandelbaum wrote, "uncertainty is a reason to act and not a reason not to act." The Park City 2030 strategic plan gives us—full and part-time residents, PCMC employees, hospitality workers, and whoever loves Park City and is interested in ensuring its future success–the tools to align resources and decision making so that we do not run from uncertainty but embrace it and plan for it. Park City 2030 is comprised of the Community Vision, Council Priorities, Desired Outcomes and Key Indicators and is the definitive resource that aligns all of these components while demonstrating to the community the various efforts underway to realize their vision.

The ***Community Vision***, which is the foundation of any long-range plan, is aspirational in nature and articulates the desired future state of the community in 2030. It is intended to inspire stakeholders to a common goal and to guide policy and resource allocation decisions. Used properly, it can outlast short-term philosophical shifts or priority changes to ensure the city's progress continues along a path consistent with its residents' shared values. By the same token, making the vision transparent and continuing to engage the community around it ensures the opportunity for it to evolve along with the residents.

The Community Vision was created based on extensive feedback from residents who expressed their desire to maintain many of the current characteristics of the city they call home. While Park City residents want to preserve the historic character and small town feel of the city, many also expressed concern about the lack of housing affordability, limited job opportunities outside of the service industry, the need to cultivate diversity and the fragility of a snow-dependent economy. They believe that, left unaddressed, these issues threaten the future of Park City. These concerns are reflected throughout the vision and are addressed more specifically by Council priorities.

The four ***Council Priorities*** represent what the leadership of Park City Municipal Corporation believes is most essential to focus its attention and resources in order to realize the Community Vision. The priorities are: 1) World-Class, Multi-Seasonal Resort Destination, 2) Preserving & Enhancing the Natural Environment, 3) An Inclusive Community of Diverse Economic & Cultural Opportunities, and 4) Cutting-Edge & Effective Government. The priorities are a key component of Park City 2030, not only for Council but for residents and Park City staff as well. They provide a philosophical foundation for the Council in its role as a policymaking body. For residents, the priorities provide a detailed definition of success. For Park City staff, they provide guidance on how to manage finite resources in the face of nearly infinite expectations.

In order to ensure results and accountability, Desired Outcomes and Key Indicators were built into the Park City 2030 plan. The ***Desired Outcomes*** are observable effects that visibly demonstrate success in each priority area. Similarly, the ***Key Indicators*** are high-level measures that gauge effectiveness and allow Park City stakeholders to compare their performance to that of similar service providers and monitor their efforts over time. Both the Desired Outcomes and Key Indicators are tied to the Budgeting for Outcomes process, which helps ensure that resources are allocated to the most effective efforts related to achieving the community's vision.



There are several approaches and considerations that are, and should continue to be, the foundation of decision making for both the City Council and staff to bolster the effectiveness of this plan. The approaches are not goals or outcomes, but rather high-level strategies and techniques that need to be at the core of decision making.

I. PARK CITY CHARACTER

In all that we do, Park City's prolific past and present character should be considered in order to strike a balance between Park City then and now. Park City will continue to focus on historic preservation as well as sustainable and innovative community and economic development strategies consistent with the character of the City. The key elements for this approach include:

- Make decisions for the long-term
- Strive to make every decision a "green" decision
- Emphasize Adaptive Reuse
- Buy local

II. PUBLIC ENGAGEMENT & TRANSPARENCY

Public participation is happening all the time in the city starting with information that is provided to the residents and stakeholders of the community. The Municipal Corporation is expected to provide transparency and engage the public which results in decisions that are more reflective of public concerns and values. Consulting with neighborhoods, interest groups, business and other affected parties is both desirable and necessary. The key elements of this approach include:

- Forums for discourse
- Integrate feedback into operations
- Accessibility to information
- Build community participation

III. HIGHLY ACCOUNTABLE WORKFORCE

The City cannot expect to achieve the results outlined in this plan or excel at providing customer service without an exceptional municipal staff team that is motivated and continuously works to achieve the Community Vision. The key elements of this approach include:

- Foster employee engagement through recognition
- Outcome-oriented, accountable staff
- Use of team approach rather than traditional hierarchy
- Competitive compensation and benefits
- Training opportunities and competency development
- Use of best practices and efficient business processes

IV. REGIONAL COLLABORATION AND LOCAL PARTNERSHIP

Park City recognizes that it is not an island. The success of Park City and the Community Vision are directly linked to fostering a thriving and neighborly region. To this end, the City will strive to engage and include all groups and entities with a stake in Park City's success. This includes working with government, private sector and nonprofit partners in the region to share data and develop policies and development plans for the region. In addition, the City will maintain a positive working relationship with Summit County, Wasatch County, and other regional governmental entities, as well as State, Federal and international leaders to leverage resources, employ regional strategies, and avoid or mitigate adverse regional impacts. Other key stakeholder groups include primary and non-primary

Regional Collaboration & Local Partnership (cont.)

residents, major landowners and the resorts. The key elements for this approach include:

- Align strategies
- Share data/information
- Agree upon common goals
- Combine resources to achieve economies of scale

V. USE OF TECHNOLOGY AS A COMPETITIVE ADVANTAGE

As technology continues to evolve, Park City will strive to stay current with the needs of citizens and visitors, and in so doing, use technology to create a distinct and positive customer experience. The City should not pursue technology for technology's sake but use it where appropriate to enhance service provision and to leverage opportunities where none may currently exist. The key elements of this approach include:

- Seek to understand customer needs and expectations
- Ensure that business processes and operations are streamlined and efficient before introducing a technology solution
- Introduce a technology solution only when it is determined to be the most effective means to satisfy customer needs or provides another competitive advantage

Keeping Park City "Park City"

sense of community | *natural setting* | *small town* | *historic character*

Park City is a first-name town offering first-class service. The City provide exceptional, cost-effective benefits to our residents, including outstanding facilities and amenities, a small town atmosphere, a strong sense of community, and historic character. Park City attracts visitors from around the globe with our world-class skiing and recreation, vibrant arts and culture scene, multi-seasonal events, and "funky" personality. Park City is an accessible and well-managed community, which makes it a unique and desirable place to call home—for a weekend or for a lifetime.

In 2009, Park City Municipal Corporation conducted a process that included a series of interviews, surveys, open houses and other community input methods to better understand the way residents see Park City, what they value and what they want to be the focus of their local government. The City learned that its mandate is to ***Keep Park City "Park City."*** The community identified four Core Values that make Park City "Park City."

Community Open House During 2009 Visioning Process

1) Sense of Community
2) Natural Setting
3) Small Town
4) Historic Character

These assets and attributes form the core of Park City and make it a highly desirable place to live and visit. Because of this, Park City has much to offer – including world-class skiing and recreation, vibrant arts and culture, and exceptional resident benefits. When the core values are carefully preserved in harmony with those attributes the community has to offer the rest of the world, Park City will remain "Park City."

COUNCIL PRIORITIES

In order to realize the Community Vision, the City Council of Park City Municipal Corporation developed four priorities—each followed by a narrative description of success—that will guide decision making and provide the structure for ensuring that incremental, measurable steps are taken to achieve the Community Vision. While certain aspects of the narratives describe the Park City that we know and love today, sustaining those attributes over time is critical to realizing the 2030 vision.

The priorities are broken down further to measurable ***Desired Outcomes*** that provide the guideposts for making funding and planning decisions. The ***Key Indicators*** that follow are the actual measures that will determine if we are moving the "dial" on achieving the outcomes. The Key Indicators selected do not represent the totality of measures that could be used, rather they are those that will best communicate whether we are meeting the expectations set forth in the community visioning process.

WORLD-CLASS, MULTI-SEASONAL RESORT DESTINATION

Success of this Priority is defined as…

The resort experience continues to exceed expectations. Park City is known as a premier resort destination because of its distinct and recognizable brand, a seamless network of multimodal transportation, and interconnected resorts. Visitors and residents feel safe throughout the community and find that Park City has struck a unique balance between tourism and local quality of life. Tourism remains a chief driver of Park City's economy due to its accessibility, quality snow, and great summer weather. World-renowned recreational opportunities and an expansive trail network are the center of activity, complemented by multi-seasonal special events and unique, locally-owned businesses. Park City full and part-time residents recognize the exceptional benefits the economic base provides and the paramount importance of fostering and expanding the resort economy in harmony with community values.

Desired Outcomes

- *Accessible and world-class recreational facilities, parks and programs*
- *Balance between tourism and local quality of life*
- *Varied and extensive event offerings*
- *Unique and diverse businesses*
- *Accessibility during peak seasonal times*
- *Well-utilized regional public transit*
- *Safe community that is walkable and bike-able*
- *Multi-seasonal destination for recreational opportunities*
- *Internationally recognized & respected brand*
- *Every City employee is an ambassador of first-class service*

Key Indicators

- *Percent of citizens who rate the special events offered as "good" or "excellent" and percent rated "excellent"*
- *Percent of event applicants who are "very satisfied" or "satisfied" with the special events process and percent rated "very satisfied"*
- *Visitor nights booked*
- *Average amount spent per visitor per day*
- *Sales tax revenue*
- *Percent of citizens who feel "very safe" and percent who feel "very safe" or "somewhat safe" in regards to: a) violent crime; b) property crime; and c) environmental hazards*
- *Average commute time along major corridors (non-interstate)*
- *Transit ridership*
- *Percent of citizens who rate quality of city parks, recreational facilities, and programs as "good" or "excellent" and percent rated "excellent"*
- *Award winning recreational trail designation*
- *Number of visitors per season*

PRESERVING & ENHANCING THE NATURAL ENVIRONMENT

Success of this Priority is defined as…

Park City is proud that it is recognized as a model environmentally-conscious community. Residents develop, participate in and support initiatives to protect the long-term health of the natural environment and Park City policies and investments work in concert with these efforts. Carbon reduction, energy and water conservation programs and open space acquisition not only attract residents and visitors to Park City, but also advance community environmental goals and preserve the unique natural setting. Park City recognizes that careful planning to ensure a sustainable water supply that meets the City's current and future need is essential to our long-term viability.

Desired Outcomes

- *Abundant preserved and publicly-accessible open space*
- *Managed natural resources balancing ecosystem needs*
- *Enhanced water quality and high customer confidence*
- *Effective water conservation program*
- *Adequate and reliable water supply*
- *Reduced municipal, business and community carbon footprints*
- *Economically and environmentally feasible soil disposal*
- *Enhanced conservation efforts for new and rehabilitated buildings*

Key Indicators

- *Total acres of open space (includes development agreements)*
- *Total acres of managed wildlife corridors*
- *Municipal Carbon Footprint/Business Carbon Footprint/Community Carbon Footprint*
- *Ratio of water supply to consumer demand*
- *Quality of overall natural environment*
- *Cost per cubic yard for soil disposal*
- *Number of LEED or environmentally sensitive buildings built or rehabilitated*
- *Number of days Air Quality Index rated green or healthy*
- *Percent of citizens who rate overall quality of drinking water as "good" or "excellent" and percent rated "excellent"*

AN INCLUSIVE COMMUNITY OF DIVERSE ECONOMIC & CULTURAL OPPORTUNITIES

Success of this Priority is defined as…

Park City is a community where residents can live, work and play. In order to maintain Park City's appeal, PCMC invests in those areas that ensure our continued success. Through our planning and economic development efforts, we balance the historic character and small town atmosphere with the varying needs of our residents and visitors. A mix of cultures, perspectives and lifestyles is welcomed and celebrated. There are diverse job opportunities that pay a living wage and enable full-time residents to live within a reasonable distance of their jobs. Part-time residents are welcomed, engaged and contribute to the community character. Preserving our unique history is vital to the longevity of the City's character and is at the forefront when key planning and economic development decisions are made. The impact of regional growth pressures have been managed and mitigated by Park City's ongoing collaboration with local and regional stakeholders. These cooperative efforts result in innovative economic strategies, preservation of the natural setting, and partnerships that lead to prosperity throughout the region.

Desired Outcomes

- *Residents live and work locally*
- *Jobs paying a living wage*
- *Preserved and celebrated history; protected National Historic District*
- *Cluster development while preserving open space*
- *Part-time residents that invest and engage in the community*
- *Shared use of Main Street by locals and visitors*
- *Skilled, educated workforce*
- *Entire population utilizes community amenities*
- *Community gathering spaces and places*
- *Physically and socially connected neighborhoods*
- *Vibrant arts and culture offerings*
- *Diverse population (racially, socially, economically, geographically, etc.)*
- *Primarily locally owned businesses*

Key Indicators

- *Percent of citizens earning their income here*
- *Median wage as compared to median home price*
- *Percent of renters able to afford fair market rent*
- *Percent change of historic sites inventory*
- *Percent of residents who feel that they have a connection to Historic Park City*
- *Business mix on Main Street and other commercial areas*
- *Percent of graduating students who are college or career ready*
- *Percent of 3rd graders reading at a proficient level*
- *Percent of residents who rate the sense of community as "good" or "excellent" and percent rated as "excellent"*
- *Percent of residents who rate the openness and acceptance of the community towards people of diverse backgrounds as "good" or "excellent" and percent rated as "excellent"*
- *Number of nonprofit organizations/total dollars invested by nonprofits*

RESPONSIVE, CUTTING-EDGE & EFFECTIVE GOVERNMENT

Success of this Priority is defined as…

Park City Municipal Corporation has earned the trust of the community by engaging its citizens, being responsible stewards of tax dollars and providing uncompromising quality and customer service. This is enabled by a customer-centered organizational structure; a culture that embraces accountability and adapts to change; and funding mechanisms and policies that support innovation. Investing in our people is essential to maintaining a high-performing and strategic-minded workforce. PCMC employees are equipped with the core skills that allow them to be self-managed, creative and flexible in anticipating and responding to community needs. Our investments are protected by ensuring that systems and infrastructure are maintained, making responsible and effective use of technology and being fiscally and legally sound.

Desired Outcomes

- *Fiscally and legally sound*
- *Engaged, capable workforce*
- *Well-maintained assets and infrastructure*
- *Engaged and informed citizenry*
- *Streamlined and flexible operating processes*
- *Ease of access to desired information for citizens and visitors*

Key Indicators

- *General Obligation Bond Rating*
- *Percent of citizens who rated value of services for amount of taxes paid as "excellent" and percent rated as "good" or "excellent"*
- *Percent of employees who feel that at work they have the opportunity to do what they do best everyday*
- *Percent of citizens who rate the opportunity to participate in community matters as "excellent" and percent rated as "good" or "excellent"*
- *Percent of citizens who rate public information services as "excellent" and percent rated as "good" or "excellent"*
- *Number of website hits per month*
- *Building Condition/Assessment Rating*
- *Percent of depreciating assets replaced within recommended lifecycle*
- *Percent of work orders completed within established guidelines*
- *Average number of hours of training per employee per year*
- *Percent of key business processes documented or reviewed annually*
- *Total annual dollars saved due to process improvements and efficiency studies*
- *Percent of residents who rated overall direction taken by Park City Municipal Corporation as "excellent" and percent rated as "good" or "excellent"*

An integral piece of the strategic planning process is to ensure that the municipal government's operations and processes provide the appropriate environment for the City to succeed at achieving the Community's Vision. Simply producing a strategic planning document does not ensure success. That requires effective leadership and an implementation plan that takes the current City practices to the next level by incorporating the concepts of the strategic plan into the City's day-to-day activities.

The Park City 2030 strategic plan relies on the Biennial Strategic Plan/Scorecard, the Departmental Business Plans, and the Budgeting for Outcomes process to ensure that City operations are working in tandem with the priorities and outcomes outlined in Park City 2030. While the Park City 2030 long range strategic plan should be updated every four years, these documents are updated more regularly (annually and biennially) in order to ensure continued progress toward the Community Vision and keep the concepts in Park City 2030 active. The next few paragraphs define the use of each of these resources and how they make the Park City 2030 strategic plan a living document:

The ***Biennial Strategic Plan*** is a single strategic document that takes the 20-year Park City 2030 plan and breaks it down into shorter, more actionable units. As the name implies, the plan is produced every two years and provides a two-year horizon for the strategic direction of the City. It is envisioned that only minor updates will occur in the off year as this document is not intended to provide tactical, day-to-day operations of the City but a higher level of strategic direction that will give the community a better sense for where the City is heading. The Biennial Strategic Plan is categorized by each of the four Council Priorities and a central document for citizens to reference that best describes the strategies that the City is using to achieve the Desired Outcomes outlined in Park City 2030. The Biennial Strategic Plan is a culmination of the more detailed Departmental Business Plans that are produced and updated by each City department at the beginning of the budget process each year.

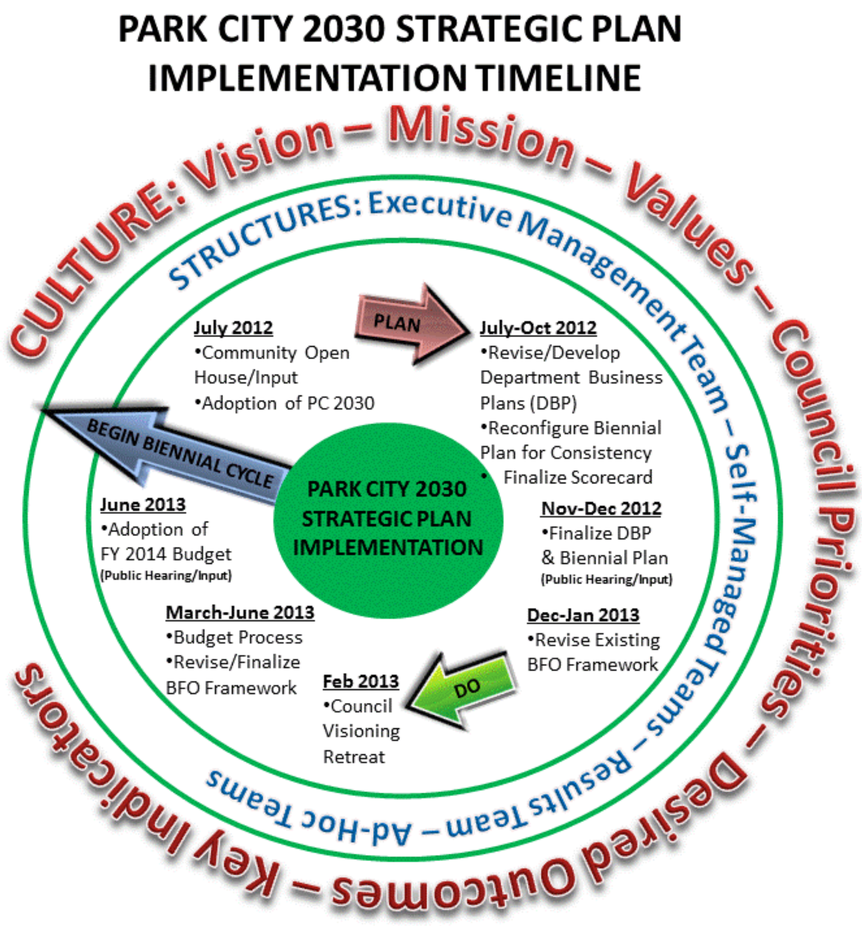
The Biennial Strategic Plan incorporates a ***Scorecard*** that is a visual representation of how the City is doing at achieving the specific Desired Outcomes identified in Park City 2030. This evaluation tool is based on the balanced scorecard method, with individual Desired Outcomes awarded a gold, silver, or bronze medal based on how well they are trending toward the Community Vision. These ratings are then presented in medal count fashion to give a composite evaluation for each Council Priority area.

Department Business Plans are developed and revised annually to reflect the more day-to-day operations of a department and how it aims to, in that fiscal year, work to move the dial on the Desired Outcomes and Key Indicators outlined in Park City 2030. The Department Business Plans are not produced in a silo, but rather are developed in teams as staff works to develop the Biennial Strategic Plan. Working with these two documents together will ensure that departments are not doing duplicative work and will help to further promote coordination of resources to achieve the outcomes identified in the most effective manner. The Department Business Plans are working documents that provide each department with tactical guidance on the specific "how" and "what" for achieving the Desired Outcomes in Park City 2030. Not all of the specific strategies that are in the Department Business Plans are in the Biennial Strategic Plan; however, every high level strategy that is in the Biennial Strategic Plan represents a strategy in a Department Business Plan.

The ***Budgeting for Outcomes*** bid process provides the monetary resources to support and implement the strategies that are identified in the Department Business Plans. If any changes of funding occur that eliminate a service or program, or significantly decrease the funding for a service or program during the budget process, the Department Work Plans will need to be updated to reflect the impact of that decision to achieving the Desired Outcomes identified in Park City 2030. Over time, the City may determine that some of the services and strategies currently observed do not help to move the dial on achieving the outcomes identified in Park City 2030 and may shift gears with certain strategies or initiatives and those changes will be approved/disapproved during the Budget for Outcomes process.

IMMEDIATE IMPLEMENTATION

The below graphic illustrates the implementation timeline for the current year beginning with the start of Fiscal Year 2012-2013. Park City Municipal Corporation will begin developing Department Business Plans with anticipated completion by November 1. The Biennial Strategic Plan will be reconfigured and refined during the first quarter of the fiscal year. Because the Biennial Strategic Plan is a higher level strategic document, it should be written on a two-year horizon. Unless serious, unanticipated internal or external changes warrant, major modifications to this document should not be necessary until Fiscal Year 2014-2015. During the second quarter, these plans will be finalized after a public input period. This work will help to set the stage for the bid requests that will be submitted related to the Budgeting for Outcomes (BFO) process that begins during the third quarter of the fiscal year. During this same quarter, a team of Park City Municipal employees is assembled to review the bids submitted on behalf of the BFO process and ultimately make recommendations to the City Manager for consideration as part of the budget. The Council Visioning process takes place in February and any changes to the BFO process are made as it relates to input from this process. During the fourth quarter, final changes to the BFO bids are made to reflect input from the public hearing process. In June, the budget is adopted.



ONGOING IMPLEMENTATION

The below graphic illustrates the implementation timeline beginning Fiscal Year 2013-2014 and ongoing. Park City Municipal Corporation will begin by finalizing the Department Business Plans based on any changes in the finalized budget for the previous year and any new initiatives that may be on the horizon in the coming year. The Biennial Strategic Plan should also reflect any changes but should be initially written to incorporate a two-year high level strategic plan and not a day-to-day tactical work plan and therefore should not need to be changed significantly in the off-year. During the second quarter, these plans will be finalized and will help to set the stage for the bid requests that will be submitted related to the Budgeting for Outcomes (BFO) process that begins during the third quarter of the fiscal year. During this same quarter, a team of Park City Municipal employees is assembled to review the bids submitted on behalf of the BFO process and ultimately make recommendations to the City Manager for consideration as part of the budget. The Council Visioning process takes place in February and any changes to the BFO process are made as it relates to input from this process. At the same time, the City will provide an update to the Scorecard and present to Council and the public. Every four years, the Park City 2030 strategic plan should be updated. Every seven years, the Community Vision should be updated. During the fourth quarter, any final changes to the BFO bids are made to reflect input from public hearing process. In June, the budget is adopted.

FINAL OBSERVATIONS BY THE LEADERSHIP ICMA CAPSTONE TEAM

It has been a pleasure working with the very dedicated and exceptional staff of Park City Municipal Corporation. Park City is truly a fabulous City and we hope that this plan will help the City continue to achieve great things. We wanted to make a few observations that we think will add value to the great work that is done by City staff and make the Park City 2030 strategic plan a document that will be viewed as the clarifying document to help staff focus their work without increasing their existing workload.

General Plan and Park City 2030 work together - The fact that Park City is working to update its General Plan while going through a strategic planning process is representative of the professionalism and dedicated staff that exists in the City. It is no small task to conduct either of these projects and to do them at the same time is commendable and presents a real opportunity. As the Leadership ICMA team leaves, we want to encourage the continued molding of the two plans to work in concert with each other. Our hope is that, as you work with the two strategic documents, you do not see them as competing or confusing to the public or to the staff who are trying to determine how to align their work to achieving the City's vision, but rather that they speak to each other as if both documents were developed by the same people. We understand that there may be changes and revisions to Park City 2030 and we look forward to seeing how the City uses this document as a framework for achieving the Community Vision.

Community Indicators - During this process, the need for Community Indicators became apparent. Community Indicators are not necessarily Desired Outcomes of the City but more importantly serve as indicators that should be gauged by the community as a whole. These indicators would highlight any dramatic shifts that might severely threaten the Park City we know, love and want to protect. Climate change and population growth projections are two indicators that we feel would fall into this Community Indicators category. The City's General Plan that is currently under revision is the forum where those Community Indicators should be properly vetted. The Community Indicators will be the same for both the Park City 2030 plan and the General Plan. We recommend no more than five Community Indicators with the primary distinguishing factor for these versus Key Indicators is that if they change, Park City will no longer be "Park City."

Clarity of words and phrases - One of the goals of the Leadership ICMA Team when we began this process was to help establish agreed-upon terminology to ensure clarity and consistency in this and related efforts. As Park City Municipal Corporation moves forward with the implementation of this plan, we encourage the continued streamlined phrasing and consistent use of the words that are throughout this document. For example, the High Level Indicators are not the performance measurements that are found in the Department Business Plans and should not be called such. Also, Council Goals are now Council Priorities and documents and conversations should reflect this change. The Park City 2030 Terms & Definitions document we provided should be distributed and kept current to facilitate this clarity. As inconsequential as this may seem, confusion when discussing these tools will cause frustration and undermine their use and effectiveness.

Simplify processes and documents - The Park City 2030 framework is intended to help simplify the work that departments, individuals and teams have to do. This process should provide an opportunity for Park City Municipal Corporation to examine its business processes and practices and the related and begin to streamline or eliminate those that are inefficient, duplicative or confusing. For example, creating a short, simple business plan template for all departments to use will reduce confusion and keep them from having to "reinvent the wheel" each time they complete it. In addition, having one Biennial Strategic Plan for all Council Priorities rather than a separate one for each, saves time, paper and confusion. Keep the simplification efforts going by identifying other unnecessarily long or unclear documents as well as practices that may have outlived their usefulness. This will help create more buy-in on the part of staff and allow them more time to focus on organizational priorities.

Make it a part of the culture - The only way that the Park City 2030 framework will go from words on a page to action is by making it inseparable from the Park City culture. This can initially be accomplished by reinforcing the concepts through face-to-face communication in staff meetings and giving employees the chance to discuss how they can incorporate these tools into their daily work. Additionally, progress toward achieving the Desired Outcomes should be added as a periodic discussion item in Council meetings. Ongoing, however, the City Manager and key leaders must visibly use the Biennial Strategic Plan and Department Business Plans to make decisions, and the status of performance measures and the effectiveness of a program moving the dial on Key Indicators should be discussed regularly to promote accountability. Finally, and perhaps most important, the City Manager and key leaders must actively identify and remove barriers (both real and perceived) to implementing the Park City 2030 framework. Only when it is easier to use the new tools than it is to revert to old habits will Park City 2030 be used to its fullest potential.

Appendix

Community Vision

Park City is a first-name town offering first-class service. We provide exceptional, cost-effective benefits to our residents, including outstanding facilities and amenities, a small town atmosphere, a strong sense of community, and historic character. We attract visitors from around the globe with our world-class skiing and recreation, vibrant arts and culture scene, multi-seasonal events, and "funky" personality. We are an accessible and well-managed community, which makes Park City a unique and desirable place to call home—for a weekend or for a lifetime.

In 2009, the Park City Municipal Corporation conducted a series of interviews, surveys, open houses, etc., to better understand the Community Vision or the way residents see Park City, what they value, and what they want local government to focus on. We learned that our mandate is to Keep Park City "Park City." The logo below illustrates what the community has identified as the Core Values that make Park City "Park City."

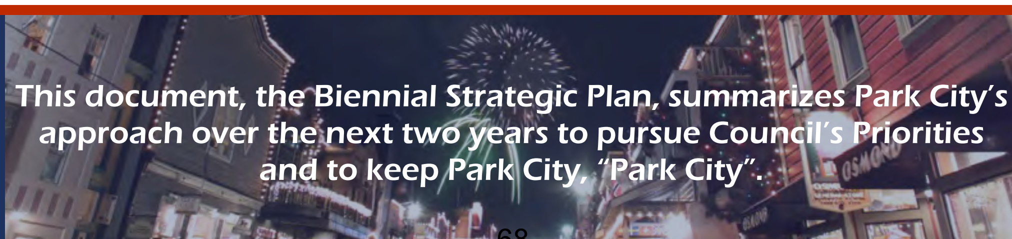
Keeping Park City "Park City"

sense of community | natural setting | small town | historic character

Council Priorities

In order to realize the Community Vision, the City Council of Park City Municipal Corporation developed four priorities that will guide decision making and provide the structure for ensuring that incremental, measurable steps are taken to achieve the Community Vision.

- World-Class, Multi-Seasonal Resort Destination
- Preserving & Enhancing the Natural Environment
- An Inclusive Community of Diverse Economic & Cultural Opportunities
- Responsive, Cutting-Edge & Effective Government



Community Indicators

The following measures are illustrative of the Community Vision

Park City Scorecard

The Park City Scorecard provides monitoring and reporting information on key indicators identified in PC 2030 and the General Plan. Ultimately, it tracks the status and progress towards the Community Vision and Council Priorities. Scorecard results can be used for decision making, identifying improvement opportunities and learning.

Key indicators provided in the following Council Priority discussions are evaluated using the Gold-Silver-Bronze method outlined below.

Medal Count:

	WC-MS Resort Destination	Natural Environment	Community of Diverse Opp's	Responsive Government
Gold Trending 'Towards' the Vision	5	6	7	4
Silver Stable or Mixed Trends	4	1	2	3
Bronze Trending 'Away' from the Vision	2	1	0	4

World Class, Multi-Seasonal Resort Destination

Success of this Priority is defined as:

The resort experience continues to exceed expectations. Park City is known as a premier resort destination because of its distinct and recognizable brand, seamless network of multimodal transportation, and interconnected resorts. Visitors and residents feel safe throughout the community and state that Park City has struck a unique balance between tourism and local quality of life.

Tourism remains a chief driver of Park City's economy due to its accessibility, quality snow, and great summer weather. World-renowned recreational opportunities and an expansive trail network are the center of activity, complemented by multi-seasonal special events and unique, locally-owned businesses. Park City residents recognize the exceptional benefits the economic base pro-

Desired Outcomes

The Community and the City Council have identified the following desired outcomes related to remaining competitive as a destination Mountain Resort Community:

- Accessible and world-class recreational facilities, parks and programs
- Balance between tourism and local quality of life
- Varied and extensive event offerings
- Unique and diverse businesses
- Accessibility during peak seasonal times
- Well-utilized regional public transit
- Safe community that is walkable and bikeable
- Multi-seasonal destination for recreational opportunities
- Internationally recognized & respected brand
- Every City employee is an ambassador of first-class service

Key Strategies

The following strategies have been identified as critical for achieving Desired Outcomes:

- Support & Manage World Class Events
- Provide Amenities Facilities & Infrastructure
- Pursue Redevelopment Consistent with General & Area Plans
- Retain & Attract Diversified Business Types
- City Branding & Promotion

Scorecard of Key Indicators

% of citizens who rate the special events offered as good or better

56% of residents are satisfied with special events

% of event applicants who are satisfied with the special events process

50% of applicants are satisfied with special events

Visitor nights booked

The total numbers of visitors night booked were 1,433,497

Average amount spent per visitor per day

$200.00 per day

Sales tax revenue

Municipal revenue was $2,000,000

% of citizens who feel "very safe" or "somewhat safe" in regards to: a) violent crime; b) property crimes; and c) environmental hazards

Crime rate 20%

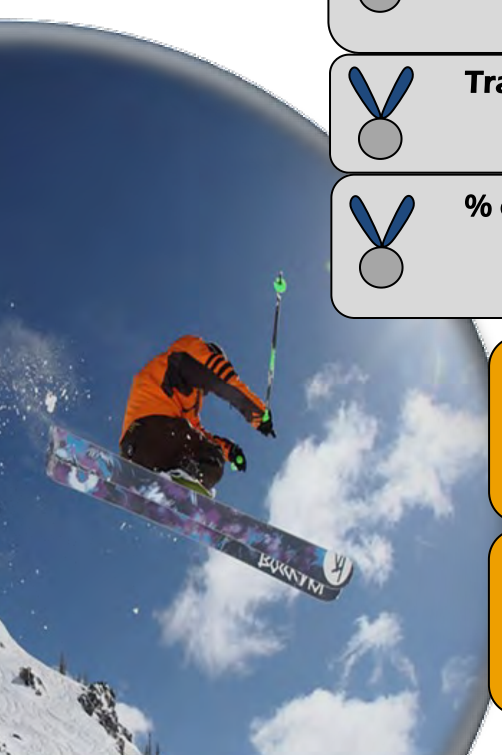
Average commute time along major corridors

Average commute time 5 minutes

Transit ridership

Number of transit riders 2,000,000 riders

% of users who are satisfied with recreational facilities, parks and programs



% of citizens who rate quality of city parks, recreational facilities, and programs "good" or "excellent."

75% of residents are satisfied recreation facilities, parks

Award winning recreational trail designation

No awards in 2011

Biennial Plan for World Class Multi-Seasonal Resort Destination

Recent Successes

Action Items Completed

- Completed City-wide Market Analysis & Carrying Capacity Studies
- Identified City's posture on Redevelopment as proactive
- Completed Marsac & Bonanza Tunnels & Public Art Projects
- Expanded Street Dining on Main
- Completed Event Center Study
- Extended Triple Crown Contract 5yrs

Savings/Efficiencies Gained

- Improved Regional Event Coordination
- Add information from Department Business Plans

Current Challenges

- Operational & Maintenance Resources
- Add information from Department Business Plans
- Special Event vs. Local Use of Facilities
- Competition for the Event Calendar
- Quality of Life Tradeoffs (noise, traffic, etc.)
- Maintaining Commitment to Public Art (including funding)
- Lack of Facilities
- Maintaining Technological Relevance
- Ensuring Sundance remains in Park City

Trends & Opportunities

- Increased Competition in Destination Tourism Market
- Use of Events to Drive Resort Economy
- Contraction of Public Art Programs
- Increased Use of New Technology
- Fiber Infrastructure at BOPA
- Main St./City Facilities Wi-Fi
- Business Resource Center Expansion (Business Accelerator/Incubator)
- Public Private Partnerships
- Social Media
- Cultural Tourism
- Connection of Main St. with Resort Bases
- Interconnect/Ski Link

Action Plan

Operating Plan

- Take More Facilitative Role in Events
- Implementation of BOPA and LPA Area Plans
- Secure LPA RDA Extension
- Institute Direct Business Recruitment Program
- Secure Sundance Agreement thru 2028 & Address MLK Conflict
- Develop Ski Resort Interconnect Concept Plan

Capital Plan

- Dan's to Jans Implementation
- HPC/Main St. Projects
- Wi-Fi Network Infrastructure
- Increased Public Art Funding
- City Owned Property in Lower Park Avenue (Fire Station & Sr. Center)

Other Targets for Action

- Woodward Facility
- Define & Test City's Role in High Altitude Destination

Preserving & Enhancing The Natural Environment

Success of this Priority is defined as:

An Inclusive Community of Diverse Economic & Cultural Opportunities

Success of this Priority is defined as:

Responsive, Cutting-Edge, & Effective Government

Success of this Priority is defined as:

FISCAL YEAR

SO-AND-SO'S BUSINESS PLAN

GENERIC

2012

Developed by:
Larry
Moe
Curly

PARK CITY
1884

Purpose Statement

This document details specific strategies that the So & So Team/Dept will follow in order to ensure Mini Goal Statement. It serves primarily as an accountability and management tool to ensure that staff is progressing towards achieving the Community Vision by taking measurable action steps. Secondarily, it clarifies how day-to-day taxpayer funded operations ultimately bring about the desired outcomes identified by the community and its representatives.

Table of Contents

The Community's Vision for So & So Team/Dept

GENERIC

Community Vision

In 2009 the City conducted a series of interviews, surveys, open houses, etc., to better understand the Community Vision or the way residents see Park City, what they value, and what they want local government to focus on. We learned that our mandate is to ***Keep Park City "Park City"***. The boxes at right show what the community has identified as the Core Values that make Park City "Park City".

Community Core Values

Sense of Community	Natural Setting
Small Town	Historic Character

This section should contain a simple statement that relates the activities of your department/team generally to the Community Vision and the Core Values. For purposes of communicating visually, you may want to use colors corresponding to the boxes above when calling out core values, such as Sense of Community. Examples of this kind of statement exist on the first page of the biennial plans. A brief paragraph of 3-5 sentences is appropriate.

Community Vision

↓

Council Priorities

↓

Desired Outcomes

↓

Strategies

- Operating Programs
- Capital Projects
- Policies

Council Priorities & Desired Outcomes

In the ***PC 2030*** long range strategic plan, the City Council identified four priority areas upon which the City must focus its efforts in order to achieve the Community Vision and Keep Park City "Park City". So & So Team/Dept is critical to X of those four priorities, namely:

World-Class, Multi-Seasonal Resort Community

-and-

A Community of Diverse Cultural & Economic Opportunities

Within each priority area, a set of ***Desired Outcomes*** shows what we intend to accomplish. This document puts forth the specific strategies and action steps we'll use to bring about these Desired Outcomes.

SO & SO TEAM/DEPT MISSION

If you don't already have one, please create a Mission Statement and enter it here. This statement should be brief and distill the purpose of your team/dept in the context of the Community Vision. You may consider using some design elements to call this statement out for visual communication.

WHO IS THE SO & SO TEAM/DEPT?

This section is only necessary if you feel the need to clarify ambiguity about who your team/department is and what you do. While this is a management document primarily, it is certainly possible that residents or others with less intimate knowledge of City operations will read it. This section can help them understand, say, the difference between Budget and Finance departments, or what a Sustainability Team is.

Strategies & Action Steps

GENERIC

To ensure that our strategies are accomplishing the Community Vision, each strategy can be linked to one or more Desired Outcomes within a Council Priority Area. The Council Priorities represent the City Council's broad strategy for achieving the Community Vision.

Community Vision

Keeping Park City "Park City"

SENSE OF COMMUNITY | *NATURAL SETTING* | *SMALL TOWN* | *HISTORIC CHARACTER*

PLAN DO

Council Priorities

Applicable Council Priority #1

- **Applicable Desired Outcome #1**
- **Applicable Desired Outcome #2**
- **Applicable Desired Outcome #3**
- **Etc.**

Applicable Council Priority #2

- **Applicable Desired Outcome #1**
- **Applicable Desired Outcome #2**
- **Etc.**

PLAN DO

Strategies

So & So Team/Dept. Strategies

I. **Strategy #1**
II. **Strategy #2**
III. **Strategy #3**
IV. **Etc.**

STRATEGY I

NAME YOUR STRATEGY HERE

Steps taken under this strategy are crafted to bring about the following desired outcomes identified by the City Council as critical to the Community Vision of Keeping Park City "Park City":

Impacted Desired Outcomes: List desired outcomes that this strategy helps achieve

Current Policy Direction: State current policy direction from Council if one exists

	Action Step (Priority)	Deliverable	Who's Responsible	By When
Operating Programs				
First Applicable BFO Operating Program	Action Step #1	Deliverable	Position Title	Date
	Action Step #2	Deliverable	Position Title	Date
	Action Step #3	Deliverable	Position Title	Date
Second Applicable BFO Operating Program	Action Step #1	Deliverable	Position Title	Date
	Action Step #2	Deliverable	Position Title	Date
	Action Step #3	Deliverable	Position Title	Date
Capital Projects				
First Applicable BFO Operating Program	Action Step #1	Deliverable	Position Title	Date
	Action Step #2	Deliverable	Position Title	Date
Second Applicable BFO Operating Program	Action Step #1	Deliverable	Position Title	Date
	Action Step #2	Deliverable	Position Title	Date
Policies				
Applicable Policy	Action Step #1	Deliverable	Position Title	Date

Strategic Partners:

Internal: List Partners

External: List Partners

Critical Success Factors:

Identify outside influences or other factors which may impact success. Basically, this is where you get to say "I'm accountable for this, but if the County doesn't play along, or it snows too much or too little, or the Martians invade, or whatever, it won't come out as we planned."

STRATEGY II

ADD AS NEEDED

Program Resources

The following narrative provides a brief description regarding how major resources will be managed in order to successfully carry out the strategies and action steps outlined in this document. Specific resource requirements, such as number of positions or budget for office supplies, are not discussed here. For that level of detail, please see the program bids and capital requests in the appendix of this document.

Human Capital

Describe your approach human resource management, including hiring practices, performance management, incentivization, etc. What is your department/team role in the centralized/decentralized hybrid approach Park City has for human resource management?

Technology

Work with IT to define your customer and identify needed resources. Include a plan for how these resources will be managed moving forward.

Contract Services

Describe your approach for deciding when to use contract services versus in-house resources. Which contract services do you rely on regularly?

Appendices

GENERIC

Nelsie Smith
Business Development Specialist
Integrated Public Technologies (PayLock IPT)

Nelsie Smith is currently the Business Development Specialist for PayLock IPT, a field-based collections and parking management company. In this capacity, Nelsie works with local governments to improve their receivables for vehicle-related debt and enhance the customer service experience related to parking in cities and counties across the country.

Prior to this experience, Ms. Smith was the Assistant to the City Manager for the City of Greensboro, NC. In this role, Ms. Smith successfully designed and implemented a performance management program called MAP (management, accountability and performance) that the City uses as a framework to determine resource allocation and project prioritization to meet the results that the public desires. In addition, she was instrumental in drafting the City's economic development strategy and led the effort to create a consolidated economic development and business resource office.

Ms. Smith also served as the Principal Analyst for the Director of Finance in Baltimore, MD; Associate Director/Credit Analyst for Fitch Ratings' Public Finance Group; and Administrative Intern to the City Manager in Highland Park, IL.

Ms. Smith recently returned to her home state of Illinois, residing in Decatur. She earned her Bachelor of Arts degree in political science from Knox College in Galesburg, IL and her Masters in Public Administration from Northern Illinois University in DeKalb, IL. Ms. Smith has expertise in the areas of performance management, municipal finance, outcome based budgeting, and process improvement.

Todd Aerni
Chief Building Official
City of Papillion, NE

Mr. Aerni has been the Chief Building Official for the City of Papillion since June 2007. Papillion is located just south of Omaha and is one of the fastest growing communities in Nebraska. Papillion has been voted one of 'The Best Places to Live' by Money Magazine throughout the past decade. Prior to joining the City of Papillion, he was a Plans Examiner for the City of Lincoln, Nebraska for three years.

Mr. Aerni obtained his associates degree in Architectural Engineering Technology and his undergraduate degree in Business Management. He is currently pursuing his Masters of Public Administration degree and is now completing the ICMA Leadership Program.

Being an active member of ICMA has given him the opportunity to learn from the best local government managers in the world.

Marc Landry
Chief Administrative Officer
Town of Beaumont, Alberta, Canada

Marc Landry has been the Chief Administrative Officer (CAO) of the Town of Beaumont, Alberta, CA since January 2008. Beaumont is located in the Edmonton Capital Region and is one of the 20 fastest growing communities in Canada. Previously, he was the CAO of the Town of Bouctouche, NB for 5 ½ years. When he started in this position, he was the youngest person to occupy a CAO position in Canada. He has completed an MBA and is now completing the ICMA Leadership Program.

Mr. Landry has also done extensive international work. He helped communities in Louisiana following Hurricanes Katrina and Rita; worked with communities in South Africa, Mozambique and Swaziland; and is now working with the District of Kothom in Cambodia on capacity-building under FCM International. Being an active member of ICMA has given him the opportunity to learn from the best CAOs in the world, something that he truly values.

Dele Lowman Smith
Assistant to the County Manager
Fulton County Government, Atlanta

Dele Smith serves as Assistant to the County Manager for Fulton County Government where she is responsible for oversight of Communications, Fulton Government Television (FGTV), Performance Management and Training, along with the Information Technology and Personnel Departments. Prior to joining Fulton County in May 2008, Ms. Smith served as Special Assistant to the County Administrator and Strategic Initiatives Manager for Broward County Government in Fort Lauderdale, FL. She also held positions with the State of Florida, including with the Florida Sterling Council, a public/private partnership in the Executive Office of the Governor which administers the state-level Malcolm Baldrige program.

Ms. Smith originally hails from Pittsburgh, Pennsylvania. She obtained her undergraduate degree at Florida Agricultural & Mechanical University and also holds a Master of Public Administration degree from Baruch College in New York City. She is a 2004 graduate of the National Urban Fellows program. Ms. Smith is a trained facilitator and an aspiring thought leader in the areas of leadership, strategic planning, and organizational change.

City Council
Staff Report

DATE:	**August 30, 2012**
DEPARTMENT:	**Public Works Transit Division**
AUTHOR:	**Kent Cashel, Transit-Transportation Manager**
TITLE:	**Sundance AVL\GPS Use Agreement**
TYPE OF ITEM:	**Administrative**

Summary Recommendation: Staff requests Council authorize the Interim City Manager to execute a 5 year AVL\GPS use agreement with the Sundance Film Festival.

Background:
In May 2011 City Council authorized Staff to execute an agreement with Avail Technologies, Inc. to develop and install an Automatic Vehicle Location\Global Positioning System (AVL\GPS). This system is being funded by a grant from the U.S. Federal Transit Administration (FTA).

AVL\GPS technologies utilize the Global Positioning System (GPS) satellites to provide real time vehicle location(s). These locations are then used by the system to provide transit users and operators with:

- Estimated bus arrival times.
- Number of passengers on each vehicle.
- Vehicle speed and operating information.
- Automatic voice announcements.
- Passenger boarding and alighting information (passenger counts).
- On-time performance reporting.

This data is provided to transit riders and operators via a wide assortment of mediums that include:

- The internet.
- Smart and traditional cell phones.
- Telephone.
- Digital signs and flat screen monitors at key bus stops.

When the GPS\AVL system is fully implemented transit users will have the ability to use their smart phone or computer to plan their route and determine when the next bus will arrive at their stop. Access to this level of travel information will simplify navigating the transit system and determining just how early one should arrive at a bus stop. This improved convenience has proven to increase ridership and passenger satisfaction for transit systems that have implemented GPS\AVL.

The Sundance Film Festival (SFF) supplements transit service provided to locals and visitors during the Sundance Film Festival. SFF provides these services through a private sector contractor (bidding the contract each year).

SFF has indicated a strong desire to participate with Park City Transit to integrate the AVL\GPS system into their operation.

Analysis:
A major challenge for integrating an AVL system into SFF's transit operation is that the vehicles used are not owned by the SFF and may change from year to year. An AVL system requires the mounting of communications equipment within the vehicle(s).
In this case this equipment must be configured in a manner that removal and installation is simple, quick and as non-invasive as possible. Staff, working with Avail, has developed a portable (plug and play) system that will meet these needs.

Staff has drafted a 5 year binding use agreement (draft attached) that sets forth the following responsibilities for the parties:

Park City is responsible for:
- Purchasing and maintaining (20) mobile data terminals, (20) power supplies and (20) antennas.
- Ongoing maintenance and upkeep of AVL\GPS system and database.
- Input of SFF shuttle routes and schedule information into AVL\GPS system.
- Making SFFshuttle schedule information available to patrons via the City's website.

Sundance Film Festival (SFF) is responsible for:
- Installation and removal of Mobile Data Terminals and associated equipment each festival.
- Providing City with SFF shuttles routes and schedule info.
- 5 annual payments (equal to costs of equipment including interest that would have been collected had purchase price of equipment been maintained in the Utah State Treasurer's fund).
- Returning mobile data terminals, power supplies and antennas to City each season in good working order.

Cost and Cost Recovery
Sundance will pay all costs for this integration. However, staff did not anticipate this partnership at the time the AVL\GPS system budget was assembled and submitted for Council approval. The five year agreement provides for full recovery of City investment (including interest) and all incremental operating expenses. Funds adequate to cover purchase of equipment exist in the Transit Fund CIP# CP0118 will need to be adjusted to reflect expenses and offsetting revenues. Staff will submit this revenue\expense adjustment during the 2014 budget process.

Staff believes that integrating SFF buses into our system will:

- Improve transit utilization and customer satisfaction by providing one place where transit riders can obtain real time bus information for both City and Sundance Film Festival shuttles (i.e., the City's transit webpage).

- Improve overall transit operations by providing transit staff will real time bus information for the full fleet of buses.

- Strengthen the City's partnership with the Sundance Film Festival.

Staff is requesting that Council authorize the Interim City Manager to execute a 5 year AVL\GPS use agreement with the Sundance Film Festival, in a form authorized by the City Attorney. If authorized by Council, Staff will immediately have agreement executed by both parties and begin implementation for the 2013 Sundance Film Festival.

Staff Review:
This report has been reviewed by the following City Staff: Finance, Special Events, Public Works, Budget, City Attorney and Interim City Manager. All comments received have been addressed in this report.

Alternatives;

A. **Approve The Recommendation.** Council could authorize Staff to execute a 5 year AVL\GPS use agreement with the Sundance Film Festival, in a form authorized by the City Attorney. This is Staff's recommendation.

B. **Deny The Recommendation**. Council could deny Staff's request. This alternative would require transit users during the Sundance Film Festival to obtain real time bus information from more than one source.

C. **Defer the item to a later date.** Council could defer this item. Delay of more than 3 weeks would make it impossible to implement the AVL\GPS system into SFF vehicles for the 2013 Sundance Film Festival.

D. **Do Nothing**. Council could do nothing this alternative would have the same effect as Alternative B.

Recommendation:
Staff requests Council authorizes the Interim City Manager to execute a 5 year AVL\GPS use agreement with the Sundance Film Festival.

Attachments:
Attachment A: AVL Use Agreement

Attachment A: AVL Use Agreement

USE AGREEMENT FOR AUTOMATIC VEHICLE LOCATION (AVL) HARDWARE AND DATA

This Grant of Revocable License Agreement ("Agreement") is made by and between PARK CITY MUNICIPAL CORPORATION ("City") and Sundance Film Festival ("Licensee") to set forth the terms and conditions under which Licensee may temporarily use property owned by the City in Summit County, Utah.

WHEREAS, real time transit information benefits the residents and visitors of Park City and Summit County as a traffic mitigation tool; and

WHEREAS, one of the special event traffic management strategies of the City is to reduce the volume of single occupant vehicle trips by providing travelers easy access to real time transit information.

NOW THEREFORE, based upon mutual consideration herein, the adequacy of which is hereby acknowledged, the City and Licensee agree as follows:

1. **Property**. 20 Mobile Data Terminals.

2. **Commencement Date**. This License shall be valid upon execution of the parties.

3. **Term**. The License granted herein shall be valid from July 1, 2012 until January 30th, 2017, unless City revokes the Agreement. City may revoke the Agreement with written notification to Licensee between February 1 and July 15. This Agreement can be extended beyond January 30, 2017, by written agreement signed by both parties on or before January 30th, 2017.

4. **Use of the Property**. Subject to the terms and conditions of the Google Transit Agreement dated December 1, 2010 attached as Exhibit A to this Agreement, Licensee is hereby granted a revocable license for the use of up to 20 Mobile Data Terminals (MDT) including the programming and operation of Sundance Film Festival (Festival) shuttle routes, schedules and real time bus information within the City's Automatic Vehicle Location software.

The following conditions apply to use of the property:

a) The City shall procure 20 Mobile Data Terminals (MDT) for Licensee use under this agreement. MDT's shall be configured to allow for temporary install and removal from vehicles.
b) The Licensee shall provide the City with shuttle routes and schedules for the next occurring Festival no later than June 15th of the preceding year. Licensee shall provide information including:
    a. Festival operational dates for public shuttles
    b. Route numbers
    c. Start and end times for each route
    d. Frequencies of each route

   e. Number of buses on each route (by day)
   f. List of all venues and theatres.
   g. Any other data required by City's AVL system

c) City shall input the Licensee's Festival routes and schedule into the City's AVL and ensure schedules and routes are operational within the AVL system no later than September 30th of each year.
d) Licensee shall verify that the routes and schedules are operating correctly within the City's AVL system no later than October 30th of each year.
e) Licensee's Manager, Festival Accommodation & Transportation shall attend all required coordination meetings with the City, which meetings shall occur at least once per month.
f) City shall provide to the Licensee 20 MDT units each year no later than 15 working days prior to start of Festival shuttle service.
g) Licensee shall be responsible for installing, and making fully operational, MDT, Global Positioning System (GPS) antenna and other required equipment into Licensee's buses. Licensee shall make the above buses and equipment available to City staff for testing and verification no less than two business days prior to start of Festival shuttle service each year.
h) The City shall be responsible for all normal maintenance or service required on MDT units themselves. Any damage to MDT units due to neglect, abuse or misuse shall be the responsibility of the Licensee. Any repair or service related to the installation of MDT (i.e., mounting hardware, antenna and leads, power cords or etc.) shall be the responsibility of the Licensee. Any repair or replacement cost shall not exceed the City's actual replacement cost for the damaged equipment at time of repair or replacement. Documentation of actual cost shall be provided to the Licensee by the City upon request.
i) Licensee shall be responsible for removal of MDT units from buses.
j) Licensee shall return MDT units (including mounting hardware, antenna and leads, power cords and etc.) to the City no more than 15 business days following the end of Festival shuttle service each year. MDT units must be returned in the same condition they were received in.(excepting normal wear and tear). Licensee shall be responsible for any damage to MDT units.
k) The City shall make Licensee's Festival shuttle routes, schedule and real time bus information available to the Licensee and its patrons on the City's website.

5. **Payment**. The Licensee shall pay to City a sum not to exceed $12,500 on or before October 30th each year. Annual payment sum will be calculated using a Microsoft Excel annual lease payment formula as follows (PMT=(Present Value, Interest Rate, Number of Payments). The following variable definitions shall be utilized in this calculation:

1. Present Value = Actual cost of MDT equipment
2. Interest Rate = Public Treasurer's Investment Fund Interest rate (set using February 365 day rate each year posted at http://www.utah.gov/treasurer/ptif-rates.html).
3. Number of Payments = 5 annual payments

The City's actual cellular communication costs for the 20 MDT's utilized during the Festival shall also be included in the annual payment sum. If cellular communication rates escalate more than 10% above 2012 rates Licensee and City shall renegotiate annual not to exceed amount of $12,500.The City shall provide to the Licensee supporting documentation for all variables used in the payment calculation at time of each annual billing.

6. **Indemnity**. Licensee covenants and agrees to indemnify, hold harmless and defend

the City, its agents and employees, from all fines, suits, claims, demands and actions of any kind including attorney fees by reason of any and all of its operations hereunder and agrees to assume all the risk in using the Property and is solely responsible and answerable in damages for any and all accidents or injuries to person or property. Nothing herein shall apply to the intentional torts of the City.These provisions have been mutually negotiated by the parties, and are expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement. Nothing herein shall waive or limit any defense, requirement or limitation in the Governmental Immunity Act of Utah.

7. Data Ownership The City shall be the sole owner of any and all AVL electronic

data developed under this agreement. The City shall make available to the Licensee copies of all preprogrammed reports that containing data regarding the operation of Licensee(s) vehicles.

8. Early Termination. Should Licensee terminate this agreement before January 30th,

2017, Licensee shall pay the City the balance of payments required under this agreement using the following formula ($62,500 less payments made by Licensee as of the date of termination).

Force Majeure In the event the Sundance Film Festival is a cancelled because of acts of god or other reasons beyond Licensee's control, annual payment for that Festival will be either refunded or credited to Licensee.

9. **Insurance**. Licensee shall procure and maintain for the duration of the Agreement,

insurance against claims for injuries to persons or damage to property which may arise from or in connection with the uses hereunder by Licensee, their agents, representatives, employees, volunteers or subcontractors.

Licensee shall provide a Certificate of Insurance evidencing:

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

The City shall be named as an additional insured on the insurance policies and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of Insurance shall warrant that the City shall receive 30 days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

Licensee's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

8. **Assignment/Sublease**. This License may not be assigned or the Property sublet.

10. **Entire Agreement**. This Agreement constitutes the entire and only agreement between the parties and it cannot be altered except by written instrument, signed by both parties.

DATED THIS _______ day of __________________, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Diane Foster, Interim City Manager

Attest:

____
Janet Scott, City Recorder

Approved As To Form:

____
Thomas Daley, Deputy City Attorney

Licensee

____

_

____

_

By: (Name), (Title)

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of ________________, 2012, personally appeared before me ______________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he/she is the __________________________ (*title or office*) of ____________________ Corporation by Authority of its Bylaws/Resolution of the Board of Directors, and said ___________________________ acknowledged to me that said Corporation executed the same.

____
Notary Public

City Council
Staff Report

Subject: HPCA/Swede Alley Crosswalks – Award of Construction Contract
Author: Matt Twombly
Department: Sustainability
Date: August 30, 2012
Type of Item: Administrative - Award of Contract

Summary Recommendation:
Staff requests authorization to proceed with the Swede Alley Crosswalks Project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Miller Paving Inc., in the amount of One Hundred Seventy Eight Thousand Eight Hundred Ninety Seven dollars. **($178,897)**.

Topic: Swede Alley Crosswalks Project Construction Contract.

Background:
On January 26, 2012 Council awarded the HPCA/Main Street Improvement project professional service provider contract with the IBI Group. Since then there have been several public meetings, presentations to Council and the HPCA and an open house on the Main Street Improvement projects.

IBI Group and staff in cooperation with the HPCA prioritized the list of projects into an immediate, short term and long term plan for implementation. The working committee identified the Swede Alley crosswalks, the Historic Wall reconstruction (not including the plaza) and the Egyptian Pass-through projects as immediate need projects. The Swede Alley crosswalks were the highest priority where work in the roadway should be completed by October 15th. The wall reconstruction requires additional design and engineering and the Egyptian Pass-through requires easements and agreements which are all in process.

Analysis:
The project entails the installation of brick pavers to identify the crosswalks in Swede Alley at five locations. The locations are: Across Heber Avenue at Swede Alley, across Swede Alley at Heber Ave., across Swede at the Transit Center, across Swede at China Bridge/Café Terigo, and across Swede at the Egyptian Pass-through.

There is also a small brick seating area/landscaped plaza behind the sidewalk at China Bridge across from the Egyptian Pass-through. This is to help identify the access from China Bridge to Main Street in this location. This seating area is also strengthened by the use of metal panels cut out in human figures. The cut out figures are conceptually going to be used with the Egyptian Pass-through improvements to help tie the projects together. The plans for the metal cut outs were discussed at the Public Art Advisory Board meeting on August 13, 2012, and the board unanimously supported the project.

The Project was advertised to bidders on August 8 and 11, 2012 in the Park Record and August 9 and 10, 2012 in the Salt Lake Tribune. It was also posted on the online at utahlegals.com and on the City's website.

There were four general contracting firms holding plans on the project. On August 21, 2012 a public bid opening was held at the Marsac building 3rd floor. There were two bidders on the project and the bids are as follows:

Bidder	**Base Bid**	**Alternate 1 Artistic Metal Panels**	**Total**
Miller Paving, Inc.	$172,892	$5,995	$178,897
Northridge Construction, Inc.	$288,035	$14,115	$302,150
Engineer's Estimate	*$249,400*	*$28,000*	*$277,400*

The lowest responsive and responsible bidder was **Miller Paving Inc., in the amount of One Hundred Seventy Eight Thousand Eight Hundred Ninety Seven dollars. ($178,897)**. The engineer's estimate was $277,400.

Construction is scheduled to begin once the agreement is executed and all bonds and insurance requirements are submitted to the City. The completion date for the project is November 15, 2012.

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

Alternatives:

A. **Approve the request, and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Miller Paving Inc., in the amount of One Hundred Seventy Eight Thousand Eight Hundred Ninety Seven dollars. ($178,897): (Staff recommendation)**
B. Modify the request: Council could choose to modify the project and re-bid, which would likely delay the schedule of the project.
C. Deny the request: Council could choose to not continue with the project at this time.
D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
E. Do Nothing: Same effect as continuance.

Significant Impacts:
There is currently approximately $600,000 budgeted in the Main Street Projects CIP account. Sustainability staff resources will be required to manage the project. There should only be minor maintenance impacts to Public Works operations.

Staff Recommendations:
Staff requests authorization to proceed with the Swede Alley Crosswalks Project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office Miller Paving Inc., in the amount of One Hundred Seventy Eight Thousand Eight Hundred Ninety Seven dollars. ($178,897).

City Council
Staff Report

Application #: **PL-12-01488**
Subject: **80 Daly Avenue Subdivision**
Author: **Francisco Astorga, Planner**
Date: **August 30, 2012**
Type of Item: **Administrative – Plat Amendment**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider denying the 80 Daly Avenue Subdivision plat amendment based on the Planning Commission's negative recommendation. Staff has prepared findings of fact and conclusions of law supporting the Commission's recommendation found in the draft denial.

Description

Applicant:	Alex Adamson, represented by Jonathan DeGray
Location:	80 Daly Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Proposal

This is a plat amendment request to combine part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The entire site is currently vacant.

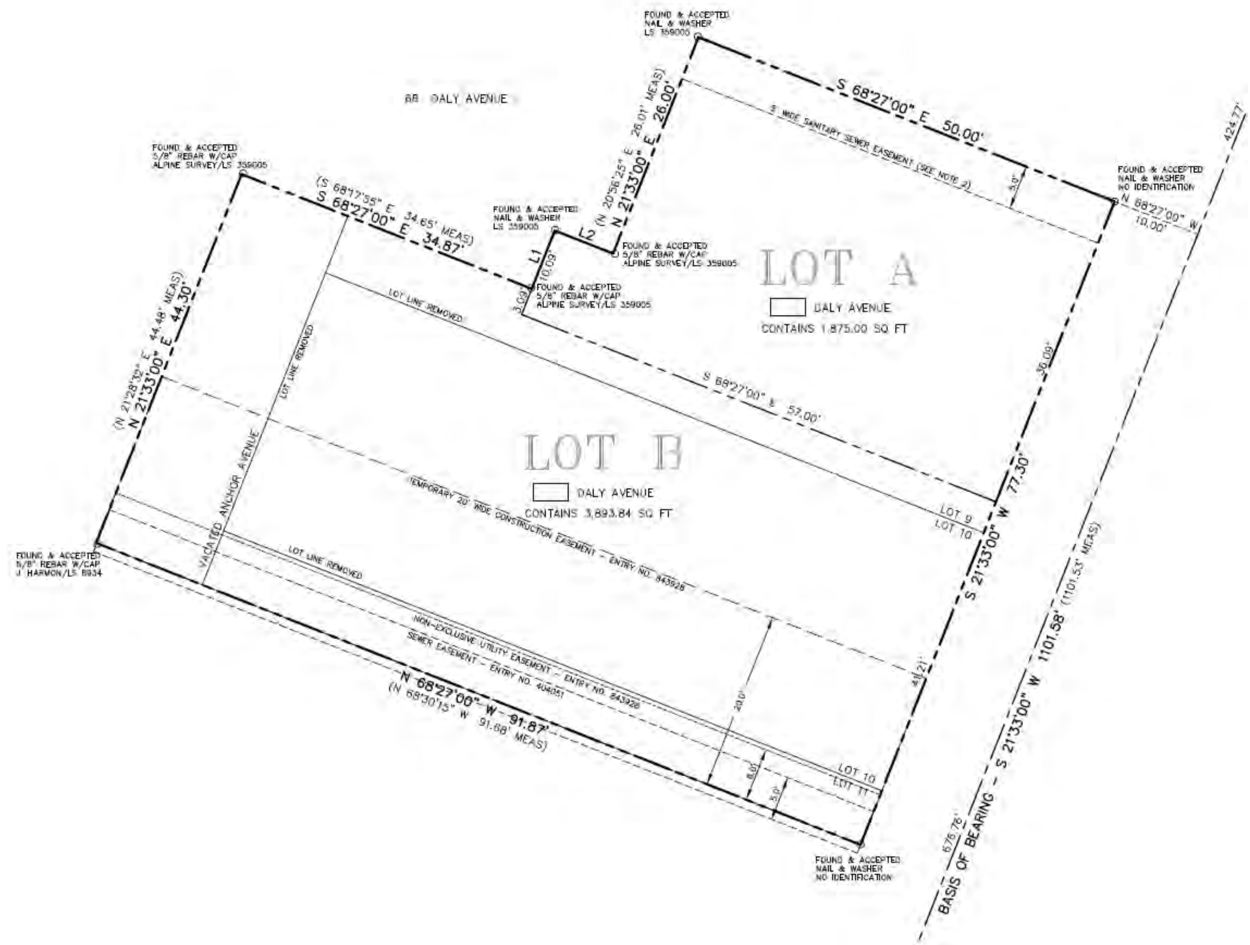
Purpose

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

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

Background

On February 28, 2012 the City received a completed application for the 80 Daly Avenue Subdivision plat amendment. The property is located within the Historic Residential (HR-1) District. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. Currently the site is vacant. The northern lot is identified as Lot A and the southern lot is identified as Lot B. See proposed plat amendment below:



On April 11, 2012 the Planning Commission reviewed the requested plat amendment and continued the discussion to May 9, 2012. During this meeting the Planning Commission expressed concerns where they were not inclined to approve an oversized lot and structure within this neighborhood as the Commission was concerned with compatibility in term of house size. The Commission requested an analysis of the floor areas of structures in the Daly Avenue neighborhood.

On May 9, 2012 the Planning Commission reviewed the requested floor area analysis and discussed the additional mitigation for the impacts of the built structure on 68 Daly Avenue. The study facilitated a house size comparison of all the structures on Daly

Avenue. In order to ensure compatibility in terms of house size Staff recommended limiting the gross floor area of proposed Lot B to 2,532 square feet, the average of the entire neighborhood and allowing the existing building parameters to govern Lot A, which essentially would have been about the same square footage. The Commission discussed the footprint calculation, the floor area cap, and the portion of a lot being platted. The Planning Commission clarified their concern of how a new structure on Lot A would impact 68 Daly Avenue from the standpoint of view shed and solar access. The Commission indicated that they needed to understand those impacts before making a recommendation to the City Council. It was requested that the applicant bring back a model to review the development potential. Staff was also directed to add lot areas and footprints to the Daly Avenue study. The item was continued to May 23, 2012. Staff was also directed not to include the portion of vacated Anchor Avenue into the footprint calculation. The applicant also mentioned that 1,300 square foot footprint would achieve a building size that works at approximately 3,300 of gross floor area.

On May 23, 2012 the item was continued to June 13, 2012 because no additional information was provided. On June 13, 2012 the item was continued to June 27, 2012 because no additional information was provided. On June 27, 2012 the item was continued to a date uncertain rather than to July 11, 2012 as stated in the agenda due to the needed information related to the continuation on May 9, 2012.

On July 25, 2012 the Planning Commission reviewed the requested plat amendment. The Planning Commission forwarded a negative recommendation to the City Council with a 4-1 vote. See Attachment 3 - minutes from July 27, 2012 Planning Commission meeting.

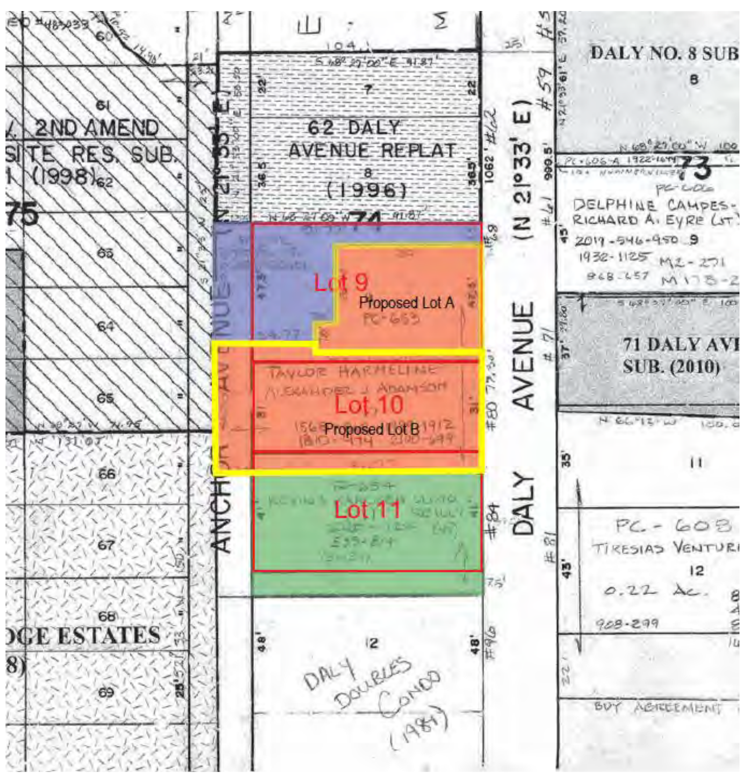
Analysis

The proposed plat amendment creates two (2) legal lots of record from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. A duplex is a conditional use that requires a Conditional Use Permit to be reviewed and approved by the Planning Commission. The proposed area of Lot A is 1,875 square feet. The proposed area of Lot B is 3,893.84 square feet. The minimum lot width is twenty-five feet (25'). The proposed width of Lot A is 36.09 feet. The proposed width of Lot B is 41.52 feet. The applicant proposes to be able to build on each lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	Permitted – Lot A	Permitted – Lot B
Front/rear yard setbacks	10 feet minimum, 20 feet total (based on the lot depth of 57 feet)	12 feet minimum, 25 feet total (based on the lot depth of 91.87 feet)
Side yard setbacks	3 feet minimum, 6 feet total (based on the lot width of 36.09 feet & 41.21 feet, respectively)	
Building Footprint	844 square feet (based on the lot area of 1,875 square feet)	1,384 square feet (based on the lot area minus the vacated ROW

		totaling 3,340.09 square feet) 1,564 square feet (based on the entire lot area totaling 3,83.84 square feet)
Height	27 feet above existing grade, maximum.	
Number of stories	A structure may have a maximum of three (3) stories.	
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	
Vertical articulation	A ten foot (10’) minimum horizontal step in the downhill façade is required for a for third story	

Lot 9, 10, and 11 are lots of record found within Block 74, Millsite Reservation of the Park City Survey. Approximately half of lot 9 is recognized as parcel no. PC-652, 68 Daly Avenue, currently owned by Peter Henderson (shown with a blue highlight below). The other approximate half of Lot 9 is recognized as parcel no. PC-653, currently owned by Alex Adamson, the applicant of this plat amendment request. PC-653 also includes the other areas of this requested application, all of lot 10, vacated Anchor Avenue, and a six foot (6') strip of lot 11 (shown with a red highlight below). Most of lot 11, is recognized as parcel no. PC-654, 84 Daly Avenue, currently owned by Kevin Reilly & Karleen Lloyd, (show with a green highlight below). PC-654 also includes a 7.5 feet which is part of Lot 12. The requested plat amendment is only for the portion owned by Alex Adamson shown in red highlight below:



The Planning Commission did not find good cause for this plat amendment as there are three (3) lots of record affected with the requested plat amendment, approximately half of lot 9, all of lot 10, and approximately the northerly six feet (6') of lot 11. The applicant requests the ability to remove the existing lot lines under their ownership (in red above) to reconfigure two (2) lots of record which would meet the minimum lot area, minimum width, and required street frontage. If the requested plat amendment is approved, the three (3) historically platted Daly Avenue, Old Town, Millsite Reservation of the Park City Survey lots could have a total of four (4) structures, instead of three (3).

Lot 9 contains a built structure (68 Daly Avenue, parcel no. PC-652). In the early 1980's the City issued a building permit for this site, allowing the property owner to re-build a structure that was destroyed after a water tower incident. The City also granted a variance where the site is not required to provide any off-street parking. When the City issued the building permit and granted the variance it recognized this portion of 68 Daly Avenue as a <u>buildable area</u>. Currently the City requires a site to be recognized as a legal lot of record before allowing new construction, exterior remodels and/or additions. In the 1980's the City did not have this requirement. The existing ownership area of Lot 9 has remained the same since the reconstruction permit that was issued in the early 1980's. The subject area is currently vacant. Lot 11 contains a built structure (84 Daly Avenue, parcel no. PC-654), built circa 1900. This structure is not on the Historic Sites Inventory because of the extent of changes made to the building over time—it does not appear to retain any historic material and, more importantly, it does not retain its essential historic form and, therefore, does not meet the criteria for listing on the City's inventory.

The Planning Commission found that there is already a structure built on Lot 9, and that they would be inclined to allow the construction of a structure on Lot 10, which would ultimately allow three (3) structures on three (3) lots of record. The Planning Commission also found that the character of the neighborhood would not be compatible with the construction of two (2) structures (one behind the other) on the historically platted configuration of Daly Avenue, specifically lot 9.

It should be recognized that in the future, if the other property owners (68 Daly Ave. & 84 Daly Ave.) request to remodel or build an addition to their structures they would have to go through this same plat amendment process to remove the lots lines that may not match their ownership. It is also assumed that the two (2) neighboring ownership boundaries, 68 & 84 Daly Avenue meet the minimum lot area, width, and street frontage; however, this should be analyzed in greater detail once their plat amendment is received, to be confirmed with the required existing conditions & topographic survey.

<u>Building Encroachments</u>
The submitted certified survey indicates that 68 Daly Avenue has several improvements encroaching onto this property. The submitted survey was prepared by Alliance Engineering and has been certified by a licensed surveyor, which meets the City's requirements for plat amendment requests. The encroachments consist of the wooden

staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. These encroachments are not historic.

During the July 25, 2012 Planning Commission review, legal counsel for the 68 Daly Avenue property owner indicated that the submitted survey provided by the applicant was incorrect regarding this encroachment. Staff clarified that the applicant met the submittal requirement for a plat amendment request which includes a survey certified by a licensed surveyor.

Temporary Easement

Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates. King Ridge Estates is a three (3) lot subdivision located south west of the subject site, accessed of Ridge Avenue at 158, 162, and 166 Ridge Avenue.

The easement extends from front to back of the entire length of the lot. The applicant identified such easement on their proposed plat. This agreement is between the owner of the subject site and the owner(s) of King Ridge Estates. The possible approval of this plat amendment does not change or effect the temporary easement. Lot B would not be able to construct on the temporary easement until requirements identified on the agreement are met.

Maximum Footprint Size

During the July 25, 2012 Planning Commission meeting staff recommended that the Planning Commission forward a positive recommendation to the City Council. This recommendation reduced the maximum gross floor area of lot B to 200% of the footprint limiting the square footage to 2,768. Staff did not recommend to reducing the maximum gross floor area of lot A based on that the proposed area, 1,875 square feet, is the equivalent of one (1) standard Old Town lot of record. Essentially this structure would be limited to a maximum footprint of 844 square feet and three (3) stories, which could add up to 2,532 square feet without any articulation or the third story step back currently required in the Land Management Code.

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is 3,750 square feet.

Development in Old Town requires a Historic District Design Review (HDDR) application to be reviewed and approved by the Planning Department to find compliance with the 2009 Design Guidelines for Historic District and Historic Sites.

Process

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

Department Review

This project has gone through an interdepartmental review. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot. From the information in their files SBWRD cannot determine if the lateral is located under or adjacent to the stairs, so they decided to have an easement provided in case it is necessary and advise potential owners of 80 Daly that relocation of the lateral may be necessary. See Exhibit F.

Notice

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

Public Input

During the April 11, 2012 Planning Commission public hearing Karleen Reilly residing at 84 Daly Avenue provided comments. See Exhibit H. During the May 9, 2012 Planning Commission public hearing Brent Gold on behalf Peter Henderson provided comments. See Exhibit I. During the July 25, 2012 Planning Commission public hearing Karleen Reilley and Brent Gold provided comments.

Alternatives

- The City Council may deny the 80 Daly Avenue Subdivision plat amendment according to the findings of fact and conclusions of law in the draft denial letter; or
- The City Council may approve the 80 Daly Avenue Subdivision plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance attached as Exhibit 2 A (Planning Commission Report) as conditioned or amended; or

- The City Council may continue the discussion on 80 Daly Avenue Subdivision plat amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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

Consequences of not taking the Suggested Recommendation
The lots would remain as is and no construction could take place across the existing lot lines.

Recommendation
Based on the Planning Commission's negative recommendation, staff recommends the City Council hold a public hearing and consider denying the 80 Daly Avenue Subdivision plat amendment. Staff has prepared findings of fact and conclusions of law supporting the Commission's negative recommendation found in the draft denial.

Attachments
Attachment 1 – Draft denial of Plat Amendment
Attachment 2 – July 25, 2012 Planning Commission Staff Report & sub-exhibits:
Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Topographic Survey
Exhibit C – Temporary Easement Agreement with King Ridge Estates
Exhibit D – Aerial Photograph
Exhibit E – County Plat Map with outlines of proposed lots
Exhibit F – SBWRD Letter
Exhibit G – Daly Avenue Study (May 2012)
Exhibit H – April 11, 2012 Planning Commission meeting minutes
Exhibit I – May 9, 2012 Planning Commission meeting minutes
Exhibit J – CC Staff Report dated 05.05.2008 313 Daly Avenue Plat Amendment
Exhibit K – 3D Model
Exhibit L – Conceptual site plan & massing elevations
Attachment 3 – Minutes from July 25, 2012 Planning Commission meeting

Attachment 1 – Draft Final Action Letter Denying the Subdivision Plat

FINAL ACTION DENYING THE 80 DALY AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 80 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 80 Daly Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 11, 2012, May 9, 2012, and July 25, 2012 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 25, 2012, forwarded a negative recommendation to the City Council; and,

WHEREAS, on August 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to deny the 80 Daly Avenue Subdivision.

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

SECTION 1. DENIAL. The 80 Daly Avenue Subdivision Plat Amendment as shown in Exhibit A is denied subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact:

1. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record.
2. The site is located within the Historic Residential (HR-1) District.
3. Approximately half of lot 9 is recognized as parcel no. PC-652, 68 Daly Avenue, which has a built structure.
4. The other approximate half of Lot 9 is recognized as parcel no. PC-653, currently owned by the applicant of this plat amendment request. This area is currently vacant. Parcel no. PC-653 also includes the other areas of this requested application which includes all of lot 10, vacated Anchor Avenue, and a six foot strip of lot 11.
5. Most of lot 11, is recognized as parcel no. PC-654, 84 Daly Avenue, which has a built structure. Parcel no. PC-654 also includes a 7.5 feet which is part of Lot 12

6. There are three (3) lots of record affected with the requested plat amendment, approximately half of lot 9, all of lot 10, and approx. the northerly six feet (6') of lot 11.
7. The City currently does not allow more than one (1) main structure to be built on one lot of record within the HR-1 District.
8. The Planning Commission found that the character of the neighborhood would not be compatible with the construction of two (2) structures on the historically platted configuration of Daly Avenue, specifically lot 9.
9. The applicant requests the ability to remove the existing lot lines under their ownership to reconfigure two (2) lots of record which would meet the minimum lot area, minimum width, and required street frontage.
10. If the requested plat amendment is approved the three (3) historically platted Daly Avenue, Old Town, Millsite Reservation of the Park City Survey lots could have a total of four (4) structures, instead of three (3).

Conclusions of Law:

1. There is no good cause for this plat amendment in that the combined proposed lots would essentially add a total of four (4) lots of record to an area that was originally platted as three (3) lots.
2. The plat amendment is not consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

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

PASSED AND ADOPTED this ____ day of _______, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

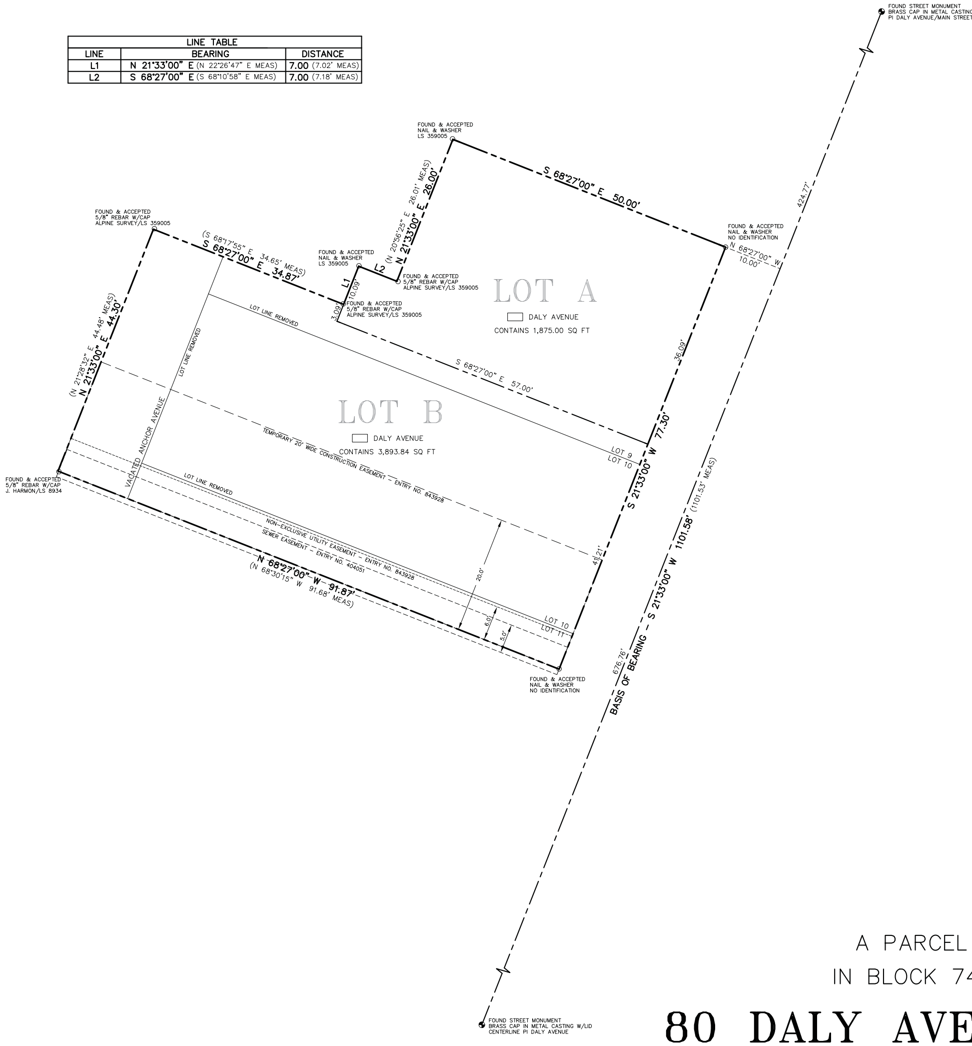
ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E (N 22°26'47" E MEAS)	7.00 (7.02' MEAS)
L2	S 68°27'00" E (S 68°10'58" E MEAS)	7.00 (7.18' MEAS)



SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Part of Lot 9, all of Lot 10 and part of Lot 11, Block 74, Millsite Reservation of the Park City Survey, together with part of vacated Anchor Avenue more particularly described as: Beginning at a point that bears South 21°33' West 7.50 feet from the northeast corner of Lot 9, Block 74, Millsite Reservation of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County recorder, and running thence South 21°33' West along the easterly line of said Block 74, Millsite Reservation of the Park City Survey 77.30 feet; thence North 68°27' West 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East along the centerline of the vacated Anchor Avenue 44.50 feet (44.30 feet actual); thence South 68°27' East 34.87 feet; thence North 21°33' East 7.00 feet; thence South 68°27' East 7.00 feet; thence North 21°33' East 26.00 feet; thence South 68°27' East 50.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as 80 DALY AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Taylor Harmeling and Alexander J. Adamson, do hereby consent to the recordation of this Subdivision Plat.

In witness whereof, the undersigned set their hands this _____ day of

_______________, 2012.

____
Taylor Harmeling, Owner

____
Alexander J. Adamson, Owner

ACKNOWLEDGMENT

State of ___________:
ss:
County of ___________:

On this _____ day of ______________________, 2012, Taylor J. Harmeling and Alexander J. Adamson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Taylor J. Harmeling and Alexander J. Adamson acknowledged to me that they are the owners of the herein described tract of land, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: _________________

My commission expires: ____________________

LEGEND

Address on DALY AVENUE

10' 0 10' 20'

A PARCEL COMBINATION PLAT

IN BLOCK 74, PARK CITY SURVEY

80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

1/13/12 JOB NO.: 2-12-11 FILE: X:\ParkCitySurvey\dwg\srv\plat2011\021211.dwg

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	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 __________, 2012 A.D. BY ______________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2012 A.D. BY ______________ CHAIR	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF __________, 2012 A.D. BY ______________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF __________, 2012 A.D. BY ______________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D. BY ______________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D. BY ______________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________ ENTRY NO. __________DATE _______ TIME _____ __________ FEE ______________ RECORDER

Planning Commission Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Application #:	**PL-12-01488**
Subject:	**80 Daly Avenue Subdivision**
Author:	**Francisco Astorga, Planner**
Date:	**July 25, 2012**
Type of Item:	**Administrative – Plat Amendment**

Summary Recommendations
Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

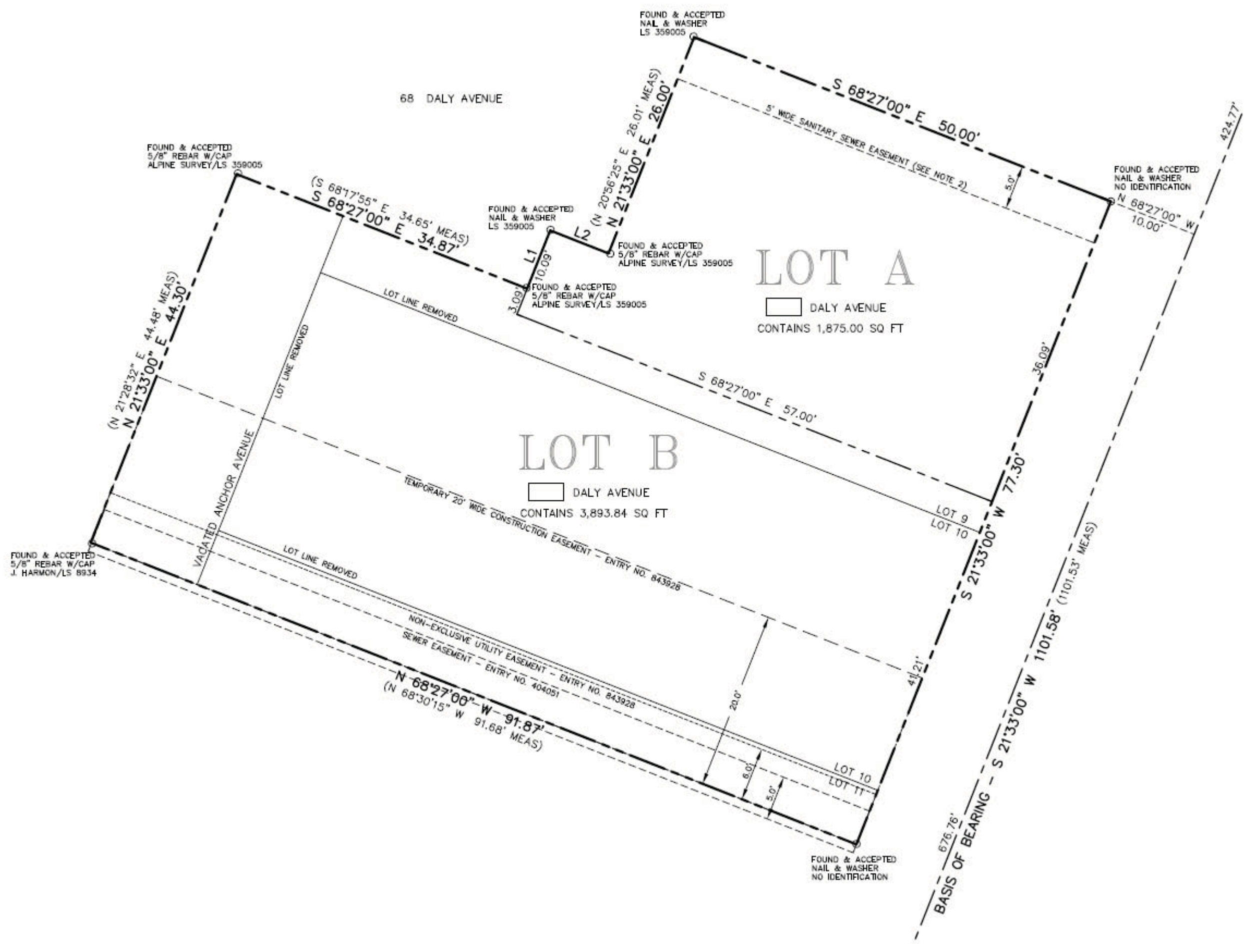
Applicant:	Alex Adamson, represented by Jonathan DeGray
Location:	80 Daly Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Proposal
This is a plat amendment request to combine part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The entire site is currently vacant.

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

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

Background
On February 28, 2012 the City received a completed application for the 80 Daly Avenue Subdivision plat amendment. The property is located within the Historic Residential (HR-1) District. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. Currently the site is vacant. The northern lot is identified as Lot A and the southern lot is identified as Lot B. See proposed plat amendment below:



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Avenue. In order to ensure compatibility in terms of house size Staff recommended limiting the gross floor area of proposed Lot B to the average of the entire neighborhood and allowing the existing building parameters to govern Lot A, which essentially would have been about the same square footage. The Commission discussed the footprint calculation, the floor area cap, and the portion of a lot being platted. The Planning Commission clarified their concern of how a new structure on Lot A would impact 68 Daly Avenue from the standpoint of view shed and solar access. The Commission indicated that they needed to understand those impacts before making a recommendation to the City Council. It was requested that the applicant bring back a model to review the development potential. Staff was also directed to add lot areas and footprints to the Daly Avenue study. The item was continued to May 23, 2012. Staff was also directed not to include the portion of vacated Anchor Avenue into the footprint calculation. The applicant also mentioned that 1,300 square foot footprint would achieve a building size that works at approximately 3,300 gross floor area.

On May 23, 2012 the item was continued to June 13, 2012 because no additional information was provided. On June 13, 2012 the item was continued to June 27, 2012 because no additional information was provided. On June 27, 2012 the item was continued to a date uncertain rather than to July 11, 2012 as stated in the agenda due to the needed information related to the continuation on May 9, 2012.

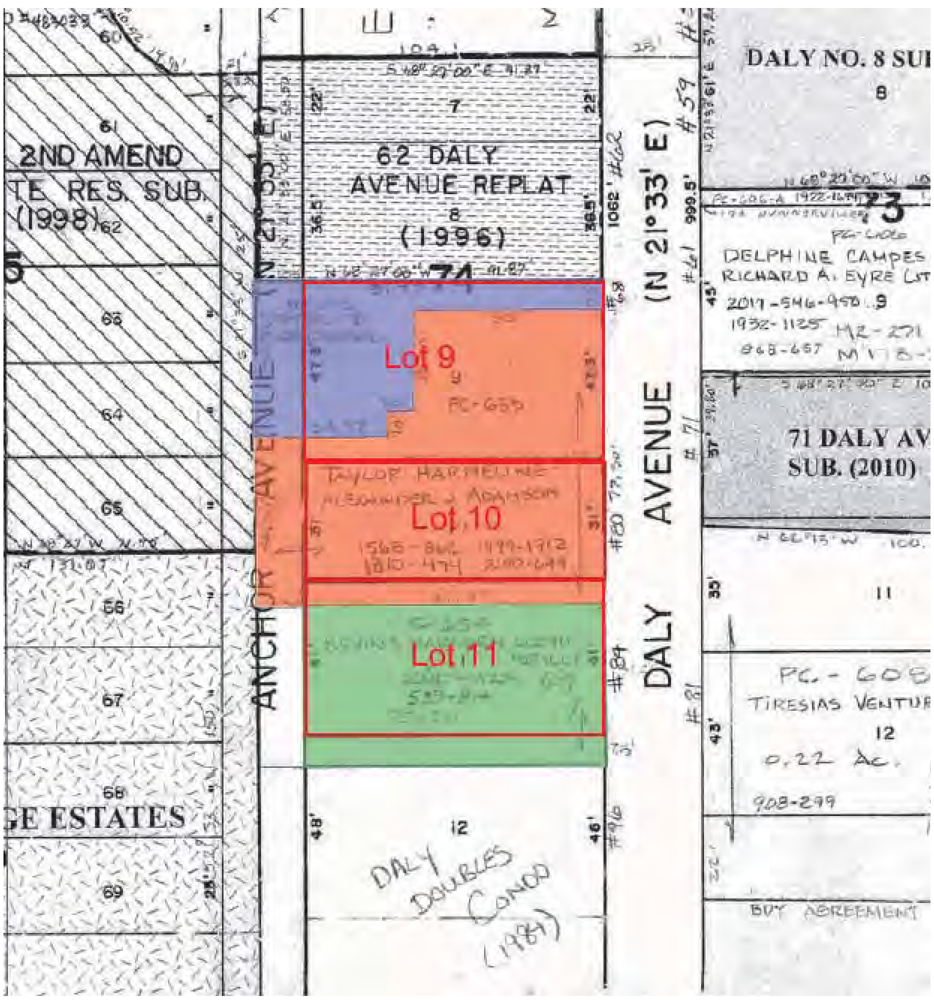
Analysis

The proposed plat amendment creates two (2) legal lots of record from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. A duplex is a conditional use that requires a Conditional Use Permit to be reviewed and approved by the Planning Commission. The proposed area of Lot A is 1,875 square feet. The proposed area of Lot B is 3,893.84 square feet. The minimum lot width is twenty-five feet (25’). The proposed width of Lot A is 36.09 feet. The proposed width of Lot B is 41.52 feet. The applicant proposes to be able to build on each lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	Permitted – Lot A	Permitted – Lot B
Front/rear yard setbacks	10 feet minimum, 20 feet total (based on the lot depth of 57 feet)	12 feet minimum, 25 feet total (based on the lot depth of 91.87 feet)
Side yard setbacks	3 feet minimum, 6 feet total (based on the lot width of 36.09 feet & 41.21 feet, respectively)	
Building Footprint	844 square feet (based on the lot area of 1,875 square feet)	1,384 square feet (based on the lot area minus the vacated ROW totaling 3,340.09 square feet) 1,564 square feet (based on the entire lot area totaling 3,83.84 square feet)

Height	27 feet above existing grade, maximum.
Number of stories	A structure may have a maximum of three (3) stories.
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for a for third story

Lot 9, 10, and 11 are lots of record found within Block 74, Millsite Reservation of the Park City Survey. Approximately half of lot 9 is recognized as parcel no. PC-652 current owned by Peter Henderson (shown with a blue highlight below). The other approximate half of Lot 9 is recognized as parcel no. PC-653 owned by the applicant of this plat amendment request, Alex Adamson. PC-653 also includes the other areas of this requested application (shown with a red highlight below). Also a portion of Lot 11 is owned by the applicant, identified as PC-653 while most of Lot 11 is currently owned by Kevin Reilly & Karleen Lloyd (show with a green highlight below). This plat amendment is only for the portion owned by Alex Adamson.



Staff finds good cause for this plat amendment as the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property. The proposed lots will meet the lot and site requirements of the HR-1 District. As identified above the applicant is not able to control the other portions of Lot 9 and 11 which he does not own. However, it should be recognized that in the future if the other property owner request to remodel or build an addition to their structures they would have to go through this same plat amendment process to remove lots lines that may not match their ownership. It is also anticipated that the two (2) neighboring ownership boundaries meet the minimum lot area, however, this should be analyzed in greater detail once the plat amendment is received to be confirmed with the required existing conditions & topographic survey. Also in the early 1980's the City issued a building permit to 68 Daly Avenue, allowing the property owner to re-build a structure that was destroyed after a water tower incident. The City also issued a variance where the site is not required to provide any off-street parking. When the City issued the building permit and granted the variance it recognized this portion of 68 Daly Avenue as a buildable area. There are no other known violations or non-compliances found on the site. However the 68 Daly Avenue, PC-652, has several improvements that encroach onto this property.

<u>Building Encroachments</u>
The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic. See below:

The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. Staff recommends that a condition be added to indicate that an encroachment agreement must be entered into prior to plat recordation which addresses the encroachments from 68 Daly Avenue or the encroachments shall have be removed.

Temporary Easement
Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates. King Ridge Estates is a three (3) lot subdivision located south west of the subject site, accessed of Ridge Avenue at 158, 162, and 166 Ridge Avenue.

The easement extends from front to back of the entire length of the lot. The applicant identified such easement on the proposed plat. This agreement is between the owner of the subject site and the owner(s) of King Ridge Estates. The possible approval of this plat amendment does not change or effect the temporary easement. Lot B will not be able to construct on the temporary easement until requirements identified on the agreement are met.

Discussion regarding maximum footprint size
There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by proposed Lot B. The building footprint is calculated by the building footprint formula within the LMC. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint or house size area to mitigate the possible impacts of the neighborhood.

On a previous proposal in the neighboring Historic Residential-Low (HR-L) Density District, a study was prepared showing lot size, maximum footprint allowed, and square footage of each house. This survey showed that the average gross floor area was approximately 141% of the maximum allowed footprint. A similar study was also prepared within the Daly Avenue neighborhood for a plat amendment request at 313 Daly Avenue for both Planning Commission and City Council review. The study concluded that the average square footage of all Daly Avenue structures was approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue structures was approximately 91% of the average maximum footprint allowed. The Planning Commission and City Council approved this two (2) lot plat amendment request capping the gross floor area to 115% (average of the two averages) of the footprint for each lot.

In response to the Planning Commission direction on April 11, 2012 and May 9, 2012 for further analysis, Staff updated the survey of all properties on Daly Avenue. This survey has been attached to this staff report as Exhibit G. The survey shows the requested information according to Summit County public records accessed online through their EagleWeb Property search database. The study contains the following items:

- Living area
- Basement area
- Attached/built-in garage area
- Unattached improvement
- Overall house size
- Lot area (acres & square feet)
- Maximum footprint allowed per the LMC according lot area
- Use
- Historic status

The survey reveals that there are 57 single family dwellings (SFDs), 12 duplexes, 4 multi-unit buildings (16 units), and 13 vacant lots, totaling 97 units. Lower Daly Avenue extending from the Main Street to 234 Daly Avenue has 37 SFDs, all of the duplexes and multi units dwellings mentioned above, and 5 empty lots. Upper Daly Avenue contains 20 units and 8 vacant lots. These lots are in the “lower Daly” area.

In terms of historic sites the study also shows that there are 30 sites listed on Park City's Historic Sites Inventory (HSI), 20 of which are located on Lower Daly and the remaining 10 on Upper Daly. The inventory is divided as 11 landmark sites and 19 significant sites. Lower Daly contains 7 landmark sites and 13 significant sites while upper Daly contains 4 landmark sites and 6 significant sites.

The study shows the following averages in terms of house size (gross floor area) to footprint ratios:

	Overall Daly	Lower Daly	Upper Daly
House size to max. footprint allowed ratio	1.41	1.60	.36
House side to max. footprint allowed ration (historic sites)	1.02	1.14	.81

The gross floor area of all structures on Daly Avenue is approximately 141% of the average maximum footprint allowed. The gross floor area of lower Daly Avenue is approximately 160% of the average maximum footprint allowed. Based upon a review of the Historic Site Inventory, one can see that the gross floor area of the structures listed on the HSI are much smaller than non-historic structures on Daly Avenue. It is also worth noting that the average lot size of sites with historic structures is slightly larger than non-historic sites. See Exhibit G.

Based on this analysis and previous Planning Commission recommendations and City Council approvals to limit house size to be compatible with the surrounding neighborhood, the Planning Commission may recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to a specific percentage of the average maximum footprint allowed, to be compatible with the neighborhood.

The City has also received a three dimension model showing the possible future development as shown as Exhibit K. According to these exhibits as well as the footprints & massing elevations sketches, the applicant proposes the following footprints and possible gross floor area based on the identified height. Note that the maximum height in the HR-1 district is twenty-seven feet (27'), and that final grade must be within four (4) vertical feet of existing grade around the periphery of the structure, therefore, the applicant could possibly build the maximum of (3) stories.

	Footprint	Possible gross floor area (approx.), based on a 3 story building.	Proposed heights
Lot A	844 square feet	2,532 square feet	26’-4”
Lot B	1,384 square feet	4,152 square feet	26’-6”

The possible gross floor area above does not accommodate the third story step back required with new construction. It also does not include any articulation that should be included in the design.

Given the area being considered to be re-platted as Lot B, which also includes the vacated Anchor Avenue, the analysis provide on Exhibit G, the maximum scenario potential identified on the table above, as well as the visual analysis presented by the applicant, Staff recommends that a maximum gross floor area be added as a plat note. During the May 9, 2012 Planning Commission meeting the Commission indicated that the vacated ROW should not be include in the building footprint calculation. Staff recommends that the gross floor area be limited to 200% of the footprint, therefore the gross floor area of proposed Lot B would be limited to 2,768 square feet. Staff finds that this gross floor area reduction would facilitate a smaller structure on Lot B to be able to mitigate the impacts shown on the model related to the structure directly to the south, 84 Daly Avenue. Even though this structure is not historic is reflects the appropriate scale and volume of our historic structures found throughout Daly Avenue and Old Town. This reduction to the equivalent of a two (2) story building also allows the architect enough flexibility to come up with a compatible design to be cautious of the compatibly factor related to our Historic District.

The minimum side yard setbacks for both sites are three feet (3') minimum. The preliminary site plan for Lot B was drafted with five foot (5') setbacks. Staff recommends that the footprint of this structure be shifted more to the north to further increase the setback on the south side to a minimum of seven feet (7’) due to the neighboring property which is seems to be inches away.

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is

3,750 square feet. Duplex could potentially be built on Lot B with a Conditional Use Permit.

Development in Old Town requires a Historic District Design Review (HDDR) application to be reviewed and approved by the Planning Department to find compliance with the 2009 Design Guidelines for Historic District and Historic Sites.

Process

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

Department Review

This project has gone through an interdepartmental review. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot. From the information in their files SBWRD cannot determine if the lateral is located under or adjacent to the stairs, so they decided to have an easement provided in case it is necessary and advise potential owners of 80 Daly that relocation of the lateral may be necessary. See Exhibit F.

Notice

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

Public Input

During the April 11, 2012 public hearing Karleen Reilly residing at 84 Daly Avenue provided comments. See Exhibit H. During the May 9, 2012 public hearing Brent Gold on behalf Pere Henderson provided comments. See Exhibit I.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 80 Daly Avenue Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 80 Daly Avenue Subdivision plat amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on 80 Daly Avenue Subdivision plat amendment and provide specific direction regarding additional information needed to make a recommendation.

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

Consequences of not taking the Suggested Recommendation
The lots would remain as is and no construction could take place across the existing lot lines.

Recommendation
Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Topographic Survey
Exhibit C – Temporary Easement Agreement with King Ridge Estates
Exhibit D – Aerial Photograph
Exhibit E – County Plat Map with outlines of proposed lots
Exhibit F – SBWRD Letter
Exhibit G – Daly Avenue Study (May 2012)
Exhibit H – April 11, 2012 Planning Commission meeting minutes
Exhibit I – May 9, 2012 Planning Commission meeting minutes
Exhibit J – CC Staff Report dated May 5, 2008 313 Daly Avenue Plat Amendment
Exhibit K - 3D Model
Exhibit L - Conceptual site plan & massing elevations.

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 12-__

AN ORDINANCE APPROVING THE 80 DALY AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 80 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 80 Daly Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 11, 2012, May 9, 2012, and July 25, 2012 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 25, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on August 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 80 Daly Avenue Subdivision.

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

SECTION 1. APPROVAL. The 80 Daly Avenue Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 80 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record.
4. The site is currently is vacant.
5. The northern lot is identified as Lot A and the southern lot is identified as Lot B.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet.

8. A duplex is a conditional use that requires a Conditional Use Permit to be reviewed and approved by the Planning Commission.
9. The proposed area of Lot A is 1,875 square feet.
10. The proposed area of Lot B is 3,893.84 square feet.
11. The minimum lot width is twenty-five feet (25').
12. The proposed width of Lot A is 36.09 feet.
13. The proposed width of Lot B is 41.52 feet.
14. The combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property.
15. The applicant is not able to control the other portions of Lot 9 and 11 which he does not own.
16. In the future if the other property owner request to remodel or build an addition to their structures they would have to go through this same plat amendment process to remove lots lines that may not match their ownership.
17. The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property which consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic.
18. The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. .
19. There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by proposed Lot B.
20. Proposed Lot B contains a portion of vacated Anchor Avenue.
21. The building footprint is calculated by the building footprint formula within the LMC.
22. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint and/or house size area to mitigate the possible impacts of the neighborhood.
23. In response to the Planning Commission direction on April 11, 2012 and May 9, 2012 for further analysis, Staff updated the survey of all properties on Daly Avenue.
24. The gross floor area of all structures on Daly Avenue is approximately 141% of the average maximum footprint allowed.
25. The gross floor area of lower Daly Avenue is approximately 160% of the average maximum footprint allowed.
26. The gross floor area of upper Daly Avenue is approximately 36% of the average maximum footprint allowed.
27. The gross floor area of structures listed on the Historic Sites Inventory on Daly Avenue is much smaller than non-historic structures on Daly Avenue.
28. Based on this analysis and previous Planning Commission recommendations and City Council approvals to limit house size to be compatible with the surrounding neighborhood.
29. The Planning Commission may recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to a specific percentage of the average maximum footprint allowed, to be compatible with the neighborhood.

30. The City has also received a three dimension model showing the possible future development.
31. Staff recommends that the gross floor area be limited to 200% of the footprint, therefore, the gross floor area of proposed Lot B would be limited to 2,768 square feet.
32. The gross floor area reduction would facilitate a smaller structure on Lot B to be able to mitigate the impacts shown on the model related to the structure directly to the south, 84 Daly Avenue.
33. The structure found at 84 is not historic but reflects the appropriate scale and volume of historic structures found throughout Daly Avenue and Old Town.
34. The minimum side yard setbacks for both sites are three feet (3') minimum.
35. The preliminary site plan for Lot B was drafted with five foot (5') setbacks.
36. Staff recommends that the south side yard setback be increased to seven feet (7') due to the neighboring property which is inches away.
37. Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates.
38. This plat amendment does not change or affect such easement and the City acknowledges the language and requirements found on such agreement.
39. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue.
40. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot.
41. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
42. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property.
2. The proposed lots will meet the lot and site requirements of the HR-1 District.
3. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

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

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the both lots' frontage on Daly Avenue.
4. Prior to plat recordation, an encroachment agreement must be entered into which addresses the encroachments from 68 Daly Avenue or the encroachments shall be removed.
5. Modified 13-D sprinklers shall be required for all new construction.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. The plat shall reflect the existence of the temporary easement for the benefit for King Ridge Estates.
8. A plat note shall be added to reflect that the maximum gross floor area for Lot B shall not exceed 2,768 square feet.
9. The footprint of Lot shall be limited to the lot area minus vacated Anchor Avenue. The maximum footprint of Lot B shall be limited to a maximum of 1,384 square feet.
10. The setback of the south side of Lot B shall be seven feet (7') minimum.

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

PASSED AND ADOPTED this ____ day of _______, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

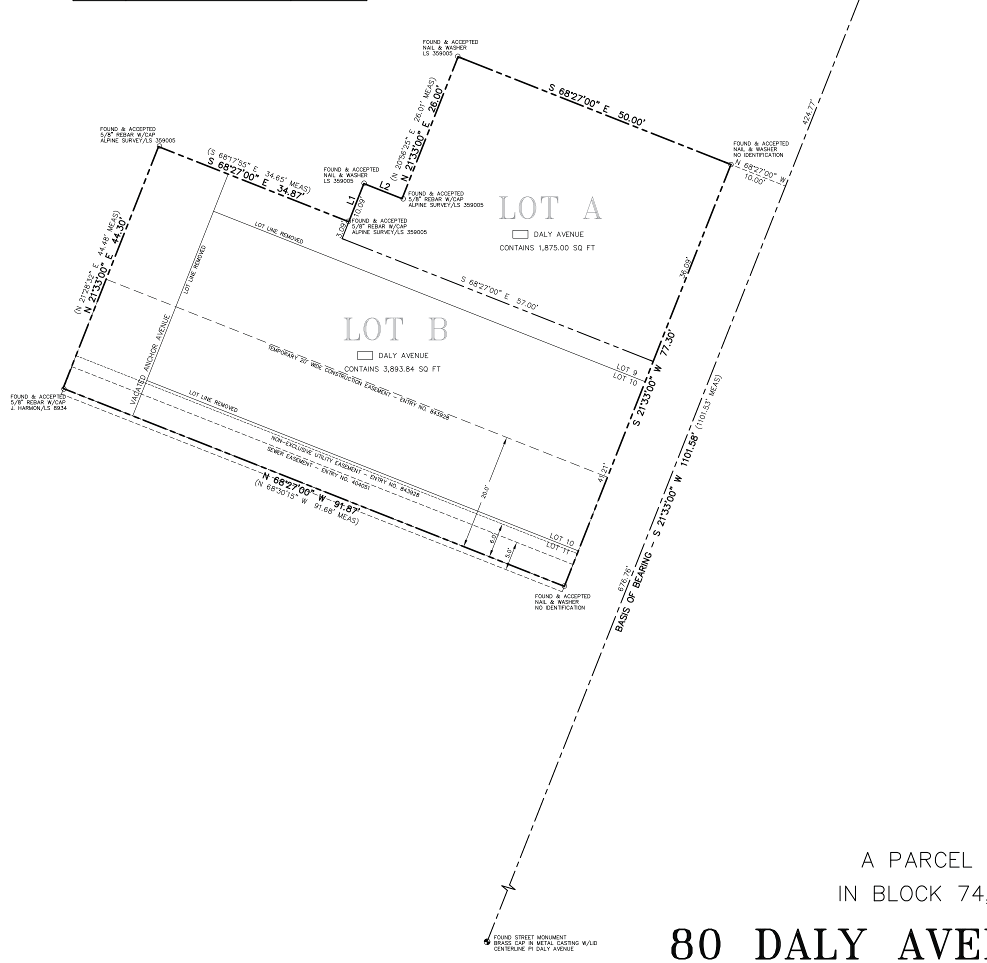
____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Exhibit A - Proposed Plat

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E (N 22°26'47" E MEAS)	7.00 (7.02' MEAS)
L2	S 68°27'00" E (S 68°10'58" E MEAS)	7.00 (7.18' MEAS)



SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Part of Lot 9, all of Lot 10 and part of Lot 11, Block 74, Millsite Reservation of the Park City Survey, together with part of vacated Anchor Avenue more particularly described as: Beginning at a point that bears South 21°33' West 7.50 feet from the northeast corner of Lot 9, Block 74, Millsite Reservation of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County recorder, and running thence South 21°33' West along the easterly line of said Block 74, Millsite Reservation of the Park City Survey 77.30 feet; thence North 68°27' West 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East along the centerline of the vacated Anchor Avenue 44.50 feet (44.30 feet actual); thence South 68°27' East 34.87 feet; thence North 21°33' East 7.00 feet; thence South 68°27' East 7.00 feet; thence North 21°33' East 26.00 feet; thence South 68°27' East 50.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as 80 DALY AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Taylor Harmeling and Alexander J. Adamson, do hereby consent to the recordation of this Subdivision Plat.

In witness whereof, the undersigned set their hands this _____ day of

_______________, 2012.

____
Taylor Harmeling, Owner

____
Alexander J. Adamson, Owner

ACKNOWLEDGMENT

State of ___________:
ss:
County of ___________:

On this _____ day of ______________________, 2012, Taylor J. Harmeling and Alexander J. Adamson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Taylor J. Harmeling and Alexander J. Adamson acknowledged to me that they are the owners of the herein described tract of land, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: _________________

My commission expires: ____________________

LEGEND

Address on DALY AVENUE

A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY

80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

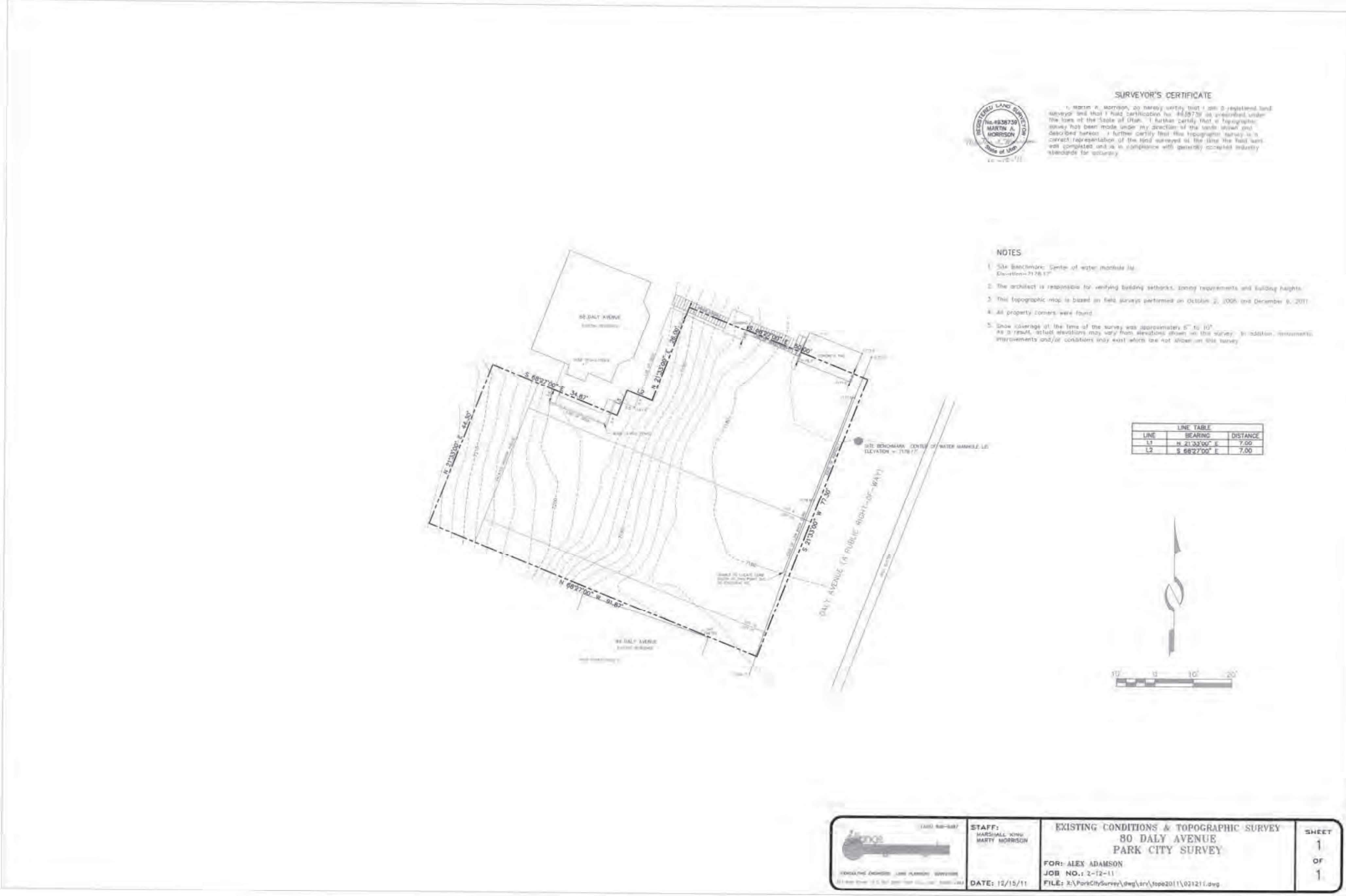
10' 0 10' 20'

SHEET 1 OF 1

1/13/12 JOB NO.: 2-12-11 FILE: X:\ParkCitySurvey\dwg\srv\plat2011\021211.dwg

Alliance Engineering Inc. (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	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 __________, 2012 A.D. BY _______________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2012 A.D. BY _______________ CHAIR	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2012 A.D. BY _______________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF __________, 2012 A.D. BY _______________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D. BY _______________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D. BY _______________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________ ENTRY NO. __________DATE _______ TIME _____ __________ FEE _______________ RECORDER

Exhibit B – Topographic Survey



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Page 1 of 8
Alan Spriggs, Summit County Utah Recorder
05/08/2008 02:52:53 PM Fee $40.00
By US TITLE UTAH
Electronically Recorded by Simplifile

AFTER RECORDING, RETURN TO:
King Ridge Resources, LLC
1550 E McKellips #121
Mesa, AZ 85203

EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is entered into as of the 25th day of April, 2008, by and among KING RIDGE RESOURCES, L.L.C., a Utah limited liability company, whose address for purposes hereof is 1550 E McKellips #121, Mesa, AZ 85203, and its successors and assigns (collectively, "Parcel 1 Owner"), and Colette Singleton, whose address for purposes hereof is 1167 E South Temple, Salt Lake City, UT 84102, and its successor and assigns (collectively, "Parcel 2 Owner").

RECITALS

A. Parcel 1 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Parcel 1").

B. Parcel 2 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit B attached hereto and incorporated herein by this reference (the "Parcel 2").

C. To facilitate the development of Parcel 1, Parcel 1 Owner is required to manage the drainage of storm water from Parcel 1, and to provide electrical utilities to Parcel 1, and, accordingly, Parcel 1 Owner desires to (i) install a storm drain, which storm drain shall be installed and maintained at Parcel 1 Owner's expense and (ii) install electrical conduit and/or natural gas piping to serve the future homes on Parcel 1.

D. Parcel 2 Owner is willing to enter into an easement agreement to grant to Parcel 1 Owner (i) a temporary, non-exclusive, 20-foot utilities easement and right-of-way on, over, under and across a portion of Parcel 2, which is more particularly described on Exhibit D-1, attached hereto and incorporated herein by this reference for the purpose of taking actions necessary to excavate, construct and install an underground storm drain and electrical utilities conduit and/or natural gas piping to serve and benefit Parcel 1 (the "Parcel 2 Construction Easement Area"), and (ii) continuing after the completion of the work of construction and installation, a perpetual, non-exclusive, 6-foot storm drain and electrical utilities and/or natural gas piping easement and right-of-way on, over, under and across that portion of Parcel 2, which is more particularly described on Exhibit D-2, attached hereto and incorporated herein by this reference (the "Parcel 2 Permanent Easement Area", and together with the Parcel 2 Construction Easement Area, the "Parcel 2 Easement Area").

AGREEMENT

NOW, THEREFORE, for ten dollars ($10.00), in hand received and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and based upon the mutual covenants, promises and agreements hereinafter set forth, the parties agree as follows:

1. Grant of Easement. Parcel 2 Owner hereby grants, conveys, transfers and assigns to Parcel 1 Owner (a) a temporary non-exclusive easement and right-of-way on, over, across and under the Parcel 2

ACCOMMODATION
RECORDING ONLY
U.S. TITLE

Construction Easement Area for the purpose of allowing Parcel 1 Owner to take all actions and to have such access necessary for the construction and installation of a storm drainage pipe and electrical utility conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, which temporary easement shall expire upon the full and final completion of all of the work necessary to complete such construction, installation, inspection and appropriate testing of the operations of such storm drainage pipe and electrical conduit and/or natural gas piping and any attendant corrective, reparative or finishing work reasonably necessary to assure the final sound and adequate functioning of the completed improvements and for the purpose of repairing and restoring the surface area of the Parcel 2 Construction Easement Area as required under this Agreement, and (b) a perpetual, non-exclusive easement and right-of-way for the subject underground storm drainage pipe and electrical conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, such perpetual easement shall and does include rights of ingress, egress and access for the purpose of servicing, maintaining, repairing, replacing and (within the said borders of the Parcel 2 Permanent Easement Area) expanding, modifying, altering, relocating or otherwise changing the subject improvements ("Permanent Permitted Uses"). In connection with the foresaid easement grants, Parcel 2 Owner also covenants and agrees that any incidental and less than material crossing over onto portions of the surface area of Parcel 2 outside the boundaries of the subject easements shall not give rise to claims of trespass or other violation or wrongdoing of the law or this Agreement, provided that any damage to such non-easement surface area (improvements, landscaping or otherwise) shall be repaired by the Parcel 1 Owner with reasonable promptness, restoring the same to the condition prior to any such incidental crossing over. The foregoing grants of rights and easements and the creation of the Permanent Permitted Uses are intended by the parties to touch and concern both Parcel 1 and Parcel 2, with Parcel 1 being the benefitted real property and Parcel 2 being the burdened real property and both parties covenant, promise and agree that the same are intended to and shall "run with the land" which are attendant, appurtenant and incident to the title and ownership of the subject real property parcels.

2. Construction and Maintenance of Storm Drain, Electrical Utility Conduit and/or Natural Gas Piping. Parcel 1 Owner covenants and agrees to be responsible for and to bear all costs and expenses associated with the construction, installation, use, repair and maintenance of the underground storm drainage pipe, electrical conduit and/or natural gas piping, the restoration of the entire Parcel 2 Easement Area post-construction and installation to the pre-construction and installation state and, thereafter, for the ongoing maintenance of the surface of the Parcel 2 Permanent Easement Area. The parties agree that the restoration of the Parcel 2 Easement Area immediately following the work of installation and construction shall be to restore the surface to a condition reasonably similar to the status pre-installation and construction. Nothing herein shall require the Parcel 1 Owner to engage in any upgrade to surface landscaping to match any such improvements being made by Parcel 2 Owner to other or surrounding portions of Parcel 2, provided that Parcel 1 Owner hereby consents to allow the Parcel 2 Owner to make surface landscaping upgrades to the Parcel 2 Permanent Easement Area, post-construction and installation, so long as Parcel 2 Owner agrees that any increase in the cost of replacement or restoration of such improved or upgraded landscaping that arise in connection with the exercise of the easement and the Permanent Permitted Uses shall be the responsibility of the Parcel 2 owner. In all events, Parcel 2 Owner shall not act in any manner to impair Parcel 1 Owner's ability to discharge water through the storm drainage pipes or to have the continued unimpaired use of the electrical utilities conduit and/or natural gas piping or to exercise the Permanent Permitted uses. Parcel 2 Owner covenants and agrees not to construct any permanent improvements within the boundaries of the Parcel 2 Permanent Easement Area or to plant trees or shrubs or other foliage within a proximity to the subject underground improvements where the root systems of the same could be reasonably expected to impact or affect the said underground improvements or otherwise materially impair the exercise of the Permanent Permitted Uses. Parcel 1 Owner shall perform any construction related activities within the Parcel 2 Easement Area in a manner so as to minimize any negative impact on Parcel 2.

3. Indemnification. Parcel 1 Owner shall hold harmless and indemnify Parcel 2 Owner from and against any claims against Parcel 2 Owner by third parties which arise from Parcel 1 Owner's

negligence or willful misconduct, except to the extent such claims arise from any negligent or intentional act or omission of Parcel 2 Owner. Likewise, Parcel 2 Owner hereby agrees to hold harmless and indemnify the Parcel 1 Owner from and against any claims, loss, damage, expense, suit or action by or consequent to the negligent or intentionally wrongful conduct of third parties with respect to the subject easement, the improvements therein and thereunder or the exercise of the Permanent Permitted Uses. Such indemnity shall not apply if the claims, loss, damage, expense, suit or action is the result of the negligence or intentional wrongdoing of the Parcel 1 Owner.

4. Nature of Provisions. The Permanent Permitted Uses, the easements and rights-of-way granted by Parcel 2 Owner to Parcel 1 Owner and the indemnification, maintenance, repair and other covenants of the respective parties hereunder are covenants, rights, benefits, burdens and interests that touch and concern both Parcel 1 and Parcel 2 and are intended to and shall run with the land (meaning both Parcel 1 and Parcel 2). Neither this Agreement nor the rights granted hereunder shall be transferable to any other property. This Agreement and the covenants, rights, impositions, burdens, benefits, rights and promises shall run with both Parcel 1 and Parcel 2 and shall, as the case may be, bind and benefit every person having any fee, leasehold, mortgage lien or other interest in any portion of Parcel 1 or Parcel 2. Parcel 2 Owner agrees that Parcel 1 Owner may transfer and assign its rights and obligations under this agreement to an owners association comprised of all of the owners of Parcel 1 without the consent or further action of the Parcel 2 Owner or any other person. This Agreement shall be binding upon and inure to the benefit of Parcel 1 Owner and Parcel 2 Owner and their respective successors and permitted assigns.

5. Default. If any party fails to perform its obligations hereunder after the expiration of thirty (30) days after receipt of written notice detailing the nature of such failure; provided, however, if it is not commercially reasonable to cure such breach in a 30-day period, then such 30-day period shall be extended for a period as may be reasonably required to effect a cure (after the expiration of such notice and cure period, an "Event of Default"), the other party shall be entitled to pursue its rights and remedies at law or in equity.

6. General Provisions. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws (excluding the choice of laws rules) of the state of Utah. This Agreement may be executed in any number of duplicate originals or counterparts, each of which when so executed shall constitute in the aggregate but one and the same document. No party shall be deemed to be in breach of this Agreement or have any liability to the other party if it is unable to perform its obligations hereunder to the extent such failure is due to circumstances beyond the control of such party, including, but not limited to, an act of God, fire, flood, earthquake, explosion, wind, storm, tornado, strike (or other labor dispute), riot, act of terrorism, acts or failure to act by any governmental entity, vandalism, or any other cause beyond such party's control. Notwithstanding anything in this Agreement to the contrary, neither party shall be liable to the other party for any consequential damages.

The parties have executed this Agreement on the respective dates set forth below, to be effective as of the date first set forth above.

"PARCEL 1 OWNER"

KING RIDGE RESOURCES, L.L.C.

By: [signature]
Name: WESLEY SEITER
Title: MANAGING MEMBER.

STATE OF Idaho)
:ss.
COUNTY OF Madison)

The forging instrument was acknowledged before me this 1st day of May, 2008, by Wesley Seiter, the Managing Member of KING RIDGE RESOURCES, L.L.C.

[SEAL]

Notary Public [signature]

RON LARSON
NOTARY PUBLIC
STATE OF IDAHO

"PARCEL 2 OWNER"

Colette Singleton

By:
Name:
Title:

STATE OF Utah)
:ss.
COUNTY OF Summit)

The forging instrument was acknowledged before me this 25th day of April, 2008, by Colette Singleton, ~~the~~ personally known ~~of~~ to me.

[SEAL]

Notary Public

NOTARY PUBLIC
JOHN F. HANLON
1500 KEARNS BLVD. #E-100
PARK CITY, UT 84060
COMMISSION EXPIRES
JANUARY 25, 2010
STATE OF UTAH

EXHIBIT A

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 1" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

All of Lots 35 through 40, inclusive; Lots 66 through 71, inclusive; and the Westerly one-half of Lots 33 and 34, all in Block 75, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

Together with one-half of the vacated Anchor Avenue abutting said Lots 66 through 71, inclusive on the East.

LESS AND EXCEPTING THEREFROM the Westerly one-half of Lot 34 any portion lying Easterly of Ridge Avenue within the bounds of the following described parcel:

Beginning at a point on the platted center line of Anchor Avenue, said point being South 68°27'00" East 12.77 feet from the Northeast corner of Lot 72, Block 75 of the Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; thence along said platted centerline South 21°33'00" West 37.50 feet; thence leaving said centerline North 68°27'00" West 95.31 feet to the Easterly edge of asphalt of the existing paved Ridge Avenue; thence along said Easterly asphalt edge the following five calls: 1) North 11°25'02" East 0.44 feet; 2) North 08°09'06" East 5.47 feet; 3) North 05°21'47" East 19.77 feet; 4) North 09°58'22" East 7.94 feet; 5) North 02°55'45" West 5.46 feet to a point on the Northeasterly line of Lot 34 of said Millsite Reservation; thence leaving said Easterly edge of asphalt and along the Northerly line of Lot 34 and Lot 72 of said Millsite Reservation South 68°27'00" East 106.02 feet to the point of beginning.

tax FD
PC-687

EXHIBIT B

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Beginning at a point that bears South 21°33' West, 7.50 feet from the Northeast corner of Lot 9, Block 74, Millsite Reservation of the Park City Survey, according to the Official Plat thereof, on file and of record in the office of the Summit County Recorder, and running thence South 21°33' West, along the Easterly line of said Block 74, Millsite Reservation of the Park City Survey, 77.30 feet; thence North 68°27' West, 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East, along said centerline of the vacated Anchor Avenue, 44.50 feet; thence South 68°27' East, 34.87 feet; thence North 21°33' East, 7.00 feet; thence South 68°27' East, 7.00 feet; thence North 21°33' East, 26.00 feet; thence South 68°27' East, 50.00 feet to the point of beginning.
PC-653

tax ID
PC-653

EXHIBIT C-1

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2 Construction Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Together with a temporary 20.0 foot wide construction easement over a portion of Lot 10 and Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 6.50 feet to the point of true beginning; thence leaving said point of beginning and said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 20.00 feet; thence South 68°27'00" East a distance of 91.87 feet to a point on said right-of-way; thence continuing along said right-of-way South 21°33'00" West a distance of 20.00 feet to said point of beginning.

EXHIBIT C-2

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2 Permanent Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

A parcel of land for a 6.0 foot wide non-exclusive utility easement lying within Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 0.50 feet to the point of true beginning; thence leaving said point of beginning and continuing along said right-of-way South 21°33'00" West a distance of 6.00 feet; thence leaving said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 6.00 feet; thence South 68°27'00" East a distance of 91.87 feet to said point of beginning.

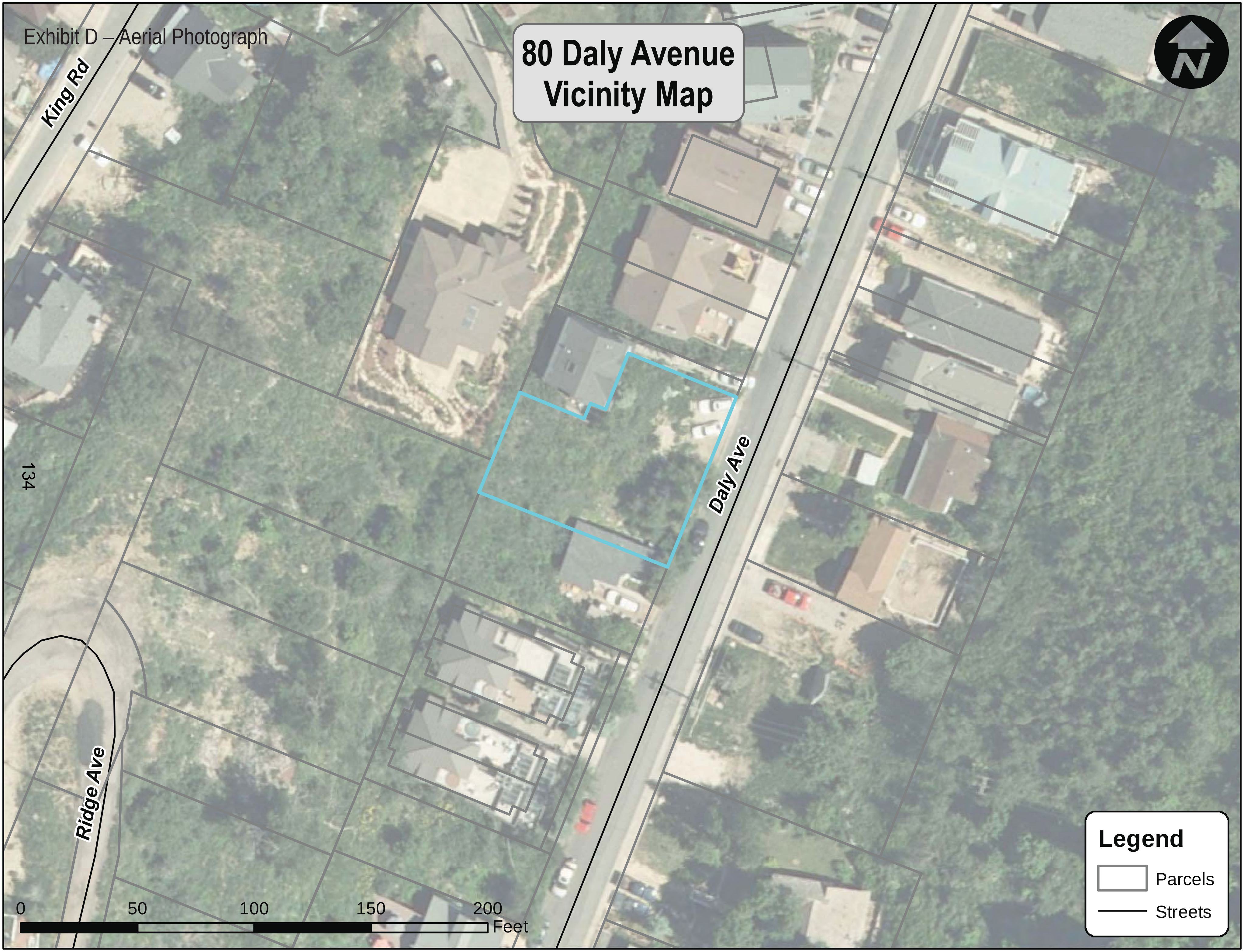


Exhibit D – Aerial Photograph
80 Daly Avenue
Vicinity Map
King Rd
Daly Ave
Ridge Ave
N
Legend
Parcels
Streets
0
50
100
150
200
Feet

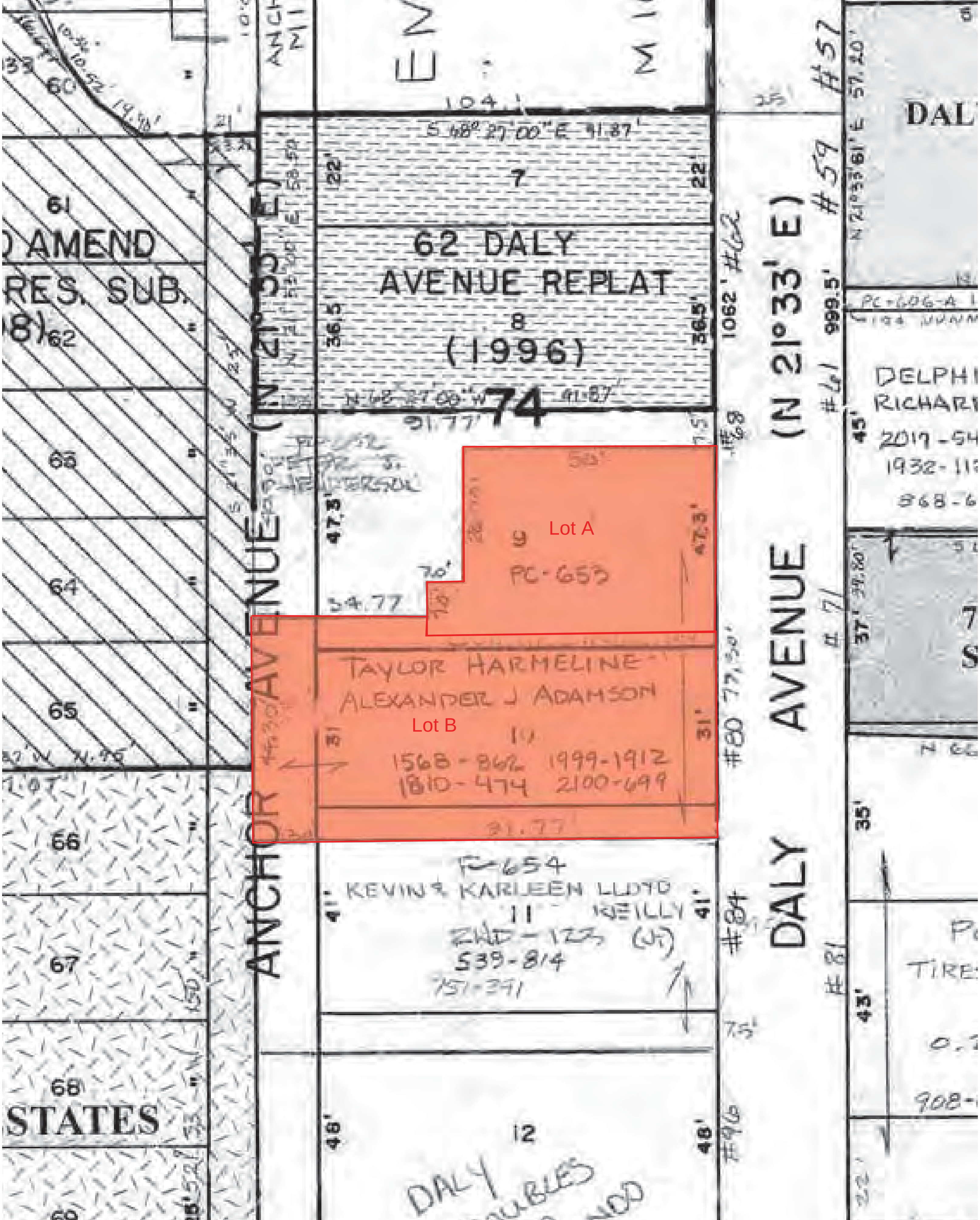


Exhibit E – County Plat Map with outlines of proposed lots

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
2800 HOMESTEAD RD, PARK CITY, UT 84098 WWW.SBWRD.ORG T 435-649-7993 F 435-649-8040

February 29, 2012

Francisco Astorga
Park City Planning Department
445 Marsac
P.O. Box 1480
Park City, UT 84060

Subject: 80 Daly Avenue Subdivision
Plat Review

Dear Mr. Astorga,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat. We offer the following comments:

1. Based on information in our files, the private sewer lateral for the house located at 68 Daly Avenue runs from the structure to a public sewer line in Daly Ave. generally along the south side of the stairway located on the narrow portion of 68 Daly (see attached copy). Our information is not detailed enough to establish which property the lateral is actually located on. However, since the narrow portion of 68 daily is only 7.5 feet wide, there is a good possibility that a portion of the lateral crosses into the northerly portion of the new proposed lot.

   This is an issue between the owners of the two properties since the sewer lateral is private property. SBWRD has no standing on the issue other than to assure that 68 Daly Ave. is not cut off from wastewater service. To address the sewer lateral issue on the plat we will require that one of the following actions be taken:

   (1) Physically locate the lateral (we recommend this option)
      (a) If the lateral is totally located on 68 Daly, no further action would be needed.
      (b) If any portion of the lateral is located on the proposed 80 Daly Ave. lot, provide an easement on the new lot for the lateral. The easement would be granted for the benefit of 68 Daly and would describe the rights and responsibilities associated with the easement.
      (c) If the location of the lateral would require the lateral to be re-routed when a house is built on the new lot, have the owners of the two properties determine and agree now how that re-route would occur and at whose cost. Included in that agreement would be an easement on the new lot for the re-routed lateral.
   (2) Place the following note on the plat:

      "A private sewer lateral serving the home at 68 Daly Avenue may cross the northerly portion of Lot ________. Rerouting this lateral around new construction on the lot may be required".

The intent of this note is to advise future owners of the lot that the situation with the sewer lateral exists.

The owner of 68 Daly should be advised of whatever action is taken.

2. The plat indicates a Sewer Easement across the proposed southerly subdivision boundary, referenced as Entry 404051. This is an easement for a private sewer lateral granted in 1984 to a property that has since been re-platted and connected to the public sewer system by a different route. The easement is, therefore, no longer needed. However, since the easement was granted to a private property owner, the easement would need to be abandoned by the private property owner.

Please have the applicant contact me with any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Cc: Jonathan DeGray, Architect
Alliance Engineering
Polly Samuels McLean, Assistant City Attorney
Plat Review File

Daly Avenue Study (May 2012)

House No.	Living Area	Basement Area	Attached/Built-in Garage Area	Unattached Improvements	Overall House Size (sq. ft.)	Lot Area (acres)	Lot Area (sq. ft.)	Maximum Footprint allower per the LMC according to lot area	Use	Historic
10	2,218	597	406		3,221	0.13	5,663	2,060	SFD	Significant
17-19	4,590				4,590		5,140	1,925	Duplex	
24	1,022				1,022	0.07	3,049	1,285	SFD	Significant
25	2,110	824	461		3,395	0.07	3,049	1,285	SFD	
32	4,357				4,357		3,770	1,525	Multi - 4 units	
37	2,907		369		3,276	0.10	4,356	1,705	SFD	
40	4,365				4,365		4,693	1,803	Multi - 4 units	
45						0.08	3,485	1,433	Vacant	
48	4,365				4,365		4,094	1,626	Multi - 4 units	
51	2,195		456		2,651	0.11	4,792	1,830	SFD	
55						0.06	2,614	1,128	Vacant	
56	4,468				4,468		3,337	1,383	Multi - 4 units	
57	2,111	310	290		2,711	0.06	2,614	1,128	SFD	
59	2,159	1,023	286		3,468	0.07	3,049	1,285	SFD	
61	861			72	933	0.10	4,356	1,705	SFD	Landmark
62-64	2,678	812			3,490		5,374	1,987	Duplex	
68	1,521				1,521	0.05	2,178	964	SFD	
71	816				816	0.10	4,356	1,705	SFD	Significant
80						0.13	5,663	2,060	Vacant	
81						0.22	9,583	2,796	Vacant	Significant
84	635			158	793	0.08	3,485	1,433	SFD	
96 #1&2	4,018				4,018		4,218	1,664	Duplex	
96 #3&4	4,018				4,018		4,218	1,664	Duplex	
97	1,214				1,214	0.19	8,276	2,599	SFD	Significant
100						0.07	3,049	1,285	Vacant	
102	2,652	1,111			3,763	0.10	4,356	1,705	SFD	
103-105	3,027				3,027		4,500	1,747	Duplex	
109						0.05	2,178	964	Vacant	
110	2,101	567	420		3,088	0.08	3,485	1,433	SFD	
111/115	3,708		736		4,444		5,600	2,044	Duplex	
118	2,875	1,070	492		4,437	0.11	4,792	1,830	SFD	Landmark
121/125	3,748		800		4,548		5,600	2,044	Duplex	
124						0.06	2,614	1,128	Vacant	Significant
130	1,926	465	399		2,790	0.09	3,920	1,573	SFD	
131	746				746	0.08	3,485	1,433	SFD	Landmark
135	1,702				1,702	0.07	3,049	1,285	SFD	
136	1,734	156	409		2,299	0.08	3,485	1,433	SFD	
139	4,130				4,130		3,820	1,541	Duplex	
141	3,821				3,821		4,780	1,827	Duplex	Landmark
142	1,262		486		1,748	0.11	4,792	1,830	SFD	
145	2,388				2,388	0.09	3,920	1,573	SFD	Landmark
146	2,146		713		2,859	0.11	4,792	1,830	SFD	
156	1,204		416		1,620	0.08	3,485	1,433	SFD	
157	1,882		252		2,134	0.06	2,614	1,128	SFD	
161	1,287				1,287	0.08	3,485	1,433	SFD	Significant
162	794				794	0.11	4,792	1,830	SFD	Landmark
166	1,112				1,112	0.10	4,356	1,705	SFD	Landmark

167	3,826	1,749			5,575	0.16	6,970	2,356	SFD	Significant
172	542				542	0.06	2,614	1,128	SFD	Significant
173	1,217			380	1,597	0.11	4,792	1,830	SFD	Significant
180	739				739	0.12	5,227	1,948	SFD	Significant
187	2,522				2,522	0.08	3,485	1,433	SFD	Significant
191	2,611		338		2,949	0.09	3,920	1,573	SFD	Significant
199	1,521				1,521	0.13	5,663	2,060	SFD	
200	1,895	210	483		2,588	0.10	4,356	1,705	SFD	
203	1,092				1,092	0.13	5,663	2,060	SFD	
207/209	2,315				2,315	0.10	4,356	1,705	Duplex	
210/212	3,256				3,256	0.17	7,231	2,408	Duplex	
214	1,750	598			2,348	0.06	2,614	1,128	SFD	
220-222	3,082				3,082		6,204	2,189	Duplex	
234	2,030	430	473		2,933	0.18	7,841	2,523	SFD	
239	890			451	1,341	0.14	6,098	2,165	SFD	Significant
240	1,800				1,800	0.20	8,712	2,670	SFD	
243	609	759			1,368	0.06	2,614	1,128	SFD	Landmark
249	1,808		273		2,081	0.07	3,049	1,285	SFD	
250	1,922				1,922	0.10	4,356	1,705	SFD	
255	1,334				1,334	0.11	4,792	1,830	SFD	Significant
257						0.11	4,792	1,830	Vacant	Significant
260	1,800				1,800	0.21	9,148	2,736	SFD	
269	805			194	999	0.17	7,405	2,442	SFD	Landmark
270	1,800				1,800	0.13	5,663	2,060	SFD	
279	842				842	0.19	8,276	2,599	SFD	Landmark
280						0.24	10,454	2,905	Vacant	
291	2,307		234		2,541	0.15	6,534	2,263	SFD	Significant
295						0.09	3,920	1,573	Vacant	
297	3,436		331		3,767	0.19	8,276	2,599	SFD	Significant
313	2,603		480		3,083	0.19	8,276	2,599	SFD	Significant
314	884				884	0.17	7,405	2,442	SFD	Landmark
319				335	335	0.20	8,712	2,670	Accesory unit	
325	2,792	1,838	378		5,008	0.17	7,405	2,442	SFD	
329	2,684	1,673	433		4,790	0.17	7,405	2,442	SFD	
330						0.09	3,920	1,573	Vacant	
331						0.09	3,920	1,573	Vacant	
336						0.08	3,485	1,433	Vacant	
337						0.09	3,920	1,573	Vacant	
345	2,289		418		2,707	0.09	3,920	1,573	SFD	
353	2,362		400		2,762	0.09	3,920	1,573	SFD	
361	1,486		252		1,738	0.11	4,792	1,830	SFD	
369						0.11	4,792	1,830	Vacant	

	House Size	Lot Size	Footprint
Lower Daly	2,676	4,382	1,673
Lower Daly- Historic	1,984	4,573	1,736
Upper Daly	2,145	5,927	2,048
Upper Daly- Historic	1,795	6,631	2,230
Historic only	1,966	5,362	1,919
Average:	2,532	4,868	1,791

	Lower Daly	Upper Daly	Overall
House size to Lot size Ratio	0.61	0.36	0.52
House size to Max. footprint allowed Ratio	1.60	1.05	1.41
House size to Lot size Ratio (historic sites only)	0.43	0.27	0.37
House size to Max. footprint allowed Ratio (historic sites only)	1.14	0.81	1.02

Source: Summit County, Public Records, EagleWeb (Property), Retrieved by Francisco Astorga, Park City Planning Dept. May 2012

Commissioner Strachan asked if the City Council found that parking at the Sandridge lot was a viable mitigation factor. Ms. McLean answered no. She explained that the applicant had proposed two on-site parking spaces for renters, which would be part of the rental agreement. The City Council restricted the parking to those two spaces. Director Eddington clarified that two cars could park on the site given the scale of the driveway, and the applicant agreed to limit the rental units to two spaces.

Commissioner Strachan asked if there was any discussion among the City Council regarding enforcement. Director Eddington replied that enforcement was not a primary discussion; however, the City Council recognizes that any enforcement is a challenge with regard to parking. Assistant City Attorney McLean stated that the vote was split 3-2. Council members Simpson and Peek supported the Planning Commission.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. <u>80 Daly Avenue – Plat Amendment</u>
(Application #PL-12-01488)

Planner Francisco Astorga reviewed the application for a plat amendment at 80 Daly Avenue. The request was to combine part of Lot 9, all of Lot 10, and part of Lot 11 and the vacated right-of-way to the rear, into two lots of record in the HR-1 zone.

Planner Astorga identified several improvements on the existing structure at 68 Daly Avenue that encroaches on to the property at 80 Daly Avenue. He noted that the owner of 68 Daly Avenue could either work with the adjacent property owner to obtain an encroachment agreement, or remove the improvements from the lot.

Planner Astorga stated that a temporary construction easement exists over what was identified as Lot B for the benefit of the King Ridge Estates at 158, 162 and 166 Ridge Avenue. If approved, the drafted findings of fact acknowledge that a temporary easement exists, but that it would not be affected or changed by this plat amendment.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Chair Wintzer noted that the size of the lot would be considerably larger than other lots in the area. He asked if there were any restrictions on the house size that would be allowed on this property. Planner Astorga replied that there were no restrictions in the HR-1 District, other than the maximum footprint allowed by Code, which is based on the footprint formula. Chair Wintzer understood that the Planning Commission could restrict the size as a condition of the plat amendment. Assistant City Attorney McLean stated that they would have that ability based what they have done with previous applications and the analysis of house sizes on Daly.

Commissioner Hontz stated that one of her multiple concerns was that the square footage for the lot includes vacated Anchor Avenue. She asked what her fellow Commissioners thought about being able to include that vacated portion to allow for a bigger footprint. She personally did not support it. Commissioner Hontz noted that in this particular situation that portion of the lot was very steep.

Commissioner Worel asked about the historic structure referenced in Conclusion of Law #1. Planner Astorga replied that it was not a historic structure and he had used the word 'historic' in error.

Commissioner Thomas thought it would be helpful to see the plat before and after side by side. He noted that the plat as revised was shown but there was no clear picture of what it looks like now. It was difficult for the Planning Commission to understand what they would be changing. Planner Astorga noted that the plat amendment shown on the screen and in the Staff report identified all the lot lines that would be removed, as well as the proposed lot lines. Commissioner Strachan suggested that the plat map on page 46 of the Staff report might help address Commissioner Thomas' concern. Planner Astorga stated that in the future the Staff could include the County plat map, like the one shown on page 46, and compare it next to the proposed plat.

Assistant City Attorney explained that the County plats are for taxation purposes and they are not always accurate. She agreed that it could be a helpful document, but they need to be aware that if there is a conflict between the plat map and the survey, the survey would control.

Commissioner Thomas clarified that he was only asking for a before and after comparison to see the difference. Chair Wintzer requested a better map that clearly defines property lines, encroachments, and other elements they need to understand.

Chair Wintzer opened the public hearing.

Carleen Riley, a resident at 84 Daly stated that she lives next door to the property line at 80 Daly Avenue. Ms. Riley wanted to know more about the plat amendment and what would be built.

Planner Astorga remarked that at this point the Planning Department had not received any plans. The area is zoned HR-1, which allows single family dwellings. The applicant was requesting a plat amendment to combine the lot into two lots of record.

Ms. Riley asked if that would allow two dwellings.

Planner Astorga replied that it could be duplexes under a conditional use permit reviewed by the Planning Commission. When the applicant is ready to move forward with a design, it would be subject to a Historic Design Review, which would trigger a notice to property owners within 100 feet.

Ms. Riley stated that her lot also encroaches on that property by approximately 60 inches. She did not build her house, but she was informed of that when it was surveyed years ago. When the owners decide to build, she would like some space between their structure and hers. She has 100 year old, 20-foot lilac bush that would be split in two. Ms. Riley was interested in knowing the details of whatever structure is built. She was opposed to steep slope construction and wanted guarantees that it would not occur.

Commissioner Thomas informed Ms. Riley that the design would not come before the Planning Commission unless a steep slope CUP is required. Otherwise, the use is reviewed administratively by Staff. Planner Astorga reiterated that a request for a duplex would require CUP approval. Director Eddington noted that an administrative review is still noticed to the public.

Director Eddington asked if there were any easements along the property adjacent to Ms. Riley. Jonathan DeGray, representing the applicant, believed it was a 6-foot utility easement. Ms. Riley stated that at one time the plan was to put all the power lines and sewer lines next to her house. However, she understood from looking at the drawings that the water and sewer lines would be on the other side. Mr. DeGray stated that there were no sewer lines. The sewer is serviced from above. A storm sewer would go through the Daly lot, but not sanitary sewer lines. He noted that Planner Astorga had that documentation from the Sewer District.

Commissioner Strachan asked if any portion of the lot could be built on that would not trigger a CUP. Mr. DeGray answered no. Commissioner Strachan clarified that regardless of what they build, the owners would have to submit their plans to the Planning Commission. At that point, Ms. Riley would be able to see the specifics details related to her questions this evening.

Chair Wintzer closed the public hearing.

Jonathan DeGray noted that the Staff report shows one large single parcel compromised of Lots 9 and 10, portions of 11 and the fragment right-of-way to the rear. He stated that currently Lots 9 and 10 are buildable without a plat amendment. The intent of the plat amendment is to clean up property lines and take care of the encroachments through easement agreements.

Commissioner Thomas remarked that there was an unusual situation of creating a flag lot out of the house behind Lot A, and nothing in the Code restricts that from occurring. Commissioner Thomas thought that should be considered in the future because it is an unusual condition. There is no way to for a vehicle to access the property, which creates a problematic situation for fire access and fire fighting. In addition, there is no parking and it lends itself to an eyesore condition. In this particular instance, if you drive in front of this property there would be three houses in a row off the street. Commissioner Thomas found it peculiar but totally within the law. Unfortunately it was a consequence of the Code. He would support the approval but he did not like it.

Chair Wintzer could not understand how that was parceled off that way in the first place. However, it was done a long time ago and it was out of the hands of this Planning Commission. Planner Astorga explained that he found a building permit issued in 1982 for the house showing that it had to be exact in configuration. He could not find the permit for the stairs. He also found record of a variance that was approved by the Board of Adjustment in 1982 to allow the owner to rebuild the house due to an incident with a water tank falling from King Road. The variance that did not necessitate parking areas on site. Carleen Riley provided the history of what happened that caused the water tank to fall.

Planner Astorga stated that planning and planning practices have changed since 1982, but he found the configuring of such lot, which was approved by the City, and then moved forward with a variance and the building permit.

Chair Wintzer was not concerned with the small lot. In terms of the big lot, he suggested doing a comparison of other structures on the street to make sure they would not be creating an oversized lot and structure for that area. Commissioner Strachan concurred. He noted that the large house above was an exception and it is not on Daly Avenue. Commissioner Strachan remarked that Daly Avenue has more historic heart than anywhere else in town and they need to make sure the compatibility requirement of the Code is met. The Commissioners concurred. Commissioner Hontz felt they had to do that to remain consistent with what they have asked of other applicants on Daly Avenue.

Commissioner Hontz remarked that in many cases when a plat amendment is requested to clean up one issue, the applicant identifies many others. It is not uncommon to have portions of roofs or landscaping or small portions of stairwells across property lines. In this case she found the significant amount of structures from 68 Daly that extends into these other properties to be concerning and problematic. If this plat amendment is approved it would further impact parking issues that are created off-site. She felt it was unfortunate that there was not better foresight in 1982 to see what problems they were creating for the neighborhood when they allowed 68 Daly to be built without parking. Chair Wintzer was unsure how that issue could be rectified, but they definitely need to look at the size of houses on the lots.

Commissioner Thomas suggested using the same study criteria that was used for 191 Woodside and 313 Daly Avenue.

MOTION: Commissioner Thomas moved to CONTINUE 80 Daly Avenue to May 9, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 12 Oak Court – Plat Amendment
(Application #PL-11-01-1491)

Planner Matt Evans reviewed the application for a plat amendment to remove the lot line between Lots 35 and 36 of the Amended Plat of the Evergreen Subdivision to create one lot of record. The request is to combine two lots to create one new parcel. Planner Evans indicated a 30-foot wide ski easement for the benefit of Lot 36 to the Last Chance ski trail, which would be vacated as part of this subdivision.

Planner Evans reported that the applicant owns both parcels and the purpose for combining the two lots is to expand the existing home over the lot line. The existing lot line with a public utility easement would also be vacated.

Planner Evans stated that the actual square footage of the proposed addition was unknown; however the combined lots would allow the applicant to build an 11,250 square foot home. Under the existing conditions the existing house is 7,343 square feet, with a maximum of 7500 square feet. Planner Evans noted that combining the lots would reduce the density in the subdivision.

VOTE: The motion passed unanimously.

3. <u>543 Woodside Avenue – Steep Slope Conditional Use Permit</u>
(Application #PL-12-01487)

Chair Wintzer opened the public hearing. There was not comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 543 Woodside Avenue Steep Slope conditional use permit to May 23, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. <u>7700 Marsac Avenue – Subdivision</u> (Application #PL-10-01070)
5. <u>7700 Marsac Avenue – Condominium Conversion</u> (Application #PL-10-01071)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Avenue subdivision and condominium conversion to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. <u>80 Daly Avenue – Plat Amendment</u>
(Application #PL-12-01488)

Chair Wintzer thanked Planner Astorga for including the purpose statement in his Staff report. It helps the Planning Commission focus on the zone.

Commissioner Pettit disclosed that she lives on and owns two properties on Daly Avenue at 239 and 243 Daly. Her ownership and residency would not influence her ability to be objective in this application.

Commissioner Hontz disclosed that she lives at 209 Daly Avenue, which is not in the vicinity or within the 300 feet noticing boundary of this property.

Planner Francisco Astorga reviewed the application for the 80 Daly Avenue subdivision. The Planning Commission reviewed this application on April 11, 2012 and continued the matter with direction to Staff to provide an analysis of the house sizes on Daly Avenue. The completed analysis was included in the Staff report.

The Staff had determined an overall average floor area of 2,532 square feet for the entire Daly Avenue neighborhood; and recommended putting a cap on the gross floor area of Lot B to match that average. Planner Astorga stated that Lot A, which is equivalent to an Old Town lot of 1875 square feet, yields a maximum footprint of 844 square feet. Calculating 844 square feet by three stories allowed by Code results in 2,532 square feet. Planner Astorga clarified that it was completely coincidental that the average number identified in the overall analysis was the same as one Old Town lot of record.

Planner Astorga stated that he had not received public hearing at the time the Staff report was prepared, but he was later approached by Brent Gold who represented Mr. Henderson, the owner of 68 Daly Avenue. Mr. Gold would be making comments during the public hearing on Mr. Henderson's behalf.

Jonathan DeGray, representing the applicant, reported that his clients did not agree with the Staff analysis. It is not a fair evaluation because the Staff only took the assessor records for each individual property and recorded the lot or building size and determined the average based on every single house and building on Daly Avenue. The analysis did not take into account what size home sits on what size lot, and whether it is a 3,000 square foot home on a 1875 lots or a 500 square foot home on three lots.

Mr. DeGray remarked that a more appropriate method would be to compare this property to like properties in size, and to the homes that are built on those properties in relationship to Lot B of the proposed subdivision. Lot B is slightly over 3800 square feet and is equivalent to the size of two lots. Based on the average, the Staff would propose that a single home on that lot would be the size of a home on a single lot. Mr. DeGray believed it was a product of a skewed analysis. Mr. DeGray requested a more fair evaluation of the property size in comparison to buildings on similar size properties.

Mr. DeGray stated that the analysis did not address the property size of 80 Daly Avenue. On 3800 square feet they are eligible for a duplex. The average size of the 14 duplex lots or multi-family units along the entire length of Daly Avenue is 3,980 square feet of living space. Mr. DeGray noted that his client has not presented a specific plan, but the lot is large enough to sustain a duplex under the Code. However, under the Staff evaluation it would be placed as a single-family without further discussion. His clients would like the ability to build a duplex if they decide to and their property should be compared to other properties on Daly Avenue that are similar in use and size, which would be all the other multi-family units.

Mr. DeGray noted that the analysis says that the buildings should be 2532 square feet in gross area, including a garage. He stated that the current configuration of the parcel, without the plat, contains Lot 9 and 10. Lot 10 is the larger building lot currently being discussed. His clients would like to build on that lot and would like some incentive to move forward with the plat. The idea of being limited to 2500 square feet of gross area is not an incentive, because the lot in its current configuration would yield a larger home without a plat amendment. Lot 9 contains 2,252 square feet. On the proposed plat it would contain 1875 square feet. Lot 10 contains 2,449 square feet. On the proposed plat it would contain 3,893 square feet. Without the plat amendment, Lot 10 would yield a home approximately 2700-2800 square feet. As proposed by Staff, that would be reduced to

2,555. Mr. DeGray stated that under the current guidelines the larger lot with a plat amendment at 3,893 square feet would yield a footprint of 1,564 square feet.

On behalf of his clients, Mr. DeGray proposed to look at Lot B and offered to remove the Anchor Avenue vacation area, which is 554 square feet, from the area calculation. That would reduce the footprint from 1564 down to 1384. It would reduce the potential building size to 3200-3300 square feet gross area, including the garage. The living space of the home would be approximately a 2800 square foot house and a two-car garage at 400 square feet, which meets the City Code minimum size. In an effort to move forward, Mr. DeGray offered that proposal to the Planning Commission. He would like to move forward with design solutions using the reduced footprint, with the knowledge that it would come back to the Planning Commission as part of a Steep Slope CUP. Mr. DeGray pointed out that any building on Lot B would require a Steep Slope CUP. At that point he would be able to show compatibility or with appropriate mass and scale for the surrounding structures.

Commissioner Strachan referred to the numbers proposed by Mr. DeGray and understood that the 3900 was the total square footage of the structure that could be built under his analysis. Mr. DeGray was proposing a reduction capped at 3200-3300 square feet.

Mr. DeGray explained that his proposal is to not deal with a cap at this time, but to propose a reduced footprint on the property. Commissioner Strachan asked if Mr. DeGray would consider a square footage cap at a later time if the Planning Commission decides to approve the plat amendment. Mr. DeGray replied that because this would come back to the Planning Commission for a Steep Slope CUP, his clients were concerned that if they negotiate a reduced size with the plat amendment, it would be done again with the Steep Slope CUP. Mr. DeGray noted that he would have to meet the requirements of the Steep Slope CUP. Taking out the Anchor Avenue vacation reduces the footprint by a few hundred square feet. He believed that 1300 square feet of footprint would achieve a building size that works for his clients at approximately 3300 gross floor area and 2800 square feet net livable area. Based on the Staff analysis, Mr. DeGray believed those numbers fall within the realm of reasonable.

Commissioner Strachan asked Mr. DeGray if his clients would prefer not to do the plat amendment if they could not get the footprint they want on Lot B; and instead build two separate structures on two separate lots. Mr. DeGray clarified that without doing the plat amendment Lots 9 and 10 were still buildable lots. One lot is 2252 square feet and the other is 2400 square feet. Both lots are bigger than standard lot sizes and would yield larger homes. Since that would be an option without a plat amendment, Mr. DeGray requested a continuance so he could ask his clients what they would prefer in response to Commissioner Strachan's question. Mr. DeGray could not answer that question this evening; however, he did know that his clients were willing to take a reduction in footprint if the Planning Commission was willing to let them come forward with a Steep Slope CUP.

Chair Wintzer opened the public hearing.

Brent Gold introduced Pete Henderson, the owner of 68 Daly Avenue. Mr. Henderson has owned the property at 68 Daly Avenue for more than 40 years. The house that was originally on that property was the infamous water tank rollover house that was squashed when a water tank fell off a truck and rolled down the hill and onto the house in 1980. Mr. Henderson constructed the existing house from the remnant of the original house. Mr. Gold stated that the house at 68 Daly Avenue is approximately 1950 square feet. It is a flag lot with a 7-1/2 foot flag pole coming up from Daly Avenue serving the house. The alleged encroachments that are spoken of in the Staff report have been there for over 30 years. Mr. Gold emphasized “alleged”. The encroachment spoken about in the Staff report is identified as approximately 64 square feet. Mr. Gold thought the extent of the encroachment may be three or possibly four feet extending into the lot.

Mr. Gold stated that Mr. Henderson at 68 Daly Avenue is singularly is most affected by this proposed plat amendment. The structure allowed on Lot B would loom over Mr. Henderson’s house to the south. The size and height of the Lot A structure would be a tower blocking his singular view corridor, which is to the Daly side of the street. Mr. Henderson is already blocked to a great extent upstream of Daly in the southerly direction.
Mr. Gold stated that Mr. DeGray believes that his proposal not to use the portion of Anchor Avenue would give Mr. Henderson a view corridor to the south. He pointed out that there is no view corridor because there is literally a vertical hill on that side due to the steepness of the slope. Mr. Gold noted that Mr. Henderson had several conversations with the applicants and suggested a number of proposals for how they could minimize the impacts. The 2500 square feet that Planner Astorga recommended is a step in the right direction; however, there is no consideration for this tower and the impact of literally blocking Mr. Henderson’s house from the view corridor.

Mr. Gold noted that one of the conditions of approval is that the encroachment matter be resolved. Mr. Henderson had received no proposal from the applicant at this point regarding a resolution of the alleged encroachments. Mr. Gold stated that they were doing the best they could to keep open the channels of communication. A number of different options were on the table.

Mr. Gold encouraged a continuance if for no other reason than to try and further engage the petitioners in an attempt to come to some resolution. Mr. Gold encouraged the Planning Commission to become familiar with Lot A and the potential impacts before making any decisions regarding the plat amendment.

Mr. Gold noted that Mr. Henderson was out of town for the April meeting and did not receive his notice. He was notified by his neighbors. He was happy that the decision was continued in April to this meeting to allow him the opportunity to present his case. Mr. Gold stated that Daly Avenue is worth protecting what little of it is left and he asked the Planning Commission for their assistance.

Chair Wintzer understood that the encroachment issue was between the applicant and Mr. Henderson, and the Planning Commission could not get involved. Assistant City Attorney McLean stated that on a regular basis, part of what the City is trying to do with plat amendments and subdivisions is clean up encroachments and lot lines. As a regular course the City requires encroachments to be dealt with in some way. The condition of approval is typical in a plat amendment. Chair Wintzer clarified that the City requires it to be cleaned up by a condition of approval, but the Planning Commission does not get involved in how it is done. Ms. McLean replied that this was correct.

Chair Wintzer closed the public hearing.

Commissioner Pettit agreed that from a historic character and scale, Daly Avenue is one unique long street and a variety of structures have been built over time. The most important piece and element of Daly are the historic structures that continue to exist and hopefully will continue to exist into the future. The size and scale of those single level structures are very modest. In looking at the Staff analysis, she can see the range that exists; however with each study the average size continues to creep up and that causes her concern. They tend to get more structures on the higher end versus the existing historical structures that continue to be dwarfed through development.

Commissioner Pettit stated that in looking at the streetscape with respect to these lots and where they sit next to Carlene's property and historic properties across the way and beyond, she was concerned about the size of the structure that could be built on Lot B regardless of whether it is single family or a duplex.

Commissioner Pettit commented on some of the strange things that have happened along Marsac with some of the structures on the hill and the mining structures off of Ontario that were dwarfed. Even from a solar perspective, views were blocked by large structures that were compliant under the Code. When there is a property that sits in a unique manner, she has concerns about impacting that particular property. Commissioner Pettit was very concerned about how that would come into play in the context of either what is currently allowed or what would be allowed through a lot combination and subdivision. She appreciated that Mr. DeGray came back this evening with a proposal to further reduce the footprint for Lot B, but she was not convinced it was enough. Commissioner Pettit was also concerned about pushing that process into the Steep Slope CUP because the Planning Commission has less control in the CUP process than with the plat amendment in terms of trying to anticipate impacts and the desire to maintain the historic fabric of Daly and compatibility.

Commissioner Pettit stated that coming into this meeting she was inclined to consider adopting the conditions of approval recommended by Staff, but that was without understanding the impacts to 68 Daly Avenue, particularly of building to the maximum height on Lots A and B. Commissioner Pettit needed to better understand the impacts to see if other conditions would be appropriate in this context. She recognized that it was a difficult situation because without the plat amendment the owner still had two buildable lots that could potentially yield worse results.

Commissioner Hontz concurred with all of Commissioner Pettit's comments. She referred to page 103 of the Staff report and asked for clarification on the dimensions. Commissioner Hontz understood that the rectangle box shown was Lot 10, and that it did not include the additional square feet that extend from the bottom rectangle line to the bottom red rectangle line. Without a plat amendment, the lot that could be developed was everything within that black rectangle and not all the way down to Lot 64. Mr. DeGray replied that this was correct. He stated that the fragment of Lot 11 that Commissioner Hontz was indicating was approximately 6 feet. Planner Astorga explained that if the applicant proposed to build within the existing parameters, including the setbacks, a plat amendment would not be necessary because development would not cross any lot lines.

Commissioner Hontz pointed out that it would still exclude the Anchor Avenue portion. Planner Astorga remarked that Daly Avenue was platted differently than the typical 25' x 75' configuration.

Commissioner Hontz asked if a variance would be required for Lot 9. Mr. DeGray answered no. Planner Astorga remarked that everything owned by Mr. DeGray's client was identified in red and included Lots A and B. He stated that the County allows property owners to consolidate lots for tax purposes. Therefore, PC-653 was everything the applicant owns. Planner Astorga pointed out that Lot 10 was buildable as it currently exists. However, Lot 9 is not a lot of record. It is a portion of a lot that is shared with 68 Daly Avenue. He noted that in 1992 when Mr. Henderson built the structure at 68 Daly Avenue, a different policy was in place that did not require a plat amendment.

Assistant City Attorney McLean verified that Lot 9 would need to be remedied and made into two lots of record. At one point there was discussion about including 68 Daly Avenue as part of the plat amendment to clean up all the property lines. However, because it involves two different owners it was not something the City could mandate.

Planner Astorga stated that a letter was sent to Mr. Henderson prior to the two week noticing to begin that dialogue in early March. Planner Astorga clarified that his records show that the letter was sent to Mr. Henderson's listed address with the County and provided by the applicant.

Commissioner Hontz stated that when the Planning Commission approves a plat or a plat amendment, it should not create new problems. As currently configured, she believed the requested plat amendment would make things worse for 68 Daly Avenue and that entire portion of the street. Commissioner Hontz pointed out that only one buildable lot exists and everything else would need to be remedied through the plat amendment process. She preferred to see more solutions amenable to making both lots better fit the neighborhood character. She never considered Anchor Avenue as a viable square footage in the calculation due to its steepness and proximity to surrounding structures. The problems would be exacerbated if these properties were developed. Commissioner Hontz stated that there is a huge parking problem on Daly Avenue that these properties do not need to rectify, but they cannot make it worse.

Commissioner Strachan asked how the applicant came to own the part that goes on to Lot 11. Planner Astorga replied that it was unique to Daly Avenue. At one point there was a 5-7 foot shift in ownership on Daly Avenue where everyone owns a portion of another lot. Chair Wintzer explained that the shift occurred when the entire town was re-monumented in the early 1980's. Commissioner Strachan asked if anyone had spoken with the owner of Lot 11. Planner Astorga stated that Carlene owns Lot 11 and she provided input at the last public hearing.

Mr. DeGray was disappointed that his clients were not informed of the Staff's opinion that Lot 9 is not a lot of record. That issue should have been dealt with before they came back to the Planning Commission. Mr. DeGray stated that he assumed all along that Lot 9 was buildable. Planner Astorga clarified that he only came to that conclusion during the discussion this evening.

Chair Wintzer hesitated to continue an item without some type of direction from the Planning Commission. Assistant City Attorney McLean advised that if the Planning Commission did not need additional information, they should move forward.

Commissioner Pettit remarked that the applicant took issue with the Staff recommendations on the proposed conditions of approval. In addition, given the determination that Lot 9 is not a buildable lot, even if the Planning Commission moved forward with the proposal as presented with the Staff recommendations, she did not fully understand the impacts to Mr. Henderson's property.

Assistant City Attorney McLean explained that if the plat amendment were to move forward, it would create Lot A, which would be a lot of record. If Mr. Henderson ever requests a building permit, the City would require him to turn his metes and bounds parcel into a lot of record. Commissioner Pettit clarified that her concern was how a structure on Lot A would impact Mr. Henderson's property from the standpoint of view shed, solar access, etc. She would like to understand those impacts before making a decision to create a buildable lot.

Commissioner Hontz felt that was the point. If there is only one buildable lot, it would not be good cause to create more problems with a plat amendment. She shared Commissioner Pettit's concern that what happens on Lot A could impact the entire neighborhood. Commissioner Hontz was not willing to consider the conditions as conditions of approval because it was not consistent with her analysis that there is only one buildable lot. She was not comfortable creating two lots that impact everything around it without further discussion.

Director Eddington suggested that a topographic survey or a plat with contours in a 3D image might help. He asked Mr. DeGray if that was something he was willing to prepare. Mr. DeGray stated that he would ask his clients if they were interested in doing that. He pointed out that it would be totally fictitious at this point because there was no plan to build on Lot 9 and there was no building design.

Chair Wintzer stated that it would only need to be a block to get an idea of what it would look like. He concurred with his fellow Commissioners that they would not want to make the problem more arduous than what already exists. They would need to know what could go on those two lots before approving the plat amendment.

Planner Astorga clarified that that the Staff review found that there would be two lots of record with the plat amendment. Commissioner Pettit stated that the issue was what could be done today versus what the applicant was requesting to do. They were asking to have two buildable lots, and her concern was the impacts of Lot A on Mr. Henderson's property.

Mr. DeGray asked what type of abilities the Planning Commission would anticipate if they found the massing to be impactful on the property behind. Commissioner Pettit replied that one way would be a height restriction to mitigate the impact and still allow a structure to be built on the property. Planner Astorga suggested platting a buildable pad in an area that may mitigate the impacts. Commissioner Worel thought that would be helpful.

Mr. DeGray understood that the Planning Commission wanted to see a model or some type of 3D presentation to understand the massing and scale of the structure in relationship to the building behind. He asked if the Planning Commission as a group would feel comfortable approving the plat amendment once the model is presented.

Commissioner Pettit stated that personally she was not willing to move forward with the footprint restriction approach that was proposed on Lot B. She was more comfortable with the Staff's recommendation based on the streetscape and the surrounding structures, particularly Carlene's house which would be adjacent to the structure on Lot B, and the historic structures across the way. Commissioner Pettit wanted to see something more consistent with the pattern and the fabric of that part of the street.

Commissioner Strachan referred to the slide and the blue line that goes right through Carlene's house. He asked if that was an encroachment issue that the parties need to work out. Planner Astorga replied that it was not an encroachment. The Staff used the GIS and understood that the lines could be incorrect. They rely on the survey, which shows that it barely touches the structure but does not encroach.

Commissioner Pettit commented on the number of smaller homes on Daly Avenue that sit on fairly large lots. She suggested that the table of homes on Daly Avenue include the lot size associated with the house sizes. Commissioner Pettit stated that in the past there has been a pattern of limitation of gross floor area or house size on that street historically. Precedent has already occurred and she thought it might be helpful to flush that out.

Commissioner Pettit stated that the more information the Planning Commission has in terms of understanding the existing fabric and the size and scale helps them achieve something that is more equitable and compatible. In her mind it was still not perfect because it continues to push the average higher, but it is a method that has been used in similar applications with plat amendments.

MOTION: Commissioner Pettit moved to CONTINUE the 80 Daly Avenue plat amendment to the May 23, 2012 meeting. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

2. <u>255 Deer Valley Drive – Conditional Use Permit for a Bed and Breakfast</u> (Application #PL-12-01504)

Planner Astorga reviewed the application for a conditional use permit for a Bed and Breakfast at 255 Deer Valley Drive. The site is currently owned by Miriam Broumas; however, Christine Munro was in the process of purchasing the site for the purpose of operating a bed and breakfast. Mike Johnston was representing the applicant this evening

Planner Astorga reported that the applicant was proposing to have six bedrooms as nightly rentals for the bed and breakfast. The Staff analyzed specific criteria outlined in the Land Management Code and found that the proposal complies with the criteria for a bed and breakfast, as well as the conditional use permit. Planner Astorga pointed out that the applicant was also requesting a 448

City Council Staff Report

PLANNING DEPARTMENT

Subject: 313 Daly Avenue Subdivision Plat
Author: Francisco Astorga
Date: May 15, 2008
Type of Item: Administrative – Plat Amendment

Summary Recommendations
Staff recommends the City Council review the application, hold a public hearing and consider approving the 313 Daly Avenue Subdivision Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance (Exhibit A).

Topic

Applicant:	Russ & Kate Henry
Location:	313 Daly Avenue
Zoning:	HR-1
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Background
On February 4th, 2007 the City received a completed application for the 313 Daly Avenue Subdivision Plat. The property is located at 313 Daly Avenue in the Historic Residential (HR-1) zoning district of Park City. The proposed plat amendment combines two metes and bounds parcels (parcel 1 and parcel 2) in Block 74 of the Park City Survey into two (2) platted lots (Lot A and Lot B). The proposal is to combine the two parcels and create two new lots of record. The two parcels are located in a tandem configuration off Daly Avenue. There is an existing historic single family home on the front parcel. There are no existing structures on the rear parcel. Parcel 1 is approximately .20 acres and parcel 2 is approximately .19 acres.

The plat amendment will create two legal lots of record in a North/South configuration. The applicant has also submitted a Historic District Design Review application with the Planning Department for an addition to the existing Historic home. Included in the HDDR application is a preservation plan with details of moving the Historic home permanently onto Lot A of the 313 Daly Avenue Subdivision Plat. The addition as well as the Historic house will meet all current Land Management Code requirements. The Historic house currently sits on the proposed lot line. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way. It would also require a steep slope Conditional Use Permit due to existing topography of the lot.

This application was reviewed at the March 26, 2008 Planning Commission Meeting. During this meeting a motion was passed to continue this item to the April 23, 2008 Planning Commission meeting to allow Staff to come back to the Planning Commission with additional information on upper Daly Avenue. The requested information included a survey of Daly Avenue in terms of lot size, maximum footprint allowed, and square footage of each house.

Analysis

The proposed plat amendment would create two lots of record within the HR-1 zoning district. Staff has reviewed the proposed plat amendment and found compliance with the following LMC requirements for lot size:

	LMC Requirement	Proposed
Lot A Area Lot B Area	1,875 square feet minimum 1,875 square feet minimum	8,241.1 square feet 8,636.6 square feet
Lot A Width Lot B Width	25 feet minimum 25 feet minimum	49.95 feet 49.82 feet

Staff finds good cause for this plat amendment as it will create two legal lots of record. The proposed plat amendment would allow the owner to build an addition onto the home in the future. All future construction must comply with the LMC requirements for the HR-1 zone. The property is currently within the Flood Zone X. Under the current LMC the following site requirements would be allowed on the proposed new lots:

	Permitted
Height	27’ maximum from existing grade
Front Setback	15’ minimum
Rear Setback	15’ minimum
Side Setback	5’ minimum
Footprint Lot 1 Lot 2	 2,593.2 square feet maximum 2,657.9 square feet maximum
Parking	None required for Historic House

Discussion

There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by the proposed two lots. The building footprint is calculated by the building footprint formula within the Land Management Code. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint, house size area, or developable area within the plat to mitigate the possible impacts of the neighborhood. On a previous proposal in the neighboring Historic Residential-Low Density district, a study was prepared showing lot size, maximum footprint allowed, and square footage of each house. This survey showed that the floor area was approximately 141% of the maximum allowed footprint.

In response to the Planning Commission request on March 26th for further analysis, Staff prepared a survey of all properties on Daly Avenue. This survey has been attached to this staff report as Exhibit C. The survey shows the requested information according to Summit County public records accessed online through their EagleWeb Property search database. The study shows that the average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and that the average square footage is 50% of the average lot size. In consideration of Upper Daly Avenue alone the average square footage is approximately 91% of the average maximum footprint allowed and the average square footage is 30% of the average lot size. Based on this analysis and previous Planning Commission recommendations to limit house size to be compatible with the surrounding neighborhood, the Planning Commission recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to 115% of the average maximum footprint allowed. This limitation was based on the entire street analysis and on the upper Daly Avenue analysis, see table below.

	Max. Footprint Allowed	Gross Floor Area restriction per Daly Ave. ratio (137%)	Gross Floor Area restriction per upper Daly Ave. ratio (91%)	Gross Floor Area restriction recommended by Planning Commission (115%)
Lot 1	2,593.2 square feet	3,553 square feet	2,360 square feet	2,982 square feet
Lot 2	2,657.9 square feet	3,641 square feet	2,419 square feet	3,056 square feet

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 sq. ft. if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is 3,750 square feet. Duplex could potentially be built on these lots with a Conditional Use Permit.

During the April 23, 2008 Planning Commission meeting the application was reviewed with the requested additional study. The study was utilized to analyze the lot sizes, maximum footprint allowed, and square footage of each home along

Daly Avenue. The Planning Commission passed a motion to forward a positive recommendation to the City Council with an additional condition of approval to be added. The condition was a note to be added to the proposed plat indicating that the building footprint be restricted to areas of 30% slopes or less and that the gross floor area be calculated at 115% of the Daly Avenue Study average ratio. This means that Lot 1 will be restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 will be restricted to a maximum gross floor area 3,056 sq. ft. (condition of approval no. 5 in draft ordinance).

Department Review

On February 26th, 2008 this project was discussed at an interdepartmental review meeting. Two issues regarding the existing Historic home were identified and resolved through placing conditions of approval on the plat application; A preservation plan for the historic home must be approved prior to plat recordation, and also, the existing historic home must be moved onto one of the proposed lots prior to plat recordation.

Notice

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

Public Input

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

Alternatives

- The City Council may approve the 313 Daly Avenue plat amendment as conditioned or amended; or
- The City Council may deny the 313 Daly Avenue plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 313 Daly Avenue plat amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The parcel configuration would remain as two metes and bounds parcels at 313 Daly Avenue. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way.

Recommendation

Staffs recommends the City Council hold a public hearing and consider approving the 313 Daly Avenue plat based on the findings of fact, conclusions of law and conditions of approval as found in the following draft ordinance.

Exhibits
Exhibit A – Draft Ordinance
Exhibit B – Historic Building Inventory Sheet
Exhibit C – Daly Avenue Study

Exhibit A: Draft Ordinance

Ordinance No. 08-

AN ORDINANCE APPROVING THE 313 DALY AVENUE SUBDIVISION PLAT, AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT 313 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 313 Daly Avenue have petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 26, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on April 23, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 17, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 313 Daly Avenue Subdivision Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 313 Daly Avenue Subdivision Plat, as shown in the attachment 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 313 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 313 Daly Avenue is two tandem metes and bounds parcels of land (Parcel 1 and Parcel 2).
4. The proposed lot amendment combines the two existing metes and bounds parcels and creates two lots of record.

5. The Land Management Code requires a minimum lot width in the HR-1 District of 25'. The lot widths of the 313 Daly Avenue Subdivision Plat are 49.95 feet for lot A and 49.82 feet for lot B.
6. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the 313 Daly Avenue Subdivision Plat are 8636.6 square feet for lot A and 8241.1 square feet for lot B.
7. The proposed maximum gross floor area calculations are compatible with the Daly Avenue Study.
8. The average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue is approximately 91% of the average maximum footprint allowed.
9. Parcel 1 located in the front with access to Daly Avenue is flat and parcel 2 located in the back without any access to Daly Avenue and has steep slopes.
10. An existing historic home is located on the front parcel (parcel 1) of land.
11. The proposed lots create a snow storage easement 10 feet wide along the front property lines off Daly Avenue
12. A remnant parcel of land will not be created by this plat amendment.
13. Access to the lots is from Daly Avenue.
14. All findings within the Analysis section are incorporated within.
15. Access to parcel 2 is not currently available and is therefore unbuildable.

<u>Conclusions of Law:</u>

1. There is good cause for this Plat Amendment because it will create two lots of record from two metes and bounds parcels of land.
2. The Plat Amendment is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
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.

<u>Conditions of Approval:</u>

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. The applicant may apply for an extension to this time limit if needed.
3. The Planning Department must approve a Preservation Plan for the movement of the existing Historic home prior to plat recordation.
4. The existing Historic home must be moved onto one of the proposed lots prior to plat recordation.
5. The plat must include a note indicating that the building footprint is restricted to

the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the Daly Avenue Study average ratio, Lot 1 is restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 is restricted to a maximum gross floor area of 3,056 sq. ft.

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

PASSED AND ADOPTED this 15th day of May, 2008.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Attachment 1 – Existing Conditions & Topographic Survey
Attachment 2 - Proposed Plat Amendment

Attachment 2 - Proposed Plat Amendment

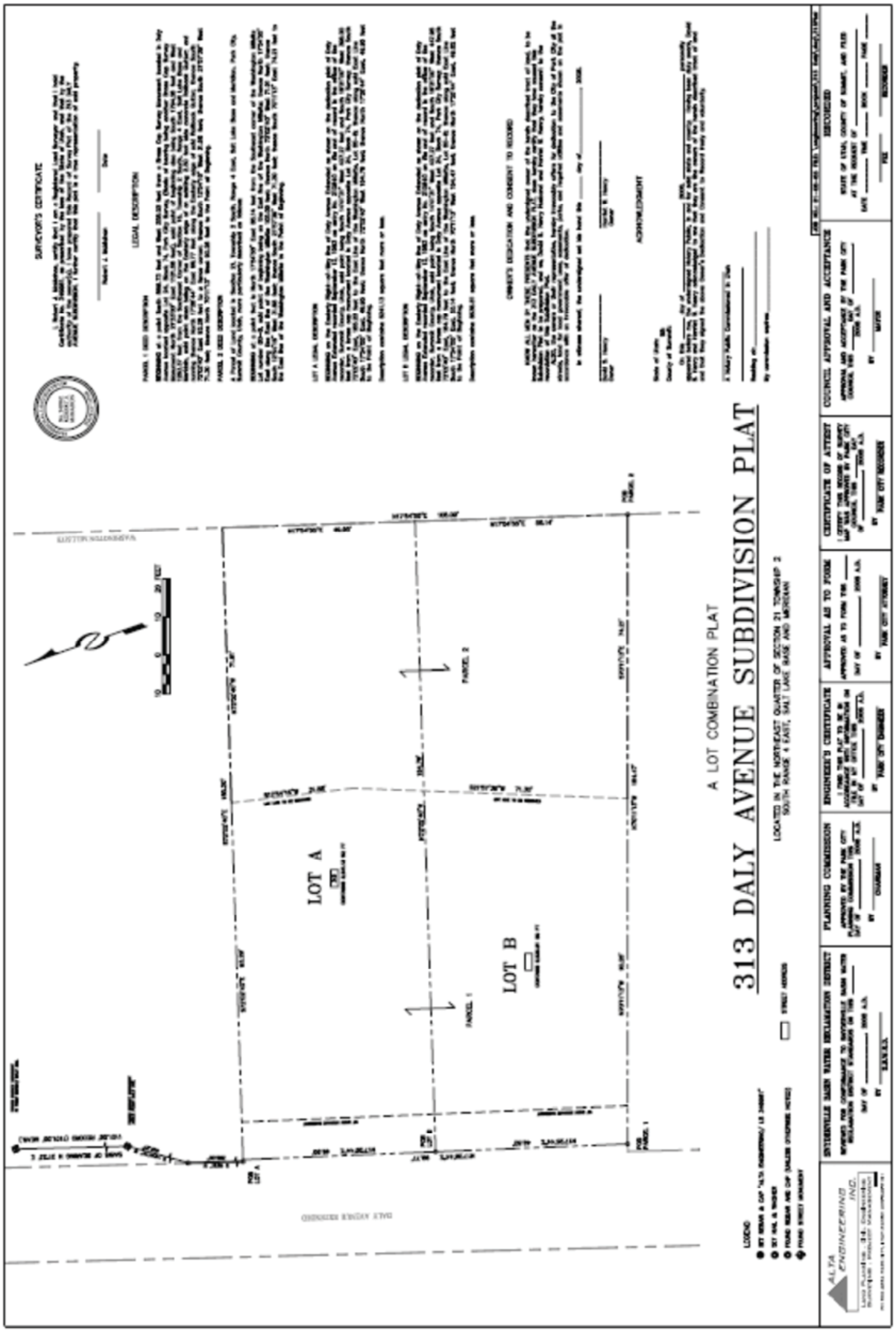


Exhibit B – Historic Building Inventory Sheet

ADDRESS: 309 Daly Avenue
PARCEL #: PC-636

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE
....It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-[12](A), are determined to be Significant for the purposes of this Chapter.

(A) STANDARDS OF REVIEW. In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

Criteria	Evaluation
(1) The Building, Structure or Site is associated with events or lives of Persons Significant to our past; and/or	**Yes, mining industry era.**
(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or	**Yes, the structure embodies the distinctive characteristics: 1 ½ -story, frame, modified hall-parlor (now a side passage), drop siding, full-width porch, porch elements.**
(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or	**Yes, the historical and architectural value of the structure contributes to the significance of the property and area.**
(4) The Building, Structure, or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance to the community; and/or	**Yes, c. 1905**
(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or	**Yes, the historic and architectural features are comparable to those on other significant sites in the surrounding area.**
(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.	**Typical mining era home in scale and massing.**

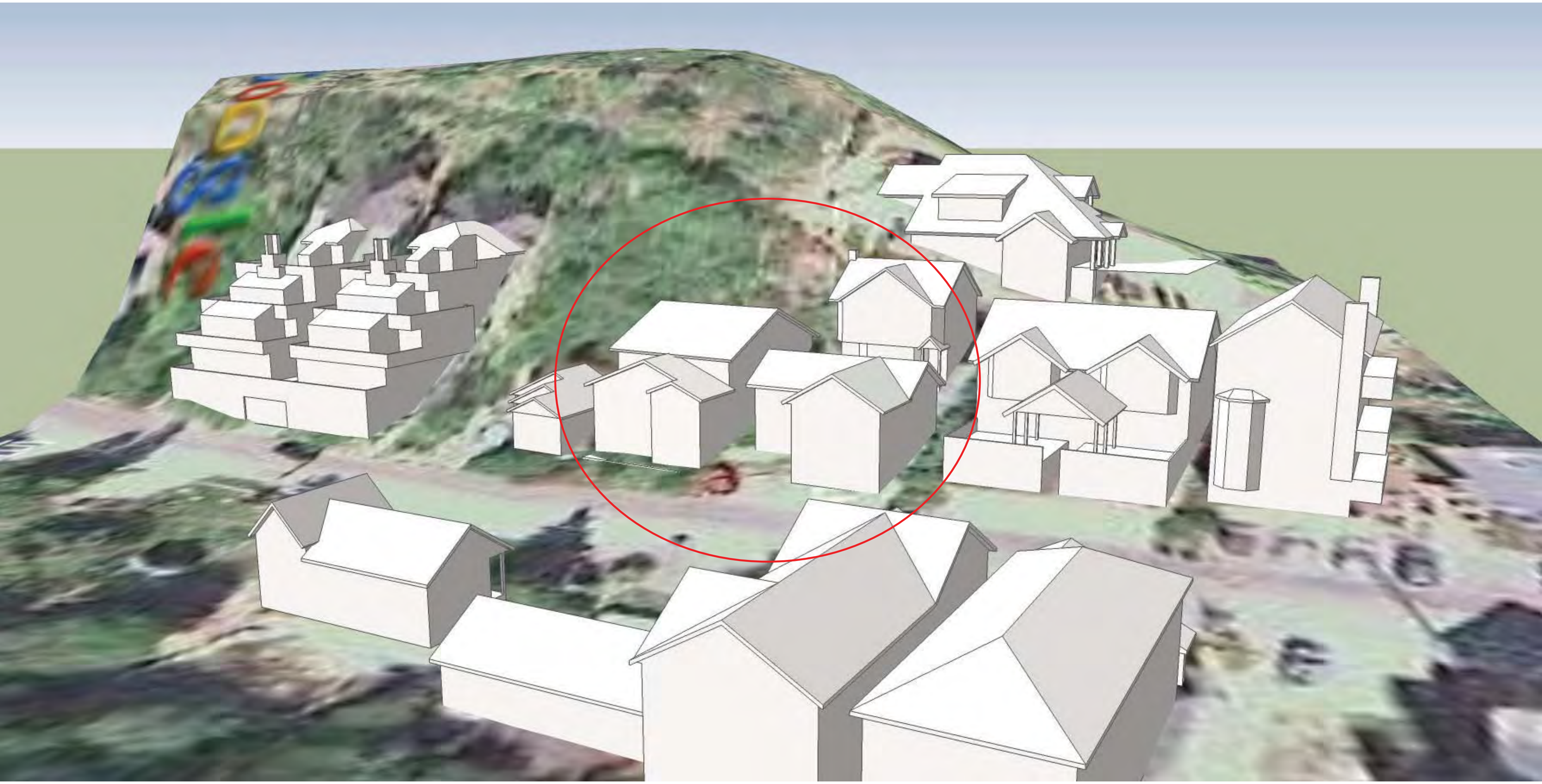
In addition to on-site visual analysis, the following were consulted in determining substantial compliance with the standards of review found in Title 15, Chapter 11, Section 12 Determination of Historical Significance.

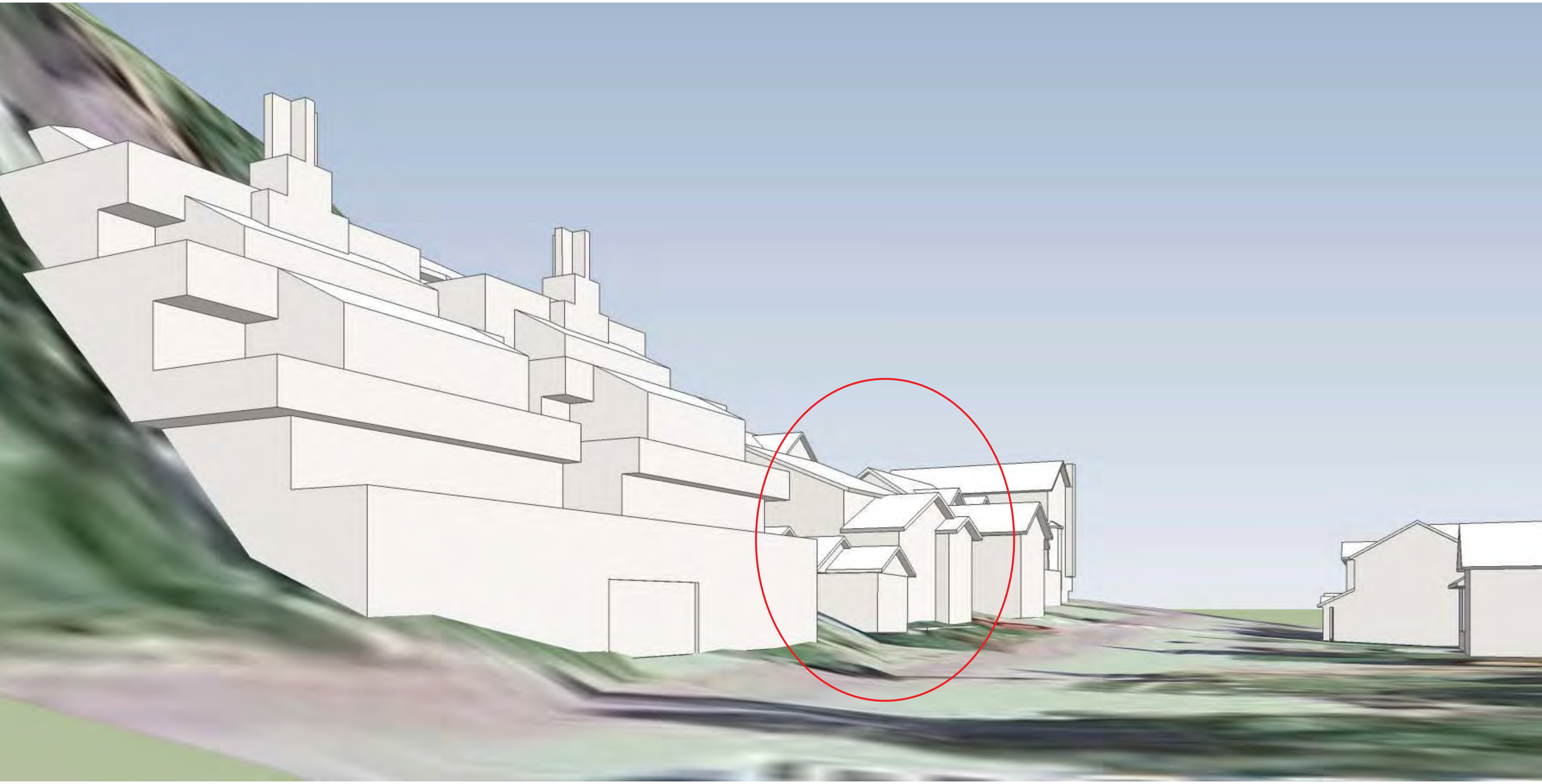
Tax Photo	Planning Office, in binder and @ SHPO
1982 Survey Evaluation	Qualified Contributory. No mention of accessory structures. Smaller one appears to have been moved from another location.
Permit Files	
SHPO[1]	Utah Historic Sites Database Record #57534. Listed at "313 Daly Avenue". No individual property file.
Tax Assessor	
PCHS&M[2]	
Other	Virtually unchanged from date of the tax photo. Seems a hall-parlor may have been modified to a side passage and a rear addition made a simple side-gable form into a saltbox form. Unclear if changes were very early or originally built this way.

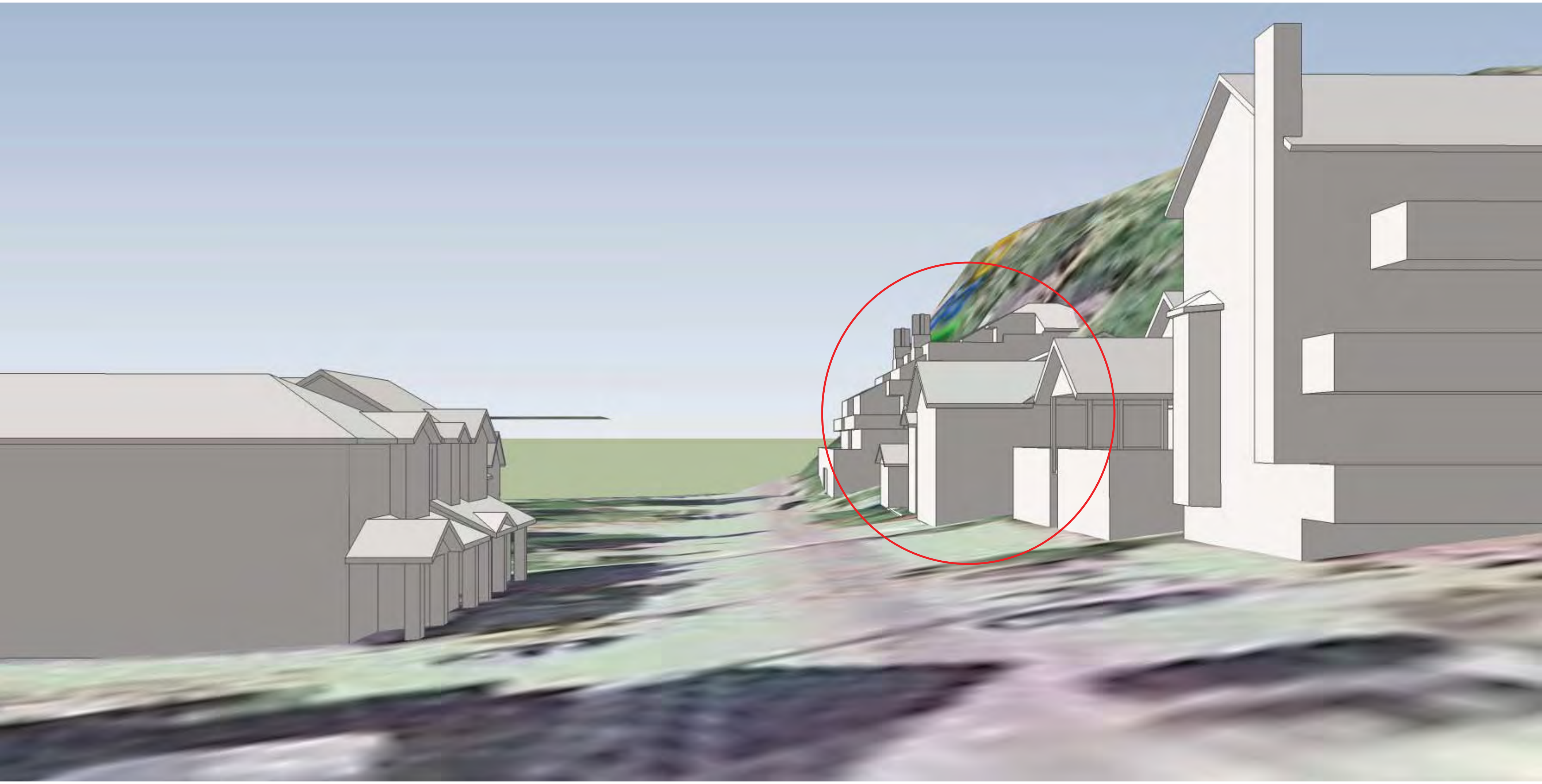
[1] State Historic Preservation Office
[2] Park City Historical Society and Museum

Prepared by Dina Williams-Blaes

Exhibit K - 3D Model

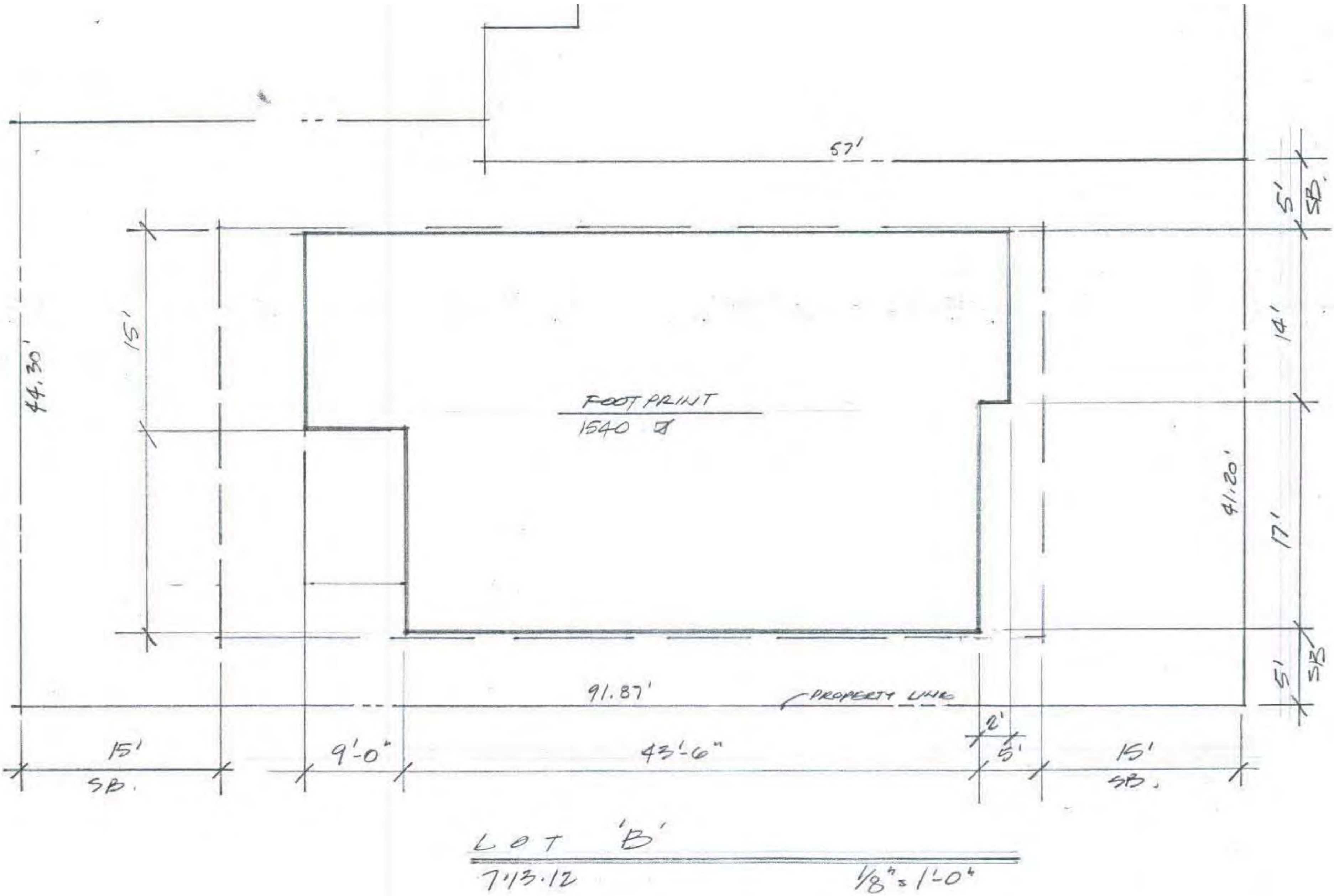


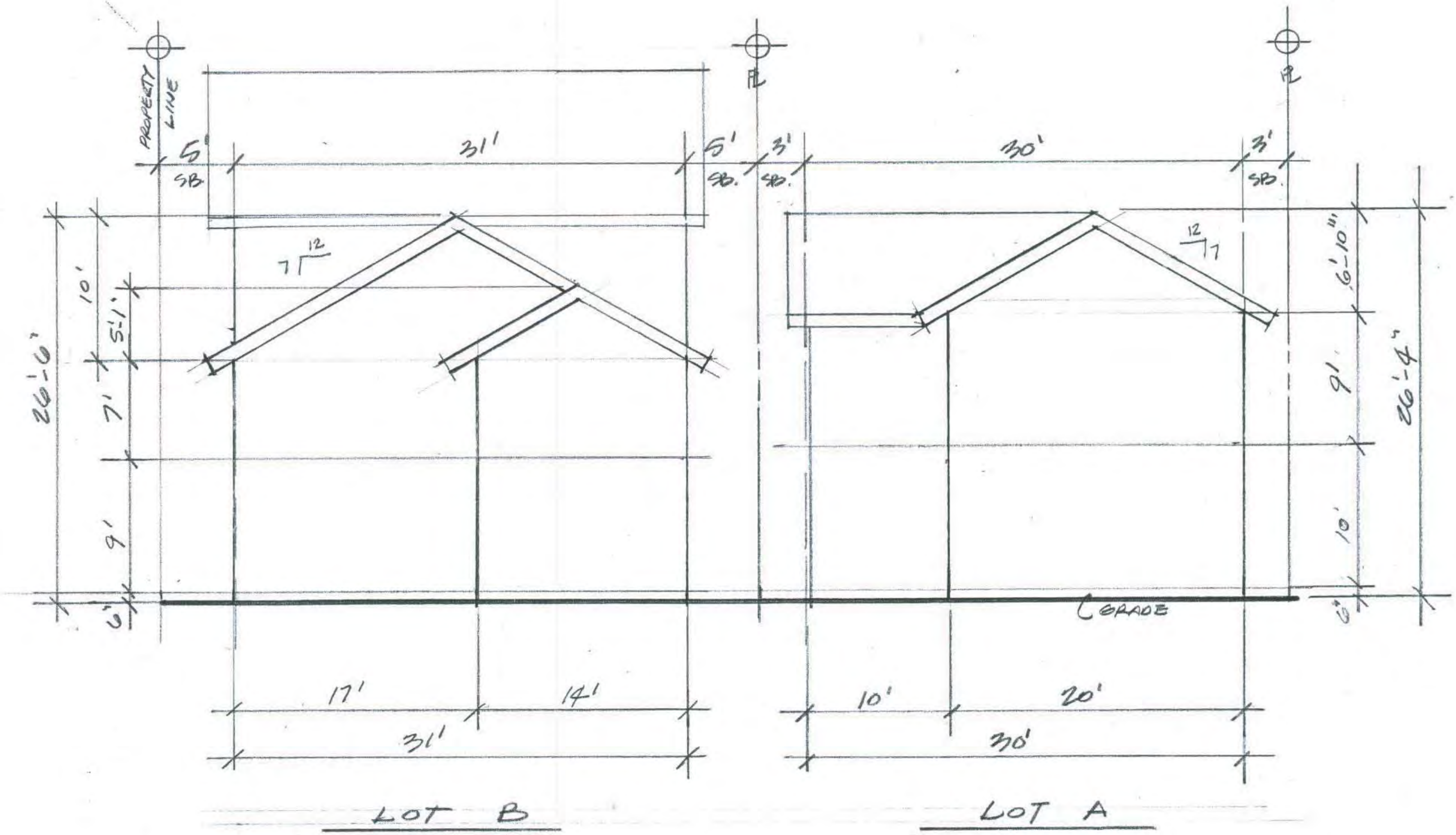





FGK-9764

Exhibit L - Conceptual site plan & massing elevations.


57'
5'
SB.
14'
41.20'
17'
5'
SB
44.30'
15'
FOOTPRINT
1540 ☐
91.87'
PROPERTY LINE
15'
SB.
9'-0"
43'-6"
2'
5'
15'
SB.
LOT 'B'
7.13.12
1/8" = 1'-0"



MASSING ELEVATIONS

80 DALY AVE.

2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding Subdivision Plats.

3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.

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

<u>Conditions of Approval – 1103/1105 Lowell Avenue</u>

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

2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All new construction will require modified 13-D sprinklers.

4. A 10-foot wide public snow storage easement will be required along the front of the property.

2. <u>80 Daly Avenue – Plat Amendment</u>
(Application #PL-12-01488)

Planner Astorga noted that the Planning Commission previously reviewed this application for a plat amendment to combine two lots on April 11 and May 9, 2012. On May 9th, the Staff was directed to provide lot areas and footprints to the Daly Avenue comparison study. They were also directed to eliminate vacated Anchor Avenue from the footprint calculation. Planner Astorga stated that the revised study included all structures on Daly Avenue, separated by uses, the existing square footage according to Summit County Records, the lot size of each lot, and the calculated maximum footprint on each lot allowed per the LMC. Since it was impossible to physically measure every footprint, Planner Astorga informed the Planning Commission that the maximum footprint on the study was calculated from a formula using the square footage of each lot.

Planner Astorga reported that the applicant had provided a model as requested by the Planning Commission at the meeting on May 9th. The applicant also submitted an approximate footprint calculation for each of the proposed Lots A and B, as well as massing elevations.

Following the May 9th meeting, the item was continued several times to allow the Staff and the applicant the necessary time to obtain the requested information.

Planner Astorga reviewed an exhibit on page 52 of the Staff report, which was created to identify the owners of the Daly Avenue lots and the associated discrepancies. Planner Astorga commented on the remnant parcels. He noted that 60 Daly Avenue and the Daly Doubles Condominiums had been re-platted and were no longer an issue. Planner Astorga stated that if for any reason in the future the applicant, Mr. Anderson, or the property owner at that time, and Carlene Riley wish to remodel their structures, they would be required to go through the same re-platting process to consolidate the remnants and remove the lot lines to match the true ownership of the property. The Staff anticipates that the lots would meet the minimum requirements of the LMC; however, that analysis was not part of this application because they had not received the survey to verify the information.

Planner Astorga explained that lots like 68 Daly Avenue are called flag lots because of their unique situation regarding the minimum width. The City recognizes that lot as a buildable area because a building permit was issued in the late 1970's or early 1980's. Planner Astorga clarified that he would refer to it as a buildable area rather than a buildable lot, because the lot itself is identified as Lot 9.

Planner Astorga presented an image showing the plat amendment currently being reviewed. He noted that the Planning Commission previously requested that the applicant provide a model to show possible mitigation of impacts to Lot 68 for solar access and view mitigation.

Planner Astorga reviewed the history of plat amendments on Daly Avenue and how an average size was calculated to compare the house size to the footprints along Daly Avenue. He was very familiar with the project on 313 Daly Avenue, at which time the Staff recommended adding a limitation of the maximum house size per the study done at that time. That recommendation was supported by the City Council and the Planning Commission. Prior to that, records indicate that a limitation was placed in the HR-L District. Planner Astorga stated that approximately four months ago the Planning Commission and the City Council added another cap that was imposed by the property owner that limited the floor area to 2,000 square feet. The cap was included on the plat amendment. Planner Astorga believed the precedent had been set and they could move forward with it in this unique portion of the HR-1 District.

Planner Astorga reviewed the table on page 55 of the Staff report showing the ratio of the maximum house size to the allowed footprint for both Lower and Upper Daly Avenue. He noted that the numbers were supported by the analysis. He noted that the gross floor area of all structures on Daly Avenue was approximately 141% of the average maximum footprint allowed. Based on previous restrictions for Daly Avenue, the Staff recommended a cap of 200% for 80 Daly, which means that the proposed footprint would remain the same, but only two floors could be built. The proposed limitation would keep the house size more consistent with existing houses in the neighborhood, and still allow the applicant the flexibility to shift the structure one way or the other.

Planner Astorga clarified that the limitation would only apply to Lot B. The area of Lot A is 1875 square feet, which is the equivalent of a standard Old Town lot of 25' x 75'.

Commissioner Strachan requested clarification of the ratios identified in the table on Page 55. He asked if the house built on the footprint is 141% percent larger than the lot footprint. Planner Astorga answered yes.

Jonathan DeGray, representing the applicant, presented the massing model. The entire ownership of Lot B was represented as a 1,540 square foot footprint, including the Anchor Avenue portion. Eliminating Anchor Avenue from the calculation reduces the footprint from 1540 square feet to 1,384 square feet. Mr. DeGray noted that the applicant was still willing to exclude Anchor Avenue from the footprint. It was included in the massing model to show the worst case scenario.

Mr. DeGray remarked that Lot A was 1,875 square foot with an 844 square foot footprint. It is a two-story structure. He noted that the buildable portion of Lot A is the flat area to the front. There would be a 10-foot front yard and 10-foot rear yard setback, which would occupy a great extent of that steeper slope going up to the house behind. Mr. DeGray presented a photo taken from the front of Lot A looking at the building to the rear. He indicated the duplex to the right and stated that the garage elevation was the single story. The deck above with a window to the rear was the second story. The wall plates would be that height with a roof above. Mr. DeGray remarked that the roof of the proposed building would probably be into the sightline of the windows from the back, but no higher than 27' because of the elevation change from the front of the property to the rear.

Mr. DeGray reported that the applicant's position had not changed regarding the recommended building size. They would like to move forward with the reduced footprint at 1,384 square feet that excluded Anchor Avenue, and go through the Steep Slope CUP process to determine the appropriate square footage based on the setting. Mr. DeGray stated that 2768 square feet represents a building size that does not take into account the topography of the lot. A third to a half of the building would be buried and 2,768 square feet would be less usable than it would be if it were built somewhere else. Mr. DeGray felt there was unfairness in the evaluation that one number works and another number does not. He requested the ability to move forward with 1,384 square feet of footprint and let the Steep Slope CUP process play out.

Commissioner Strachan wanted to know how much smaller the proposed structure would be if the Planning Commission accepted the 200% ratio restriction. Mr. DeGray replied that the structure shown on Lot B at a 1540 square foot footprint represents a building that slightly exceeds 4,000 square feet with a garage. Commissioner Strachan asked for the ratio under the recommended 200% restriction. Mr. DeGray stated that under the 1500 square feet of footprint the ratio would be 2.7. He noted that 1384 square feet at 2.4 would be approximately 3300 square feet of structure. Mr. DeGray believed that under the Steep Slope CUP, a 3300 square feet house would work on the site and fit with the surrounding buildings, and still be sensitive to smaller non-historic structure to the south. He estimated that at least a third of the structure would be underground.

Chair Wintzer opened the public hearing.

Carlene Riley, a resident at 84 Daly Avenue, asked if they would cut off access to Pete Henderson's property. Mr. DeGray replied that the applicant was proposing to allow easement agreements that maintain the access and the deck extensions.

Ms. Riley wanted to know how close they would build to her house. Mr. DeGray stated that it was a 40-foot wide lot which requires a 5' side yard setback. The Staff had recommended a 7-foot side yard on Ms. Riley's side and the applicant agreed to that.

Ms. Riley asked about the intended distance from the road. She noted that her home was only 7' back from the road. Mr. DeGray calculated 15' as the required setback based on the lot width. Ms. Riley was not happy about removing the trees.

Brent Gold, legal counsel representing Pete Henderson, the owner of Lot 68, stated that during the meeting on May 9th considerable objections were raised by several of the Commissioners regarding the impacts of this proposal on Lot A, which is the lot immediately in front of Mr. Henderson's property. Concern was also raised regarding the issue of what constitutes a lot of record and whether it was permissible to proceed with this request when the only lot of record is Lot 9. Mr. Gold recalled from the discussion that it was a problem. He referred to comments by Planner Astorga in describing the events that took place in connection with construction on a portion of Lot 68. Mr. Gold remarked that it was a different time, a different day and a different world. What they are dealing with today is Lot 9, which is the only lot of record. How to handle a lot of record is not addressed in the Code for the type of subdivision that occurred many years ago under an entirely different Code.

Mr. Gold reiterated that the issue was raised by the Planning Commission on May 9th, but it was not addressed in the current discussions. Mr. Gold also recalled from the discussion a suggestion for a possible variance based on undue hardship on the applicant. He did not believe that issue had been resolved to this point. Mr. Gold remarked that on May 9th, Commissioners Pettit and Hontz had raised objections to the height and the impact on Lot 68. He noted that Mr. DeGray had provided new information that would seemingly limit in all respects the height of the structure to two floors. However, the proposed ordinance cites limitations on Lot B, but there are no limitations reflecting the conditions of the height proposed. In addition, there was no limitation on the allowed square footage. Mr. Gold calculated what he believed was the accurate square footage and reviewed illustrations to address the height. He noted that the space above the roof line, which extends the entire distance of Lot A in front of Mr. Henderson's property, covers all but approximately 2-1/2 to 3 feet of the first floor and entirely covers all of the windows on the first floor. It appeared that the second floor was not obstructed by the roof. Mr. Gold stated that this was a problem due to the nature of the District and the concerns raised by former Commissioner Pettit and Commissioner Hontz. Mr. Gold requested clarification of the height. He noted that one document references a 26'-4" height limitation, and that limitation was not referenced in the ordinance. Mr. Gold believed the issue needed to be rectified.

Mr. Gold stated that in the survey provided by the applicant, the survey line shows the property boundary being used by the applicant for the top portion of the stairs appears to cover slightly more than half before it tapers down. The piece on the bottom was a concrete pad. Mr. Gold remarked that those improvements were built in 1981 and 1982. They were built according to a survey provided at the time the house was built. On May 9th, Commissioner Wintzer mentioned the re-monumentation in Park City in the early 1980's. That re-monumentation moved property lines anywhere from a few inches to several feet. His client emphatically claims ownership of that piece and an easement agreement would not suffice. Mr. Gold was prepared to provide all necessary verification to support his claim. Based on the assumption that his client owns that property, the applicant adjusted the property boundaries from the adjoining Lot B so they could get the 1875 square feet required under the Code. If that line moves a fraction, they would be under the required square footage. He pointed out that they could still move the lot line farther into Lot B, but that would change the entire configuration and the entire proposal.

Mr. Gold stated that the applicant makes the argument that Lots 10 and 11 are buildable lots, and that the current solution renders a better resolution of the problem. Mr. Gold felt the better resolution remained to be seen. He did not believe all the problems with Lot A had been remedied. It was the general consensus that the Planning Commission has the authority and power to impose conditions and restrictions that cause the resolution of all problems rather than creating greater problems in the future. He suggested that they were not finished with this plat amendment process.

Chair Wintzer closed the public hearing.

Wade Budge, legal counsel representing the applicant, responded to the issues raised by Mr. Gold. With respect to whether a variance might be appropriate, Mr. Budge pointed out that the proposal meets what is required to create a lot in this area, including the required square footage. If Mr. Gold's point is an inappropriate use, that could not be solved through a variance. A use variance is prohibited by Utah law and therefore it is not applicable. Mr. Budget believed the focus should be whether or not the applicant meets all the requirements from a size perspective. A certified survey and Mr. DeGray's drawings show that both of the proposed lots were sufficient size for the zoning district.

Mr. Budge agreed that a condition had not been proposed for Lot A. The reason is that the natural size of the lot creates its own restriction due to the setback and height restrictions of the zone. They had presented the worst case scenario and understood the maximum footprint. A condition was not needed, but they would not be opposed if it was required because they already know that 844 square feet is the maximum footprint.

Mr. Budge commented on the encroachment issue. He believed the neighbors needed to work out the issue among themselves and not involve the Planning Commission. He proposed modifying Condition #4 and handed out proposed language that he had drafted. The revised condition would read, "Prior to plat recordation, an encroachment agreement or an encroachment license must be either agreed to or granted to allow the existing encroachments from 68 Daly Avenue to continue as they presently exist." Mr. Budge believed the revised language avoids involving the Planning Commission on the issue and allows the applicant the ability to work with Mr. Henderson to come to an agreement. If they cannot come to an agreement, it would be presented to the City with a proposal that would allow Mr. Henderson to continue using what the applicant views as his property. Mr. Budge stated that if there was a true dispute over ownership, the burden would be on the neighbor to come forward with evidence of ownership. He clarified that the ultimate goal was to keep the encroachments in place and allow them to continue as they exist.

Mr. Budge responded to the issue of square footage and setting a maximum for Lot B. Their strong preference would be to defer that to the Steep Slope CUP process. The architect could come forth with an actual plan and under the CUP ordinance a number of criteria could be applied to determine whether the plan presented makes sense for the neighborhood. He pointed out that the Planning Commission makes the final decision on a CUP. If they forward a recommendation to the City Council specifying a size, the City Council would make the final decision and possibly set the size since they ultimately approve the plat. Mr. Budge stated that if the concern was making a future buyer aware of the size restriction, the applicant was willing to add a plat note stating that the actual size for Lot B would be determined through the Steep Slope CUP analysis process or a similar zoning process.

Mr. Gold requested time for a brief rebuttal. Mr. Gold remarked that there was a subtle difference between “must be agreed to” and “granted to allow”. It is the difference between unilateral and bilateral. If the two owners cannot agree, Mr. Budge’s client could dictate what the grant would be. His client was amenable to working out a solution with his neighbor, but it needs to be a bilateral process. If the Planning Commission approved the condition as proposed by Mr. Budge, it would be strictly unilateral.

Commissioner Savage asked if Mr. Gold had evidence that Mr. Henderson owns the property. Mr. Gold answered yes. Commissioner Savage wanted to know why the information had not been presented to the other side. Mr. Gold stated that the evidence was a survey that was done when the original house was destroyed by the tank that rolled down the hill.

Commissioner Savage asked Planner Astorga for the City’s position related to the lot. Planner Astorga stated that he had searched for all records related to the reconstruction of the structure and the staircase, and he did not find any plans or surveys in the City files. He was happy to accept any information Mr. Gold could provide on the matter. Commissioner Savage clarified that the City’s official position is that the property belongs to the applicant. Planner Astorga replied that this was correct, because the applicant had submitted a certified survey stamped by Alliance Engineering. Commissioner Savage believed the question was the record of property line. It appears that the City’s record of property line indicates that the steps were built on their property and the applicant was willing to grant an ongoing, perpetual right for 68 Daly to have access to that staircase.

Mr. Gold respected Commissioner Savage’s position; however, there were legal documents related to ownership of the property that goes beyond what is shown on City records.

Assistant City Attorney McLean clarified that the City relies on stamped surveys to form their position. If there is a dispute between property owners and each has a different survey, it is up to the property owners to litigate their dispute outside of the City forum. In this case the City has a licensed, stamped survey and they are required to rely upon that survey.

Commissioner Savage understood that for the purpose of the discussion this evening, the Planning Commission should assume that the property in question belongs to the applicant. Commissioner Hontz pointed out that the survey was stamped by the surveyor but it was never recorded at the County. Mr. DeGray stated that it would not be recorded until the plat was recorded.

Assistant City McLean stated that once a survey is stamped, the surveyor declares that they are certified based on their professional license and that the survey is accurate. Even when things are not recorded as a plat, the survey is filed with the County.
Commissioner Hontz disclosed that she lives on Upper Daly Avenue, which is not in the vicinity of this property, and it would not affect her comments or decision this evening.

Commissioner Hontz appreciated the work Planner Astorga and the Staff did on the Staff report, particularly since they tried to find a creative solution and a compromise. However, she respectfully disagreed with this particular solution. If they allow two units to be built at the proposed size, the whole community loses. Commissioner Hontz believed her comment from the May 9th meeting still stands today. If the Planning Commission allows what is proposed, they create harm by creating new impacts and issues related to snow storage, traffic, view shed, parking, etc. All harm would be caused directly from this application and not by anything that currently exists around it. Commissioner Hontz pointed out that in addition to exacerbating the existing problems, the proposal creates its own additional problems.

Commissioner Hontz referred to Conclusion #1, which asked if there was good cause. She appreciated the massing study because it demonstrated exactly what they would not want to see occur and how the impacts would be thrust upon this part of the neighborhood.

Commissioner Thomas concurred with Commissioner Hontz. In looking at the massing diagram, he believed one of the problems with the comparative analysis of density and massing was that the measurement was taken against buildings that were built historically; and those structures would not be allowed today. They would be averaging up in terms of size and massing with that approach and he did not believe that was the intent. Commissioner Thomas thought the Planning Commission was looking for commonality with the historic components of the community. Visual Aid 102 demonstrated massing that was dramatically out of scale with the adjacent historic home. Commissioner Thomas also struggled with the image on page 52 of the Staff report, which showed the scenario of ownership. He felt it was practical to have three units on three properties. A lot combination would add density and more negative impact to the neighborhood and adjacent property owners. Commissioner Thomas stated that he had issues with the application and he could not support it.

Commissioner Worel concurred with her fellow Commissioners. She also had an issue with the easement for the stairs. In her opinion, if the neighbors could agree on an easement it would have been done by now. Both sides were claiming ownership and she did not think the Planning Commission could approve the plat amendment without conclusively knowing who legally owns the property.

Commissioner Thomas stated that he would be able to support an application that had a smaller house in the center of Lot 10 that had a relationship with the house on Lot 11, and left the building pad alone in front of the other lot. He offered that alternative if the applicant was interested in that approach. It would allow him to build on his property and create a no-build zone on the adjacent property below the existing house. Commissioner Thomas believed the result would be a building configuration that is more consistent with Old Town.

Commissioner Strachan concurred. In his opinion, Lot 10 is the classic Old Town buildable lot. He recognized the unfortunate circumstance that at some point in the past Lot 9 was subdivided. He believed that when the subdivision occurred the property owner of all of Lot 9 assumed that he would make two buildable lots out of one. Commissioner Strachan agreed with Commission Thomas that a lot combination would increase the density. The increase is not envisioned by the current lot sizes and the history of applications on Daly Avenue that have come before the Planning Commission. He also agreed that the ownership issue needs to be resolved. He believed an approval could be conditioned on having an encroachment agreement; but that problem combined with the other problems already stated would not allow the Planning Commission to approve the application.
Commissioner Savage felt the application had gone through a rigorous Staff analysis and that the applicants had done their work sufficiently. Assuming that the survey is valid, he believed the applicant was entitled based on the Code and the precedent to create the realignment. Commissioner Savage thought it was an unfortunate situation for the neighbor behind, but when that neighbor built his house he was aware of the lot in front. Commissioner Savage felt strongly that when people purchase real estate they need to consider the rights of the surrounding property owners. Commissioner Savage supported the application as proposed and he would forward a positive recommendation to the City Council.

Chair Wintzer asked if the applicant wanted a vote this evening or if they preferred another continuation. Mr. DeGray stated that his client was not willing to make Lot 9 open space. Based on the comments this evening, he did not believe he had the ability to do what the Commissioners were asking. Mr. DeGray suggested that the Planning Commission should vote on the application this evening.

Assistant City Attorney McLean clarified that a negative recommendation would be based on their comments this evening. Findings of fact and conclusions of law would not be required because they were not recommending the plat amendment.

MOTION: Commissioner Thomas moved to forward a NEGATIVE recommendation to the City Council for the plat amendment for 80 Daly Avenue based on the comments expressed by the Planning Commission this evening. Commissioner Hontz seconded the motion.

VOTE: The motion passed 4-1. Commissioners Hontz, Thomas, Strachan and Worel voted in favor of the motion. Commissioner Savage was opposed.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

Approved by Planning Commission: ___________________________________