PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 25, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 25, 2011.

Closed Session
3:00 p.m. Litigation and property

Work Session

3:30 p.m.	Council questions/comments	
3:40 p.m.	Courchevel student exchange presentation	
4:00 p.m.	Traffic and Transportation Master Plan	P. 6 - 44
4:20 p.m.	Co-housing Discussion	P. 45 - 55
4:50 p.m.	Break	

Regular Meeting
5:00 p.m. - Note special time

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 4, 2011 AND AUGUST 11, 2011 P. 56 - 73

V RESIGNATIONS AND APPOINTMENTS

Consideration of three appointments to the Police Complaint Board for terms expiring June 30, 2014

VI 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 authorization to staff to execute a change order to the Comstock/Sidewinder Walkability Project Construction Agreement in a form approved by the City Attorney with Miller Paving for $154,778 P. 74 - 79

2. Consideration of authorization to staff to enter into a Professional Services Agreement, in a form approved by the City Attorney, with Curb It Recycling in an annual amount not to exceed $20,000 annually P. 80 - 87

VII NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance amending the Land Management Code adding Historic Preservation Board review and approval for historic reconstruction and disassembly processes in Park City, Utah

(a) Public hearing
(b) **Motion to continue to September 15, 2011**

2. Consideration of a Master Festival License for the Valley Mental Health Recovery Days to be held September 9, 2011 from 5 p.m. to 9 p.m. at the South City Park Gazebo and Picnic Area P. 88 - 92

(a) Public hearing
(b) Action

3. Consideration of an Amended and Restated Park City Heights Co-tenancy Agreement, in a form approved by the City Attorney P. 93 - 131

VIII OLD BUSINESS

Consideration of Ordinance No. 11-19 enacting a temporary land use regulation pursuant to UCA §10-9A-504 and §15-1-7F of the Park City Land Management Code which prohibits approval of plat amendment applications filed after June 15, 2011 in the HR-1, HR-2, and HRL Zoning Districts for a period not to exceed six months until the City Council considers limits on the maximum building footprint allowed as a result of lot combinations in such zoning districts P. 132 - 207

(a) Planning Commission Meeting update
(b) Public hearing
(c) Action (possible revocation or amendment)

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

X ADJOURNMENT

6:00 p.m. Joint Meeting with Planning Commission on defining the redevelopment neighborhoods, including: Lower Park Avenue/PCMR, Old Town, and Bonanza Park/Iron Horse District

A majority of 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 available in the Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

Posted: 08/22/11
See: www.parkcity.org

PARK CITY COUNCIL MEETING **TENTATIVE**
SUMMIT COUNTY, UTAH
SEPTEMBER 1, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 1, 2011.

Closed Session

Litigation and property

Work Session

3:15 p.m. Council questions/comments
3:30 p.m. Short range transit plan.
4:15 p.m. Post office gang box
4:45 p.m. Public Art Advisory Board interviews
5:45 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 agenda)***

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

1. Consideration of award of state lobbyist contract

2. Consideration of a Resolution – National preparedness month

3. Consideration of authorization to staff to enter into a Professional Service Provider Contract with Techlogic, in form approved by the City Attorney, in the amount of $___

V NEW BUSINESS ***(New items with presentations and/or anticipated detailed discussions)***

1. Consideration of extension of Letter of Intent with Sweeneys for Treasure

2. Consideration of an Ordinance amending LMC – HPB - administrative reconstruction process
   (a) Public hearing
   (b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of 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 available in the Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 8, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, 8, 2011. A majority of Council members may be participating on the Summer Tour to be held September 7 through September 11. This trip is intended for informational purposes and no formal City business will be conducted.

Posted: 08/29/11
See: www.parkcity.org

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

September 2011

8 **No meeting** (Summer Tour 9/7 – 9/11)

15 Elected Officials Training
Special event overhaul
Open space and conservation easement update (1 hour)
Short range transit plan adoption (1 hour)
Award of contract to federal lobbyist

22 **No meeting**

29 Appointment of Public Art Advisory Board members
Environmental and regulatory update
Short range transit plan adoption – public hearing/action
SR224 Corridor Study

October 2011

6 **Alex gone**
Regional TDRs concept – Jon Jansen

13

20

27

November 2011

3

10

17

Pending Items:

Bonanza Tunnel ribbon-cutting
Inter-local agreement with Summit County for police database integration
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
HPCA infrastructure study

City Council
Staff Report

Subject: **DRAFT Traffic and Transportation Master Plan Discussion**
Author: **Matthew Cassel, P.E., City Engineer**
Department: **Engineering**
Date: **August 25, 2011**
Type of Item: **Informational/Work Session**

Summary Recommendations:
This report is informational. The study consultants have completed the DRAFT traffic and transportation master plan and staff would like to review and discuss chapters one, two and three of the plan and the upcoming schedule with City Council.

Topic/Description:
A street master plan was prepared for Park City by Wayne Van Wagoner and Associates 27 years ago. This master plan was in essence a street inventory that included roadway design standards and provided a street capital improvement plan. Since that time, the Old Town Infrastructure Study (OTIS) was completed in 2002 and numerous small localized traffic studies have been performed over the years in highly congested areas of concern. As traffic congestion increases, Park City recognized the need to develop a comprehensive master plan for the City's transportation system. It is anticipated that this tool will be useful for the City to understand and resolve current and anticipated future traffic and transportation issues. This master plan completes the transportation section of the General Plan currently being updated by our Planning Department. InterPlan Company was the consultant who helped staff and the City to develop the Traffic and Transportation Master Plan.

A technical steering committee has been formed to guide the development of the Traffic and Transportation Master Plan. Committee members are as follows:

Matt Cassel	Engineering
Kent Cashel	Transportation
Thomas Eddington	Planning
Roger Evans	Building
Jonathan Weidenhamer	Sustainability
Heinrich Deiters	Sustainability
Sayre Brennan	Engineering
Brooks Robinson	Transportation
Sayre Brennan	Transportation

The following are the elements provided as part of the master plan:

- Transportation goals were developed and included in the DRAFT plan and will be cross referenced in the General Plan being developed by the

Planning Department.

- Existing street and pathway inventory in a paper map and as GIS layers and include the street classifications. Street cross section standards are provided as part of the DRAFT master plan. As each road in Park City is classified (local, collector, etc.), a typical cross section has been developed. These cross sections were developed based on the existing Right-of-Way width and include the paved roads width, curb and gutter and possibly sidewalk, bike lanes and parking,
- A travel demand model that is capable of estimating travel on roads, transit and walk/bike modes in Park City. This model can be used to forecast future traffic, transit use and walk/bike uses based on a range of land use scenarios. The model is also capable of predicting traffic changes based on land use changes,
- A VISSIM model has also been developed. This model is capable of taking the information from the travel demand model and creating a visual simulation model to show the performance of our streets, transit and walk/bike networks,
- A scenario development and alternative analysis was conducted and submitted as part of the DRAFT master plan, and
- Capital facilities plan development and recommendations on the next steps. The DRAFT master plan report includes a section on recommended short term capital improvements and a planning level cost for the possible long term capital projects (next recommended steps).

Analysis
The first three of six chapters of the master plan have been included in this report. These chapters include:

1. Chapter 1 - Introduction,
2. Chapter 2 - Existing Conditions, and
3. Chapter 3 – Future Conditions.

DRAFT Chapter 1 - Introduction
This opening chapter sets the stage for the traffic and transportation master plan by providing a short background for the project, the objectives for the master plan, the process for developing the plans goals and objectives and how community involvement was achieved.

DRAFT Chapter 2 - Existing Condition
This chapter provides insight on data collected which was used to develop the existing conditions of the transportation model. The information collected included demographics (population, employment, housing units and second homes), land uses, alternative travel modes and existing street inventory.

Existing studies – To help understand where Park City needs to go with our transportation master plan, a thorough review and understanding of past studies should occur. Research of past studies usually reveals how our transportation system became what it is today. The past studies reviewed included:

- 1984 Street Master Plan,
- Old Town Improvement Study (OTIS),
- SR-248 Corridor Study,
- Three Intersection Study, and
- Other smaller studies including Park City High School circulation study, Bonanza Drive and Bonanza Drive truck restrictions.

The final section of this chapter provides a brief description of transportation planning in four peer communities. These communities include:

- Town of Jackson and Teton County, Wyoming,
- Crested Butte and Mt. Crested Butte, City of Gunnison, and Gunnison County, Colorado,
- Flagstaff and Coconino County, Arizona, and
- Breckenridge, Colorado.

DRAFT Chapter 3 - Future Conditions

The third chapter of the transportation master plan takes the existing condition scenario developed in chapter two and creates our future traffic and transportation scenarios. These future scenarios are run in the model, which then provides a scenario output. The future scenarios look at growth changes to our demographics, growth changes with our land uses, previously committed projects and future holiday and festival travel demand changes.

Growth burdens on our transportation system are not all coming from within Park City. A lot of growth will continue to occur in Summit and Wasatch Counties. The anticipated growth data from the surrounding area (Snyderville Basin Master Transportation Plan, UDOT Long Range Plan, and Wasatch Back Emerging Area Plan) is reflected in each of our scenarios. As an example, one scenario that was modeled held Park City to no growth for the next twenty years, while allowing the surrounding areas to continue their growth patterns. The result is our transportation system continued to experience traffic growth and failure points unless additional transportation improvements are made.

The final section of Chapter 3 provides a description of the travel demand and traffic simulation model. This model is a tool for staff to use during the planning and development of projects in order to anticipate transportation problems and issues early on.

Schedule

The remaining schedule for the adoption of the DRAFT Traffic and Transportation Master Plan is as follows:

- City Council Work Sessions – It is anticipated to require two more City Council work sessions after this meeting to review the DRAFT plan. These meetings are anticipated to take three chapters of the master plan and review them with City Council. The first work session is tonight August 25 and the next work session is tentatively scheduled for September 1. In the next work session staff will cover:
    - Chapter 4 – Transportation Projects,
    - Chapter 5 – Transportation Plan, and
    - Chapter 6 – Implementation.
- City Council Adoption – It is anticipated to require up to two City Council meetings to conduct public hearings and to formally adopt the final master plan. It is anticipated that these meetings will occur on September 14 and September 28.

Department Review:
This report has been reviewed by Planning, Public Works, Sustainability and Legal. All comments have been integrated into this report.

Significant Impacts:
Once adopted, elements of the Master Plan will require staff time for periodic monitoring of goals and there are proposed short term construction projects. The requirement for additional staff time to oversee is not reflected in Chapters 1, 2 or 3. The significant impacts to staff time will be discussed in the next work session meeting when Chapters 4, 5, and 6 are reviewed with Council. Please remember that future Old Town Infrastructure Study (OTIS) projects were not funded in the CIP budget until Council can prioritize its initiatives. These transportation projects would also wait in the queue until prioritization occurs.

Recommendation:
This report is informational. The study consultants have completed the DRAFT traffic and transportation master plan and staff would like to review and discuss chapters one, two and three of the plan and the upcoming schedule with City Council.

Exhibits – Chapter 1 - Introduction
Chapter 2 – Existing Conditions
Chapter 3 – Future Conditions

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APPENDICES

Chapter 1: Introduction

As Park City and its surrounding area becomes an increasingly popular place to live, work, and recreate, the demands on its transportation system begin to take on a higher priority among city leaders. This transportation plan is intended to address multi-modal transportation needs of Park City to the year 2040. To that end, there are three "themes" that emerged about the nature of transportation, traffic congestion and Park City's future transportation vision during this process.

- Traffic congestion on "Gateway Corridors" (S.R. 224 and S.R. 248 or Kearns Boulevard) should not reach levels that inhibit economic development opportunities in Park City.
- Multi-modal approaches to traffic management beginning on Gateway Corridors and continuing in Park City will be necessary to avoid traffic problems that put quality of life in conflict with economic and tourism priorities.
- This approach requires Park City to accept some level of traffic congestion and this level must continually be evaluated and balanced with overall community support.

These themes form the foundation for this transportation plan. This plan outlines a series of steps that embrace a multi-modal approach which establish a path for mid-term and long-term evolution towards a transportation environment that is less reliant on the single-occupant vehicle.

Background

Originally established as a silver mining community in the 1800's, Park City has since evolved into a thriving center of tourism and recreation. With the popularity of the city and its proximity to the urbanized Wasatch Front, traffic issues have become an increasing concern.

This plan covers the area within the Park City municipal boundaries. While it does incorporate traffic generators and destinations outside the city limits, transportation improvements outside of the city boundaries are out of Park City's full control and so are not included here and are under the jurisdiction of Summit County, Wasatch County, or other local government entity.

Objectives

This plan analyzes a broad range of multi-modal approaches to determine which are most viable and effective given existing conditions and the overall values of the city. It is intended to inform decision-makers on the implications of various approaches, decisions, policies, and actions. This plan is also intended to help Park City staff better understand the policies that connect transportation decisions to sustainable development and other goals of Park City.

It is hoped that this plan will help both Park City staff and elected officials be resilient in responding to unknown or uncontrollable future conditions. Much of the development of this plan focused on offering decision-makers an alternative course of action when circumstances change or are not under their jurisdiction. Park City officials do not have control over how people choose to travel or over the actions of Summit County or the Utah Department of Transportation (UDOT) but can influence individual choices with city policies that promote and support travel that is less impacting. By offering consistent policies beginning with Gateway Corridors and extending into "Neighborhood Connections," the impact of the ski resorts and internal and external transit, the objective is to offer mode split goals (in the "Report Card") that will support other policies and can be implemented citywide.

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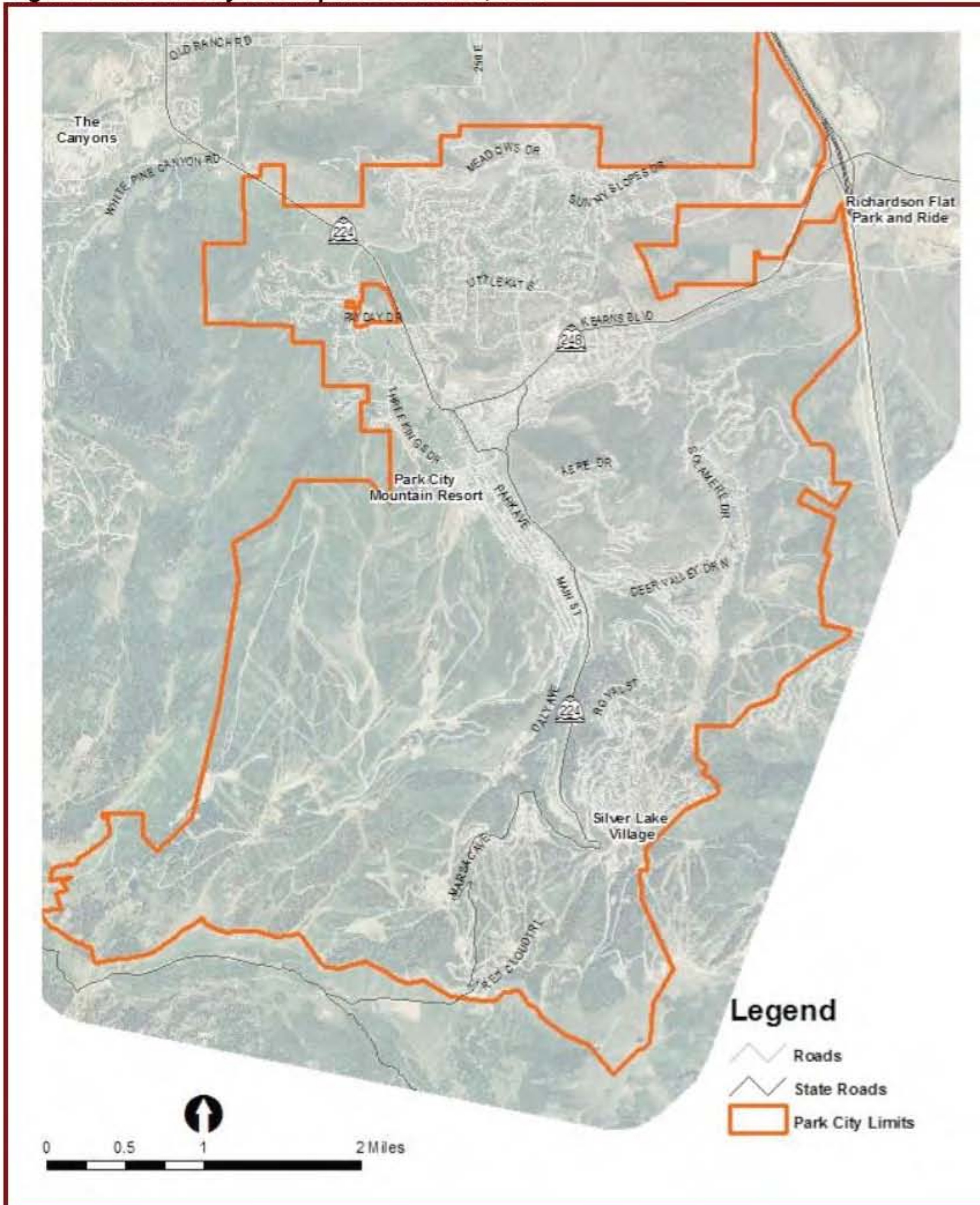
Figure 1-1: Park City Municipal Boundaries, 2011



Development of Goals and Objectives

The goals and objectives presented in this plan were developed through a process of examining the public input of the Park City Vision effort and turning sentiments expressed there into specific directives related to transportation. Both the Technical Committee and the Stakeholder Committee provided detailed input to these goals and objectives. Performance measures that are quantifiable are attached to each goal so that Park City can continue to work towards goals through continuous measurement and assessment. Goals and objectives defined in this transportation plan are intended to provide City leaders a common ground from which consistent decisions can be made.

Community Involvement

Involving the Park City community was important throughout the process. The community and Park City staff involvement was organized into various committees and different layers of public involvement.

Technical Committee

This committee was made up of consulting team members and Park City Municipal Corporation (PCMC) staff representing the engineering, public works, planning, and sustainability departments. This group met approximately 15 times over a 12-month period and provided technical oversight and day-to-day direction in the planning process.

Stakeholder Committee

The Stakeholder Committee consisted of representatives from groups in and around Park City. It was created to act as a sounding board for transportation goals and policies, to provide guidance on transportation alternatives, and to help provide outreach for public meetings. Groups and organizations represented on the Stakeholder Committee included:

Park City Mountain Resort (PCMR)
Deer Valley Resort
Summit County
Wasatch County
Park City School District
Chamber of Commerce
Historic Main St. Business Assoc.
Lodging Association
Mountain Trails
Park City Planning Commission
Sundance Film Festival
Fire District
UDOT Region Two
Park City Area Home Builders
Snyderville Basin Water Rec. Dist.
Prospector Square HOA
Historic Preservation Board
Recreation Advisory Board
Envision Utah
Ski Utah
Americans with Disabilities

Summaries of Stakeholder Committee meetings and comments are included in Appendix G.

Planning Commission

PCMC staff and consulting team members presented information to the Planning Commission on August 11, 2010 and again on February 23, 2011. These presentations were intended to keep planning commissioners up-to-date on progress, upcoming events, and other major milestones. Two planning commission members were also members of the Stakeholder Committee in order to keep the Planning Commission apprised of important developments and events.

City Council

The City Council was briefed by staff and consultants on September 30, 2010 and on February 24, 2011. The primary purpose of these briefings was to give them a preview of information that would subsequently be presented at public open houses in addition to providing information related to progress, process, and key milestones.

Public Open Houses

Public open houses for the Traffic and Transportation Master Plan were held on October 5, 2010 and February 28, 2011. The main purpose of these two events was to gather information, comments, and ideas from Park City residents and workers. Information presented at the first event included:

- Draft goals and objectives
- Draft cross-section standards
- Draft functional classification
- VISSIM traffic simulation software

The second open house was a chance for Park City residents to provide comments on elements of the plan as they had been developed over the previous months.

- Transportation network alternatives
    - Gateway corridors
    - Neighborhood connections
- Road standard cross-sections
- Functional classification
- Trails
- Transit

Summaries of the comments received at these open houses are included in Appendix G.

Chapter 2: Existing Conditions

Demographics

Population and employment both in Park City and the surrounding area have great impact on the transportation and traffic conditions within the city. As Park City becomes a more popular place to live due to its proximity to the Wasatch Front urbanized area and as it becomes a larger component of the employment picture for the Wasatch Back, traffic to, from, and through the area becomes a citywide priority. As a world-class resort community with a historic, small town atmosphere, Park City also experiences high traffic demand during special events and peak tourist times.

Population

Population in Park City is often a “moving target” since distinguishing between full-time and part-time residents is often a subjective task. Census information related to full-time residents of Park City and the surrounding area is shown in Table 2-1.

Table 2-1: 2010 Population

Area	2010 Full-time Residents
Park City	7,558
Summit County	36,324
Wasatch County	23,530

Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File

Employment

Park City is becoming an employment base for the region. With an economy that includes a strong tourism component, many jobs in the area are focused in the service industry which are typically lower paying and often seasonal in nature. Employment in Park City and Summit and Wasatch Counties are shown in Table 2-2 below.

Table 2-2: 2009 Employment

Area	2009 Employment
Park City	9,635
Summit County	20,232
Wasatch County	5,437

Sources: County-level data from the Department of Workforce Services, annual average non-farm employment excluding mining and construction. City-level data estimated from DWFS or October 2009.

Housing Units

Like population, estimating the number of housing units in Park City can be difficult given the number of second homes in the area and the number of houses or condos that are primarily rental units. The number of housing units estimated to be in Park City is included in Table 2-3 below. Second homes and condos for 2009 are shown in Table 2-4. Second homes and condominiums are also included in the existing house unit numbers.

Table 2-3: Existing Housing Units

Area	2010 Housing Units
Park City	9,471
Summit County	26,545
Wasatch County	10,577

Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File

Table 2-4: Second Homes and Condominiums

Area	2009 Estimate of Second Homes & Condos
Park City	5,672
Summit County	7,146
Wasatch County	1,022

Source: Estimated from Park City GIS address data and Wasatch County GIS/assessor data for non-owner-occupied units and adjusted for non-owner-occupied full-time households and the total single-family and multi-family units provided by Park City.

Land Use

Generally, land use in Park City is a healthy mix of uses and densities. The Historic Main Street area and Old Town are higher density areas with commercial, residential, and recreational uses. Areas that developed more recently are on larger lots and tend to be more single-family residential or larger commercial developments. Land within the current municipal boundaries is largely built-out although there are some areas with pending developments and a few planned redevelopment areas within the city.

Areas within unincorporated Summit and Wasatch Counties adjacent to Park City are a mix of developed and undeveloped lands, large recreational areas, and large-scale commercial development. While these areas are not within the incorporated boundaries of Park City and so are mostly beyond its control, they nevertheless have great impacts on traffic and transportation conditions in the city.

Alternative Travel Modes

Park City has consistently shown its commitment to alternative travel modes through achievements such as passing a $15 million walkability bond, providing free service on the local bus system, building a park-and-ride lot near U.S. 40 in order to reduce traffic impacts in the city, and considering innovative solutions to traffic congestion on Kearns Boulevard such as reversible lanes and high-occupancy vehicle lanes.

Transit

Park City Transit provides transit service for Park City and parts of western Summit County. Existing transit service consists of five bus routes in the summer and ten bus routes in winter with year-round trolley service on Main Street. These bus routes serve Historic Park City, residential neighborhoods in Park City and Kimball Junction, as well as, Park City Mountain Resort, Deer Valley Resort and The Canyons. Figures 2-1 and 2-2 show the summer and winter 2010 transit service within Park City. The city is currently in the process of updating its short range Transit Development Plan (TDP).

Figure 2-1: Summer 2010 Bus Routes

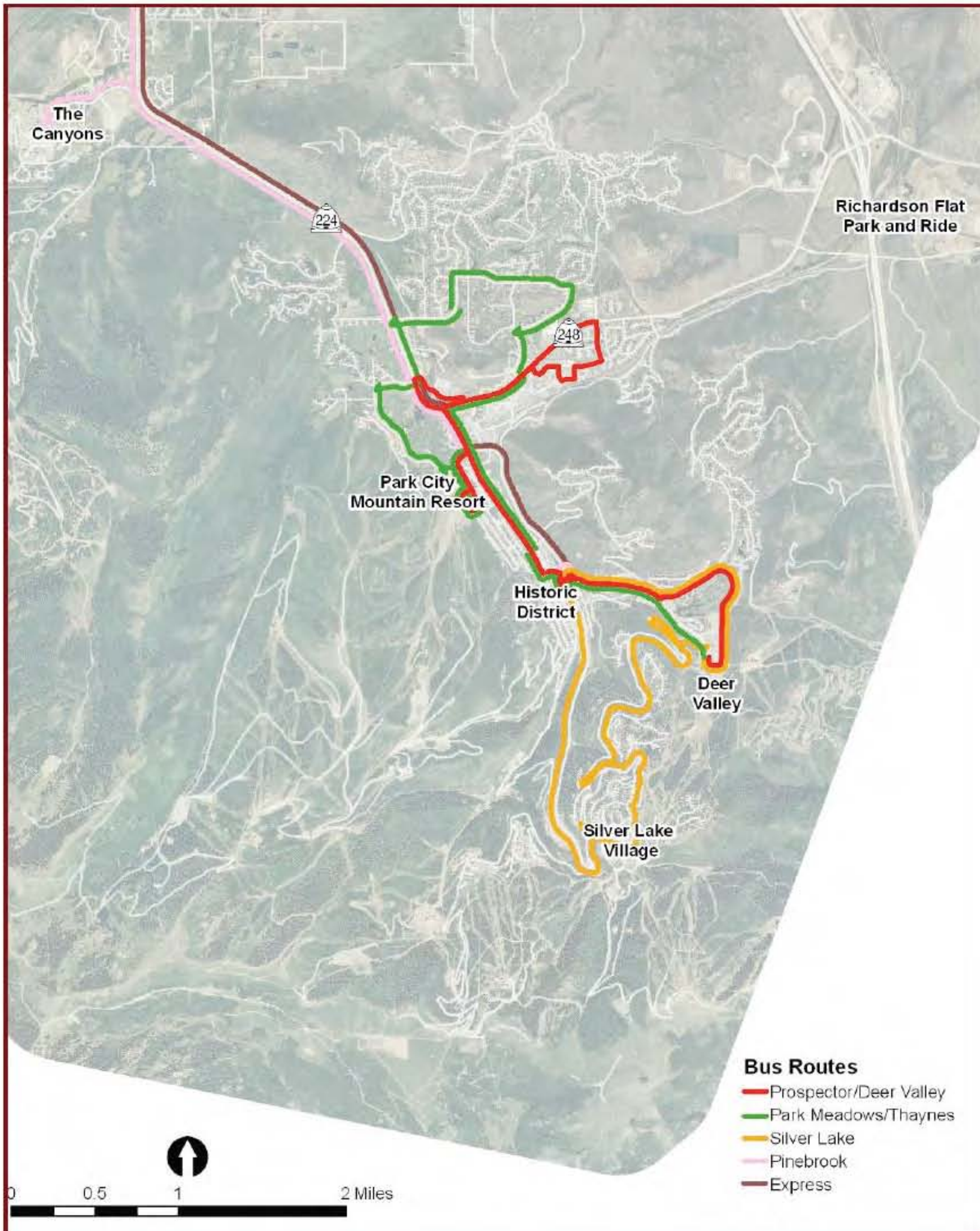
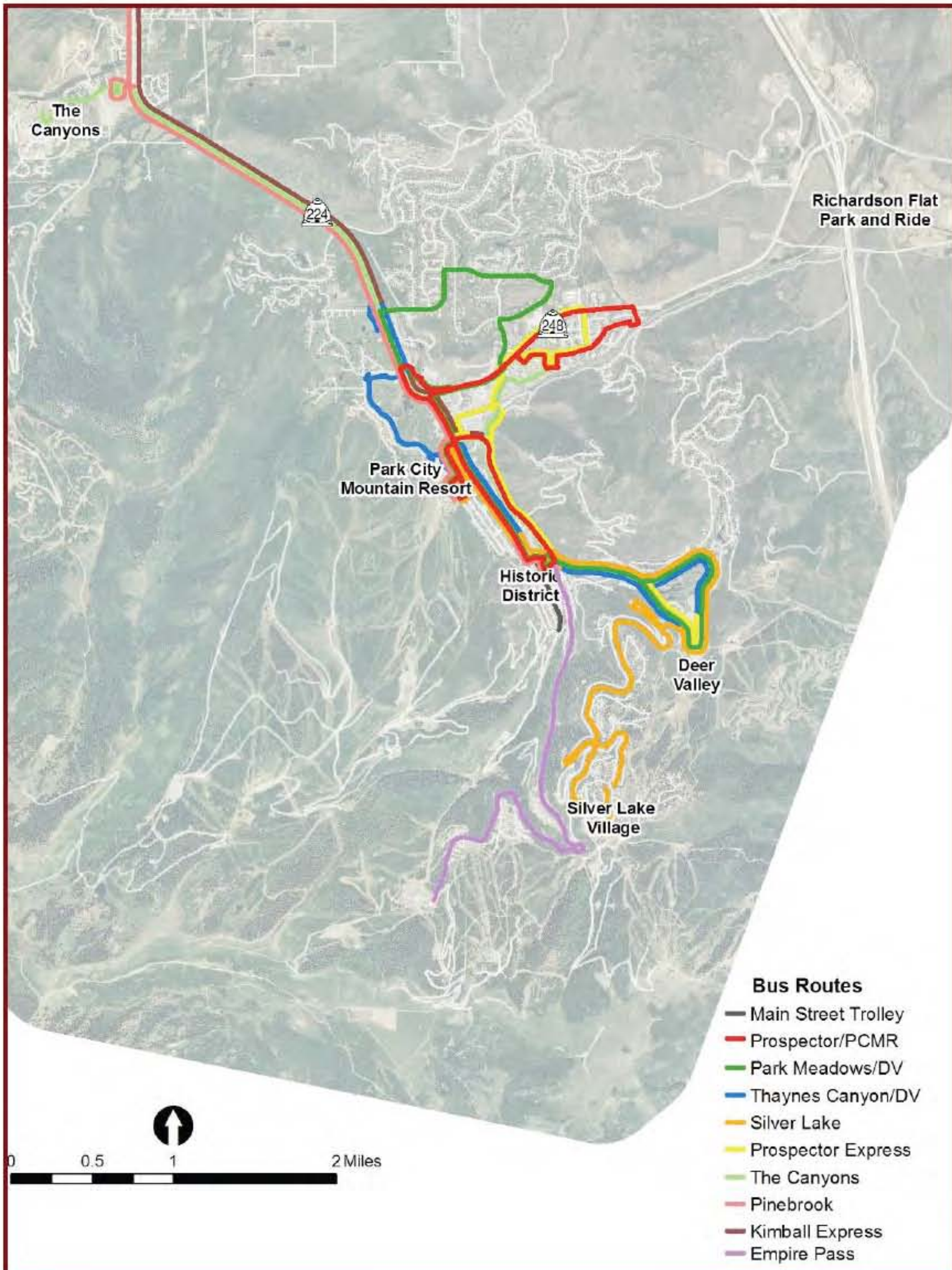


Figure 2-2: Winter 2010 Bus Routes



Trails Master Plan
Park City has an adopted plan for trails, the Park City Trails Master Plan Update 2008, which facilitates the development of an alternative transportation system for non-motorized transportation that helps support the road and transit system. The trails plan is intended to give decision-makers direction when making decisions regarding such things as trail acquisition, development and maintenance, priorities and options for funding, and trail implementation priorities.

The vision for trails identified in the plan, "*Non-motorized travel is a viable transportation option to the automobile. It improves the quality of life, community aesthetic, environment and thus our quality of life*," is consistent with the overall priorities and tone of this Traffic and Transportation Master Plan. Trail and bicycle facilities are an integral part of the overall strategy of Park City to rely less on the single-occupant vehicle. Trails are discussed in more detail in Chapter 6 of this plan, but nothing contained in this Traffic and Transportation Master Plan should be construed to alter or change the priorities, strategies, or concepts identified in the Trails Master Plan.

Street Inventory

As part of the development of a roadway functional classification system (see Chapter 4), a street inventory was completed within Park City. The street inventory used existing GIS data and aerial imagery to map the roadway characteristic of major routes; this inventory does not include information related to local streets. These characteristics include:

- Right-of-way width
- Pavement width
- Number of travel lanes
- Speed limits and traffic signals
- Edge treatment (curb/gutter, sidewalks, park strips)

Figure 2-3 classifies major roads within Park City by right-of-way width. These right-of-way widths were estimated from parcel data provided by Park City. Due to the uncertainties of the accuracy of parcel data, the right-of-way width is shown as a range. As would be expected, the states routes of S.R. 224 and S.R. 248 have the largest right-of-ways with narrower right-of-ways in Old Town and Park Meadows.

The existing pavement width was determined using 2009 aerial imagery and was also verified with actual pavement measurements in several locations. Figure 2-4 shows the pavement width for the major roadways. Again the state routes have the widest pavement with the narrowest streets in Old Town, specifically on Marsac Avenue from Deer Valley Drive to Hillside Avenue.

The major roads were also classified by the number of travel lanes. With the exceptions of S.R. 224 and S.R. 248, most roads within Park City have two travel lanes. Only Empire Avenue from Park Avenue to Silver King Avenue has more than two travel lanes with two southbound and one northbound travel lanes. Figure 2-5 shows the existing number of travel lanes within Park City.

Figure 2-6 shows existing speed limits and traffic signals. S.R. 224 and S.R. 248 are the high-speed routes into and out of Park City with city streets having lower speed limits of typically 25 mph.

Figure 2-7 shows the existing edge treatments on the major roads within Park City. While most roads have curb and gutter, many roads don't have sidewalks or only have sidewalk on one side. Additionally, there are few park strips within the city due to the narrow right-of-ways.

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Figure 2-3: Right-of-way Width

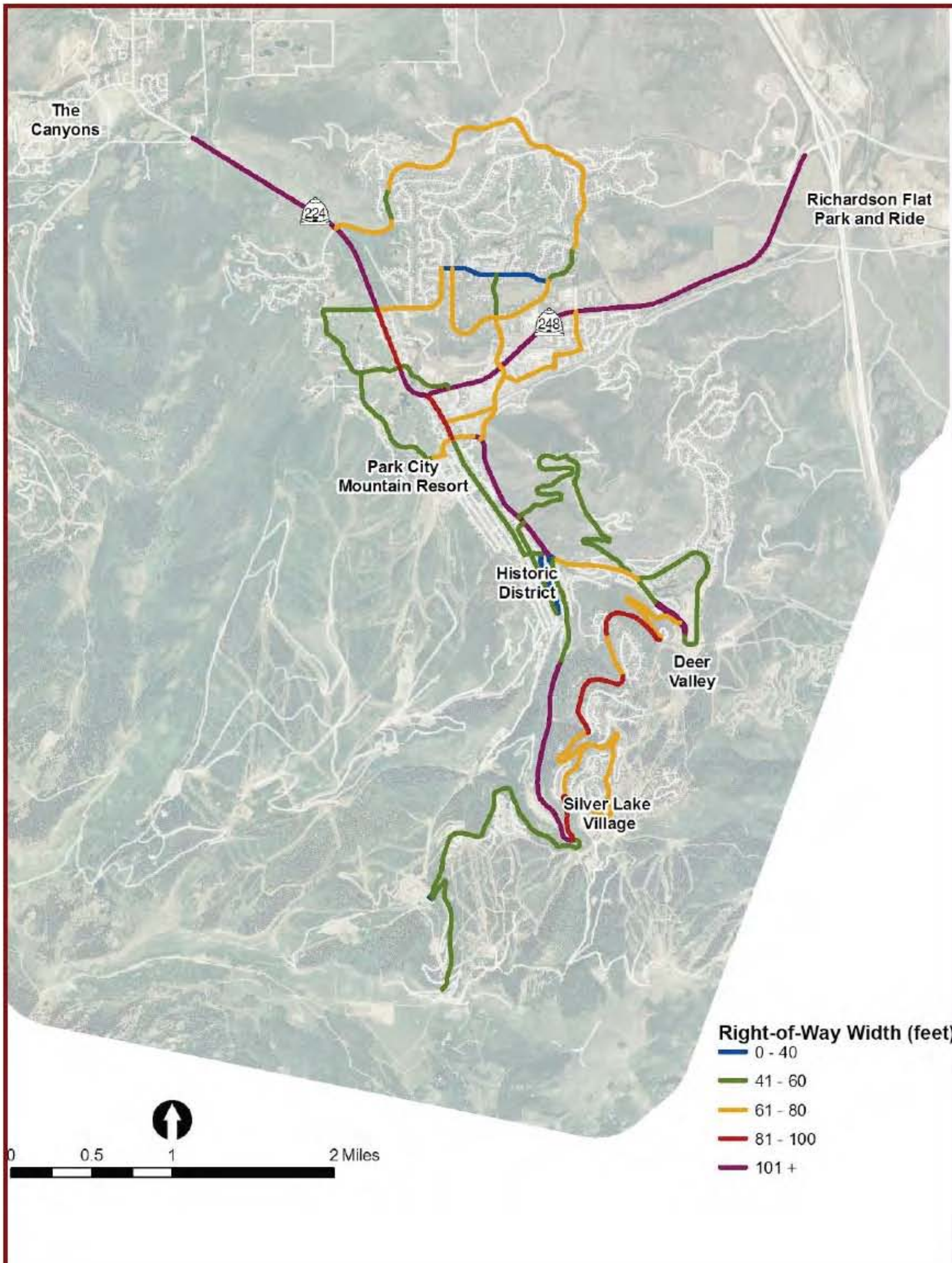

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Figure 2-4: Pavement Width

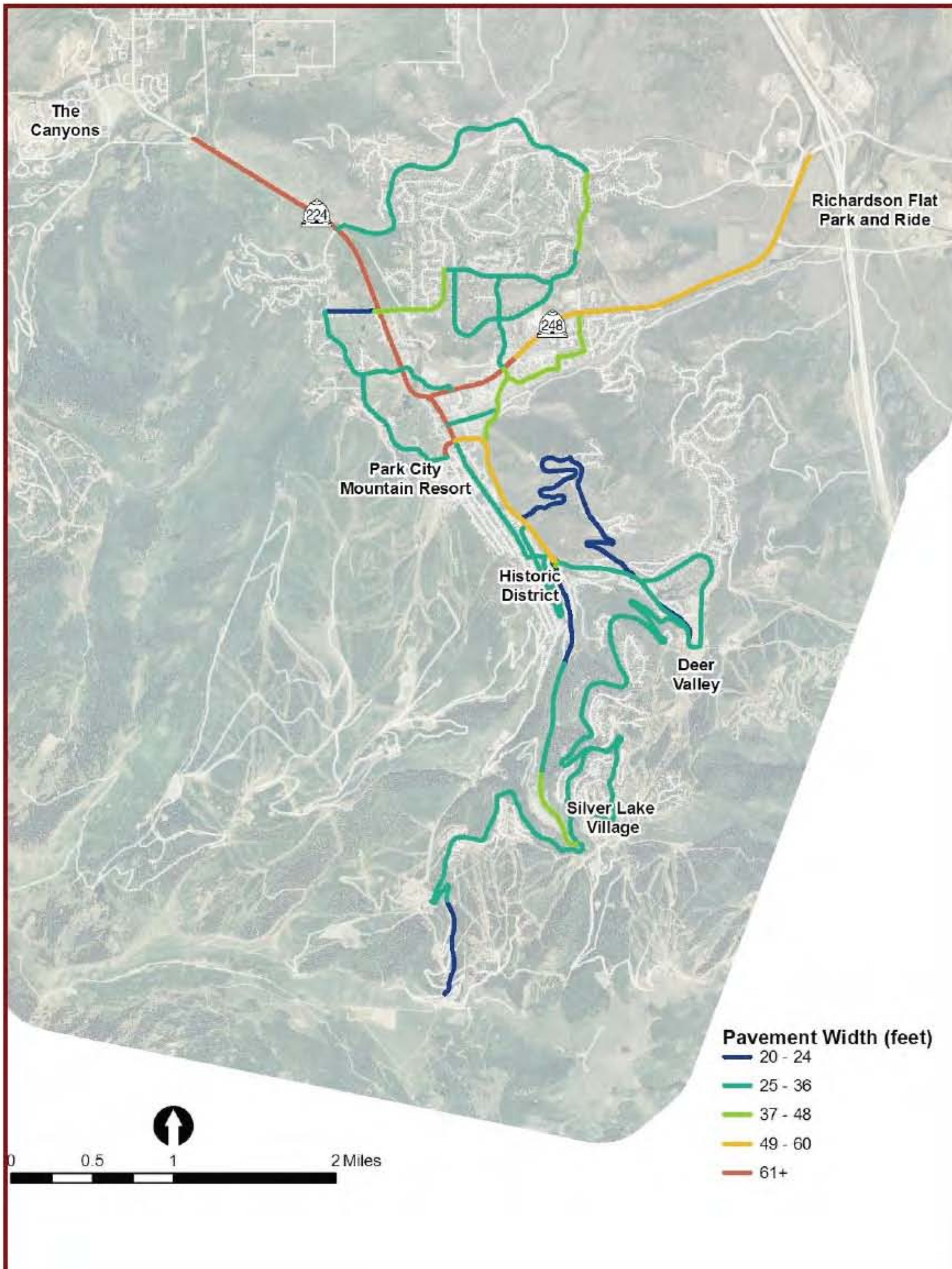

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Figure 2-5: Travel Lanes

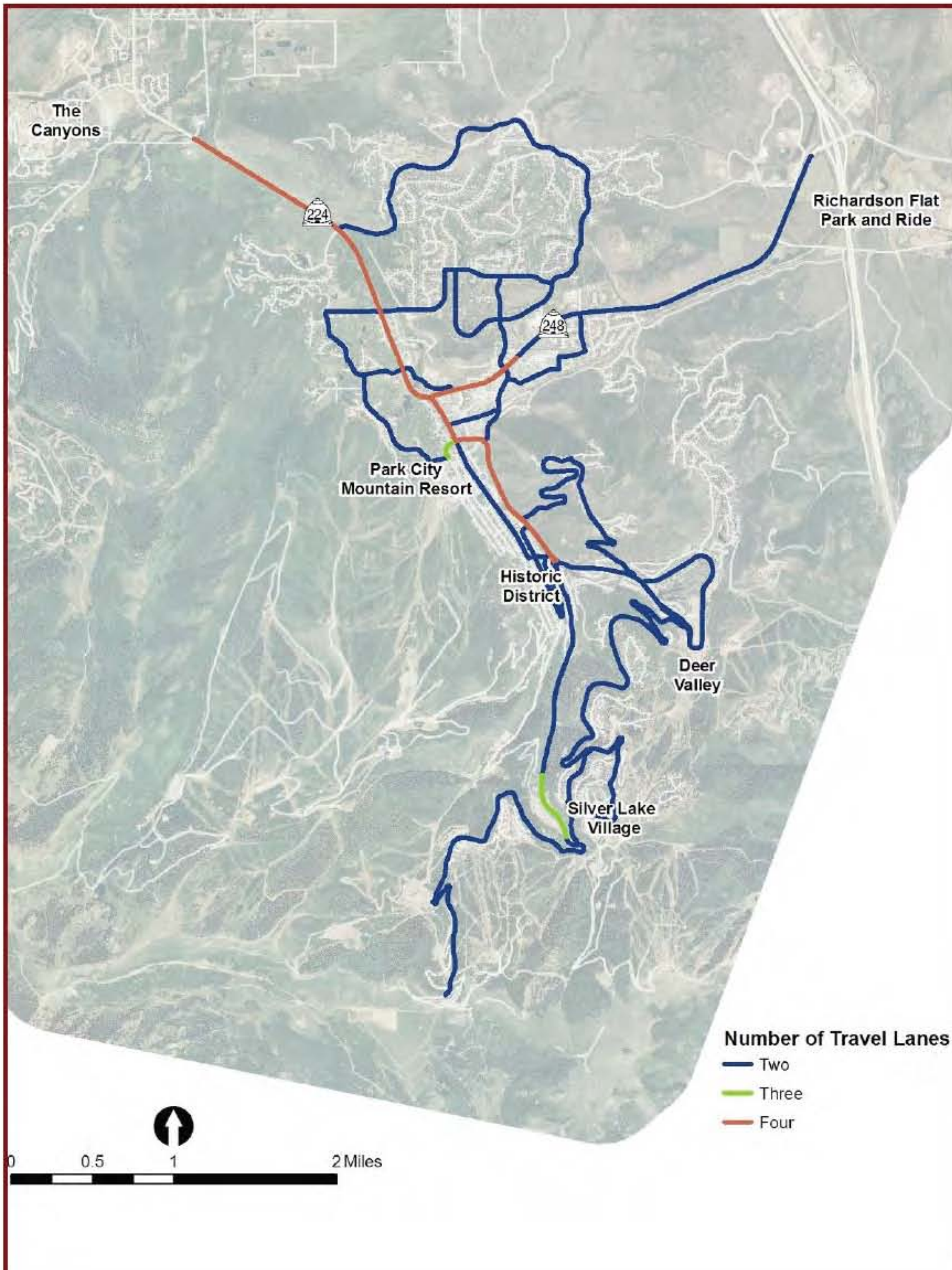

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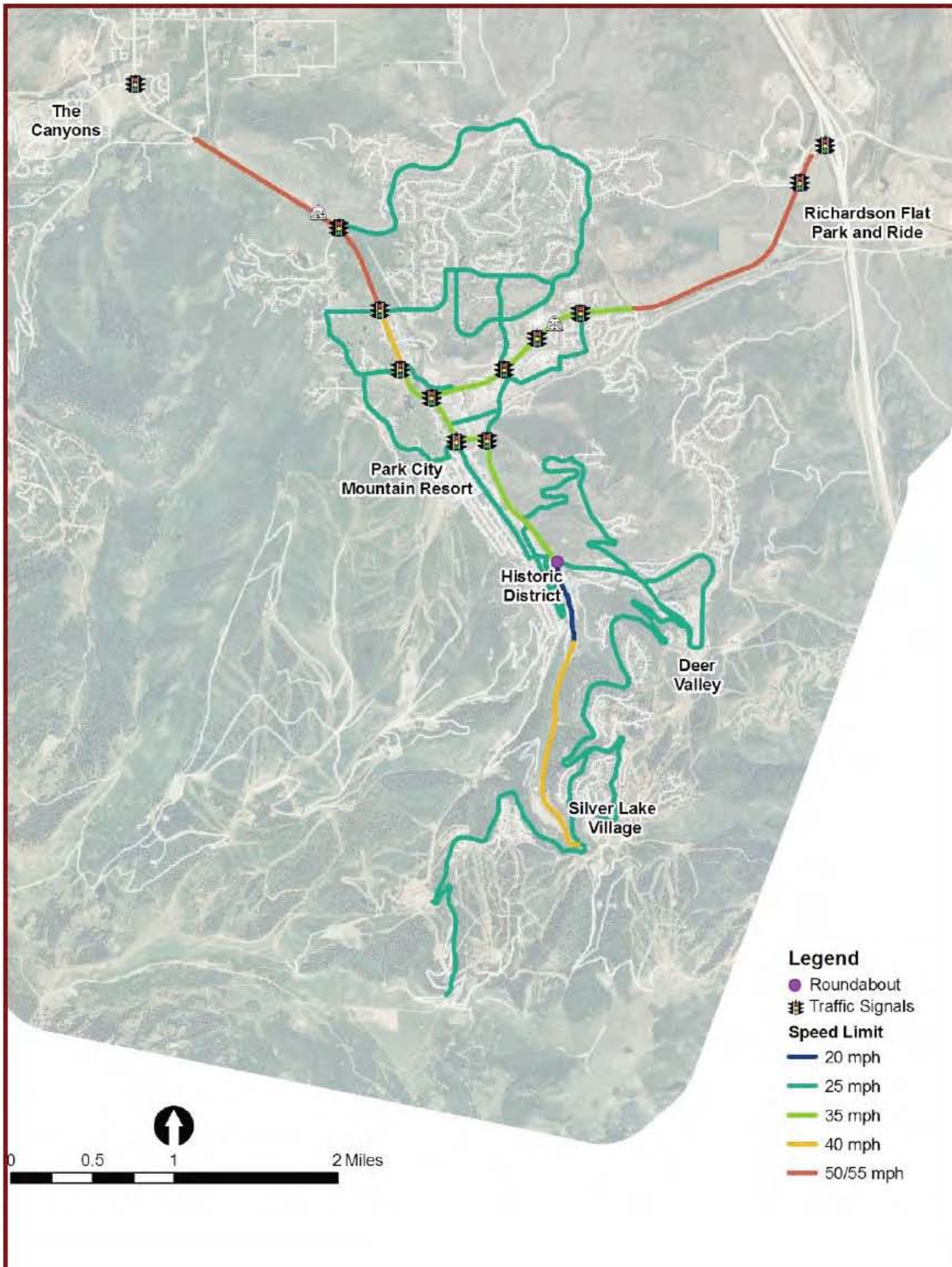
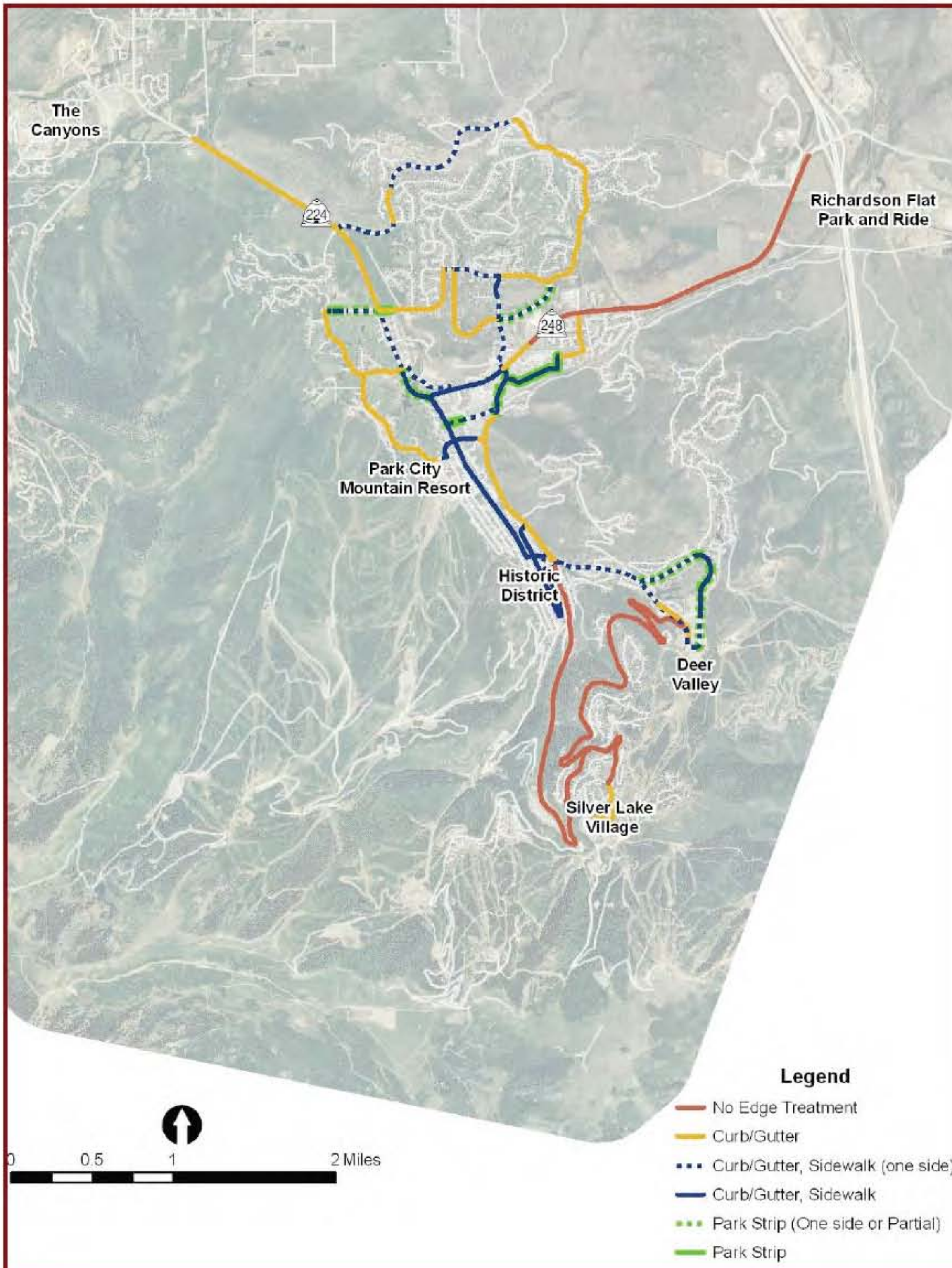
Figure 2-6: Speed Limits and Traffic Signals



DRAFT

Figure 2-7: Edge Treatments



Previous Studies

1984 Master Plan
In July 1984, the Park City Council adopted a Streets Master Plan, an extension of the Transportation Master Plan. The Streets Master Plan inventoried existing roadways, identified deficiencies and suggested improvement implementation strategies including a capital improvements budget that ranked reconstruction, resurfacing and widening on 24 roadway sections of road. Emphasis was also placed on including in city ordinances provisions for:

- Dedication of rights-of-way
- Installation of public improvements and re-vegetation
- Connections to adjoining properties
- Double access requirement
- Structures located within rights-of-way
- Frontage protection areas
- Street closures and vacations
- Trails
- Roadway design standards

Roadway design standards were assigned by functional classification:

Arterials (S.R. 224, S.R. 248, and Deer Valley Drive Belt Route)
- 100' right-of-way
- Two lanes in each direction
- Center median
- Two 7.5' plant strips
- 8' sidewalks

Collectors (Deer Valley Dr, Bonanza, Meadows, Lucky John, Royal, Marsac, and Holiday Ranch Loop)
- 60' right-of-way
- One lane in each direction
- Center median
- One 7' one 5' plant strip
- One 6' sidewalk

Standard Residential
- 50' right-of-way
- 25' pavement
- Two 5' plant strips
- Two 4' sidewalks

Low Volume Residential (suggested for minor streets which run vertically up the hillsides in Old Town)
- 30' right-of-way
- 20'pavement
- One 3' sidewalk

Old Town Improvement Study
The 2002 study analyzed and provided detail on a broad list of suggested improvements specific to the Old Town neighborhood. Categories and cumulative costs include:

- Street reconstruction projects ($28.1 million)
  Includes storm drains, sidewalks, public art, sewer, gutters, paving, landscaping, guardrails, utility conduits, relocation of fire hydrants, water line replacements, and relocating overhead utilities.
- Parking supply considerations ($16,000 to $5.9 million)

Includes capital improvement projects, parking re-configuration and improvements to access

- Pedestrian-friendly enhancements ($2 million)
  Includes widening sidewalks, additional pedestrian way-finding signage, decorative concrete pavers and street lighting and new stairways.
- "Mixed bag" ($4.9 million)
  Includes enhancements to the parking lot and landscaping at the senior citizen center, open space acquisitions adjacent to the ski bridge, sprucing up the white house at the top of Main Street and hiding areas for garbage cans.

These projects were to be prioritized for further research and fund appropriation considerations.

S.R. 248 Corridor Study

In 2008, Park City undertook a comprehensive corridor study for the S.R. 248 (Kearns Boulevard) corridor. The study was intended to look at existing and future traffic congestion in the corridor as well as a range of alternatives to address these issues such as high-occupancy vehicle (HOV) lanes and reversible lanes. Also of concern in the area is accommodating pedestrians and bicyclists in the corridor.

After analyzing a range of alternatives including looking at traffic flow, right-of-way impacts, and environmental factors such as carbon emissions, the final recommended alternative was determined. The recommendation is for a four-lane and five-lane cross-section in various areas with one lane in each direction being a high-occupancy vehicle lane. This recommendation offers many advantages to Park City:

- This cross-section could be accommodated in the existing pavement
- It can be easily converted to four general-purpose lanes in the future if the need arises
- It serves Park City's desire to maximize the use of the Richardson Flat park-and-ride lot by providing efficient bus/HOV service to/from it
- It includes bicycle lanes on the shoulders

The City Council adopted the corridor plan in February 2009.

Three Intersection Study

The Three Intersection Study was done in 1996 and examined existing and future conditions at three intersections in light of planned short-term and long-term growth in the area. Developments that were assumed include 49 background projects as well as Bonanza Flats, PCMR, and Flagstaff Mountain developments. The intersections of key concern in the study were:

- Deer Valley Drive and Park Avenue
- Deer Valley Drive and Bonanza Drive
- Deer Valley Drive and Marsac Avenue

The study looked at peak day conditions during President's Day weekend as well as a weekday afternoon peak hour. Improvements to achieve a level of service "C" (level of service "C" is the equivalent of higher levels of traffic, but not enough to slow individual vehicle movement) in the weekday afternoon peak included:

- Adding a second southbound left turn lane at the Deer Valley Drive/Park Avenue intersection
- Installing the planned signal at Deer Valley Drive and Bonanza Drive intersection
- Installing a signal at Deer Valley Drive and Marsac Avenue

Other Studies

Park City has undertaken several other smaller studies of specific transportation issues. These include studies of circulation at Park City High School, Bonanza Drive, truck restrictions on Bonanza Drive, and various other studies addressing isolated issues.

Peer Cities

This section provides brief descriptions of the recent transportation planning processes and outcomes in four peer communities. These places are all located in the Intermountain West and are ski towns and outdoor recreation-oriented communities. Each of these communities has prepared at least one recent transportation master plan or transportation element of a comprehensive plan. The peer places are:

- Town of Jackson and Teton County, Wyoming
- Crested Butte and Mt. Crested Butte, City of Gunnison, and Gunnison County, Colorado
- Flagstaff and Coconino County, Arizona
- Breckenridge, Colorado

A chronology and review of key transportation issues is provided for each place, with a summary of common elements and outcomes at the end of the section.

Town of Jackson and Teton County, Wyoming
The Town of Jackson is located at the south end of the mountain valley known as Jackson Hole. Teton County, Wyoming encompasses not only Jackson Hole but also the village of Alta on the west side of the Teton Range along with most of Grand Teton National Park and part of Yellowstone National Park.

Only four highways access Jackson Hole: WY 22 over Teton Pass to the west, US 89/191 over Hoback Pass to the south, US 26 over Togwotee Pass to the east, and US 89/287 through Yellowstone National Park to the north. Teton County's population is about 21,000 with about 9,000 residents in the Town of Jackson.

The first Town/County comprehensive plan was initiated in 1989, completed in 1993 and adopted in 1994. The first transportation master plan (TMP) was completed in 1999 and incorporated into the comprehensive plan as Chapter 8. An update of the Jackson-Teton County Comprehensive Plan, including a transportation element, is underway and may be completed in 2011.

The key transportation issues include transit, a bicycle network, walkability, traffic, development patterns, and parking.

> ***Transit.*** Before the first TMP was completed, the START (Southern Teton Area Rapid Transit) bus system operated only in winter as a skier shuttle. The TMP committed the Town and County to growing the transit system into a full-service local transit provider. The first regional transit plan recommended year-round service, a park-and-ride facility should be developed at the intersection of WY22 and WY390 (south of Teton Village) to intercept ski resort traffic, initiating commuter bus services working with local employers, an in-town circulator, competing for federal funds to buy new buses, and establishing dedicated funding for START operations and maintenance. A study of the potential for fixed route scheduled service between Town and the airport was completed in 2010 and recommended against this, in part because of existing active private sector providers. Finally, the draft update indicates the Town and County will study the potential establishment of a regional transit authority and is more explicit about the need to establish dedicated funding for START operations.

Bicycle Network. A “Friends of Pathways” advocacy group was effective in promoting development of specific trail projects in and around the Town. In the mid-1990’s the Town and County created a “Jackson Hole Community Pathways” program through their joint powers authority. This agency has since built over 27 miles of off-road pathways (most of it paved) and is currently working on several major projects, including a link from Jackson to Grand Teton National Park and a corridor over Teton Pass into Idaho. The 1999 TMP adopted the existing pathways system plan, placing it in context with the land use plan and other transportation programs and projects. The current comprehensive plan update does not explicitly address the bicycling system. This continues a legacy of treating the bicycle program as a recreational function, rather than as basic transportation. For the same reason, there are few miles of on-street lanes in Jackson Hole.

Walkability in Town. The historic square in downtown Jackson has been the traditional center of shopping and pedestrian activity. The Town’s ordinances mandate that buildings within the core district address the street with canopied boardwalks intended to evoke the historic western character. As part of the 1999 TMP, the Town began addressing pedestrian needs on streets outside the boardwalk district, most notably by making pedestrian improvements along much of the length of Pearl Avenue – the “local’s main street” – including wide concrete sidewalks, modern crosswalks and curb ramps.

Traffic. Peak travel season in Jackson Hole is during summer, beginning in mid-June and running a little past Labor Day. The 100-day ski season is important economically, but winter visitorship is a fraction of what occurs in the summer. During “mud season” (April/May and October/November), traffic drops to less than 25% of peak season levels. With traffic volumes exceeding 50,000 vehicles per day past the Town Square during July, this single corridor through town presents a difficult dilemma. The first transportation element and the current update have both addressed potential bypasses of the town. To date the choice has been made not to pursue any of the bypasses.

Parking. Like many mountain resort communities, Jackson has wrestled with parking supply and policy issues for decades. A perceived parking “shortage” in the downtown shopping district has led to various attempts to develop parking garages and related financial schemes. One outgrowth of the first TMP was a downtown parking study, completed in 2003, that addressed a range of parking management, enforcement and supply issues, resulting in recommendations for modernization of the Town parking ordinance.

Crested Butte and Mt. Crested Butte, City of Gunnison, and Gunnison County, Colorado

Gunnison County is located in southwestern Colorado. The three largest incorporated places in the county are all located in the Upper Gunnison River Valley – Gunnison with a population of 5,500 and Crested Butte and Mt. Crested Butte, each with a population of about 1,700 people. Mt. Crested Butte, at the upper end of the valley, is the home of Crested Butte Mountain Resort (CBMR).

While Crested Butte is busiest in the summer, Mt. Crested Butte is busiest during ski season. Forty miles to the south, the City of Gunnison is one of several cities its size in Colorado that anchor a rural region and serve as the principal commercial and educational center, with a small college (Western State) and an economy that relies on ranching, extraction and other sectors as much as it does on tourism.

The first transportation plan for the Upper Gunnison Valley was completed in 1999. The TMP was undertaken as an intergovernmental partnership between the County, the City of Gunnison and the Towns of Crested Butte and Mt. Crested Butte. It was the first transportation plan for each of the four local governments and represented a significant milestone in terms of the intergovernmental partnership required.

The TMP was updated in 2008, again through a partnership of the four local governments, but managed by the Gunnison Valley Rural Transportation Authority, a new regional entity created as an outgrowth of the first TMP. By this time the economy in the region was beginning to rebound from a series of issues following the 1999 plan, residential home sales were resuming, sales tax receipts were increasing and a proposed but delayed CBMR expansion had come back on the table.

The 1999 TMP reflected pressures between those in support of continued development – including the CBMR expansion project – and those who were concerned about changes to local character and quality of life. Traffic through Crested Butte on State Highway 135 was a major issue as was the need for improvement of transit service between the City of Gunnison and the upper valley and between Crested Butte and Mt. Crested Butte.

The 1999 document established five broad policies:

1. Maximum Carrying Capacity (MCC) of Valley Roadways should be tracked at five "control points" in the county relative to 2020 targets. Various strategies and policies would be triggered as traffic approached these levels.
2. Safe and Scenic Rural Highway 135, passing lanes and scenic pull-outs would be developed, but the highway would not have to be widened. The idea of limiting growth in intercity commuting had to do with the development of sufficient workforce housing in Crested Butte and Mt. Crested Butte to make it possible for workers to live and work in the upper valley.
3. Limited Growth in Intercity Commuting
4. Cost of Serving Urban Development in Rural Areas
5. Reduced Auto Dependency

A key feature of the 1999 plan was the focus on transit. The plan recommended formation of a rural transportation authority (RTA) and set the stage for a study of the feasibility of construction of a gondola from Crested Butte to Mt. Crested Butte (completed in 2001, the study recommended measures leading to development of a gondola although more recent events make it unlikely to be built). The new RTA now funds the regional, intercity transit up and down State Highway 135. Local transit in Crested Butte and Mt. Crested Butte continues to be funded by the Towns. Both Towns levy a one cent sales tax for transit and Mt. Crested Butte also assesses a one percent admissions tax on ski passes that goes to transit operations.

The 2008 edition of the Upper Gunnison Valley TMP was somewhat more narrowly focused on the transit program – both local operations by the Crested Butte "Mountain Express" transit agency and regional operations by the RTA services. In the nine years between the two county transportation plans, the City of Gunnison developed its own transportation master plan, and consequently the 2008 county update largely focused on the upper valley. Parking management was a topic of the plan – both in Crested Butte and in Mt. Crested Butte, as was continued progress on the local pedestrian environment and bicycling network. Most of the specific action items coming out of the update concerned expansion of local and regional transit services. Again, a bypass of Crested Butte was considered and rejected.

Flagstaff and Coconino County, Arizona

The City of Flagstaff, located at the base of the San Francisco mountains and at the intersection of Interstate Highways 17 and 40, is the principal city for a large area of north central Arizona. Surrounded entirely by public lands, the City's population is just over 60,000. Coconino County, with a population of about 130,000 is the second largest county in the United States in land area.

Originally settled as a railroad town in the late 1800s, Flagstaff has been a center for various natural resource extraction industries, including both mining and timber. The city continues to be a national transportation hub with a rail line through town, daily Amtrak passenger rail service, and a legacy as one of the principal stops along the storied Route 66. Today, the city is known as a gateway to Grand Canyon National Park, the home of Northern Arizona University (NAU), and the location of Northern Arizona's only ski resort – Snow Bowl.

The first transportation plan, completed in 2001, established policy direction that has been actively pursued by the City and County over the past decade and continues to be reflected in the update, Flagstaff Pathways 2030.

Public Transit. The transportation plan set public transit as a high priority. With passage of dedicated transit funding that year, Mountain Line embarked on a multi-year program of growth and expansion. In 2006, area governments came together and formed the Northern Arizona Intergovernmental Transportation Authority (NAIPTA), which includes Flagstaff, Sedona and Cottonwood, Coconino County, Yavapai County, and Northern Arizona University. NAIPTA operates Mountain Line fixed route transit, which has grown to six routes carrying over 5,000 riders per day. In 2008, Flagstaff voters approved extending the dedicated funding for NAIPTA operations as well as four related tax items for specific public transit service expansions, including a new bus rapid transit corridor connecting the NAU campus with downtown Flagstaff.

Street Network. The 2000 transportation plan established a new network-oriented direction for the county roads and city streets programs, identifying "connections" as the highest priority for capital investment. The connections concept applied to missing links in the local street network, which were given a higher priority than street widening. Voter approval of the "traffic flow" ballot item in May 2000 represented public endorsement of that new policy direction.

Urban Trails. The plan confirmed the Flagstaff Urban Trails System (FUTS) as a major component of the region's transportation program. Originally a recreational concept, FUTS is a network of off-street multi-use pathways connecting city neighborhoods directly with urban parks and with surrounding forest service lands. The transportation plan expanded the FUTS concept by placing it in a larger network of on- and off-street facilities to serve bicycle circulation and access needs. The plan created a planning basis for on-street bike lanes and for grade separations under arterials to complete the network and provide better access into the university campus and into commercial districts.

The new Flagstaff Pathways 2030 plan continues these policies and approaches, but establishes new direction for the transportation program by aligning capital investment planning and design with "place type and context," using a classification system for area types and activity centers. The context-based system sets different priorities and multimodal performance objectives for the different area and activity center types. This context-based capital planning approach fits into a broader regional policy direction in the plan that envisions transportation not as an end but as a means to achievement of community character, economic and environmental objectives in the regional comprehensive plan.

Breckenridge, Colorado
Breckenridge is a small ski town located at 9,600 feet in the upper valley of the Blue River in Summit County. Originally a mining settlement, Breckenridge had a population of 1,700 people by 1880. The population dwindled to 300 by 1950 but has now grown to about 2,700.

Although summer season is busier than winter, Breckenridge is best known as a ski town. Breckenridge attracts over 1.6 million annual skier days making it the busiest ski resort in the country. The town also programs events year-round, including an annual film festival, a huge Fourth of July parade, and the Breckenridge Music Festival.

The Town embarked on its first multimodal transportation planning process in 2000. At the time, Main Street through downtown was State Highway 9, under jurisdiction of Colorado DOT. The Town wanted to explore ways to make Main Street more pedestrian friendly and was also wrestling with Front Range day skier traffic that would reach peak levels on holiday weekends that far exceeded area roadway capacity.

The *Breckenridge Transportation, Circulation, and Main Street Reconstruction Plan* was completed and adopted by Council in 2001. The Plan set major new policy directions for the Town and resulted in profound changes to the local transportation system.

Gondola. One issue was a proposal to extend the ski resort's mountain transport system down into town. At the time, access to the ski base areas was via Ski Hill Road, a steep, two-lane street that climbs directly out of downtown. Day skiers would park at one of two parking lots (Watson and Sawmill) on the west side of downtown and ride buses up to the base area. After some public debate, the Plan recommended the ski resort be allowed to develop a gondola connecting skier parking lots in downtown to the Peak 7 and Peak 8 base areas. Envisioned as an element of the local transportation system, the BreckConnect Gondola was funded by the ski resort, opening to traffic in 2007. The 8-passenger gondola makes the trip from bottom to top in 7 ½ minutes and carries a peak load of 3,000 rides per hour.

Transit Integration. Another priority of the 2000 planning process was integration of the Town and ski resort bus transit systems. Three transit systems were operating in Breckenridge in the winter – the Town's bus system, the resort's skier shuttles, and Summit Stage, an intercity commuter bus system operated by Summit County. Since all three transit systems served some bus stops while other bus stops were served by only one of the systems, the transit experience was confusing for both visitors and residents. The Plan identified an integrated route structure for a town/ski resort transit system that interconnects with Summit Stage and the gondola at the Watson and Sawmill Lots in downtown. This integrated system has been partially implemented, with the town funding coming from local parking revenues. During 2010 the Town considered a tax on ski lift tickets as an additional source of funding. The town is also studying whether to take over ski season skier shuttle services, completing transit integration.

Main Street. Main Street in downtown Breckenridge is a vibrant commercial district and is the heart of the town's economy. Town leaders recognized that having a high-quality pedestrian environment would be essential to successfully competing with other destinations in ski country. Because of traffic issues and the layout of the local street grid, day skiers often would not patronize the downtown area. As day skiers represented most of the growth in skier days for the resort, this represented a key lost opportunity for the Town. The Plan recommended the Town negotiate with Colorado DOT to "swap" jurisdiction of Park Avenue (a local street around the west side of downtown) for Main Street. The Plan also recommended extension of the Blue River pedestrian system to the Watson and Sawmill Lots parking as well as a new pedestrian bridge connecting the skier parking into the commercial core. Finally, the Plan recommended installation of roundabouts at each end of the town. This would help with peak period traffic congestion and also make Park Avenue more feasible as a route for trucks and through traffic.

All of these recommendations of the 2001 *Town of Breckenridge Transportation, Circulation, and Main Street Reconstruction Plan* have been implemented. The Town also completed a Vision Plan in 2002 and its first Comprehensive Plan in 2008, both of which addressed and confirmed the transportation directions established in the 2001 Plan.

Common Elements and Outcomes

The development and evolution of transportation master plans in these four mountain communities share common elements and outcomes.

Transit System Development. All of these communities have come to regard public transit as essential to their economic future. Mountain resort towns often get into the transit business initially to serve winter skier needs or to meet local needs for special services transit, but eventually they venture into fixed route, scheduled service. While a rule of thumb is that towns and cities establish fixed route, scheduled transit service beginning at about 25,000 population, mountain resort communities much smaller than this have significant transit systems. In part this is due to a need to address parking in commercial districts and at ski base areas and in part it reflects a need to meet expectations of tourists who shop for destinations based on criteria that include the availability of local transportation services. In all of the peer communities, a key local issue has been how to establish dedicated local funding for transit operations.

Walkable Places. Resort towns compete with each other as destinations in a national and international marketplace. Increasingly, a minimum expectation – for destination visitors if not for day skiers and other pass-through visitors – is that the destination environment will be highly walkable, featuring a high-quality, interesting pedestrian environment. Surveys show that resort guests do not want to go on vacation only to commute around in cars like they do at home; rather, they want to be outdoors walking between activities and strolling in storefront settings. Not all of the peer communities have risen to this challenge. Jackson has a walkable core area around its town square and some other walkable streets, but important parts of the town are not pedestrian friendly. Crested Butte has given pedestrians priority use of its streets, but Mt. Crested Butte has not met pedestrian needs other than at the ski base. Breckenridge has placed a high priority on walking in its downtown shopping district and also has invested in key walk corridors along and across the Blue River.

State Highways. All of the peer communities have state highways as an important part of their local street networks. In each case there are tensions between the traffic-moving objectives of the state DOT and the economic and quality of life objectives of the local communities. In many states, DOTs will consider transfers of jurisdiction to resolve these conflicts, but this can present significant cost exposure to the local government. The good news is that many state DOTs are becoming more progressive and are beginning to understand the importance of safe, low-speed pedestrian environments, good transit and bicycle networks in mountain communities.

Partnerships. Successful mountain communities have made their most significant progress through intergovernmental and public/private partnerships. Flagstaff has grown a transit agency that is supported by a regional group of local governments and a major university. The Gunnison County local governments have established a durable partnership on transportation issues that includes the ski resort. Breckenridge has done the same. In all cases, close city/county cooperation and integrated planning processes have been essential elements of transportation system development.

Integrating Land Use and Transportation. In all of these communities, progress on transportation has been made only once local community character and land use objectives have been established. Many mountain towns make transportation decisions based on traffic forecasts in a “predict and provide” paradigm that leads inevitably to sprawl subdivisions and commercial strips. Communities with clear visions of what they want to be like in the future tend to make strategic transportation choices that support those visions.

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Chapter 3: Future Conditions

Demographics

Park City has long been a popular place to live, work, and recreate for people from around the state and the country. While the land area in Park City is largely built-out and population is expected to increase to a relatively small degree, areas adjacent to Park City have significant development plans which will impact transportation conditions within Park City.

Population

Population in Park City is expected to increase, although projected growth is relatively small compared to other nearby entities. Table 3-1 shows population growth between 2010 and 2040 for the City and surrounding area.

Table 3-1: Regional Population Growth, 2010-2040

Area	2010	2020	2040	% Change 2010-2040
Park City	7,558	10,080	11,288	49
Summit County	36,324	61,738	104,620	188
Wasatch County	23,530	36,181	64,631	175

Sources: 2010 Census Redistricting Data (Public Law 94-171) Summary File. Future county-level data from GOPB, 2008 Baseline Projections. Future Park City estimated from household numbers and TAZ-level household size.

Employment

As commercial and residential development and redevelopment continue within the City and in the region as a whole, employment becomes an increasingly important component in planning the transportation network. With relatively high-cost housing and a large portion of jobs in the service industry, workers travel to and from jobs in and around Park City from other areas within and outside the region. Table 3-2 shows growth in employment in the region between 2009 and 2040.

Table 3-2: Regional Employment Growth, 2009-2040

Area	2009	2020	2040	% Change 2009-2040
Park City	9,635	10,842	12,917	34
Summit County	20,232	41,250	57,400	184
Wasatch County	5,437	57,400	33,248	512

Sources: Future county-level data from GOPB 2008 Baseline projections for sector employment. Totals exclude mining and construction. See Appendix D for detailed employment growth assumptions within Park City. Future Park City employment was assumed to grow at the same rate as housing units with exception of unit equivalent developments at Treasure Hill, PCMR redevelopment, and Deer Valley redevelopment. Retail space of these was assumed to be the same as Treasure Hill and employment was estimated using square footage.

Housing Units

The number of housing units is expected to increase throughout the region as well, although like population and employment, to a lesser degree in Park City than Summit and Wasatch Counties. Table 3-3 shows housing unit growth over the next several decades and Table 3-4 gives an indication of the growth in second homes and condominiums over that time. It should be noted that “Second Homes and Condominiums” are included in the Housing Units shown in Table 3-3.

Table 3-3: Housing Units Growth, 2010-2040

Area	2010	2020	2040	% Change 2010-2040
Park City	9,471	10,014	11,496	21
Summit County	26,545	33,975	59,980	126
Wasatch County	10,577	13,769	25,755	144

Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File. Future county housing units assumed to increase at the same rate as households. Future Park City housing units are assumed at same proportion by zone as existing.

Table 3-4: Second Homes and Condominiums, 2009-2040

Area	2009	2020	2040	% Change 2009-2040
Park City	5,672	6,052	6,804	22
Summit County	7,146	11,014	19,432	172
Wasatch County	1,022	1,613	3,017	195

Source: Future county housing units assumed to increase at the same rate as households. Future Park City housing units are assumed at same proportion by zone as existing.

Land Use

In order to evaluate future transportation demand within Park City and Summit County, future growth was estimated from build-out information provided by Park City and countywide demographic projections from the Governor's Office of Planning and Budget.

As of June 2010, Park City estimated that the city was at approximately 81 percent of build-out based upon approved sub-divisions and vested parcels with approximately 2,200 equivalent residential units remaining. Table 3-5 lists the vested developments that are projected to develop based upon Park City input and master planned developments (Treasure Hill) or pre-master planned developments (Park City Heights). These sub-divisions and developments were assumed to be completed by 2020 with the remaining vested developments built-out by 2040.

Table 3-5: Assumed Vested Developments by 2020

Location	Remaining Unit Equivalents
The Oaks	23
Rail Central	24
American Flag	25
Aerie	30
Snow Park Deer Crest	35
North Silver Lake – Lot 2B	54
Sweeny Properties – Old Town	63
Flagstaff/Empire Pass	71
Park City Mountain Resort – Munchkin	80
Sweeny Properties – Treasure	197
Park City Heights	239

Other Planning Efforts

Snyderville Basin Master Transportation Plan (MTP)
The Snyderville Basin MTP was completed in 2009 and includes many projects on S.R. 224, the primary link between Park City and the Kimball Junction/Interstate-80 interchange. The recommendations contained in this plan address five broad categories:

- Transit and multimodal accessibility reflecting a desire to improve the non-automobile trip rates as well as infrastructure improvements
- Traffic accident reduction attempting to reduce traffic accidents along primarily S.R. 224
- Transportation enhancement policies aimed at maximizing the functionality of the transportation network as well as incorporating stakeholders in transportation related decision-making
- Level of service seeking to maximize road network capacity prior to initiating expansion projects in addition to promoting master plan conformity
- Interagency cooperation

In Phase I the Preferred Alternative (2012 completion) transit improvements are emphasized. This phase includes transit hub construction in the Kimball Junction area and The Canyons as well as constructing a series of park-and-ride lots along the S.R. 224 corridor. Another project is emphasizing the intersection of New Park Boulevard and adding a travel lane on S.R. 224 to ease traffic through the commercial centers in Kimball Junction. Phase II involves widening the Olympic Park to I-80 section of S.R. 224 to six lanes as well as including an HOV lane. Phase III includes a possible new interchange with I-80 to access a future Kimball Junction bypass road to connect to S.R. 224. In addition, the Landmark Drive intersection will be eliminated through some form of grade separation.

UDOT Long Range Plan
The Utah Department of Transportation updates a statewide long-range plan for transportation every four years. This plan has a 30-year scope and pertains to every state road and highway. Phase 1 (2011-2020) of the plan involves interchange upgrades at Kimball Junction and adding travel lanes (possibly HOV lanes) on S.R. 248 from Wyatt Earp Way to US-40. The primary link between Park City and Kimball Junction is S.R. 224 and future upgrades in this corridor are also identified in the plan. S.R. 224 is scheduled to be improved In Phase 2 of the plan (2021-2030), although the details of this improvement have not been determined. Phase 3 of the plan (2031-2040) lists the construction of a new Interstate-80 interchange at the current High Ute View Area. This interchange would provide access to the future Kimball Junction bypass to S.R. 224.

Wasatch Back Emerging Area Plan
The Planning Division of UDOT completed an Emerging Area Plan (EAP) for all of Wasatch and the western portion of Summit County in July 2010. This plan identifies a shared vision and begins to outline region-wide priorities for the next several decades and gives each jurisdiction within the area a high-level perspective on the precedence of various transportation improvements across the region. Among the priorities identified in this EAP are transit connections between Heber City, Wasatch County, Salt Lake County, and Park City. Also, trail connections within and between cities are an important part of the plan. The EAP also identifies "hot spots" or areas of particular concern where there are issues yet to be addressed or resolved by the affected jurisdictions.

Holiday and Festival Travel Demand

Park City is a popular destination for statewide, national, and international travelers and hosts a range of events throughout the year. Each of these events is an important part of Park City's economic development picture and traffic circulation in the city is highly impacted by the added visitors.

As a popular winter vacation destination, one of Park City's peak travel times is the holiday week between Christmas and New Year's when many people take extended ski vacations. In addition, the Sundance Film Festival is held every year in January and Park City is the center of activity for this event. During summer months, the Park City Arts Festival and the city's Fourth of July celebration are popular events for visitors from around the state.

These events are important to Park City's tourism, culture, and economic development efforts. Not surprisingly, they increase vehicle traffic in and around Park City and traffic congestion often frustrates residents and visitors alike. However, as these highest demand days occur for a total of about three weeks out of the year, building or expanding existing infrastructure such as new or widened roads to accommodate higher traffic volumes is not cost-effective. In addition, other transportation resources such as Park City's transit service could be used to greater efficiency and coupled with other strategies such as Variable Message Signage (VMS) on I-80 and U.S. 40 to warn drivers of limited parking in Park City.

This Traffic and Transportation Master Plan addresses ongoing traffic circulation and congestion issues, but does not attempt to relieve all congestion during these peak demand days. Instead, an overall strategy to reduce traffic impacts by reducing travel demand and shifting person trips to other modes are the focus of the plan.

Committed Projects

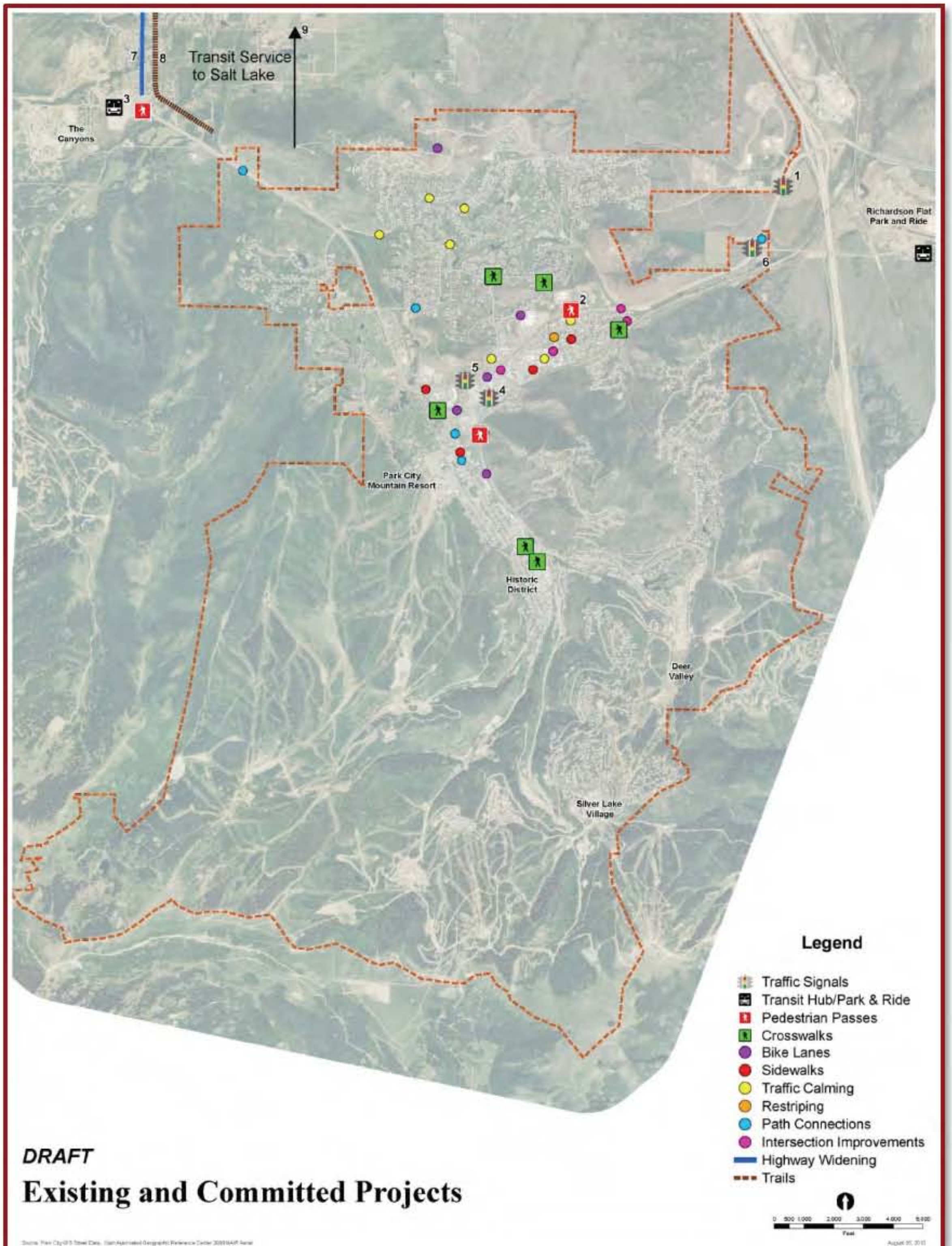
Transportation projects included in the future model years reflect the priorities outlined by Park City and Summit County in their 2009 Transportation Master Plan. The model network assumed only existing projects (in development) and committed projects in Park City, and western Summit County. Table 3-6 lists these projects, as well as Walking and Biking Liaison Committee (WALC) and TravelWise projects. While most WALC and TravelWise projects were not modeled directly, they are included in the modeling with minor adjustments to mode choice to account for a more walkable community. Figure 3-1 shows the location of committed projects. Numbers correspond to numbered projects in Table 3-6.

Table 3-6: Committed Projects Assumed in Travel Modeling

	Project	Type	Source
	Existing		
1	S.R. 248 & Round Valley Drive	Traffic Signal	Park City
2	Kearns Crossing	Pedestrian Crossing	Constructed
3	Canyons Transit Hub	Transit Hub	Constructed
	Committed		
4	Bonanza Drive & Iron Horse Drive	Traffic Signal	Park City
5	S.R. 248 & Homestake Road	Traffic Signal	Park City
6	S.R. 248 & Richardson Flat Road	Traffic Signal	Park City
7	S.R. 224 Widen to Canyons	Widen to Six Lanes	Summit Co. Plan
8	S.R. 224 Trail - Silver Springs to White Pine Corridor Enhancement	Bike/Pedestrian Path	Summit Co. Plan
9	Transit Service to Salt Lake	New Bus Service	STIP
10	Update S.R. 248 to 5 lanes, 2 travel lanes, 2 HOV, 1 center lane	Capacity	S.R. 248 Plan
	TravelWise		
	Increase transit headways to 10 minutes	Transit	
	Designated bicycle lanes on "bicycle spine" on city streets	Bike	
	Bike-sharing program throughout Park City	Bike	
	Safe Routes to Schools	Pedestrian	
	Increase carpool rates	Carpools	
	Full park-and-ride at Richardson Flat	Park-and-ride	
	Mandated parking for Old Town area employees	Park-and-ride	
	Walkable neighborhoods	Walkability	
	Intelligent Transportation Systems (ITS)	ITS	
	WALC Projects		
	Grade-separated crossings (Bonanza and Comstock)		Park City
	Bike lanes (Bonanza, widen existing: S.R. 248, Meadows Drive, Park Avenue, Deer Valley Drive)		Park City
	Sidewalks (south side of Sidewinder, east side of Park Avenue, Olympic Plaza, Comstock)		Park City
	Crosswalks (Little Kate/Monitor, Little Kate/Lucky John, Comstock, Wyatt Earp/Sidewinder, S.R. 224 at Fresh Market, Main/Heber, Old Town)		Park City
	Traffic calming (Monitor, Comstock, Park Meadows 1-3)		Park City
	Intersection Improvements (Wyatt Earp/Sidewinder, Gold Dust/Sidewinder, Monitor/S.R. 248, Monitor/Little Kate, Wyatt Earp/S.R. 248)		Park City
	Restriping (Sidewinder)		Park City
	Paths (east side S.R. 224, bridge rail trail/Iron Horse, Holiday Ranch Loop, Gun Club connection, Park Avenue, Deer Valley Drive/Jan's)		Park City

DRAFT

Figure 3-1: Existing and Committed Projects Assumed in Travel Modeling



Travel Model Development and Application

As part of this plan development process, a travel demand and traffic simulation model was developed for the Park City area in order to assess existing and future travel demand within the study area.

The purpose of the model is to offer a tool to city staff and to use this tool both during the plan development and after the plan is completed in order to anticipate transportation problems and issues. While not a perfect tool, the model can help Park City officials anticipate the future and prepare for possible unintended consequences of various actions.

The travel demand model follows the basic “four step process” originally developed in the 1950s to help urban areas estimate travel demand while building the interstate system. This process is an econometric method of estimating individual choice decisions such that the aggregate estimate is reasonably accurate even if the individual estimates do not represent actual travel demand choices of individuals. The four steps of the travel demand model are:

- Trip generation
- Trip distribution
- Mode choice
- Trip assignment

The Park City travel demand model is a two-part model. The first part inputs growth assumptions in spreadsheet form that calculates trip generation, distribution and mode choice. The second part of the model is a Vissim multi-modal traffic simulation that uses dynamic assignment to route vehicles on the model roadway network. In the future, after completion of this transportation plan process, each part of the model can be used to fine tune local area growth options and to visually evaluate and display traffic problems and solutions and to help determine the impacts of parking infrastructure and transit assumptions.

The travel demand model component borrows person trip generation rates from other areas. A modal split uses a simplified logit model to estimate transit, drive alone, carpool, and walk/bike modal options. Trip distribution is simplified with fixed origin-destination pairs which were estimated. Trips by mode and by origin-destination pair are fed into the traffic simulation model. The traffic simulation is only run for the afternoon peak hour and uses a “dynamic assignment” process of allowing all trip pairs to establish the least delay route for all users of the network. Because of this dynamic assignment process, actual traffic counts are not hard-coded into the model but are the result of an iterative least delay estimate.

Model Calibration
The model was calibrated to the year 2009 and compared to Park City and UDOT pm peak hour traffic count data from that year. Traffic counts used for calibration came from Park City and UDOT’s automatic traffic recorders on S.R. 224 and S.R. 248. After running the base year travel model, results were compared to the counts data to determine the accuracy of the model. The models were calibrated for two distinct periods in Park City, Christmas week when traffic volume is typically highest, and the shoulder season when there are generally lower traffic volumes. All calibration data is in Appendix A.

Analysis Years
In addition to the 2009 model, three future land use scenarios were evaluated for the years 2020 and 2040. The base scenarios assumed land use and population as discussed above. However, an additional scenario was also evaluated that assumed no new growth within Park City but regional growth to 2020. This model alternative was used to assess the impact of Park City growth policies on the transportation system.

Baseline Model Results

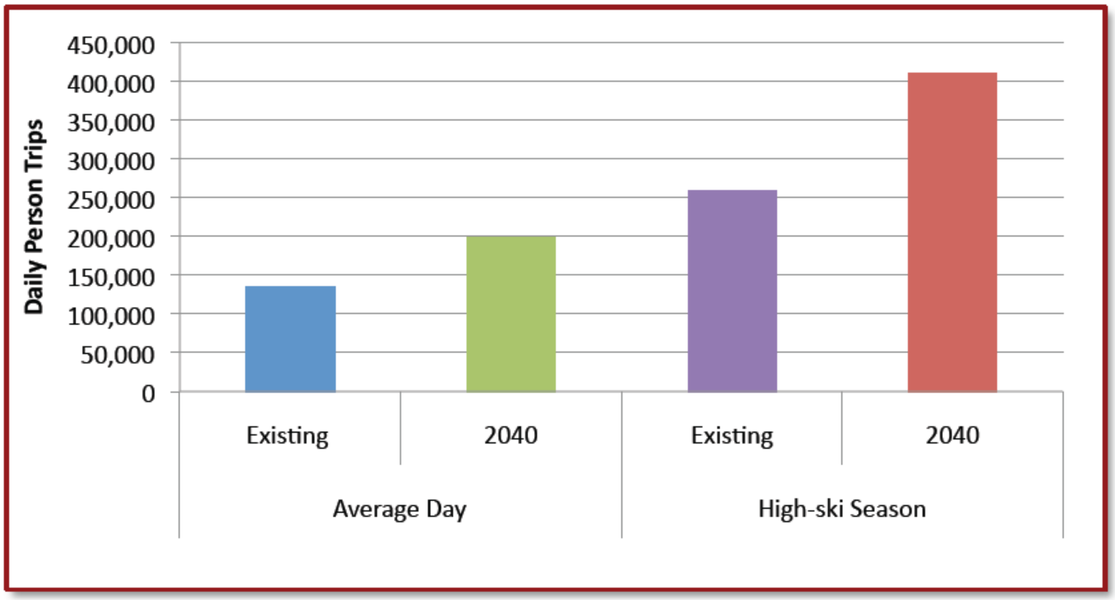
The baseline model results were generated to understand the scope of future transportation issues and the need for transportation policies or projects to address existing and future transportation concerns. These baseline models assumed the future development discussed previously along with the committed transportation projects within Park City and planned projects outside of the city boundary.

Based upon the baseline modeling:

- Park City will remain a major destination with the number of daily person trips increasing during both the shoulder and high-ski seasons.
- As a result, vehicle miles of travel (VMT) and delay will increase in the future.
- However, even with the expected growth in VMT and delay, the average day in 2040 will not approach the congestion levels that occur on high-ski days and during events.
- Congestion will continue to be an issue during the ski outload and large events.

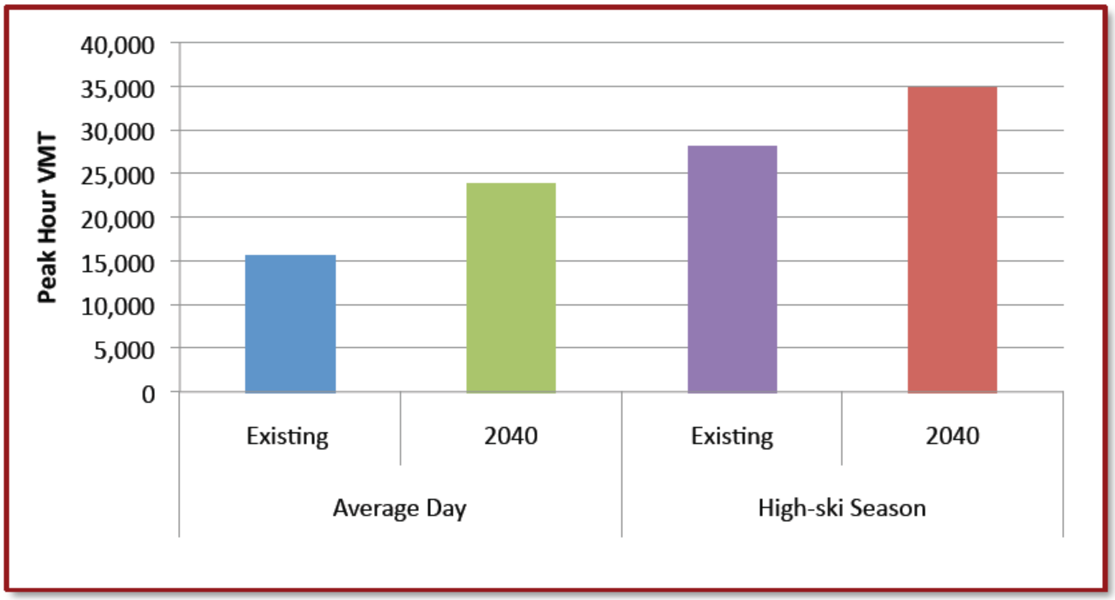
Figure 3-2 shows the daily number of person trips within Park City for the average day and during the high-ski season such as Christmas week. Daily *person* trips are expected to increase by 47 percent on an average day and by over 200 percent during the high-ski season.

Figure 3-2: Daily Person Trips, Existing and 2040



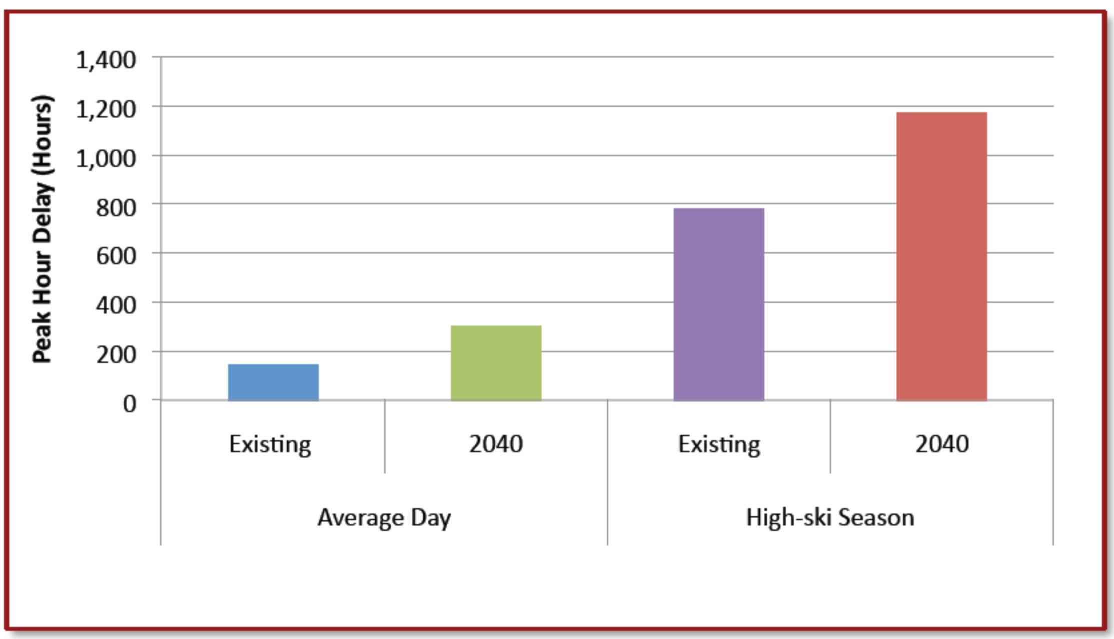
While person trips indicate how many people are traveling to/from Park City, vehicle miles traveled (VMT) is a measure of how much travel occurs in vehicles. Figure 3-3 shows the peak-hour model VMT for Park City. On an average day, the VMT increase is similar to the increase in person trips at 53 percent. However, during the high-ski season, peak-hour VMT is expected to increase by 118 percent as opposed to a 200+ percent increase in person trips.

Figure 3-3: Vehicle Miles Traveled, Existing and 2040



Vehicle hours of delay is a common measure of congestion since during congested conditions vehicle speeds are reduced and drive times increase. As illustrated in Figure 3-4, delay increases more than person trips and VMT. Peak hour vehicle delay on an average day is forecast to increase by 106 percent and on high-ski days by almost 693 percent.

Figure 3-4: Vehicle Hours of Delay, Existing and 2040



City Council
Staff Report

Subject: Cohousing
Author: Michael Kovacs, Asst. City Manager
Department: Executive
Date: August 25, 2011
Type of Item: Informational/Directional

Summary Recommendations:

Consider the cohousing concept and provide direction regarding the City's role and level of involvement, specifically, whether a majority of Council supports prioritization of City involvement. If so, City staff will dedicate sufficient resources and time to identify potential surplus City property and proceed with a RFP/selection process for a potential partner.

Topic/Description:

This is an informational, educational session on cohousing for City Council with a request for further policy direction. Specific interest has been received for a cohousing development potentially using City property. This could be a private sector (co-op or condo) lead affordable/attainable housing initiative with potential public (City) participation.

Background:

Earlier in the summer, City staff offered to do a work session on cohousing and Council agreed. Cohousing can be as expensive to build per unit as other housing, primarily due to its trend to be more environmentally responsible. However, environmental construction and compact unit designs translates into greater affordability in the long term for residents, due to efficiencies of the common areas, and in lower utility costs. It requires high-density cluster development to generate room for the common space. The ownership is typically coop or condo style.

Some affordability goals of Council could be achieved through the use of cohousing. Target price levels of market attainable units similar to Park City Heights could be a goal for some pilot projects. To achieve this, cohousing groups will need to build small units, keep development costs down through their design and construction processes, and bring in partners for funding assistance. The qualification and selection methods of typical affordable developments are problematic for a pure model of cohousing, where group members help devise the project, but could work well if the focus is more on creating attainable market units and providing new housing choices in the walkable Lower Park Ave. area.

Analysis:

Staff will likely analyze the two properties on Park Ave. owned by the RDA which are the most logical to consider for a potential project. The City could use these properties to conduct its own affordable housing project, liquidate the parcels to the private sector to build the tax base and focus on other RDA missions (parking at PCMR, etc.), or embark on a hybrid strategy where the City sells the property to facilitate compatible reuse of the historic structures using private dollars, yet also accomplish cohousing goals. The Greenpark cohousing group has expressed an interest in exploring potential acquisition of these properties, and may bid if Council proceeds with an RFP. The planning process will require historic design review and a number of Planning Commission actions. There may be significant savings and a better final design accountability having a private non-profit or coop group run this through the process as opposed to the City itself.

There are a number of benefits to conducting a cohousing project in Park City:

- Increase the number of housing choices in the City limits
- Boost the progressive reputation and notoriety of the City
- Increase the number of attainable housing units for permanent residents in town
- Provide for intergenerational housing and caring for the social fabric of the City
- Showcase a project that redevelops property using density and limited parking that existing Parkites will desire, design, purchase, and live in
- Provide a cost effective alternative for existing residents to down-size their community footprint (and create turnover in existing housing stock) consistent with general sustainability goals of the city

Disclosure: Greenpark Cohousing member Rhoda Stauffer is an employee in the Sustainability Department, and Sara Werbelow is a City official serving as a Historic Preservation Board member.

Department Review:
The Sustainability, Legal, and Executive departments have reviewed this report.

Alternatives:

A. Approve:
Direct staff to evaluate the City properties, specifically the Park Ave. properties, and develop a public selection process to consider opportunities to realize the first Cohousing project in Park City.

Deny:
Take no active roll. Proceed to evaluate the use of the Park Ave. properties in conjunction with the on-going Economic Strategic Plan and neighborhood planning elements of the General Plan.

C. Modify:
Propose your own solution.

D. Continue the Item:

Take more time to consider the matter.

E. Do Nothing:

Maintains the status quo, however, the cohousing group will be unclear as to the City's commitment level and resource priorities.

Significant Impacts:

Temporary delays to other City projects, such as VRBO/rental property tax enforcement and development agreement compliance facilitation and enforcement (IHC & Talisker) are expected to accommodate property disposal actions.

Consequences of not taking the recommended action:

The City could lose an opportunity for a win-win partner. Cohousing groups could look to do a project outside the City limits. Attention and pressure for action on the City's Park Avenue properties could push costs up for other uses and/or rehab of the homes ahead of the Economic Development Strategic Plan and General Plan section update.

Recommendation:

Consider the Cohousing concept and provide direction regarding the City's role and level of involvement, specifically, whether a majority of Council supports prioritization of City involvement. If so, City staff will dedicate sufficient resources and time to identify potential surplus City property and proceed with a RFP/selection process.

Exhibit – Cohousing Information Compilation

Exhibit – Cohousing Information Compilation
(Sources: cohousing.com & cohousing.ca)

What Is Cohousing?

Cohousing communities offer nurturing places where people of all ages grow and age well.

Cohousing is a type of collaborative housing in which residents actively participate in the design and operation of their own neighborhoods.

Cohousing residents are consciously committed to living as a community. The physical design encourages both social contact and individual space. Private homes contain all the features of conventional homes, but residents also have access to extensive common facilities such as open space, courtyards, a playground and a common house.

Old-fashioned sense of neighborhood

Cohousing communities are usually designed as attached or single-family homes along one or more pedestrian streets or clustered around a courtyard. They range in size from 7 to 67 residences, the majority of them housing 20 to 40 households. Regardless of the size of the community, there are many opportunities for casual meetings between neighbors, as well as for deliberate gatherings such as celebrations, clubs and business meetings.

The common house is the social center of a community, with a large dining room and kitchen, lounge, recreational facilities, children’s spaces, and frequently a guest room, workshop and laundry room. Communities usually serve optional group meals in the common house at least two or three times a week.

The need for community members to take care of common property builds a sense of working together, trust and support. Because neighbors hold a commitment to a relationship with one another, almost all cohousing communities use consensus as the basis for group decision-making.

What makes cohousing communities unique?

The cohousing idea originated in Denmark, and was promoted in the U.S. by architects Kathryn McCamant and Charles Durrett in the early 1980s. The Danish concept of "living community" has spread quickly. Worldwide, there are now hundreds of cohousing communities, expanding from Denmark into the U.S., Canada, Australia, Sweden, New Zealand, the Netherlands, Germany, France, Belgium, Austria and elsewhere.

In a cohousing community, you know who lives six houses down because you eat common meals with them, decide how to allocate homeowners dues and gratefully accept a ride from them when your car's in the shop. You begin to trust them enough to leave your 4-year-old with them. You listen to what they have to say, even if you don't agree with them at first, and you sense that you, too, are being heard.

Cohousing residents generally aspire to "improve the world, one neighborhood at a time." This desire to make a difference often becomes a stated mission, as the websites of many communities demonstrate. For example, at Sunward Cohousing near Ann Arbor, MI, the goal is to create a place "where lives are simplified, the earth is respected, diversity is welcomed, children play together in safety, and living in community with neighbors comes naturally." At Winslow Cohousing near Seattle, the aim is to have "a minimal impact on the earth and create a place in which all residents are equally valued as part of the community." At EcoVillage at Ithaca, NY, the site of two adjoining cohousing neighborhoods, the goal is "to explore and model innovative approaches to ecological and social sustainability."

Many other communities have visions that focus specifically on the value of building community. Sonora Cohousing in Tucson, AZ, seeks "a diversity of backgrounds, ages and opinions, with our one shared value being the commitment to working out our problems and finding consensus solutions that satisfy all members." Tierra Nueva Cohousing in Oceano, CA, exists "because each of us desires a greater sense of community, as well as strong interaction with and support from our neighbors."

What are the 6 Defining Characteristics of Cohousing?

While these characteristics aren't always true of every cohousing community, together they serve to distinguish cohousing from other types of collaborative housing:

1. Participatory process. Future residents participate in the design of the community so that it meets their needs. Some cohousing communities are initiated or driven by a developer. In those cases, if the developer brings the future resident group into the process late in the planning, the residents will have less input into the design. A well-designed, pedestrian-oriented community without significant resident participation in the planning may be "cohousing-inspired," but it is not a cohousing community.

2. Neighborhood design. The physical layout and orientation of the buildings (the site plan) encourage a sense of community. For example, the private residences are clustered on the site, leaving more shared open space. The dwellings typically face each other across a pedestrian street or courtyard, with cars parked on the periphery. Often, the front doorway of every home affords a view of the common house. What far outweighs any specifics, however, is the intention to create a strong sense of community, with design as one of the facilitators.

3. Common facilities. Common facilities are designed for daily use, are an integral part of the community, and are always supplemental to the private residences. The common house typically includes a common kitchen, dining area, sitting area, children's playroom and laundry, and also may contain a workshop, library, exercise room, crafts room and/or one or two guest rooms. Except on very tight urban sites, cohousing communities often have playground equipment, lawns and gardens as well. Since the buildings are clustered, larger sites may retain several or many acres of undeveloped shared open space.

4. Resident management. Residents manage their own cohousing communities, and also perform much of the work required to maintain the property. They participate in the preparation of common meals, and meet regularly to solve problems and develop policies for the community.

5. Non-hierarchical structure and decision-making. Leadership roles naturally exist in cohousing communities, however no one person (or persons) has authority over others. Most groups start with one or two “burning souls.” As people join the group, each person takes on one or more roles consistent with his or her skills, abilities or interests. Most cohousing groups make all of their decisions by consensus, and, although many groups have a policy for voting if the group cannot reach consensus after a number of attempts, it is rarely or never necessary to resort to voting.

6. No shared community economy. The community is not a source of income for its members. Occasionally, a cohousing community will pay one of its residents to do a specific (usually time-limited) task, but more typically the work will be considered that member's contribution to the shared responsibilities.


Prairie Sky Cohousing Cooperative, Calgary

Co-Housing Communities in North America – Completed or Retrofitting

Canada

Alberta

Prairie Sky Cohousing Cooperative, Calgary

British Columbia

Cranberry Commons, Burnaby
Creekside Commons Courtenay, Vancouver Island
The Middle Road Community, Nelson
Pacific Gardens, Nanaimo
Roberts Creek Cohousing, Sunshine Coast
Quayside Village, North Vancouver
WindSong, Langley

Ontario

Terra Firma Co-housing, Ottawa

USA

Alaska

Tamarack Knoll Community, Fairbanks

Arizona

Milagro Cohousing, Tucson
Sonora Cohousing, Tucson
Stone Curves Cohousing, Tucson

California

Allelous Cohousing, Pasadena
Berkeley Cohousing, Berkeley
Coyote Crossing, Santa Cruz
Doyle Street, Emeryville
Fresno Cohousing (a.k.a. La Querencia), Fresno
Frog Song, Cotati
Hidden Creek Cohousing, Oakland
Los Angeles Eco-Village, Los Angeles
Mariposa Grove, Oakland
Marsh Commons, Arcata
Muir Commons, Davis
N Street Cohousing, Davis
Nevada City Cohousing, Nevada City
New Brighton Cohousing, Aptos
Oak Creek Commons, Paso Robles
Pleasant Hill Cohousing, Pleasant Hill
San Francisco Backyard Neighborhood and Learning Center, San Francisco
San Mateo Ecovillage, San Mateo
Southside Park Cohousing, Sacramento
Swan's Market Cohousing, Oakland
Temescal Commons Cohousing, Oakland
Temescal Creek Cohousing, Oakland
Tierra Nueva Cohousing, Oceano
Triple Point Cohousing, Oakland
Two Acre Wood, Sebastopol
Valley Oaks Village, Chico
Yulupa Cohousing, Santa Rosa

Colorado

Boulder Creek Community, Boulder
Casa Verde Commons, Colorado Springs

Greyrock Commons, Fort Collins
Harmony Village, Golden
Hearthstone, Denver
Heartwood Cohousing, Bayfield
Highline Crossing Cohousing Community, Littleton
Lyons Valley Village, Lyons
Nomad Cohousing, Boulder
Nyland Lafayette, (near Boulder)
River Rock Commons, Fort Collins
Silver Sage Village, Boulder
Wild Sage Cohousing, Boulder

District of Columbia

Takoma Village Cohousing, Washington DC

Georgia

East Lake Commons CoHousing, Decatur
Lake Claire Cohousing, Atlanta

Indiana

Green Acres Neighborhood Ecovillage, Bloomington

Kansas

Delaware Street Commons, Lawrence

Maine

Two Echo Cohousing, Brunswick

Maryland

Eastern Village Cohousing, Silver Spring

Massachusetts

Alchemy Farm East, Falmouth
Cambridge Cohousing, Cambridge
Camelot Cohousing, Berlin
Cornerstone Village Cohousing, Cambridge
Island Cohousing, West Tisbury
Jamaica Plain Cohousing, Boston
Mosaic Commons, Berlin

New View Cohousing, Acton
Pine Street, Amherst
Pioneer Valley, North Amherst
Rocky Hill Cohousing, Northhampton

Michigan

Genesee Garden Cohousing, Lansing
Great Oak Cohousing, Ann Arbor
Newberry Place: A Grand Rapids Cohousing Community, Grand Rapids
Sunward Cohousing, Ann Arbor

Minnesota

Homewood Cohousing, Minneapolis
Monterey Cohousing, St. Louis Park
Zephyr Valley Community Co-op, Rushford

New Hampshire

Nubanusit Neighborhood & Farm, Peterborough

New Mexico

Commons on the Alameda, Santa Fe
ElderGrace, Santa Fe

New York

Cantine's Island Cohousing, Saugerties
Capital District Eco-housing, Albany region
EcoVillage at Ithaca, Ithaca

North Carolina

Arcadia Cohousing, Chapel Hill
Eno Commons, Durham
Pacifica, Carrboro
Solterra, Durham
Westwood Cohousing, Asheville

Ohio

Betterway Farm and Ecovillage, Wooster

Oregon

Cascadia Commons, Portland
CoHo Ecovillage, Corvallis
Columbia Ecovillage, Portland
Daybreak Cohousing, Portland
Higher Ground Cohousing, Bend
Peninsula Park Commons, Portland
Trillium Hollow, Portland

Utah

Wasatch Commons, Salt Lake City

Vermont

Burlington Cohousing East Village, Burlington
Champlain Valley Cohousing, Charlotte
Cobb Hill, Hartland
Ten Stones, Charlotte

Virginia

Blueberry Hill, Vienna
ElderSpirit Community at Trailview, Abingdon
Shadowlake Village, Blacksburg

Washington

Bellingham Cohousing, Bellingham
Duwamish Cohousing, Seattle
Jackson Place Cohousing, Seattle
Maxwelton Creek Cohousing, Whidbey Island
Meadow Wood Condominium, Bremerton
Puget Ridge Cohousing, Seattle
RoseWind Cohousing, Port Townsend
Sharingwood Cohousing, Snohomish County
Songaia Cohousing Community, Bothell
Vashon Cohousing, Vashon
Winslow Cohousing Group, Bainbridge Island
Wise Acres Cooperative Association, Indianola
Woodard Lane Cohousing, Olympia

Wisconsin

Arboretum Cohousing, & Village Cohousing Community, Madison (2)

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 4, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Katie Cattan, Planner; and Phyllis Robinson, Public Affairs Manager

1. City Council questions/comments. Liza Simpson thanked staff for improving the parking structure area. RAB met this week about the MARC and the board is planning an open house; there will be construction at Rotary Park in September to add a barbecue station. She attended the Lodging Association meeting. Cindy Matsumoto reported on the Chamber meeting where the new visitor center was discussed as well as a marketing update. Dick Peek expressed appreciation to the Kimball Art Center for making Art Festival access passes easy to obtain for residents. The Mayor reported that the Coalition of Governments did not meet because there wasn't a quorum.

He suggested that a parking exemption be considered for performances at Silver Star and pointed out that the wide width of Three Kings Drive could accommodate parking. He explained that his band played there last week and a number of people received parking tickets. Mark Harrington suggested that applicants apply for a special event license providing an opportunity to create a parking plan for performances.

2. General Plan update. Katie Cattan stated that she has been working with a number of staff members on housing statistics which show an increased gap in affordability over the years. The medium price of units sold over the past ten years increased dramatically. She noted that the Summit County median household income has increased but not substantially. She was unable to obtain information on Park City from the state and data is from HUD; Rhoda Stauffer is working on a housing assessment update and trying to extract those numbers. HUD identifies 30% of AMI for housing and for low income at or below 50% AMI. Ms. Matsumoto asked if the average cost in a primary residential neighborhood can be identified as opposed to an area consisting of second homes. Phyllis Robinson explained that the Board of Realtors numbers do not generally include second home neighborhoods for housing costs. Ms. Cattan displayed a housing map differentiating primary and second homes by color. She explained that the trends and distribution of affordable housing will be addressed in the General Plan.

Requiring on-site employee housing was discussed. About 15% to 16% of the population lives and works here and about 50% live within Summit or Wasatch Counties leaving 50% of the population commuting to and from the Valley. She pointed out that the Planning Commission wanted to know how many residents commute to Salt Lake for work. From 2000 to 2010, the permanent population increased by only 187 or 2.5%. There was an increase in vacant housing over this duration and in 2000 35% of our homes were occupied by primary residents and in 2010 30% but a significant amount of housing was built. Vacancy trends will be compared with Building Department information.

Katie Cattan pointed out that the average house size has increased over time. Staff inventoried permits issued in 1990, 2000 and 2010 based on the taxable area of the home. In 1990 113 single family homes were being built as opposed to 19 in 2010. She emphasized that the population is aging. In 1990, 3.3% were seniors, in 2000 4.5% and in 2010 8.64% of the population are 65 years or older. She pointed out some housing goals:

- Provide a variety of housing options to meet the socio-economic needs of the people who live and work here.

- Preserve Park City's character by providing diverse housing types.

- Balance primary and secondary home ownership. This prompted discussion about identifying the appropriate percentage for a resort community. Phyllis Robinson commented on the trend of attracting new residents around the time of the 2002 Olympics because Park City is more affordable than other resort economies. The City's revenue stream and delivery of services also heavily rely on the balance between second home and primary residence property taxes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 4, 2011

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 4, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Michael Kovacs, Assistant City Manager; Katie Cattan, Planner; Max Paap, Special Events Manager; Matt Cassel, City Engineer; Polly Samuels McLean, Assistant City Attorney; Chad Root, Chief Building Official; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 14, 2011 AND JOINT WORK SESSION NOTES OF MEETING OF JULY 7, 2011

Liza Simpson, "I move that we approve the work session notes and minutes of the meeting of July 14 and the joint work session notes of the meeting of July 7, 2011". Cindy Matsumoto seconded. Motion unanimously carried.

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 retention and classification schedules for certain records maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access and Management Act and replacing Resolution No. 33-08 in its entirety – Mark Harrington clarified that the embedded state code sections illustrated in the draft ordinance should have been removed and he provided Council options for adoption.

Joe Kernan expressed interest in discussing retention schedules and pointed out that many of the analyses provided to members during budget are valuable and many documents are scheduled to be destroyed within three to five years. He understood physical constraints for storing paper but with the opportunities of storing information electronically, he felt it makes sense to save more documents if there is not a specific reason to throw them away. He couldn't think of a down side of keeping documents longer but was unsure if there would be resulting legal consequences or burdensome GRAMA requests.

Michael Kovacs indicated that IT has just updated the management team on storage and because files are so large today, it becomes a cost issue on the back-end server system. Mr. Harrington interjected that the City is at or exceeding capacity with regard to paper and off-site storage is needed. He explained that the proposed Ordinance is promulgated by the state and cities have to adopt it as written unless the state approves requested changes from a municipality, which it has done for this draft. If other changes are made, the same process has to be followed. Mr. Harrington advised that adoption is not time-sensitive and he recommended continuing it to another meeting where the Records and IT Staff can answer questions about budget and current storage challenges for paper and electronic files. Mr. Kernan expressed interest in holding a work session and has some specific records in mind. Joe Kernan, "<u>I move we remove this from the Consent Agenda and continue it to a date uncertain</u>". Liza Simpson seconded. <u>Motion unanimously carried</u>. In the interest of saving time, Ms. Simpson requested that Mr. Kernan relay his specific concerns to staff before the meeting.

2. <u>Consideration of an amendment to an encroachment agreement for Treasure Mountain Inn, 255 Main Street, Park City, Utah</u> – Liza Simpson, "<u>I move that we approve Consent Agenda Item No. 2</u>". Cindy Matsumoto seconded. <u>Motion unanimously carried.</u>

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. <u>Consideration of an Ordinance approving the 1159 Empire Avenue Condominiums Record of Survey located within Lots 5, 6 and 7 in Block 27 of Snyders Addition to the Park City Survey, Park City, Summit County, Utah</u> – Planner Katie Cattan referred to public input relating to this project. The application was received in March 2011 for a four-plex which sits on three lots of record. Units are less than 1,000 square feet. The HR District property is non-conforming because it is a four-plex and it does not meet some setback and footprint requirements. Originally, staff recommended denial to the Planning Commission but the Commission found good cause in the fact that the smaller units could be sold separately creating more affordable units in town through an adaptive reuse. With that direction, staff brought back findings for approval and the Planning Commission unanimously forwarded a positive recommendation for the plat. The Mayor expressed concerns about the structure being torn down at some point and a larger one constructed. Mark Harrington explained that the size of the building would be addressed with a new application. Ms. Cattan added that because it is a legal non-conforming building, it would have to be rebuilt within one year. Cindy Matsumoto disclosed that she knows the applicant. Liza Simpson stated that she received an email from Brian VanHecke and Kyra Parkhurst on this matter and believed other Council members were emailed as well. Joe Kernan stated that he is comfortable supporting the recommendation of the Planning Commission. The Mayor opened the public hearing. With no input from the audience, the public hearing was closed.

Alex Butwinski favored continuing this item in order for staff to analyze the potential of the property. Dick Peek asked if the four lots could be sold separately. Ms. Cattan advised that the parcels would not meet the minimum lot requirements for four but would meet three under today's Code. Mr. Butwinski asked if the condominium plat is vacated if the lots automatically revert to three and the City Attorney responded no.

The City Attorney suggested adding another condition so that new owners are put on notice that upon vacation of the plat Council retains the ability to address maximum footprint and/or lot size. Katie Cattan suggested a possible condition *that upon vacation of the condominium plat, the City Council retains the right to address maximum footprint and lot size*. Mark Harrington added wording *to ensure neighborhood compatibility in accordance with the zoning in effect at the time*. Ms. Matsumoto asked how close it is to other condominiums and Katie Cattan advised that 12th Street is the beginning of the RC Zone which is multi-use. Cindy Matsumoto stated that she feels comfortable moving forward as the property is surrounded by condominiums.

Liza Simpson, "I move that we approve the 1159 Empire Avenue Condominium Record of Survey located within Lots 5, 6 and 7 in Block 27 of Snyders Addition with an additional condition of approval that notes the City Council shall reserve the right that upon a condominium vacation to analyze lot size and footprint based on neighborhood compatibility, based on the zoning at the time". Cindy Matsumoto seconded. Motion unanimously carried.

2. Consideration of a Master Festival License for the Harley-Davidson 2011 Summer Ride, as conditioned, to be held on August 27, 2011 at the Brew Pub parking lot and portions of public parking on Main Street – Max Paap described the application which was presented to the HPCA. Participation is estimated at around 450 but is weather-dependent. The application is being reviewed as a MFL because of the attraction of large crowds and the request to use City Park. Organizer Ron Brown described the game format intended to get people on Main Street for the day. Discussion ensued regarding the Park City Police escort from Salt Lake City to town. The Mayor opened the public hearing.

Andy Beerman, HPCA, stated that the group is very supportive of this event, despite the short notice. He pointed out that a reception is catered and the HPCA encourages organizers to use vendors and food service already available on the street.

With no further comments, the public hearing was closed. Dick Peek, "I move we approve the Master Festival License for the Harley-Davidson 2011 Summer Ride, as conditioned, to be held August 27 in the Brewpub Parking Lot". Alex Butwinski seconded. Motion unanimously carried.

3. Consideration of an Ordinance vacating a portion of the McHenry Avenue Right of Way and authorizing the Mayor to execute a quit claim deed in a form approved by the City Attorney, to sell an approximate 85 by 10 foot section of the McHenry Avenue right-of-way to the Owners of 525 Rossi Hill Drive and accept and to enter into an easement agreement which allows for continued public use of this vacated portion of the right-of-way – Petitioner Bill Tew – Liza Simpson stated that she has known Bill and Pam Tew for three years and has met with them frequently regarding the Echo Spur road and wall. She has had no discussion with them about the encroachment issue.

Matt Cassel explained that staff recommends that the Council hold a public hearing on the vacation of a portion of McHenry right-of-way and also enter into an easement agreement for the same piece of land. On May 5, 2009, a complaint was made against 525 Rossi Hill and three violations were found including setbacks, encroachment and size of the home. After many meetings, in December 2010 a diversion agreement was finalized and entered into by all parties. The diversion agreement addresses the setbacks, encroachment and house size violations. The encroachment and house size issues have been satisfied and the setback violation issue is to be considered tonight. Mr. Cassel stated that the owners had the proposed portion of vacated McHenry appraised and have petitioned the City Council to vacate that property. He discussed the public notice process and receiving positive feedback from the neighborhood. Council must decide if there is good cause for the vacation and whether the public interest or any individual will be materially injured by the proposed vacation. The Mayor asked about the response letters and Polly Samuels McLean indicated that State Code requires the petitioner to send a notice of vacation and a request for consent to all property owners within 300 feet or to people that use the street as a right-of-way. The Mayor opened the public hearing.

Mary Wintzer, 320 McHenry Avenue, expressed concern that the vacation sets a dangerous precedent *that leaves many Old Town neighborhoods vulnerable to a wave of arrogant power that says I'll do what I want with City property and ask for forgiveness later*. She alleged that former Chief Building Official Ron Ivie made a home owner remove the roof off of his house because it was too high. Nine years ago City Engineer Eric DeHaan helped them fight a new neighbor who was determined that their Rossi Hill Park should become his front yard because he had maximized his house. For the last two years, they have battled a family over 4th Street which is a path to Main Street which has been used by Rossi Hill for over 25 years. Ms. Wintzer stated that to sell a City street to Mr. and Mrs. Tew opens the door further for all these folks who believe that rules do not apply to them. Half of the houses on McHenry were required to provide setbacks off of dedicated McHenry to build their homes. They could have had larger houses if they decided not to obey the setback rules. The developer who purchased the house across the street from her must also setback from dedicated McHenry when he builds and is interested in what happens tonight. Mary Wintzer indicated that Mr. and Mrs. Tew had a surveyor, architect and a contractor and one or all of them made this mistake and they are responsible and should have insurance to pay for the correction. She asked the Council to only consider an easement and not to sell the land. The cost to tear off the side of the house and rebuild within the setbacks would be substantial and many communities would ask these owners to do this. If the cost of the easement were even half of what it would take to rebuild, that would be a bargain. Ms. Wintzer reiterated that Old Town is vulnerable and many people want every square inch to build on if they can get it. Old Town does not have a HOA to protect it and because of that, residents rely on the City Council.

Bill Tew, petitioner, explained moving here with his wife after retirement, hiring architect Kevin King and contractor Jason Moore, and meeting with the planning staff. As the home owners, they are ultimately responsible but they relied on the professionals who were hired to guide them through the process. At every point, the City came out and inspected the house and signed off. When the complaint was filed there were allegations that they remodeled the house after the building permit was issued which was not true or substantiated. They did not mislead anyone about the property lines. It boiled down to a bunch of people making a mistake; there was no intent to deceive and suing the architect or contractor is not realistic. As a property owner, he paid his fees and had the right to expect that his house would be inspected and if there was something wrong with it, the City would let him know. That clearly did not happen. Mr. Tew stated that there is no value in trying to apportion blame or point an accusing finger because we will never know exactly how this house got to where it is and can only speculate. If Council accepts the proposal, he will have paid about $25,000 which he feels is punishment enough and asked members to seriously consider the fact that mistakes were made by all parties and this seems like a reasonable way of solving the problem.

With no further comments from the audience, the public hearing was closed.

In response to a question from Ms. Simpson, Mr. Tew explained that $25,000 represents the cost of the appraisal, legal fees and the proposed $5,200 for the property. He stated that he doesn't know the exact square footage of his property assessed for property taxes purposes. Cindy Matsumoto stated that she shares Ms. Wintzer's concerns about setting a precedent of using McHenry Avenue as a new lot line. Mark Harrington didn't feel this situation is setting a precedent because it is unique and explained that Ron Ivie recommended using a diversion agreement through the City's Prosecutors Office. The diversion agreement was agreed to, executed by all parties, and signed off by the judge. He explained that the judge's approval offers an individualized determination in terms of the result and this is the last piece that needs approval to fulfill the diversion agreement. These circumstances are distinguishable and there is a policy for street vacations which are evaluated by criteria. He stated that this is an imperfect situation with an imperfect solution but he has no concerns that it will create a legislative precedent for future street vacations. Matt Cassel added that at the time the petition was received, his office actually received three informal requests to help with proposed setback issues.

Ms. McLean pointed out that Council is being asked to vacate a portion of the street, determine the sales price and to accept the easement back for the right-of-way. She explained that the easement provides space so the building complies with the ten foot setback requirement. The house would not be considered a legal non-complying structure and would not receive the benefits of the designation in the event it burned down. It would not be able to be rebuilt as it is today, and would have to comply with the plat notes and other issues that have come to light. In response to a question from Ms. Matsumoto about benefitting from the easement, Ms. McLean explained that a new house could be located there but the footprint would have to comply with the plat note which is 2,200 square feet. Cindy Matsumoto favored the property reverting back to the City and Mr. Harrington explained that it would be a material change to the agreement.

Ms. Simpson stated that she wants some assurance from everyone that there are now procedures in place that will ensure that this will not happen again and that plat notes are followed. Chief Building Official Chad Root explained new procedures for following special conditions and pointed out that inspectors are often looking for life safety and structural issues. The inspectors involved in this circumstance have been reprimanded and there is now a policy that if there are no plans on-site, inspections will not occur that day. Liza Simpson felt this should have been caught at plan check and Mr. Cassel noted that staff is also working on improving communications between departments, and planners must see a project through to the end. The planners will also perform intermediate inspections to ensure that projects comply with the plat. Mr. Root stated that the Building Department will be the last to sign off after Engineering and Planning.

Alex Butwinski stated that $5,000 is an incredibly great deal for Mr. Tew. He questioned the relevancy of comps from Bountiful and Duchesne and whether the public is materially affected if the property is sold that cheaply. He suggested that the City order its own appraisal. Mistakes have been made on both sides and the price for the easement should be fair. Mr. Butwinski commented that he shares Ms. Wintzer's concerns about people doing things and then asking for forgiveness. Mayor Williams also felt that local comps should have been used and some of the information is from 1998. He is okay with the vacation and wants to close the matter but expressed he has a problem with the appraised value.

Cindy Matsumoto believed that the Tews did not do anything purposely and people do make mistakes. She supported proceeding with the vacation and looking at the sales price. Bill Tew explained that he was asked by the City to obtain an appraisal and the City provided him with four names and he chose one. At that particular time there had been no lot sales on Rossi Hill and the property is land-locked. Joe Kernan suggested appraising the property with and without the strip. The appraiser may determine that having an extra 800 square feet of yard increases the value substantially. The City is partly responsible for the problem

Ms. Simpson pointed out that members would not even be having this conversation if there wasn't a badly executed construction project on the Tew's property line. The complaint that opened this entire issue was directed at the Tews because they were complaining to the City about violations on the Echo Spur Project. The Mayor referred to the appraisal and adjustments devaluing the property. Bill Tew stated that part of the value of the land is use. It is a 10 foot strip of land that is land-locked on three sides that can't be built on, it is not wide enough to be a park, and there is a 20 foot drop-off on the other side. He stated that he cannot speak to the adjustments but if this piece of land were put up for sale, he predicted that no one would find that it has any value because there is nothing you can do with it. He is unsure about the right amount but the value needs to reflect this. The Mayor felt there is a value to the community in losing part of publicly owned property but agreed that cost is subjective. The Mayor pointed out that the appraiser began with a valuation of $21,000 but because of utilities, etc. it was reduced by 75% which is a *reach* for him. Liza Simpson agreed with the Mayor and asked for clarification on the deducted value of the easement.

Alex Butwinski believed the citizenry is owed another look at what the property is worth and if approved, this piece will add significant value to the salability of the property. There is a willing seller and a buyer and the City should be getting a fair price; he felt $6 per square foot is almost insulting. Ms. Simpson stated that she understands his concerns but felt it would be better to determine what is fair without conducting another appraisal. She again addressed the value of the easement. The Mayor concurred that dragging this issue on for a few more months may not be productive.

Dick Peek stated that the plans were evaluated incorrectly but ultimately approved by Planning and Building and the house was built. Changes and decisions were made despite the plans and he understood that building inspectors are more focused on the integrity of structures and meeting code requirements. However, he feels the situation needs to be corrected. The approved set of plans probably does not meet the conditions of the plat, but the structure should be changed to the approved plans. If there needs to be additional modifications, a plat amendment could be processed. He stated that he disagrees with the diversion agreement approach because it doesn't return the building to the approved set of plans. Mr. Peek agreed that the valuation is too low.

Alex Butwinski again referred to the applied discounts and stated that he has little confidence in the assumptions made in the appraisal. He is okay with a negotiated number tonight but the right way to go is conducting another appraisal. The Mayor acknowledged that appraising this strip of property is a challenging task and he personally would like to close the matter. In his mind, $21,000 is the value of the property. Discussion ensued on the perceived benefits to Mr. Tew.

Mark Harrington clarified that approval is not making the property legal. The agreement estoppels further prosecution and the property does not obtain legal non-conforming status so there cannot be further additions or expansions and all future changes will have to comply with the Code. He felt it appropriate that members are struggling with this matter but there are a number of options. Council could obtain technical information from a second appraisal, arrive at a negotiated price as a group, or direct staff to research internal information for comps, like the Colman Parcel. The functional change here deals with the boundary line. It is not giving additional rights to the owners because the City is retaining all public use on the portion of property. He emphasized that this is a boundary line adjustment to effectuate compliance, nothing more, nothing less. It is going to be very difficult to obtain an objective comparison for this situation. The policy for purchasing the Colman Parcel was discussed. In response to a question from Alex Butwinski about the purpose of the easement, Mark Harrington explained that the City wants to retain the right-of-way and all of the public uses afforded. Mr. Butwinski pointed out that the strip is basically 15 feet above the street level and asked what public use is likely to be needed there. Mr. Harrington stated that you just never know; there could be future stairs, retaining walls or a new technology that needs a special tower in the location. Because public space is so limited in Old Town, the City avoids giving up any public uses. Mr. Butwinski proposed that the property owner would have to maintain any improvements on the property like a retaining wall but Mr. Harington clarified that the City would accept public improvements in a right-of-way situation. Liza Simpson interjected that the Council has the discretion to sell the property without an easement but it would be a major shift in philosophy.

Mark Harrington noted that this is not the first time members discussed this issue and this has been a long process. When the alternatives were evaluated, part of the strategy was to get the parties as close to whole as possible. In this particular instance, that means the City would retain as much right and use of our right-of-way as possible and obtain as much compliance on the property as possible. The minimum action necessary is moving a line to fix the setback while retaining all public rights, no more, no less and this is the strategy that Ron Ivie tried to employ when negotiating the terms of the diversion agreement.

Bill Tew indicated that they have been working with the City for a year and a half. He would like this resolved tonight but the price seems to be an issue. He has done everything asked of him. The Mayor stated that he would also like to have this resolved tonight and is not interested in spending more money for an appraisal. The Summit County valuation was again discussed and Mark Harington pointed out that because it is a condominium, there will be a percentage value attributed to a common area and he felt the County valuation point is fairly irrelevant. Cindy Matsumoto asked how staff felt about the price and Polly McLean explained that the decision is up to City Council.

Ms. Simpson suggested a price of $10,500 which is 50% of $21,000. Liza Simpson, "I move that we approve vacating a portion of McHenry Avenue right-of-way and authorize the Mayor to execute a quit-claim deed, in a form approved by the City Attorney, to sell approximately 85 x 10 foot section of McHenry Avenue right-of-way to the owners of 525 Rossi Hill Drive and accept and enter into an easement agreement which allows for continued public use of this vacated portion of the right-of-way and the price to be $10,500". Joe Kernan seconded.

Alex Butwinski felt that is not the right number but could support $21,000. He suggested using the $21,000 and the $5,000 numbers which total $26,000 and divide it in half for a price of $13,000. Cindy Matsumoto felt the City is getting a fair price for the property and she does not want to hold up this process any longer over a few thousand dollars. She stated she supports Ms. Simpson's motion. Dick Peek asked if the house was destroyed if it could be rebuilt as is and the Mayor stated no. Mr. Peek suggested adding a note on the plat stating that Park City retains the first right of refusal to purchase this parcel for $1. Polly McLean stated that she drafted the quit claim deed which includes deed restrictions that specify that the property had to remain with Unit 1 on the condominium plat and if the owners tried to sell it, it would revert back to the City for $10. Motion carried.

Alex Butwinski	Nay
Joe Kernan	Aye
Cindy Matsumoto	Aye
Dick Peek	Nay
Liza Simpson	Aye

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Michael Kovacs, Assistant City Manager; Tom Daley, Deputy City Attorney; Polly Samuels McLean, Assistant City Attorney; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 3:45 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 11, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Thomas Eddington, Planning Manager; Wade Carpenter, Chief of Police; Maggie Petersen, Dispatch Manager; and Kent Cashel, Transportation Manager

1. City Council questions/comments. Cindy Matsumoto reported that the Library Board has joined the Leadership Class project on civility with a display of books for children and adults. Volunteers to help with the Labor Day book sale are needed, especially on Friday, September 2. The Luxury Home Tour is this weekend which benefits the Peace House. She added that the Summit Land Conservancy was one of five to receive accreditation from the Land Trust Alliance. She remarked that out of the 2,000 to 3,000 land trusts in the country, there are only about 135 that are accredited. Alex Butwinski stated that the Art Board met this week on the selection of the artist for the new recreation center. The Planning Commission had a very light agenda and rejected the idea of adding another layer of review with the proposed historic design review committee becoming involved in reviewing reconstructions. He reported that he will be serving on the state's building code review committee. Mayor Williams felt the time trials for the Tour of Utah was a fantastic event. He received a letter from Tom Oliver who complimented the City on the improvements made to Comstock.

The Mayor stated that he spoke with Kate Briggs from the Board of Realtors about unintended consequences of the Temporary Zoning Ordinance. She relayed that a property owner has a duplex which straddles the lot line and he could not obtain financing because the lender wants one legal description and because of the TZO, he can't combine his two lots. He didn't believe Council intended to include people who own existing structures, aren't planning on changing anything, but need to plat the property in order to achieve financing. He asked if the TZO would apply in this instance. Mark Harrington advised that the property owner cannot apply because the TZO prohibits new plat amendments because the existing building could be torn down after approval. However, the Council may amend the terms of the TZO at any time and specifically exempt applications or add a hardship clause if certain criteria is met. The TZO applies to all plat amendments in those zones.

The Mayor pointed out that the Planning Commission will be reviewing this on August 24 and this could serve as an example in the staff report to consider. Mr. Harrington noted that it may take too long for the application to be reviewed by the Planning Commission and City Council to help the owner and he encouraged specifying exemptions in an amendment which could appear on the agenda as early as August 25. In response to a question from Liza Simpson about the differences between the TZO and pending ordinance doctrine, Mark Harrington explained there are no differences, because staff has been directed not to apply the pending ordinance doctrine to the degree that there are additional changes or consideration given. The TZO is a flat-out temporary prohibition on processing applications that are defined and in this case, include plat amendments in three zones. Implementing a pending doctrine ordinance means that someone can still apply if what is applied for meets whatever is pending, for example if height were reduced to 25 feet from 32 feet, the project could proceed. Because the Council was not supportive of the current LMC, staff was directed to look at further restrictions on plat amendments below the maximum specified by the current code. Staff is only looking at new lot combinations, as directed by Council on July 21, 2001 during the joint work session.

Discussion ensued on scheduling the TZO on the August 25th agenda and whether to rescind it or amend it. Consideration was given to the Planning Commission discussing this at its meeting on August 24, the work involved in preparing for the meeting, and public interest. The City Manager felt that rescinding it after the Planning Commission meeting is problematic. Dick Peek felt it important to address hardship cases and the Mayor believed this situation is narrow enough to be explored. Mr. Peek suggested allowing plat amendments in certain cases but restricting the ability to obtain certain categories of building permits during the period of the TZO so permits for additions or demolitions are managed. Mark Harrington advised that there will be unintended consequences with Mr. Peek's suggestion as well. The cleanest way is treating all applications the same. The Mayor believed that the TZO should go through the process with the Planning Commission and that the Council be updated on August 25 about the Commission's meeting on August 24 and make a decision on how to proceed with that information.

2. Second quarter goal. The Mayor guided the discussion for each category. In response to questions from Liza Simpson, Thomas Eddington reported that the assessment of the National Historic Preservation solutions should be before Council next month. The preservation plans for 1450 and 1460 Park Avenue have been completed and the properties are considered significant. The City Manager explained that a policy discussion on co-housing will be held in a couple of weeks and these properties will be addressed. Thomas Eddington interjected that the report identifies what materials can be saved in a reconstruction effort. There was some discussion but no changes made to the goal information.

3. NG911 update. Police Chief Wade Carpenter stated that the Department received a $1 million grant from NG911 and the State of Utah and it is a combined grant between Park City, Summit County and Wasatch County. The intent is to create inter-operability and inter-connectivity between systems which means that if any one of the dispatch systems becomes overwhelmed at any given time, additional call loading can be taken on by one of the other entities with a flip of a switch. This creates redundancy in a seamless way and provides the ability to take a lap top and move it into a mobile command and dispatch out of that location. Chief Carpenter explained that this is one of the largest grants given for NG911 and the only applicant that had independent but inter-connected dispatch centers. The current system technology is outdated; the equipment is not produced anymore and will be phased out in the next three to five years. Maggie Petersen reported that installation is anticipated in September and no later than October.

4. Unrestricted parking space on Park Avenue request – Ron Whaley. Kent Cashel displayed a map displaying the varying widths of this portion of Park Avenue ranging from 37 feet to 40 feet. Winter, in particular, is a challenge with parking on both sides of the street and snow needs to be cleared almost every night. From Heber Avenue to 9th Street, there are about 50 parallel parking spaces, 17 residential units and eight businesses. The current regulations specify two hour time limits which have been in place at least since 1998 to discourage long-term parking. There is no parking from 2 a.m. to 6 a.m. for maintenance reasons. Mr. Cashel explained that the City Council created a special zone in 2009 with A Permits, allowing residents to park on the west side of the street between 9th Street and 12th Street. He displayed a graph with cars illustrating the limits of the width of the street. Kent Cashel stated that the City provides C Permits to people living in this area, providing access to the Gateway and China Bridge Parking Structures, which are extended to Main Street residents. Businesses are provided with employee permits like Main Street. Enforcement hours are 10 a.m. to 10 p.m. and police enforce regulations outside of those times.

If the City Council feels that the accommodations made are not reasonable, 2 a.m. to 6 a.m. parking could be allowed on Park Avenue in the summer if maintenance schedules are modified. However, with 17 residences in the area, much of the parking will be utilized and not available for businesses. Winter residential could be allowed, but is not recommended, and it is likely that there would be more accidents on Park Avenue. A special parking exemption could be provided to Mr. Whaley and others but staff is not recommending this option. Kent Cashel explained that special exemptions lead to other requests and it is much better to set up a permit zone. Staff remains steadfast that the current regulations remain in effect because it controls long-term parking, helps the circulation and allows for maintenance work. He stated that staff believes there is reasonable accommodation for the residences between 9th and 12th Streets on the west side and the regulations appear to work.

Ron Whaley stated that of the 17 residences cited, he is the only one without parking in a six block area. When the permit system went into place in 1998 he was issued an A Permit and the 2 a.m. to 6 a.m. restriction was not enforced in the summer but he started to receive tickets and staff instructed him to park on Woodside Avenue. However, he couldn't park on Woodside because there is no parking there and after a number of meetings with staff an arrangement was made so he didn't receive a parking ticket for ten years. This lasted until the City started enforcing the 2 a.m. to 6 a.m. regulation in the summer and he was told by the parking staff that it was a trial year and when he met on the block with a parking official the next year, he lost his parking. Mr. Whaley clarified his two issues being day parking all year long and night parking during the summer. He leaves his house up to 12 times a day and looking for parking doesn't work for him. The error is staff presuming he has parking when he doesn't. Of the eight stated businesses on Park Avenue, only two face his block and none open before mid-day. In response to a question from the Mayor, he stated that he now has a C Permit for China Bridge, like Main Street residents, but he is different. Kent Cashel clarified that at Council's direction, staff offered Mr. Whaley an A Permit which would allow him to park on the west side between 9th and 12th Streets and he is not clear why he didn't obtain one, in addition to a C Permit. Mr. Whaley explained that he thought he had to choose one or the other and the A doesn't solve his problem. Mr. Cashel stated that Mr. Whaley simply wants parking restrictions lifted from in front of his house. Through illustration of a map, Mr. Whaley's house was identified as well as proximity to available parking. Ron Whaley noted that the parking spaces in the A Zone north of 9th Street are largely taken up by driveway entrances and residents living in the area. Parking on Woodside Avenue was again discussed.

Joe Kernan asked if he is able to provide off-street parking on his property and Mr. Whaley said *effectively* no and explained that the bulk of the right-of-way on Woodside Avenue lies to the west which leaves a tremendous amount of the unused right-of-way on the slope of the east side of Woodside. In order to get to his property from Woodside one would have to bridge 14 to 15 feet which would require a 30 foot structure to achieve grade on Woodside. This would be extremely expensive and probably not allowed by the City. Mr. Whaley stated that he physically cannot park in his yard which in part is due to the Woodside Avenue road reconstruction ten years ago which widened the street for improvements. The A Permit area, which allows overnight parking in the summer, was pointed out and Mr. Whaley stated the reason he didn't accept one was because parking is taken up by the residents and curb-cuts there. Joe Kernan noted that he often parks on that portion of Park Avenue but admitted there is competition for those spots later in the day. The number of parking permits allowed per household was discussed. Ron Whaley again argued that his situation is unique and Joe Kernan again addressed on-site parking which owners provide at their expense.

Mr. Whaley stated that he is not asking for anything more (than what others have) and Liza Simpson felt he is asking for more as many people in Old Town do not have parking or the parking afforded are blocks from their residences. He again expressed that he does not feel he is asking for an exception because his conditions do not match others. The residences on Main Street were built with a no parking requirement. Ms. Simpson indicated that there are residents in other parts of Old Town without off-street parking who often have to walk more than a block to find permitted on-street parking. Mr. Whaley is asking for his parking to be in close proximity to his house which is an exception and something that has not been considered for others. Ron Whaley recommended that the City grant them exceptions if the cases are reasonable as he feels his is. If he would have known 12 years ago that the City were taking his parking away, and that for ten years the staff agreed with him and stated they did not intend to take away his parking, evidenced by the ten years of which they acquiesced but for him asking for summer overnight parking, he would still be parking there. He submitted that ten years of no problems is substantial proof that it works. He felt China Bridge parking would be better used by patrons of Main Street businesses.

Liza Simpson and Joe Kernan stated that they support staff's recommendation. Alex Butwinski felt that nothing has changed since the last time Mr. Whaley approached Council and he is comfortable with staff's recommendation. The Mayor understood that Mr. Whaley receives both an A and C Permit which was confirmed by Mr. Cashel. Dick Peek agreed with his peers. Cindy Matsumoto expressed that she would have been willing to look at a compromise but the consensus was not to create a special parking exception.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 11, 2011

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 11, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Sayre Brennan, Public Improvements Inspector; Kirsten Whetstone, Planner; Dave Gustafson, Project Manager; Matt Cassel, City Engineer; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Presentation of a Resolution commemorating St. Mary of the Assumption's 130th Anniversary in Park City, Utah – Tom Grondalski spoke about the history of St. Mary's beginning in 1881 and its early charge in helping immigrants. The Mayor read the Resolution into the record and Father Stan Herba made comments.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 21, 2011

Alex Butwinski, "I move approval of the work session notes and minutes of the meeting of July 21st as corrected". Liza Simpson seconded. Motion unanimously carried.

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 commemorating St. Mary of the Assumption's 130th Anniversary in Park City, Utah - and

2. Consideration of acceptance of findings of fact, conclusions of law and order regarding the business license appeal heard on July 14, 2011 – Appellants Mike Sweeney and Heidi Hughes - Cindy Matsumoto, "I move we approve Consent Agenda Items 1 and 2". Alex Butwinski seconded. Motion unanimously carried.

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of authorization to the City Manager to execute a construction agreement for the re-construction of Bonanza Drive, Phase 3 with Lyndon Jones Construction Incorporated in a form approved by the City Attorney and in an amount not to exceed $984,085 – Sayre Brennan explained that this is the third and final phase of the Bonanza Reconstruction Project, which will include landscaping, road sealing, sidewalks, color concrete, turning lanes, concrete planters, walkability bridge, striping and other final elements along the corridor. Some of these items are associated with Phase 2 and relate to obtaining easements from adjacent property owners. The easements were needed for the pedestrian tunnel, ramps to the tunnel and the relocation of Poison Creek. Two bids were received and the original estimate was $1,473,209. He explained that In addition to the construction agreement staff is also seeking budget direction for operation maintenance for the new planters. The annual cost is estimated to be $2,789 and two options for funding this are available. One is to increase the Public Works budget for FY2013 and the second is to shift the costs from the planters on SR248 that were recently removed to Bonanza Drive which is staff's recommendation. The $2 million price for Bonanza Tunnel was detailed by Heinrich Deters in response to questions from Alex Butwinski. A majority of Council members wanted the wire mesh added to the east side entrance and stream flow was addressed. The Mayor invited public input. There was none. Alex Butwinski, "I move we authorize the City Manager to execute a construction agreement for the reconstruction of Bonanza Drive Phase 3 with Lyndon Jones Construction Incorporated in a form approved by the City Attorney and in an amount not to exceed $984,085". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of approving an Ordinance approving the Condominium Plat located at 333 Main Street, Park City, Utah – Kristen Whetstone described the application to provide two condominium units to allow separate ownership and the renovation of the Main Street Mall in phases. The Planning Commission has forwarded a positive recommendation. She explained square footage allowance in response to a question from Dick Peek. The Mayor opened the public hearing but with no comments, closed the hearing. Liza Simpson, "I move we approve the condominium plat located at 333 Main Street". Alex Butwinski seconded. Motion unanimously carried.

3. Consideration of a Memorandum of Understanding and City Services Contract for the 2012 Sundance Supplemental Plan – Dave Gustafson explained that the Miners Hospital has been used by the Sundance Institute since 2005 for a volunteer lodge,and the New Frontier. With space being tight at Silver Star, an expansion of the lease is requested from November to the end of February for administrative use by staff. This would be 17 days longer than last year when it was the New Frontier. Existing tenants can remain in the building. Tenant improvements were discussed and Mr. Gustafson stated that the building will remain in tack. The Mayor opened the public hearing; there were no comments and the public hearing was closed. Liza Simpson, "I move we approve the Sundance Film Festival 2012 Supplemental Plan to the Miners Hospital lease". Dick Peek seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Joan Card, Environmental Regulation Manager; Jason Christensen, Legal Intern, Michael Kovacs, Assistant City Manager; Phyllis Robinson, Public Affairs Manager; Jed Briggs, Finance Analyst; Thomas Eddington, Planning Manager; Jim Blankenau, Environmental Regulation Program Manager; and Mark Harrington, City Attorney. Dick Peek, "I move to close the meeting to discuss ". Cindy Matsumoto seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

PARK CITY 1884

City Council Staff Report

Subject: Comstock/Sidewinder Change Order
Author: Heinrich Deters; Trails and Open Space Manager
Department: Sustainability
Date: August 25, 2011
Type of Item: Administrative

Summary Recommendations:
Authorize the City Manager to execute a change order to the Comstock/Sidewinder Walkability Project Construction Agreement in a form approved by the City Attorneys Office with Miller Paving for additional services related to construction not to exceed one hundred fifty four thousand seven hundred seventy seven dollars and fifty one cents $154,777.51.

Topic/Description:
Comstock/Sidewinder Walkability Project Construction Contract Change Order.

Background:
On June 2, 2011 City Council approved a construction contract in the amount of six hundred thirteen thousand four hundred forty nine dollars ($613,449), with Miller Paving, for the installation of a 8' separated path along the east side of Comstock Drive, a 6' sidewalk along the south side of Sidewinder Drive and traffic calming improvements throughout the project corridor. Construction of the project commenced on June 20th and is projected to be completed by October 1st.

To date, change orders for additional services which include the relocation of a fire hydrant, upsized water tap for the irrigation system, conduit for power, additional message boards for public notification of construction impacts, repair to two waterline services, saw cutting asphalt to maintain one lane of traffic during excavation and over excavation and fill costs associated with the extremely poor condition of the existing Comstock sub-grade soils under the curb and gutter, stand at $26,592.93 or 4% of current contract. This amount is within the City Manager's change order approval authority and does not require Council approval.

On August 10th, the contractor started the excavation of the asphalt on Comstock Drive, so that the road could be brought down to grade with the sidewalk improvements. In conjunction, the design team, which included City Staff, Horrock's Engineering and the Geotechnical firm Gordon Spilker, met on site to review the conditions of the roadway sub-grade. At this meeting, it was determined that the existing roadway sub-grade soils were susceptible to failure if the appropriate removal and replacement of a full base section was not performed prior to paving. The City Engineer confirmed the findings and staff directed the contractor to immediately perform the work in order to meet the project schedule completion date of August 20th, which is critical to the beginning of the school year, as well as, prevents additional damage to the roadway and impacts to the neighborhood. Excavated material was taken to the temporary repository site.

Staff has identified project items (listed below) that would offset the overage if change order is not approved.

Analysis:
In the initial design phase of the project and review of the correlating geotechnical report, staff had contemplated a 20% removal of the roadway and replacement with structural fill and provided for this item in the original contract. The project team, at time of design, encouraged the practice of keeping materials on site, as much as possible, to avoid costs associated with hauling contaminated materials to the Tooele repository.
The original geotechnical report was performed by taking core samples in the existing roadway, which provided a glimpse into the sub-base but not the entire picture. Upon removing the existing asphalt on Comstock the construction traffic and trucks quickly degraded the roadway due to the failure of the sub-surface soils. This project overrun, based on unit costs provided in the original contract, represents the bulk of the current request.

It should be noted that both the contractor and the geotechnical firm would not have guaranteed any resurfacing of the roadway unless the sub-grade issues were addressed.

The overrun for base and excavation is $128,184.58. The total compensation with Miller Paving, including the change order of $26,592.93 and overrun will be $154,777.51, which represents a 25% increase in the previous contract price. The City manager is authorized to approve a 10% change overage for this contract amount.

The total due to the Unit Price Contract, where estimated quantities in the bid will be paid for by the actual quantities delivered or performed not by a lump sum. The estimate allows for flexibility in quantities; however due to unforeseen conditions the roadway excavation due to poor soils was significantly more than estimated.

Total WALC funds allocated for the project is $1,300,000.

Staff has identified several unit price items in the existing contract on the project which may help offset costs already expended on the project, if Council declines to approve the request. Possible project aspects and the costs saving below:

1. (4) Colored concrete crosswalks (2 on Comstock, 2 at the intersection of Sidewinder and Gold Dust Lane): $5359.20
2. (1) Relocation of Driver Feedback sign from Comstock to Sidewinder: $310.00
3. Mill and Overlay of Sidewinder Drive between Gold Dust Lane and Comstock Dr.: $49,966.27*

*Funding for the Sidewinder overlay is coming from the Streets Department pavement management.

Total possible savings: $63,669.47

Staff does not recommend that these items be removed from the project.

Department Review:
This report has been reviewed by City Manager, Sustainability and Legal.

Alternatives:

A. Approve the Request:
Authorize the City Manager to execute a change order with Miller Paving in the amount of $154,777.51. **Staff's Recommendation.**

B. Deny the Request:
Without approval, the Comstock/Sidewinder project may not be completed.

C. Continue the Item:
If the Council needs more information the item can be continued, but this would delay the completion of the project.

D. Do Nothing:
This option would have the same result as denying the request.

Significant Impacts:
Due to the timing of the change order and the need to stay on schedule, as well as, the City Council meeting schedule, staff was unable to agendize the change order until August 25th but has identified partial offsets should the change order not be approved. The entire project, with the change order remains under budget.

Recommendation:
The Council should authorize the City Manager to execute the contract change order for the construction of the Comstock/Sidewinder Walkability Project Agreement in a form approved by the City Attorneys Office with Miller Paving for additional construction services estimated to be one hundred fifty four thousand seven hundred seventy seven dollars and fifty one cents $154,777.51.

Exhibit –Miller Paving Change Order

DOCUMENT 00990

CONTRACT CHANGE ORDER

Project: Comstock Sidewinder Walkability Date 8-13-2011
Location: Comstock Drive and Sidewinder Drive
Change Order No.: One

To: Heinrich Deters

You are hereby requested to comply with the following changes from the contract plans and specifications: (A 10% profit has been added for prime contractors work and 5% profit for sub contracts work)

Item No.	Description of Changes, Quantities, Units, Unit Prices, Change in Completion Schedule, etc.	Decrease In Contract Price	Increase In Contract Price
1	Additional VMS sign for advanced warning at the beginning of the project		$1932.00
2	Additional Concrete on the west side of Comstock from Ina to Sidewinder		$534.45
3	Saw cutting existing asphalt. This provide a clean edge of pavement and allowed for Comstock to remain open while the contract removes half the roadway		$2485.88
4	Additional costs to replace the existing waterline. The contract requires a new meter, Park City request that a new box, new meter and new I" line be installed to the main. Invoiced 4998.96 –original bid for the meter 2825.00		$2282.65

5	Materials for additional Water line Installation		$675.86
6	Relocation of existing fire hydrant		$3685.68
7	Re-Grade of Comstock Sidewinder intersection		$5903.21
8	Installation of Power Conduit through Comstock and Sidewinder intersection		$4347.37
9	Inlet box modifications. 2 @ 620.80		$1303.68
12	Repair of existing waterline across Comstock. The existing waterline started to leak after the contractor excavated the existing road due to vehicle traffic. The contractor replaced the existing water line. Park City supplied all material except the back fill. (Estimated costs no supporting documentation). Remove additional section of sewer manhole sections		$3442.15
	Change in contract price due to this Change Order:		
	Total Decrease		
	Total Increase		$26,592.93
	Difference between Col. 3 & 4		
	Net (increase) (decrease)		$26,592.93

Over Running Items of the Contract

Item #	Description	Unit Price	Original Qty	Over Run	Over Run Cost	Total Cost
8	Export Native Hot Soil. The existing sub-grade was not suitable to get compaction. It was decided to over excavate 14” and bring in 10” of Base Material in order stabilize the existing roadway and get compaction.	$16.50/ cy	1100/cy	3682.43	$60,760.10	$78,910.10
25	Base Material (3/4”UTBC) In order to get compaction on the roadway as described above it was necessary to haul in addition base material to stabilize the roadway for HMA paving.	$35.34/ ton	900/ton	1907.88	$67,424.48	$99,230.48
Totals					$128,184.58	

The sum of $ 154,777.51 is hereby added to the total contract price and the total adjusted contract price to date thereby is $768,226.51.

The time provided for completion in the contract is unchanged, increased decreased by __-__ calendar days. This Document shall become an amendment to the contract & all provisions of the contract will apply hereto.

Accepted by____

Contractor________________________ ________________
Date

Recommended by:____
Resident Engineer Date

Approved by:____
Owner Date

City Council
Staff Report

Subject: Main Street and Parks Recycling Contract
Author: Tyler Poulson
Department: Sustainability
Date: August 25, 2011
Type of Item: Administrative

Summary Recommendation:
Authorize the City Manager to enter into a Professional Services Agreement, in a form approved by the City Attorney, with Curb It Recycling in an annual amount not to exceed $20,000 annually. This agreement will run through September 2014, with PCMC holding an option to extend services for an additional two years. The Agreement also includes a one-time charge of $1,440 for recycling containers supplied by the vendor.

Background:
The City's current contract for recycling on Main Street and within public parks (City Park, Rotary Park, and Quinn's Recreation Fields) expires on September 30, 2011. This contract is completely separate from the recycling services provided to Main Street business; that arrangement is now fully owned and maintained by the Historic Park City Alliance. Alternatively, PCMC's current contract for bins on Main Street and in public parks has been in place since September 2007 and Curb It Recycling is the services provider. In order to maintain these services, staff initiated a procurement process on June 2, 2011. A RFP was published on ParkCity.org until July 12, 2011 and also appeared in The Park Record.

Eight firms expressed interest in the RFP and two ultimately submitted a RFP response. The firms were asked to provide proposals that covered the current level of service, but also bid on an add-alternate for 10 additional recycling bins on Main Street. Currently, trash bins outnumber recycling bins on Main Street by an 8:1 ratio. The bids from each firm are listed below:

Firm	Base Cost (2011-'16; Annual Avg.)	10 More Main St. Bins (Add-Alternate; Annual Avg.)	Total Annual Cost with Add-Alternate
Ace Recycling & Disposal	$18,376	$14,133	**$32,509**
Curb It Recycling	$15,843	$4,157	**$20,000***

**Curb It's bid was for $20,000 per year with the add-alternate, but requires an upfront cost of $1,440 to provide additional bins. This one-time added cost has not been factored into annual averages listed above.*

Both firms were also asked to provide cost estimates for servicing additional bins and/or enhanced pick-up during holidays and special events. The below table lists the "cost per container" estimates for each service scenario:

Firm	Non-Holiday, Normal Hours (2011-'16; Per Bin Avg.)	Holiday or After Hours (2011-'16; Per Bin Avg.)	Special Events (2011-'16; Per Bin Avg.)
Ace Recycling & Disposal	$8.47	$10.62	$15.80
Curb It Recycling	$3.00	$4.50	$6.00

City staff from Public Works, Parks, Special Events, and Environmental Sustainability evaluated the proposals and determined that Curb It Recycling offered the best overall value for this contract. More details on the staff recommendation are provided in the Analysis section below.

Analysis:
Staff from Public Works, Parks, Special Events, and Environmental Sustainability met on August 3, 2011 to review the proposals and decide which firm would be recommended for award of the contract. The evaluation criteria specified in the RFP included the following:

1. Qualifications and experience of the firm with delivering recycling services

2. Cost effectiveness in providing the requested services

3. Ability to be responsive and available to City staff throughout the life of the contract

4. Thoroughness of the firm's response to the requested Scope of Services

5. Consistent with City policy, subject to federal, state and local procurement laws, PCMC will make reasonable attempts to support Park City business by purchasing goods and services through local vendors and service providers

6. Overall quality of the firm's RFP response

Curb It Recycling emerged as the best available option based on a number of criteria, including cost effectiveness, ability to be responsive to staff, thoroughness of the RFP response, and a strong willingness to be flexible with service fluctuations (e.g., special events). Both organizations qualified as a "local business", according to definitions specified in the latest Budget Policies, since they each have operations out of a facility within Summit County.

Both organizations clearly demonstrated an ability to perform the services requested in the RFP. Ace Recycling has 30 years of experience and numerous municipal clients in its portfolio. Curb It Recycling is a locally-owned company with 10 years of experience, including providing recycling services for Main Street and City-owned parks since 2007. Curb It Recycling was able to distinguish itself by providing a RFP response better tailored to the City's local needs. This included enhanced recycling services on Main Street for a much lower cost and supplying additional pick-up services, including for special events, at roughly 60% less than what Ace Recycling proposed. Staff felt that the ability to enhance recycling on Main Street and for special events at a reasonable cost made Curb It's proposal the most attractive.

In addition to 10 more bins on Main Street, Curb It Recycling has proposed pick-up at other additional City locations in order to add recycling to these sites. These locations will be serviced within the previously mentioned $20,000 per year total, plus a one-time fee for additional bins, and staff believes that seasonal service at these locations provides a clear enhancement of City services while also delivering environmental benefits. A complete list of new locations proposed by Curb It Recycling is included in the Scope of Work in Exhibit A.

If the contract is approved and signed by the City Manager, Curb It Recycling will begin providing services as part of this new agreement on October 1, 2011. The new contract will be maintained through September 30, 2014 with a City option to extend services for an additional two years at that time.

Department Review:
Sustainability, Legal, and the City Manager reviewed this Staff Report and their comments have been included.

Alternatives:

A. **Approve the Request (Staff Recommendation)**: Authorize the City Manager to execute a Professional Services Agreement with Curb It Recycling.

B. **Modify the Request**: Council could choose to modify the agreement and provide further direction to staff.

C. **Continue the Item**: Council may feel there is not enough information to make a decision at this time and ask staff to return with additional details.

D. **Deny the Request**: Council could choose to not continue recycling services for Main Street and City-owned parks.

Significant Impacts:
Funding for the requested recycling services has already been budgeted. Continuing these services is in line with numerous objectives of the City's Environmental Strategic Plan, including Objective 2.2: "Increase Park City's community-wide recycling rates". In addition to diverting materials from the landfill, recycling provides myriad benefits such as energy savings, enhanced environmental quality, reuse of finite resources, and reductions in carbon emissions.

Recommendation:
Authorize the City Manager to enter into a Professional Services Agreement, in a form approved by the City Attorney, with Curb It Recycling in an annual amount not to exceed $20,000 annually. This agreement will run through September 2014, with PCMC holding an option to extend services for an additional two years. The Agreement also includes a one-time charge of $1,440 for recycling containers supplied by the vendor.

Exhibits (Included):
Exhibit A – Scope of Work Outline from Curb It Recycling

Exhibit A – Scope of Work Outline from Curb It Recycling

SEE ATTACHED PDF FILE

Curb It Recycling

PARK CITY MUNICIPAL CORPORATION (PCMC)

Request for Proposals(RFP)

Curb It Recycling
DBA of Spangenberg Inc
DUNS# 190163555
PO Box 681397
Park City, UT 84068
info@curbitrecycling.com
435-901-2568
www.curbitrecycling.com

Completion of Scope of Services and Bid Schedule Document

Replacement bins or new bins will have a one-time $90 bin placement fee per bin. We reserve the right to increase this fee. (There has not been a fee increase in the last four years.) We will inform Park City of any fee increases before bins are replaced. Once the bins have been placed, the City assumes all responsibility for the bins from theft or vandalism. Any insurance premium increase from the current level will be charged on an actual cost basis. (Again, there has not been a major price increase in the last four years.) Curb It reserves the right to a fuel surcharge if fuel prices increase over four dollars a gallon. The surcharge will be in effect until fuel prices fall below that price. Our fee proposal is subject to an annual CPI revision on the date of the contract and upon agreement of both parties.

A statement indicating that the firm will comply with the terms and conditions of the Service Provider / Professional Services Agreement (Exhibit B), including the insurance requirements listed in this document.

Curb It Recycling agrees to the terms and conditions on Exhibit B.

Curb It proposal

Curb It Recycling is suggesting an alternate proposal of 10 locations, 52 bins placed and an average of 6,750 pick ups throughout the year within Park City in comparison to the 4 locations, 24 bins and average of 2,700 pick ups throughout the year in the RFP.

The bins would be broken down as follows:

- Main Street
  - 7 Park City bins and 10 additional Curb It bins: 4 times a week: yearly
- City Parks
  - 16 Curb It bins: 4 times a week: May 1st- Oct 1st
- Rotary Park
  - 2 Curb It bins: 1 time a week: May 1st- Oct 1st
- Quinn's Recreational Fields
  - 2 Park City bins 5 Curb It bins: 4 times a week: May 1st – Oct 15th
- Transit Center
  - 4 Curb It bins: times a week: yearly
- Quinn's fields near skating rink
  - 1 additional Curb It bin: 4 times a week: May 1st – Oct 15th
- Prospector Park
  - 1 additional Curb It bin: 1 time a week: May 1st- Oct 1st
- Arches Park in Prospector
  - 1 additional Curb It bin: 1 time a week: May 1st- Oct 1st
- Jump Park in Park Meadows
  - 2 additional Curb It bins: 1 time a week: seasonally
- Library Park
  - 1 additional Curb It bin: 1 time a week: May 1st- Oct 1st (The library has additional bins inside.)
- One-time bin fee charge of $90 per bin
  - total one-time bin placement fee of $1,440.

Addendum A

Current RFP ending in 2011

	Number of bins		2011-12		2012-13		2013-14		2014-15		2015-16	
	RFP	Curb It	Daily Cost	Annual Cost	Daily Cost	Annual Cost	Daily Cost	Annual Cost	Daily Cost	Annual Cost	Daily Cost	Annual Cost
1. Main Street	7	7	$ 65.00	$13,650.00	$ 65.00	$13,520.00	$ 65.00	$13,585.00	$ 65.00	$13,520.00	$ 65.00	$13,585.00
2. City Park	8	14	$ 40.53	$3,566.64	$ 40.53	$3,526.11	$ 40.53	$3,607.17	$ 40.53	$3,526.11	$ 40.53	$3,566.64
3. Rotary Park	2	2	$ 15.00	$330.00	$ 15.00	$315.00	$ 15.00	$345.00	$ 15.00	$330.00	$ 15.00	$330.00
4. Quinn's Rec. Fields	7	7	$28.67	$2,092.91	$28.67	$2,035.57	$28.67	$2,092.91	$28.67	$2,035.57	$28.67	$2,064.24
5. Transit	0	4	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Container Rental				-		-		-		-		-
Total Number of Bins	24	34										
Total Annual Cost				$19,639.55		$19,396.68		$19,630.08		$19,411.68		$19,545.88
Total bin pickups			RFP 2,729	Curb It 4,265	RFP 2,691	Curb It 4,213	RFP 2,732	Curb It 4,270	RFP 2,693	Curb It 4,215	RFP 2,715	Curb It 4,251
Price per bin pickup				$4.60		$4.60		$4.60		$4.60		$4.60

As proposed – please note that Curb It Recycling currently has six (6) additional bins at the City Park , four (4) bins at the Transit Center, and, additionally, picks up Quinn's four (4) times a week in comparison to the three times a week as per contract.

2011-16 RFP: Curb It proposal – 6 additional locations and 28 additional bins and almost 4,000 additional bins collected throughout the year

	Number of bins		2011-12		2012-13		2013-14		2014-15		2015-16	
	RFP	Curb It	Flat rate below		Flat rate below		Flat rate below		Flat rate below		Flat rate below	
1. Main Street	7	17	**4** pickups per week yearly									
2. City Park	8	16	**4** pickups per week May 1st- Oct 1st									
3. Rotary Park	2	2	**1** pickup per week May 1st- Oct 1st									
4. Quinn's Rec. Fields	7	7	**4** pickups per week May 1st – Oct 15th									
5. Transit	0	4	**4** pickups per week yearly									
6. Quinn's Rink Fields	0	1	**4** pickups per week May 1st – Oct 15th									
7. Prospector Park	0	1	**1** pickup per week May 1st- Oct 1st									
8. Arches Park	0	1	**1** pickup per week May 1st- Oct 1st									
9. Jump Park	0	2	**1** pickup per week May 1st- Oct 1st									
10. Library Park	0	1	**1** pickup per week May 1st- Oct 1st									
Total Number of Bins	24	52										
Total Annual Cost*				$20,000		$20,000		$20,000		$20,000		$20,000
Total pickups per bin			RFP 2,729	Curb It 6,676	RFP 2,691	Curb It 6,603	RFP 2,732	Curb It 6,686	RFP 2,693	Curb It 6,610	RFP 2,715	Curb It 6,655
Note: the cost per bin pick up averages $3.00 vs the $4.60 above				$2.99		$3.02		$2.99		$3.02		$3.00
Main Street (add-alternate)	10		Included in above prices									

*Plus one-time bin placement fee for 16 additional bins of $1,440

Addendum B

Recycling volumes at the requested locations can vary substantially throughout the year depending on special events or other circumstances. As such, please specify any additional costs in the table below for **response to special events or emergencies**:

Services Scenario	2011	2012	2013	2014	2015
Non-Holiday, Normal Business Hours: Cost for service per container	$3.00	$3.00	$3.00	$3.00	$3.00
Holidays or After-Hours: Cost for service per container	$4.50	$4.50	$4.50	$4.50	$4.50
Placement of Additional Containers during Events: Cost for each addditional container	$6.00	$6.00	$6.00	$6.00	$6.00

______________________________ ______________

Authorized Signature Date

____

Print Name

____

Title

____

Company

City Council Staff Report

Subject: Valley Mental Health Recovery Days
Author: Tommy Youngblood
Department: Sustainability
Date: August 25, 2011
Type of Item: Application - Master Festival License

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the Valley Mental Health Recovery Days, as conditioned, on Friday September 9, 2011 from 5pm to 9pm at South City Park Gazebo and Picnic Area.

Description Topic:
Review the Master Festival License Application, submitted by Valley Mental Health for the Valley Mental Health Recovery Days at South City Park Gazebo and Picnic Area on Friday, September 9, 2011.

Background:
Valley Mental Health submitted an application requesting a Master Festival License to hold their Valley Mental Health Recovery Days. This is the 2nd event for the organizer in the area -- the first event was in 2009 at the same location. Through a series of meetings the organizer has demonstrated good knowledge of working with this type of event. PCPD has been notified and will be involved in the public safety coordination should Council approve the event. The organizer expects a maximum of 300 attendees over the course of the event, 75 persons and any one time. Valley Mental Health Recovery Days is free to the public.

Valley Mental Health Recovery Days is a recreation use and is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:
Valley Mental Health Recovery Days
This application was submitted on July 27, 2011. The Special Event Team finds that because of the limited size and scope of the event; this timeframe does allow for sufficient time for a proper review.
The event organizers have requested to hold their event on Friday September 9, 2011. The Valley Mental Health Recovery Days will take place from 5pm – 9pm. The event is designed to celebrate substance abuse recovery. The event will include bands in the gazebo, bouncy houses, lawn games and food will be served. The organizer has paid for the rental of South City Park for this event. Area residents have been notified and have provided feedback for this report. No negative remarks

have been reported. The organizer will do noise level monitoring for compliance with the ordinance.

Parking

Parking for the staff and participants will be at Mawhinney Lot and surrounding public parking. Staff and the applicant will be monitoring attendance and parking use. The applicant will supply signage and employ volunteers to assist in the location and direction to event parking.

Traffic Circulation

There will be no full or partial road closure associated with this event. All City Park accesses will be maintained. At the time of this report there are no projects planned that would hinder this activity.

Marketing

This event will be publicized within the organizers community and the Park City Chamber/Bureau and Local newspaper outlets. It is also currently listed on various event & social networking websites.

Park City Council Review:

This application is being reviewed as a Master Festival License due to the use of amplified music and the request for use of City Park; consistent with Park City Municipal Code, Title 4, Chapter 8.

Department Review:

PCMC event operational departments consisting of Special Events, Police, Planning, Building, Business Licensing, Parks, Building Maintenance, Public Works, Parking Services, Transit and the appropriate external agencies have reviewed the application for Valley Mental Health Recovery Days and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing Valley Mental Health Recovery Days as presented.

Deny the Request:

Deny the Master Festival License, preventing the addition of Valley Mental Health Recovery Days to Park City's schedule of events.

Continue the Item:

The City Council may continue the discussion in order to receive additional information.

Significant Impacts:
The event, as described, should incur no significant impacts
Park City has held similar events to the Valley Mental Health Recovery Days

Consequences of not taking the recommended action:
Valley Mental Health Recovery Days would not take place, as described, within Park City Limits

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approves a Master Festival for Valley Mental Health Recovery Days on Friday September 9, 2011 based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The event organizers have requested to hold their event on Friday September 9, 2011. The Valley Mental Health Recovery Days will take place from 5pm – 9pm South City Park Gazebo.
2. Parking for the staff and participants will be at Mawhinney Lot and surrounding public parking. Staff and the applicant will be monitoring attendance and parking use. The applicant will supply signage and employ volunteers to assist in the location and direction to event parking.
3. Conducting Valley Mental Health Recovery Days will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue other than noted.
4. The events associated with Valley Mental Health Recovery Days will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
5. The event will take place in South City Park Gazebo & Picnic Area. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. There are no other Master Festival or Special Event licenses that have been granted on the date requested.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:
1. The application is consistent with the requirements of the; Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:
1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. The applicant use of barricade and signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
4. All plans for tents, fireworks, stages, signs and other temporary structures shall be submitted to the Building Department for review and permitting by September 8th, 2011.
5. The applicant is responsible for a Pedestrian Management Plan in a form approved by the Park City Municipal Event Manager and Chief of Police.
6. All Summit County permit approvals shall be secured by, September 8th 2011 and submitted to Park City Municipal in writing for review.

Attachments
Exhibit A- Applicant’s Application Part 1

Exhibit A
Page 1

Exhibit A

Submit by Email

Park City Municipal Corporation

Master Festival & Special Event Application

Special Events
435.615.5150
specialevents@parkcity.org

Master Festival (MFL) & Special Event Applications **MUST** be complete and submitted to the Special Events Department no Less than **90 Days Prior** to a MFL and no less than **60 Days Prior** to a Special Event for staff review. Applications not submitted within that timeframe may not be granted approval. Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions

This application **DOES NOT** constitute a valid permit until approved by the Special Events Department and/or Park City Council

APPLICATION FEES

All new applications require a $100.00 non-refundable application processing fee
All applications for returning events require a $50.00 non-refundable application processing fee

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant.

EVENT INFORMATION

MASTER FESTIVAL CRITERIA (PUBLIC EVENT) (If one box is checked the event is automatically an MFL)	☐ Attraction of crowds over 500 participants and or spectators	☐ Requires Partial or Full Street Closure or use of Public Right of Way	☐ Use of City park, buildings or other properties	☐ Use of off –site parking facility	☒ Use of Amplified Music
SPECIAL EVENT CRITERIA (PUBLIC OR PRIVATE EVENT)	☐ Causes significant public impacts via disturbance, crowd, traffic, and or parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing	☐ Event signs visible from public property or right of way	☐ Temporary structures, including inflatable's

EVENT TYPE

☐ Street Fair/Festival	☐ Run - Walk	☐ Parade	☐ Trail Event	☐ Concert	☐ Road Bike Event

Other Type of Event (Please Specify): Park Fair at City Park celebrating substance abuse recovery

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME: Kelly Ovard	POSITION: Substance Abuse Case Mngr	
STREET ADDRESS: 1753 Sidewinder Drive	CITY, STATE, ZIP CODE: Park City, Utah 84060	
MAILING ADDRESS: (If different from above) Same	CITY, STATE, ZIP CODE:	
TELEPHONE (WORK): 435-575-1213	MOBILE PHONE: 801-641-0252	OTHER:
EMAIL ADDRESS: kellyo@vmh.com	FAX NUMBER: 435-649-2157	
SPONSORING ORGANIZATION: Valley Mental Health	Is organization a registered non-profit? ☐ Yes ☒ No (If yes, please provide copy of registration paperwork)	
ONSITE CONTACT: (day/s of event) David Bowers	MOBILE PHONE: 801-835-5854	
NAME OF EVENT: Valley Mental Health 2nd Annual Recovery Day Event 2009,2011 annually there after		
☐ FIRST TIME EVENT	☒ ANNUAL EVENT (How many years?)	Will a fee be charged for attendance or participation? ☐ Yes ☒ No

Overall Event Description (Briefly explain event and activities): Food, speakers, band, prevention tables, free handouts, bouncy house for the kids.

EVENT DATES AND TIMES

EVENT DATE(S): September 9, 2011	EVENT HOURS - START TIME: 5:00 pm	END TIME: 9:00 pm
SET-UP DATE/S: 9/9/11	TIME/S: 1-5 pm	
BREAKDOWN DATE/S:	TIME/S:	
ESTIMATED ATTENDANCE - PARTICIPANTS: 300	SPECTATORS:	TOTAL: 200-300 maybe 75 max at a time
EVENT LOCATION: South end of City Park with stage and bowery		

EVENTS WITH ATTENDANCE HIGHER THAT 500 REQUIRES A SUMMIT COUNTY MASS GATHERING PERMIT

City Council
Staff Report

Subject: Park City Heights Co-Tenancy
Author: Phyllis McDonough Robinson
Department: Sustainability
Date: August 25, 2011
Type of Item: Property – Park City Heights Amended and Restated Co-Tenancy Agreement

Summary Recommendation: Staff recommends that the City Council take public input, and approve the attached Amended and Restated Co-Tenancy Agreement, in a form approved by the City Attorney.

Topic/Description:
Joint Public/Private Development Partnership: Employee/Affordable Housing

Background:
In June 2009, the City Council authorized staff to explore and further negotiate City development participation in the Park City Heights project as a whole in a reconfigured Master Plan Development. On November 12, 2009 the City Council approved a land purchase agreement to acquire a 50 percent interest in approximately 200 acres in the proposed Park City Heights development. Funding was provided through reprioritization of capital improvement projects. The City identified the following key municipal purposes furthered through this acquisition.

- Reduces overall density
- Enhances & integrate affordable housing
- Takes proactive role on our entry corridor
- Transfers IHC affordable housing units from across Highway 248

On November 19, 2009 the City approved a Co-Tenancy Agreement that requires the Owners to negotiate in good faith in an attempt to finalize a Development Plan and Agreement on or prior to December 1, 2011. The Co-Tenancy Agreement contains a Put Option whereby the Boyer Company may require the City to purchase Boyer's undivided interest for the purchase price of $5.5 million plus five percent interest per annum should the parties be unable to reach such an Agreement.

Analysis
The November 2009 Co-Tenancy Agreement outlined a number of issues and decisions to be addressed in an Amended and Restated Co-Tenancy Agreement. These issues and the proposed resolution in the attached Amended and Restated Agreement are described below.

Ownership. The ownership structure remains a co-tenancy interest. It would be difficult to achieve an integrated project if the property was divided into distinct parcels in fee. Similarly, there would be no advantage to the City in transferring the property into a Utah Limited Liability Company.

Development Roles. As Co-tenants, the City and Boyer are equally (50/50) financially responsible for the development of the infrastructure for the subdivision. The developer for the Burbs/IHC units being transferred into the project will be responsible for connections from back of curb and vertical construction. Similarly, the City will be responsible for back of curb and vertical construction of the 35 city-sponsored affordable housing units. Should it become necessary for the co-tenants to assume any vertical construction responsibility, those costs would also be borne equally (50/50) by the City and Boyer.

Timeline. Infrastructure for Phase I is anticipated to begin in spring 2012 and be completed as a single construction contract in order to avoid multiple mobilization costs. Phase II infrastructure would be timed to market demand. These lots have increased visibility and retaining wall and we want to avoid an unfinished look to the project by having infrastructure too far ahead of vertical construction.

Areas of Responsibility. This section defines the various tasks to be performed by each of the Owners in connection with the development of the property.

a) City and Boyer shall jointly plan the site and infrastructure. Both parties shall mutually agree on design, capacity, materials and timing.
b) City shall participate in the creation of the budget and the authorization of all budgeted expenditures. Non-budgeted expenses or changes greater than $50,000 must be approved by the City in writing.
c) Boyer shall be responsible for the bidding of consultant and contractor services. City will provide input, but the final decision will be with the Boyer Company. The City will be notified prior to selection.
d) Boyer shall act in the capacity of project manager for infrastructure improvements. Boyer shall use competitive bidding processes and use its best commercially reasonable efforts to cause all bids with response to all Infrastructure Improvements to be “fixed price” or “not to exceed specified maximum” contract prices.
e) Boyer and the City shall jointly formulate and describe the marketing strategy, marketing budget and target/minimum sales prices. Boyer shall be responsible for the marketing and sale of the lots.

Project Financing. This section defines how any and all operating costs, capital expenses and profits will be financed and/or allocated between the Owners. While the November 2009 initial co-tenancy agreement permits Boyer to receive a greater share of the return on investment (ROI) based on its experience in developing similar projects, the Owners agreed that the Boyer Company has agreed that the ROI will be split 50/50. The City elected to take the equivalent of $4 million through the permanent removal of 40 market lots as recorded in the July 2010 Annexation Agreement. In the unlikely event that there are net proceeds remaining following the Boyer distribution, the City’s share would be designated to the Capital Improvement Program budget, especially for EPA and water issues in the Quinns Junction area.

a) Each Owner shall pay 50 percent of the costs associated with infrastructure improvements across all unit types, including club house and other site amenities.
b) City shall pay the costs of improvements for service lines, laterals and related facilities from the major trunk lines to the City Affordable units. City shall also pay the cost of any upsizing or additional lines or facilities required to accommodate the City Affordable units.
c) The IHC unit developer shall pay the costs of improvements for service lines, laterals and related facilities from the major trunk lines to the City Affordable units. City shall also pay the cost of any upsizing or additional lines or facilities required to accommodate the City Affordable units.

d) Vertical construction costs are 100% the responsibility of the eventual residential developer.
e) The Municipal Building Authority (MBA) will evaluate the feasibility of issuing a bond for the project infrastructure. The bonds would be issued against the land and repaid through lot sale proceeds. The MBA debt does not count against the City's bond limits for issuing general obligation debt such as sales tax revenue bonds or water revenue bonds for other City projects. Repayment of MBA bonds would be prioritized over other distribution of funds.

Department Review:
The City Attorney and City Manager reviewed this report.

Alternatives:
A. **Approve the Request.** Council may approve the proposed Amended and Restated Co-Tenancy Agreement. **This is Staff's recommendation**.
B. **Modify the Request.** Council may modify the terms of the proposed Amended and Restated Co-Tenancy Agreement. Modifications might impact the ability to achieve the December 1, 2011 Put Option time frame.
C. **Continue the Item.** Council may continue the item and direct staff to return with additional information or options prior to the December 1, 2011 deadline.

Significant Impacts:
Execution of an Amended and Restated Co-Tenancy Agreement is time sensitive and required by December 1, 2011. Specifically, if the Owners are unable to agree upon the terms of the Development Plan and Agreement, including the Development Plan or Development Budget, then at any time thereafter Boyer may, at its sole option and discretion, require the City to purchase Boyer's undivided interest for the Purchase price plus five percent interest per annum. Staff is working on these items with Boyer Company representatives. Should a co-tenancy agreement not be reached, the City could be required, in Boyer's sole discretion to purchase the remaining 50 percent interest in the property for $5.5 million plus interest. These funds are not identified in the FY12 budget and would require re-prioritization of other City projects.

Recommendation:
Staff recommends that the City Council take public input, and approve the attached Amended and Restated Co-Tenancy Agreement, in a form approved by the City Attorney.

Exhibits:
Amended and Restated Co-Tenancy Agreement

EXHIBIT 1
AMENDED AND RESTATED CO-TENANCY AGREEMENT

EFFECTIVE DATE: August ___, 2011

PARTIES: **BOYER PARK CITY JUNCTION, L.C.**, a Utah limited liability company ("**Boyer**")

PARK CITY MUNICIPAL CORPORATION, a municipal corporation of the State of Utah (the "**City**")

PROPERTY: The "**Property**" is the tract of land located in Summit County, Utah the legal description of which is set forth on Exhibit A.

RECITALS

A. Boyer-Plumb Park City, L.C., a Utah limited liability company ("**Boyer-Plumb**") and the City each own a fifty percent (50%) undivided interest in and to the Property as tenants in common.

B. The City acquired its fifty percent (50%) undivided interest in the Property from Boyer-Plumb.

C. Boyer-Plumb transferred and conveyed all of its right, title and interest in the Property to Boyer, which is owned in all material respects by the same Members as Boyer-Plumb, and is controlled by The Boyer Company, L.C., a Utah limited liability company ("**TBC**").

D. Boyer and the City previously executed a Co-Tenancy Agreement dated November 20, 2009 (the "**Original Co-Tenancy Agreement**") which they now agree to amend and restate in its entirety.

E. Boyer and the City executed a Notice of Co-Tenancy Agreement dated November 20, 2009 and recorded November ___, 2009 as Entry No. ________, in Book ____, at Page ____, of the Official Records of Summit County, Utah.

F. TBC has over thirty-five (35) years of experience in developing residential and commercial real estate projects, including projects and developments of the type contemplated for the Property; and

G. Boyer and the City desire to enter into this Amended and Restated Co-Tenancy Agreement (the "**Agreement**") to fully and completely amend and restate the Original Co-Tenancy Agreement and the terms pursuant to which the Property shall be jointly owned and developed by the City as affordable housing and by the City and Boyer as market rate lots or units.

H. Pursuant to Utah Code § 10-8-2, based upon projected net value received including intangible benefits, the City Council of Park City has determined that the objectives of this Agreement, which include but are not limited to affordable and attainable work force housing, density reduction and sustainable development practices consistent with General Plan, are corporate purposes which provide for the safety, health, prosperity, moral well-being, peace, order, comfort and convenience of the inhabitants of the City.

I. The City Council has determined that the appropriations required herein are necessary and appropriate to accomplish the reasonable goals and objectives of Park City in the areas of economic development, job creation, affordable housing, job preservation, sustainability and the Park City General Plan.

J. The City Council has also determined that the provisions of Section 11 of this Agreement are sufficient to satisfy the requirements of Utah Code § 10-8-2(4) and that the sale of an individual Market Rate Unit or Affordable Housing Unit pursuant to the Marketing Plan will not constitute a significant real property interest pursuant to Utah Code Annotated § 10-8-2(4)(b).

NOW, THEREFORE, in consideration of the premises and the covenants of Boyer and the City set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Boyer and the City each hereby agree and covenant as follows:

AGREEMENT

1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth.

"**24 Acre Tract**" means the approximately twenty-four (24) acres of land described as Parcel SS92 at Book 1835, Page 338, in the Official Records of Summit County, Utah.

"**Advances**" is defined in Section 8(c).

"**Affordable Housing Land**" means the land depicted and labeled as such on the Site Plan consisting of the City Affordable Housing Units, the Project Affordable Housing Units and the Burbs Affordable Housing Units. The exact legal description of the Affordable Housing Land shall be determined by survey. The approximate areas of the City Affordable Housing Units, the Project Affordable Housing Units and the Burbs Affordable Housing Units are depicted and labeled as such on the Site Plan.

"**Affordable Housing Improvements**" means the infrastructure improvements required to be constructed only in connection with and as a result of the development of the Affordable Housing Land as described on Exhibit B, which improvements are generally limited to service lines, laterals and related facilities from the major trunk lines to the Affordable Housing Units, but shall also include any upsizing or additional lines or facilities required to accommodate Affordable Housing Units.

"**Affordable Housing Units**" means the affordable housing lots or units to be deed restricted and developed on the Affordable Housing Land consisting of the City Affordable Housing Units, the Project

Affordable Housing Units and the Burbs Affordable Housing Units consistent with Resolution 17-99 of the Park City Council.

"**Annexation Agreement**" means that certain Annexation Agreement executed by Boyer and the City.

"**AUE**" means "Affordable Unit Equivalents", as defined in the Municipal Code of Park City.

"**Bonds**" is defined in Section 8(a).

"**Boyer Representative**" means the individual appointed by Boyer pursuant to Section 14 to serve as its representative in making all dcertain day-to-day decisions for Boyer required or allowed by this Agreement except Major Decisions. The initial Boyer Representative is Patrick Moffat.

"**Boyer's Undivided Interest**" means the fifty percent (50%) undivided interest in the Property owned by Boyer as a tenant-in-common with the City.

"**Burbs Affordable Housing Units**" means 44.78 AUEs configured as twenty-eight (28) Affordable Housing Units to be constructed on the Affordable Housing Land as depicted on the Site Plan.

"**City Affordable Housing Units**" means up to thirty-five (35) Affordable Housing Units to be constructed on the Affordable Housing Land as depicted on the Site Plan.

"**City Representative**" means the individual who is appointed by the City pursuant to Section 14 to serve as its representative in making certain day-to-day decisions for the City which are required or allowed by this Agreement except Major Decisions. The initial City Representative is Phyllis Robinson.

"**City's Undivided Interest**" means the fifty percent (50%) undivided interest in the Property owned by the City as a tenant-in-common with Boyer.

"**Closing**" is defined in Section 17(b).

"**Closing Date**" is defined in Section 17(b).

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Commercial Loans**" is defined in Section 8(b).

"**Deadlock Notice**" is defined in Section 18(d).

"**Deemed Loan**" is defined in Section 27.

"Defaulting Owner" is defined in Section 18(d).

"Density Reduction" means the reduction, at the request of the City, from the maximum number of Market Housing Units that can be developed on the Property under applicable Governmental Requirements to the number identified in the definition of Market Housing Units below. The reduction in density was requested by the City and is allocated to the City in lieu of a cash distribution to be derived from the sale of the maximum number of Market Housing Unties to provide the City with non-monetary return on its investment.

"Development Budget" means a development budget submitted by Boyer to the City pursuant to Section 3, which is to be approved by the City as a Major Decision.

"**Development Agreement**" means any development agreement executed by the City and Boyer.

"**Development Plan**" means a plan to develop, lease and operate additional improvements on the Property or to redevelop, lease and operate the existing improvements on the Property, which shall be prepared by Boyer and approved by the City as a Major Decision. The Development Plan shall contemplate the development of the Property in two (2) Phases and shall otherwise be consistent with and implement the Annexation Agreement.

"**Documents**" is defined in Section 15.

"**Electing Owner**" means the Owner which is not the Offering Owner.

"**Equivalent Density Return**" means the amount of $4,000,000.00.

"**Fees, Commissions and Costs**" means all amounts paid in connection with the Property to construction managers and for marketing and sales and all costs related thereto including, without limitation, amounts paid to the Manager for construction management services pursuant to Section 13 and for real estate brokerage services pursuant to Section 14.

"**Final Proposal**" is defined in Section 17(a).

"**Financing Payments**" means all amounts of principal, interest, deemed interest or prepayment penalties or other debt service fees paid in respect of any Bonds, Commercial Loans or Advances.

"**Governmental Authority**" means any federal, state or local governmental or quasi-governmental body or agency having jurisdiction over the Property.

"**Governmental Requirements**" means all laws, ordinances, rules, requirements, resolutions, policy statements and regulations of Governmental Authorities bearing on the construction, alteration, rehabilitation, maintenance, use, operation, or sale of the Property including, without limitation, those relating to land use, subdivision, zoning, environmental, hazardous materials or other toxic substance, occupational health and safety, water, earthquake hazard reduction, and building and fire codes.

"**GRAMA**" is defined in Section 30.

"**Gross Sale Proceeds**" means the cash and value of other Property derived from the sale of the Property or any portion of the Property.

"**Improvements**" means the Affordable Housing Improvements, the Infrastructure Improvements and the Market Housing Improvements.

"**Infrastructure Improvements**" means the infrastructure improvements that benefit both the Affordable Housing Land and the Market Housing Land and are not unique to either, as described on Exhibit C.

"**Lending Owner**" is defined in Section 27.

"**Major Decision**" means Approval of the Owners of any of the following:

(i) Any sale or other disposition of any portion of the Property other than as individual sales of Market Housing Units or Affordable Housing Units in accordance with a Development Plan and Development Budget;

(ii) Any financing or refinancing in excess of $50,000;

(iii) Initial approval or subsequent modification of the Development Plan or the Development Budget pursuant to Section 3;

(iv) Initial approval or subsequent modification of the Marketing Plan pursuant to Section 13;

(v) Any lease of any portion of the Property;

(vi) Any management or leasing contract with respect to any portion of the Property;

(vii) The Development Plan and Marketing Plan for Phase I; and

(viii) The Development Plan and Marketing Plan for Phase II.

If at any time the Owners cannot agree upon a Major Decision, then either Owner may deliver a Deadlock Notice to the other Owner.

"**Major Decision Deadlock**" means that any of the following events have occurred:

i. The Owners have not been able to agree upon approval or subsequent modification of a Development Plan, a Development Budget or Marketing Plan for a period of ninety (90) days after a Deadlock Notice is delivered; or

ii. Any loan or Bond secured by a blanket lien or encumbrance is in default or will with the passage of time or giving of notice, or both, will be in default and the Owners cannot agree upon the basis for discharging or refinancing such loan or Bond.

"**Manager**" means The Boyer Company, L.C., a Utah limited liability company, itself or through a designated affiliate.

"**Market Housing Improvements**" means the infrastructure improvements to be constructed on the Market Housing Land, as described on Exhibit D.

"**Market Housing Land**" means the land generally depicted and labeled as such on the Site Plan. The exact description of the Market Housing Land shall be determined by survey.

"**Market Housing Units**" means, as stipulated in the Annexation Agreement, one hundred sixty (160) market value residential lots or units which the Owners, in connection with receiving land use approvals, have agreed shall be developed on the Market Housing Land, which is less than the maximum number of residential lots or units which could be developed on the Market Housing Land under Governmental Requirements.

"**Marketing Plan**" is defined in Section 14.

"**Net Sale Proceeds**" means Gross Sale Proceeds less the aggregate of the following amounts to the extent paid from Gross Sale Proceeds, all of which shall be paid prior to any distribution of Net Sale Proceeds pursuant to Section 10:

(i) Property Expense;

(ii) Sale Costs;

(iii) Fees, Commissions and Costs;

(iv) Reserves for any purpose Approved by the Owners including, without limitation, any reserve required to satisfy covenants, reserve requirements or financial ratios in connection with the issuance and maintenance of a Bond or Bonds, and a reasonable projection or forecast of future development costs and Financing Payments that cannot be paid from Financing Proceeds or Gross Sale Proceeds; and

(v) Financing Payments.

"**Non-Defaulting Owner**" is defined in Section 18(d).

"**Non-Funding Owner**" is defined in Section 27.

"**Offer**" means, for purposes of Section 18, a written offer made by the Offering Owner to the Electing Owner in writing stating the Offer Price and whether the Offering Owner desires to sell its interest in the Property or purchase the interest of the Electing Owner in the Property.

"**Offering Owner**" means, for purposes of Section 18, the Owner which initiates the buy-sell procedure set forth in Section 18.

"**Offer Price**" means, for purposes of Section 18, the Offering Owner's opinion as to amount by which the value of the Property exceeds the aggregate unpaid principal amount of the mortgages, deeds of trust securing debt and other liens affecting a one hundred percent (100%) interest in the Property. The Offer Price, as set in the Offer of the Offering Owner, shall be used to establish the price at which the Offering Owner either sells its interest in the Property to the Electing Owner or purchases the interest of the Electing Owner in the Property.

"**Open Space Land**" means the land generally depicted and labeled as such on the Site Plan. The final legal description of the Open Space Land shall be determined by survey.

"**Owner**" means either Boyer or the City.

"**Owners**" means Boyer and the City.

"**Phase**" and "**Phases**" are defined in Section 3.

"**Prime Rate**" means the prime rate or base rate reported in the "Money Rates" column or section of The Wall Street Journal as being the prime rate or base rate on corporate loans at large U.S. money center commercial banks (whether or not such rate has actually been charged by any such bank). If The Wall Street Journal ceases publication of the prime rate or the base rate, "**Prime Rate**" shall mean the rate of interest from time to time announced by Zions First National Bank, Salt Lake City, Utah, as its prime rate or base rate.

"**Project Affordable Housing Units**" means 32 AUEs (i.e., twenty percent (20%) of the number of Market Housing Units approved by the Park City Planning Commission) to be configured as sixteen (16) Affordable Housing Units to be constructed on the Affordable Housing Land as depicted on the Site Plan.

"**Property Expense**" is defined in Section 27.

"**Purchase Price**" means, for purposes of Section 18, the amount of cash that the Owner which is selling its interest in the Property would receive if the Offer Price were paid to the Company by a third party and used to pay off all Owner Loans, and the balance allocated between the Owners pursuant to Section 10 of this Agreement.

"**Put Option**" is defined in Section 17(a).

"**Put Price**" means $5,500,000.00, together with interest at the rate of five and one-half percent (5 ½%) per annum on such amount from November 20, 2009 until the date the Put is exercised by Boyer.

"**Reduced Density Return**" means an amount equal to but not to exceed $4,000,000.00 specifically allocated to Boyer pursuant to Section 8(b) in order to compensate Boyer primarily for its equivalent return equal to the value of the Density Reduction which was requested by and/or allocated to the City.

"**Sale Costs**" means the costs reasonably incurred in connection with the sale of the Property or any portion of the Property including, without limitation, title insurance fees and premiums, closing costs, prorations, hold-backs and brokerage fees and commissions.

“**Site Plan**” means the depiction of the Property as set forth on Exhibit E and the following portions of the Property, the Affordable Housing Land, the Market Housing Land and the Open Space Land.

“**Title Company**” means Landmark Title Company, whose address is 675 East 2100 South, Suite 200, Salt Lake City, Utah 84106, Attention: Jeffrey J. Jensen.

“**Undivided Interest**” means to the Boyer’s Undivided Interest or the City’s Undivided Interest.

“**Undivided Interests**” means to the Boyer’s Undivided Interest and the City’s Undivided Interest.

“**United Park Mines Parcels**” means land originally owned by United Park Mines that, as of the date of this Agreement, is now owned by the City generally described as parcels 3, 7 and 8-United Park Mines (SS-88).

2. Absence of Partnership, Joint Venture or Agency Relationship. This Agreement creates a contractual relationship between the Owners as tenants in common in respect of the Property. This Agreement does not, nor shall it be interpreted as creating, a partnership, joint venture or similar relationship between the Owners, nor shall any Owner be deemed to be or constitute the agent of the other Owner. No Owner shall have any authority to act for, or to assume any obligations or responsibility on behalf of, the other Owner.

3. Development Plan and Development Budgets. Boyer shall promulgate a Development Plan and Development Budget which shall be subject to the approval of the City Representative and, but only if required by law, by the Park City Council. The Development Plan will provide for development of the Property in two (2) phases (collectively, the “**Phases**” or individually, a “**Phase**”), as follows:

(a) Phase I will include the 28 Burbs Affordable Housing Units, 75 Market Rate Units and the 35 City Affordable Housing Units. Park City, acting in its governmental capacity, has confirmed that Phase I can be accommodated within existing water infrastructure. Infrastructure during Phase I will be limited to that which is necessary to service those units.

(b) Phase II will be timed to market demand and would include the remaining Market Rate Units and the Project Affordable Housing Units. Phase II would not proceed without confirmation of market feasibility and preliminary developer interest in the property.

The Development Budget shall implement the Development Plan and shall set forth in reasonable detail the costs to be expended in connection with the Development Plan, including separate sub-budgets for: (i) Affordable Housing Improvements; (ii) the Market Housing Improvements; and (iii) the Infrastructure Improvements. Each of the separate sub-budgets shall be in reasonable line-item detail and may include contingency line items. It is anticipated that the Development Budget will contemplate development of the Improvements only when market conditions materially improve after the date of this Agreement, and are more favorable to sale of Market Housing Units than such conditions are as of the date of this Agreement. The Development Budget will be amended when the City and Boyer, as a Major Decision, elect to develop and market Phase II.

4. Allocation of Costs of Infrastructure Improvements.

(a) The City and Boyer each shall pay fifty percent (50%) of the costs associated with the Infrastructure Improvements across all of the Market Housing Unties and all of the types of Affordable Housing Units including, without limitation, the clubhouse/sales office and other amenities contemplated by the Development Plan and Development Budget.

(b) The City shall pay the costs of Affordable Housing Improvements for service lines, laterals, and related facilities from the major trunk lines to the City Affordable Units. The City shall also pay the cost of upsizing or additional line or facilities which are part of the Infrastructure Improvements required to accommodate the City Affordable Units.

(c) Ivory Homes or its assigns (or such other person or entity which develops the Burbs Affordable Housing Units) shall pay the costs of improvements for service lines, laterals and related facilities associated with the Burbs Affordable Housing Units. Ivory Homes or such other person or entity shall also pay the cost of upsizing or additional line or facilities required to accommodate the Burbs Affordable Housing Units.

(d) Boyer, in its capacity as Manager, shall invoice the City for such costs monthly as work progresses. Such costs of Improvements shall be allocated in accordance with the provisions of this Section 4.

(e) Vertical residential unit construction costs are the responsibility of the eventual residential developer and shall not be the obligation of the Owners.

5. Conveyance of Interests in Affordable Housing Land. At such time as the Affordable Housing Improvements are completed, Boyer shall convey its Undivided Interest in the Affordable Housing Land to the City, or Boyer and the City shall each convey their Undivided Interests in the Affordable Housing Land to the designee of the City. The conveyances shall be made by special warranty deed, subject to all matters of record, but not including the Advances. No portion of the Affordable Housing Land shall be distributed to Boyer.

6. Conveyance of Interests in Affordable Housing Land. At such time as the Affordable Housing Improvements are completed, Boyer shall convey its Undivided Interest in the Affordable Housing Land to the City, or Boyer and the City shall each convey their Undivided Interests in the Affordable Housing Land to the designee of the City. The conveyances shall be made by special warranty deed, subject to all matters of record, but not including the Advances. No portion of the Affordable Housing Land shall be distributed to Boyer.

7. Distribution of Open Space Land; United Park Mines Parcels. After MPD Approval but prior to final platting, the Open Space Land (including the 24 Acre Tract) shall be conveyed to the City or its designee (the "**Open Space Distribution**") or dedicated subject to an open space declaration as set forth below. At such time, the United Park Mines Parcels shall be transferred to the City and Boyer as tenants-in-common, with each owning a fifty percent (50%) undivided interest therein, and shall be governed by and subject to this Agreement. No portion of the Open Space Land shall be conveyed to Boyer. Notwithstanding the foregoing provisions of this Agreement, if Governmental Requirements mandate that part or all of the Open Space Land constitute common area for the Market Housing Land,

the Open Space Land shall be conveyed to an owner's association to be held as such common area subject to such restrictions as are typically imposed by the City to ensure non-development, and such conveyance restriction shall be deemed to constitute the Open Space Distribution. Prior to the subdivision approval process, the phasing of the development of the Property shall be determined in a manner that will ensure the adequacy of public facilities that may be required to support any such development. Because of the intent, but not the obligation, of Owners to convey the 24 Acre Tract for public and utility uses, no determination or final decision is being made as to the height, use or density permitted on the 24 Acre Tract at this time.

8. Financing of Market Housing Improvements.

(a) Bonding. The City shall use its best efforts to authorize and cause the issuance of bonds to finance the Improvements ("**Bonds**") to finance the Infrastructure Improvements. The Owners agree that issuance of Bonds is the preferred method of financing the Infrastructure Improvements and Boyer and the City agree to use their best commercially reasonable efforts to authorize and secure financing through Bonds. The City shall act at arms-length as a third person in obtaining and administering Bonds or the proceeds of Bonds and in so doing will not be acting as a party to this Agreement.

(b) Commercial Loans. If or to the extent Bonds are not available, Boyer shall use commercially reasonable efforts to obtain loans from institutional or commercial lenders or investment bankers (including, without limitation, securitized loans) to finance the Market Housing Improvements ("**Commercial Loans**"). If required, Boyer and the City shall each pledge part or all of the Property as security for the commercial loan, but in no event will the repayment of the commercial loan constitute an obligation of the City.

(c) Advances. If or to the extent Bonds or Commercial Loans are not available, Boyer and the City shall have the right to lend (or to cause an affiliate to lend) all funds required to pay the cost of the Market Housing Improvements and the Infrastructure Improvements. All funds advanced by Boyer and/or the City (the "**Advances**") shall bear interest from the date advanced at Prime plus two percent (2%) and shall be repaid out of Gross Sale Proceeds. Boyer shall keep accurate and complete records of all such costs and loans. The Advance shall constitute a lien against the Market Housing Land and the City and Boyer hereby grant such a lien and consent to the recordation of a notice memorializing the lien.

9. No General Fund Obligation. The sole source or recourse for repayment of any Financing Payments shall be the Property. Except for future specific appropriations, if any, this Agreement shall not create any obligation on the general fund of Park City.

10. Allocation of Net Sales Proceeds between Owners. The Net Sales Proceeds (as determined after payment of all Property Expense, Sale Costs, Reserves, Fees, Commissions and Costs, and Financing Payments) shall be distributed to the Owners as follows:

(a) First, to the City and Boyer in proportion to their respective Undivided Interests until each has received the aggregate allocations pursuant to this Section 10(a) of $5,500,000.00.

(b) Second, to Boyer until it has received pursuant to this Section 10(b) an amount of the Reduced Density Return.

(c) Third, the remainder to the City and Boyer in proportion to their respective Undivided Interests.

Each Owner assumes its respective share of risk of loss as to allocation of the foregoing Net Sales Proceeds.

11. Tax Status. The Owners are not partners and shall not be deemed to have created a partnership treated or taxed as a partnership or similar entity under Subchapter K of the Code or under the income tax laws of the State of Utah. This Agreement shall be construed to avoid taxation of the Owners as partners under the Code or the income tax laws of the State of Utah.

12. Construction of Improvements. Boyer and/or an affiliate or affiliates of Boyer shall act in the capacity of project manager for construction of infrastructure improvements (the "**Manager**"). Boyer, acting as Manager, shall use competitive bidding processes and use its best commercially reasonably efforts to cause all bids with respect to all Infrastructure Improvements to be "fixed price" or "not to exceed specified maximum" contract prices. Boyer and/or its affiliates shall be paid a fee of three percent (3%) of the cost of construction of the Infrastructure Improvements for these services.

(a) The City, acting through the City Representative, shall participate in the approval of a Development Plan and Development Budget and the authorization of all budgetary expenditures. Additional expenses in excess of the agreed upon Development Budget shall be approved in writing by the City Representative prior to authorization.

(b) Boyer will notify the City Representative prior to selection of contractors and/or vendors associated with the Infrastructure Improvements.

13. Marketing and Sales.

(a) Boyer or its affiliate shall have the right to act as sole listing agent for the land relating to the Market Housing Units and the Project Affordable Housing Units and shall have the right to be paid a commission in connection with sales of all such land. The total real estate commission on all such sales shall be four percent (4%) to Boyer or its affiliates if the land relating to the Market Housing Units and/or the Project Affordable Housing Units are not listed on the multiple listing service, and six percent (6%) of the gross sale price of such land relating to the Market Housing Units and/or Project Affordable Housing Units if are listed on the multiple listing service. Boyer or its affiliates shall earn a negotiated portion of such commission as listing agent if an outside broker is involved. In addition, reasonable costs and expenses for marketing materials such as brochures, copies of plats, etc. shall constitute a Property Expense.

(b) Boyer and the City shall jointly formulate a marketing plan for the Market Housing Units and the Project Affordable Housing Units which shall describe marketing strategy, a marketing budget and target and minimum sale prices (the "**Marketing Plan**"). Because it contains sensitive pricing and marketing information, the Marketing Plan shall be confidential and protected under the Government Records Management Act.

(c) The City shall comply with all statutes and ordinances in approving the Marketing Plan. The Marketing Plan shall be consistent with any approval of disposition of significant property pursuant to MCPC § 2-3-11 and shall be approved pursuant to Utah Code § 10-8-2(4).

14. Decisions. Except for Major Decisions, decisions by the City shall be made by the City Representative, and decisions by Boyer shall be made by the Boyer Representative. The City and Boyer may change its Representative at any time by written notice to the other Owner.

15. Execution of Documents. Notwithstanding any other provision of this Agreement, Boyer or Manager may execute, and the City hereby appoints Boyer and Manager as its attorney-in-fact to execute, any and all instruments, documents, agreements, certificates, affidavits or other writings on behalf of the City, without the consent or signature of the City, that do not violate the Development Plan and the Development Budget, including, without limitation, the following ("**Documents**"):

a. All deeds for individual Market Housing Units sold for prices permitted under the Marketing Plan;

b. All closing statements and other required forms and instructions for the sale of individual Market Housing Units;

c. All instruments, documents, agreements, certificates, affidavits or writings in connection with the sale of individual Market Housing Units; and

d. All construction contracts for Improvements.

Any Person receiving delivery of any of the foregoing Documents executed by Boyer or Manager for the City shall be entitled to rely thereon and may assume that such Documents do not violate the Development Plan or Development Budget. Boyer and/or Manager shall provide in advance to the City any Documents either of them proposes to execute. Each Owner shall execute all easements, covenants and restrictions required to develop and market the Property or comply with the Development Agreement.

16. Default. In the event of default by any Owner of material obligations set forth in this Agreement, the non-defaulting Owner shall have and exercise such rights and remedies as may be provided expressly in this Agreement and by law or equity except the right of partition. The City and Boyer each acknowledge that the value of the Property will be diminished and that it may be impossible to satisfy development and land use requirements if the Property is partitioned. Accordingly, each Owner irrevocably and unconditionally expressly waives the right to partition the Property.

17. Put Option.

(a) If the Owners are unable to agree in writing upon the terms of the Development Plan or the Development Budget on or prior to December 1, 2011, or if the final plat for at least some of the Market Housing Units is not recorded on or prior to December 1, 2011, all to the satisfaction of Boyer, then at any time after December 1, 2011 Boyer may, at its sole option and discretion, deliver to the City Boyer's final proposal with respect to the terms of the Development Plan, the Development Budget and the plat for the Market Housing Units (the "**Final Proposal**"). The City shall have ten (10) days to agree in writing to such Final Proposal. If the City does not timely agree in writing to the terms of the Final Proposal within such ten (10) day period, Boyer may, at its sole discretion, require the City to purchase Boyer's Undivided Interest (the "**Put Option**") for the Put Price and otherwise upon the terms and conditions set forth in Section 17(b) of this Agreement.

(b) If Boyer exercises the Put Option, the closing (the "**Closing**") of the sale of the Boyer's Undivided Interest by Boyer to the City shall occur on or before the date that is thirty (30) days after Boyer delivers the Final Proposal to the City (the "**Closing Date**"). The Closing shall occur in the office of the Title Company in person or pursuant to separate escrow instructions mutually agreed upon by the Owners. At the Closing: (a) Boyer shall deliver or caused to be delivered a special warranty deed in the form attached hereto as Exhibit F, executed and acknowledged by Boyer, conveying the Boyer's Undivided Interest to the City; and (b) the City shall deliver or caused to be delivered the Put Price in good funds and any other amounts required from the City in accordance with the terms of this Agreement. All ad valorem taxes, assessments and other state, county, school, municipal and municipal utility district fees, taxes, charges and assessments (special or otherwise), if any, with respect to Boyer's Undivided Interest for the calendar year during which the Closing occurs shall be prorated as of the Closing Date. Escrow fees shall be divided equally between the Owners and all other Closing expenses shall be allocated between the Owners in a manner that is customary for property in Summit County, Utah.

(c) The Put Option shall terminate on the date a mutually acceptable final plat for the Property (which shall in all events include at least some of the Market Housing Units) is recorded in accordance with a Development Plan and Development Budget. The Parties may agree to record an earlier phased partial plat for the City or Burbs Affordable Housing Units without terminating the Put Option.

(d) Notwithstanding any other provision of this Agreement, and unless otherwise agreed upon in writing by the Owners, the Put Option shall terminate if not exercised on or prior to the date the first subdivision plat for Market Housing units is recorded.

(e) This Section shall take priority over Section 18 in the event Owners seek to invoke both Section 18 and this Section 17.

18. Major Decision Deadlock; Reciprocal Buy or Sell. If a Major Decision Deadlock occurs, either Owner may instigate the buy and sell procedure set forth in this Section 18 by delivering the Offer (as defined below) to the other Owner.

(a) The provisions of this Section shall be invoked when an Offering Owner makes an Offer to the Electing Owner.

(b) The Electing Owner shall, within sixty (60) days after receipt of the Offer, declare in writing to the Offering Owner whether it will purchase the interest of the Offering Owner in the Property for the Purchase Price of such Offering Owner's interest in the Property or sell its interest in the Company for the Purchase Price of its interest in the Property. If the Electing Owner timely fails to elect either to buy or sell, the Electing Owner shall be deemed to have elected to sell its interest in the Property to the Offering Owner.

(c) The closing of the sale or purchase of any interest in the Property pursuant to this Section shall be held at a mutually acceptable place on a mutually acceptable date not more than one hundred twenty (120) days after receipt by the Electing Owner of the Offer, using such documents, instruments and procedures as may be appropriate. The Purchase Price shall be paid in cash at the Closing. All items, income and expense shall be prorated as of the closing date of such sale or purchase.

(d) If the Owner purchasing the interest of the Other Owner in the Property pursuant to this Section fails for any reason other than the fault of the Other Owner to conclude on a timely basis the sale or purchase of such undivided interest pursuant to this Section, then such Owner (the "**Defaulting Owner**") shall be deemed to be in default pursuant hereto and the other Owner (the "**Non-Defaulting Party**"), shall, at its election to be made within sixty (60) days, and as its sole remedy for such default:

(i) continue this Agreement with no changes or modifications; or

(ii) purchase the interest of the Defaulting Owner in the Property for ninety percent (90%) of the Purchase Price, which purchase must be completed within one hundred twenty (120) days after such default.

If the Non-Defaulting Owner fails to make a timely election, it shall be deemed to have elected to continue this Agreement with no changes or modifications.

19. Term. The term of this Agreement shall commence as of the Effective Date first written above and shall continue indefinitely until modified, amended or revoked by Approval of the Owners or until the Closing.

20. Prohibited Transfers. Except as provided in Section 27, no Owner may voluntarily or involuntarily sell, transfer, assign, grant or otherwise transfer or mortgage, hypothecate, or otherwise encumber or permit or suffer any encumbrance of all or any part of, or grant an easement, license or other property interests in, its Undivided Interest in the Property or its rights under this Agreement unless such transaction expressly approved in writing by the other Owner, which consent and approval may be withheld at the absolute discretion of the other Owner. Any voluntary or involuntary attempt by an Owner or by a third party to so sell, transfer, assign, grant or encumber any such interest without the approval of the other Owner shall be void and shall constitute a material breach of this Agreement.

21. Permitted Transfers. Notwithstanding the provisions of Section 20, any Owner may, without the consent of the other Owner, transfer all of its Undivided Interest in the Property or its rights under this Agreement to any entity all of equity in which and the control of which is vested in such Owner. Also, City may, upon written notice to Seller, assign its rights hereunder or title to all or any portion of its Undivided Interest to one of its other political subdivisions (such as, but not limited to, the Housing Authority, the Redevelopment Authority or the Municipal Building Authority). Except for the foregoing, neither Owner may sell, assign or transfer its rights hereunder or all or any portion of its Undivided Interest.

22. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served: (i) by depositing the same in the United States mail, addressed to the Owner to be notified, postage prepaid, and registered or certified with return receipt requested; or (ii) by delivering the same in person to such Owner. Notice given in accordance with (i) above shall be effective when mailed. Notice given in accordance with (ii) above shall be effective upon receipt at the address of the addressee or upon refusal to accept delivery (such refusal being evidenced by the U.S. Postal Service's return receipt or similar advice from the courier company used to make delivery). For purposes of notice, the addresses of the Owners shall be as follows:

Boyer:

Boyer Park City Junction, L.C.
c/o The Boyer Company, L.C.
90 South 400 West, Suite 200
Salt Lake City, Utah 84101
Attn: Patrick Moffat
Telephone: 801-521-4781
Facsimile: 801-521-4793

With a copy to:

Parr Brown Gee & Loveless
185 South State Street, Suite 800
Salt Lake City, Utah 84111
Attn: David E. Gee
Telephone: 801-532-7840
Facsimile: 801-532-7750

City:

Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480
Attn: Tom Bakaly, City Manager
Phyllis Robinson, Community Public Affairs Manager

With a copy to:

City Attorney
450 Marsac Avenue

P.O. Box 1480
Park City, UT 84060
Attn: Mark D. Harrington
Telephone: 435-615-5029
Facsimile: 435-615-4916

Either Owner may change its address by written notice to the other Owner.

23. Covenants Run With Land. This Agreement and all of the rights, obligations, covenants, provisions, and requirements of this Agreement (including, without limitation, the Put Option) are intended to be and shall constitute covenants running with the land and shall be binding upon and shall inure to the benefit of each Owner, any other Owner who acquires or comes to have any interest in either of the Undivided Interests, and their respective grantees, transferees, lessees, heirs, devisees, personal representatives, successors, and assigns. By acquiring, in any way coming to have an interest in, or occupying an interest in or to either of the Undivided Interests, the Owner so acquiring, coming to have such interest, or occupying, consents to, and agrees to be bound by, each and every provision of this Agreement (including, without limitation, the Put Option). The provisions of this Section shall not be deemed to modify any prohibitions against or limitations upon assignment or transfer set forth elsewhere in this Agreement.

24. Governing Laws. This Agreement and the obligations of the Owners hereunder shall be interpreted, construed and enforced in accordance with the laws of the State of Utah, without reference to its choice of law rules.

25. Entire Agreement. This Agreement and the exhibits to this Agreement contain the entire agreement between the Owners relative to the Property. No variation, modification, or change in or to this Agreement shall be binding upon any Owner unless set forth in a document duly executed by or on behalf of such Owner.

26. Waiver. No consent or waiver, express or implied, by any Owner to or of any breach or default by the other Owner in the performance by the other of its obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such other Owner of the same or any other obligations of such Owner under this Agreement. Failure on the part of an Owner to complain of any act or failure to act or to declare the other Owner in default, irrespective of how long such failure continues, shall not constitute a waiver of such Owner of its rights under this Agreement.

27. Costs and Expenses. Pending promulgation, approval and implementation of a Development Budget and Development Plan, the Owners shall bear the costs and expenses incurred from time to time as a result of the ownership, improvement, maintenance, repair, leasing, management and operation of the Property, including, without limitation, debt service under any loan owed by all of the Owners with respect to the Property, ad valorem taxes, special assessments, if any, insurance premiums and utilities (collectively, the "**Property Expenses**"), all in proportion to their respective Undivided Interests. If any Owner (the "**Non-Funding Owner**") fails or refuses to pay its share of the Property Expenses when due and payable, then the other Owner (the "**Lending Owner**"), shall have the rights, but not the obligation, to pay such amount owed by the Non-Funding Owner and such payment shall be deemed to be a loan (a "**Deemed Loan**") by Lending Owner to the Non-Funding Owner in the

amount by which the funds actually paid by such Lending Owner exceeds its share of the Property Expenses. Each such Deemed Loan: (a) shall bear interest at a rate equal to twelve percent (12%) per annum; (b) shall mature on the thirtieth (30^{th}) day following the date on which such Deemed Loan is made; and (c) shall be secured by a lien and security interest encumbering the Non-Funding Owner's Undivided Interest.

28. Miscellaneous.

(a) In the event of any judicial or administrative action between the Owners with respect to this Agreement, the prevailing Owner shall be entitled to recover all costs and expenses incurred in connection with any such action, including reasonable attorneys' fees and court costs. In the event an Owner, without fault, is made a party to any judicial or administrative action or proceeding by reason of the conduct of the other Owner, the other Owner shall indemnify and hold the first Owner harmless from and against all loss, cost, liability and expense, including reasonable attorneys' fees, incurred in such action.

(b) The invalidity of any portion of this Agreement shall not affect the validity of the remainder of this Agreement.

(c) Section titles or captions contained in this Agreement are inserted only as a matter of convenience and for reference, and in no way define, limit, extend or describe the scope or substance of this Agreement or the intent of any provisions of this Agreement. References to "Sections" by number are to Sections of this Agreement unless reference is expressly made to another agreement or document.

(d) Unless the context otherwise clearly requires, words of any gender used in this Agreement shall be deemed to include the other gender and words of a singular number shall be deemed to include the plural and vice versa.

(e) Subject to the limitations on assignment and transfer set forth in Section 17, each provision of this Agreement shall inure to the benefit of and be binding upon the Owners hereto and their respective successors in interest and assigns.

(f) All exhibits attached to this Agreement are deemed incorporated in this Agreement by this reference as though set forth in full.

(g) Each individual executing this Agreement warrants and represents that he has the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such persons..

(h) Where the consent or approval of the City acting as a co-tenant and Owner is required pursuant to this Agreement, such consent shall not be unreasonably withheld, conditioned or delayed. If the City does not approve or consent, it shall so indicate in writing which identifies in reasonable detail the basis for the disapproval and, if possible, the changes which, if made, would cause its approval to be granted. If the City does not respond to a written request for consent or approval within twenty (20) days, such approval or consent shall be deemed to have been given. This provision shall not apply to the City acting as a Governmental Authority.

(i) This Agreement may be executed separately or independently in any number of counterparts, each and all of which shall be deemed to have been executed simultaneously and for all purposes to be one Agreement. Counterparts may be delivered by email, telecopy or other means of electronic transmission.

(j) This Agreement shall not be recorded. The Owners shall execute and acknowledge a Notice of this Agreement in the form attached hereto as Exhibit G and record the same in the records of Summit County, Utah.

29. Legislative authority retained. Boyer acknowledges that although the City is a tenant-in-common with respect to the Property and is bound by this Agreement, the City, acting in its governmental capacity, is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power but only to the extent it cannot be so limited under applicable law. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Property under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Property and terms and conditions of this Agreement applicable to the Property shall be of general application to all development activity in the City; and, unless the City declares an emergency, Boyer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine. Notwithstanding the foregoing, the exercise of reserved legislative or police powers by the City shall not affect its contractual rights or obligations of the City and Boyer pursuant to this Agreement, or the respective rights and obligations of the Owners as a tenant-in-common or co-owner under Utah law.

30. Confidentiality; GRAMA. This Agreement shall be subject to the provisions of the provisions of Utah Code Annotated Section **63G-2-101,** Utah Government Records Access and Management Act ("GRAMA"). Notwithstanding the foregoing, the Development Plan, Development Budget and the Marketing Plan constitute information protected by Utah Code Annotated Section **63G-2-305 under the following subsections:**

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access;

(c) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(d) records the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Utah Code Annotated Subsection **11-13-103**(4);

(e) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity;

(f) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired.

31. Audit Rights. Boyer grants to the City and to attorneys or independent certified public accountants retained by the City, at the City's sole cost and expense, access to all books and records maintained in connection with the Property upon reasonable notice during normal business hours for the purpose of verifying the amounts calculated and paid pursuant to this Agreement. All information from such audit shall be protected under GRAMA to the extent contemplated by Section 30, and the City shall take all steps necessary or appropriate to maintain GRAMA protection.

[Remainder of page intentionally left blank;
Signature page follows]

IN WITNESS WHEREOF, the Owners hereto have executed this Agreement to be effective as of the date first set forth above.

"**BOYER**"

BOYER PARK CITY JUNCTION, L.C., a Utah limited liability company, by its Manager:

THE BOYER COMPANY, L.C., a Utah limited liability company

By:__________________________________
Name:_______________________________
Its: Manager

"**CITY**"

PARK CITY MUNICIPAL CORPORATION, a municipal corporation

By:____
Name:______________________________________
Its:____

EXHIBIT A
TO
AMENDED AND RESTATED
CO-TENANCY AGREEMENT

Legal Descriptions of Property including Affordable Housing Land,
Market Housing Land and Open Space Land

PROPERTY

PARCEL 1:
The Southeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter except the East 334.00 feet thereof of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian. Also a parcel of land beginning at the West Quarter corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North along the Section line 2640.00 feet, more or less, to the Northwest corner of said Section 11; thence East along the Section line 3626.00 feet, more or less, to a point on said Section line 334.00 feet West of the Northwest corner of Northeast Quarter of the Northeast Quarter of said Section 11; thence South 42°25' West 3418.29 feet, more or less, to a point on the East line of Southwest Quarter of the Northwest Quarter and 116.70 feet North of the Northwest corner of Lot 8; thence South 116.70 feet, more or less, to the South line of the Southwest Quarter of the Northwest Quarter; thence West along the Quarter Section line 1320.00 feet, more or less, to the point of beginning.

LESS that property taken by the United States of America by Declaration Of Taking, recorded March 1, 1990, as Entry No. 327133, in Book 571, at Page 595 of the Official Records of Summit County, Utah.

LESS and Excepting: Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence along the North line of Section 11; South 88°47'03” East 1240.30 feet; thence along the Easterly end line of Clegg No.2 Mining Claim (Mineral Survey 6792) South 39°40'23” East 215.18 feet; thence along the Easterly end line of Clegg No.3 Mining Claim South 38°46'13” East 606.70 feet; thence along the Southerly side line of Clegg No.3 Mining Claim South 75°52'07” West 1501.92 feet; thence along the Southerly side line of Woodrow No.6 Mining Claim South 63°17'52” West 358.92 feet; thence North 00°57'07” East 1193.09 feet to the point of beginning.

PARCEL 2:
Beginning South along the Quarter Section line 1834.13 feet from the North Quarter corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South along the Section line 805.87 feet, more or less, to the East-West Quarter Section line of said Section 2; thence West along the said Quarter Section line 1450.00 feet; more or less, to the Easterly line of Highway Alt 40; thence Northeasterly along the highway 880.00 feet, more or less; thence East 1100.00 feet, more or less, to the point of beginning.

LESS that property taken by the United States of America by Declaration Of Taking, recorded March 1, 1990, as Entry No. 327133, in Book 571, at Page 595 of the Official Records of Summit County, Utah.

LESS that portion conveyed to the Utah Department of Transportation by Warranty Deed, recorded March 4, 1999 as Entry no. 532113, in Book 1235, Page 761 and more particularly described as follows:

Beginning at the Southwest corner of said entire tract, which point is approximately 804.672 meters (2640.00 feet) South 0°27'25” West along the Quarter Section line to the center Quarter corner of said Section 2 and approximately 440.029 meters (1443.66 feet) North 89°49'09” West along the Quarter Section line from the North Quarter corner of said Section 2, which point is on the Easterly right of way line of said existing highway State Route 248; and running thence North 22°01'00” East 65.512 meters (214.93 feet) along said Easterly right of way line and the Westerly boundary line of said entire tract to a point 19.405 meters (63.66 feet) perpendicularly distant Easterly from the control line of said project; thence North 26°18'21” East 122.266 meters (401.14 feet) along said Easterly right of way line and said West boundary line to a point 27.659 meters (90.74 feet) perpendicularly distant Easterly from said control line; thence South 22°01'00” West 183.771 meters (602.92 feet) to the Southerly boundary line of said entire tract at a point 29.001 meters (95.15 feet) perpendicularly distant Easterly from said control line; thence North 89°49'09” West 9.851 meters (32.32 feet) along said South boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation

EXHIBIT B
TO
AMENDED AND RESTATED
CO-TENANCY AGREEMENT

AFFORDABLE HOUSING IMPROVEMENTS
[Attach]

EXHIBIT C
TO
AMENDED AND RESTATED
CO-TENANCY AGREEMENT

INFRASTRUCTURE IMPROVEMENTS

[Attach]

EXHIBIT D
TO
AMENDED AND RESTATED
CO-TENANCY AGREEMENT

MARKET HOUSING IMPROVEMENTS

[Attach]

EXHIBIT E
TO
AMENDED AND RESTATED
CO-TENANCY AGREEMENT

<u>SITE PLAN</u>
[Attach]

EXHIBIT F
TO
AMENDED AND RESTATED
CO-TENANCY AGREEMENT

Form of Special Warranty Deed

WHEN RECORDED MAIL THIS
DEED TO:

____
____
____

(Above Space for Recorder's Use Only)

SPECIAL WARRANTY DEED

BOYER PARK CITY JUNCTION, L.C., a Utah limited liability company ("Grantor"), does hereby CONVEY AND WARRANT against all claiming by, through or under Grantor, unto PARK CITY MUNICIPAL CORPORATION, a municipal corporation of the State of Utah ("Grantee"), whose current address is ________________________, an fifty (50%) percent undivided interest, in the following described premises (the "Property") in Summit County, State of Utah, to-wit:

[See Exhibit "A" attached hereto and by this reference made a part hereof.]

Subject to all matters of record and matters that would be disclosed by a physical inspection or survey of the Property.

[Signatures on following page]

WITNESS, the hand of said Grantor, this ______ day of __________, 2011.

"**BOYER**"

BOYER PARK CITY JUNCTION, L.C., a Utah limited liability company, by its Manager:

THE BOYER COMPANY, L.C., a Utah limited liability company

By:________________________________
Name:______________________________
Its: Manager

State of Utah)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this ____ day of __________, 2011, by ___ ______________________________, a Manager of The Boyer Company, L.C., a Utah limited liability company, which is a Manager of Boyer Park City Junction, L.C., a Utah limited liability company

____
Notary Public
Residing at: __________________________

My Commission Expires:

EXHIBIT A
to
SPECIAL WARRANTY DEED

Legal Description of the Property

PARCEL 1:
The Southeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter except the East 334.00 feet thereof of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian. Also a parcel of land beginning at the West Quarter corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North along the Section line 2640.00 feet, more or less, to the Northwest corner of said Section 11; thence East along the Section line 3626.00 feet, more or less, to a point on said Section line 334.00 feet West of the Northwest corner of Northeast Quarter of the Northeast Quarter of said Section 11; thence South 42°25' West 3418.29 feet, more or less, to a point on the East line of Southwest Quarter of the Northwest Quarter and 116.70 feet North of the Northwest corner of Lot 8; thence South 116.70 feet, more or less, to the South line of the Southwest Quarter of the Northwest Quarter; thence West along the Quarter Section line 1320.00 feet, more or less, to the point of beginning.

LESS that property taken by the United States of America by Declaration Of Taking, recorded March 1, 1990, as Entry No. 327133, in Book 571, at Page 595 of the Official Records of Summit County, Utah.

LESS and Excepting: Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence along the North line of Section 11; South 88°47'03” East 1240.30 feet; thence along the Easterly end line of Clegg No.2 Mining Claim (Mineral Survey 6792) South 39°40'23” East 215.18 feet; thence along the Easterly end line of Clegg No.3 Mining Claim South 38°46'13” East 606.70 feet; thence along the Southerly side line of Clegg No.3 Mining Claim South 75°52'07” West 1501.92 feet; thence along the Southerly side line of Woodrow No.6 Mining Claim South 63°17'52” West 358.92 feet; thence North 00°57'07” East 1193.09 feet to the point of beginning.

PARCEL 2:
Beginning South along the Quarter Section line 1834.13 feet from the North Quarter corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South along the Section line 805.87 feet, more or less, to the East-West Quarter Section line of said Section 2; thence West along the said Quarter Section line 1450.00 feet; more or less, to the Easterly line of Highway Alt 40; thence Northeasterly along the highway 880.00 feet, more or less; thence East 1100.00 feet, more or less, to the point of beginning.

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EXHIBIT G
TO
AMENDED AND RESTATED
CO-TENANCY AGREEMENT

Form of Notice of Amended and Restated Co-Tenancy Agreement

PREPARED BY AND WHEN
RECORDED RETURN TO:
David E. Gee, Esq.
Parr Brown Gee & Loveless
185 South State Street, Suite 800
Salt Lake City, Utah 84111

NOTICE OF AMENDED AND RESTATED
CO-TENANCY AGREEMENT

THIS NOTICE OF AMENDED AND RESTATED CO-TENANCY AGREEMENT (this "**Notice**") is entered into as of the _____ day of ___________, 2011, between Boyer Park City Junction, L.C., a Utah limited liability company ("Boyer") and Park City Municipal Corporation, a municipal corporation of the State of Utah (the "City").

RECITALS

A. Boyer and the City (collectively, the "**Owners**") are the fee simple title owners, as tenants in common, of real property located in Summit County, Utah, which is more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

B. The Owners entered into a Co-Tenancy Agreement dated as of the same date as this Notice (the "Co-Tenancy Agreement"), with respect to the Property.

C. The Owners desire to set forth in this Notice certain terms and provisions of the Co-Tenancy Agreement (or summaries thereof), for notice and recording purposes.

AGREEMENT

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

1. Recitals Incorporated; Defined Terms. The Recitals set forth above are incorporated in this Notice by this reference. Capitalized terms that are used but not defined in this Notice shall have the respective meanings given to such terms in the Co-Tenancy Agreement.

2. Co-Tenancy Agreement. As set forth above, the Owners have entered into the Co-Tenancy Agreement, which affects the Property and by its terms constitutes a covenant running with the land, benefiting and binding every person having any fee, leasehold, mortgage lien or other interest in any portion of the Property, as well as any owner of the Property whose title is acquired by foreclosure, deed in lieu of foreclosure or other means. This Notice only briefly summarizes some of the provisions of the Co-Tenancy Agreement, and reference should be made to the Co-Tenancy Agreement for the full text of all of the provisions of the Co-Tenancy Agreement, which are incorporated in this Notice by this reference. In the event of any conflict between the provisions of this Notice and the provisions of the Co-Tenancy Agreement, the provisions of the Co-Tenancy Agreement shall control. This Notice is solely for recording purposes and shall not be construed to, alter, modify, limit, amend or supplement the Co-Tenancy Agreement in any respect. The recordation of this Notice is in lieu of, and shall have the effect of, recording the Co-Tenancy Agreement.

3. Put Options. Pursuant to and conditioned upon all of the provisions of the Co-Tenancy Agreement, Boyer may, at its sole discretion, require the City to purchase Boyer's Undivided Interest in the Property upon terms set forth in the Co-Tenancy Agreement.

4. Prohibited Transfers; Waiver of Right of Partition. Title to the Property shall be maintained by the Owners as tenants-in-common. The sale, transfer, grant, assignment, pledge, encumbrance or other conveyance of any Undivided Interest or any part thereof shall be made in compliance with the terms of the Co-Tenancy Agreement. Each Owner unconditionally and irrevocably waives the right to have the Property partitioned in accordance with Utah law.

5. General Provisions. This Notice shall inure to the benefit of, and be binding on, the Owners and their respective successors and assigns. This Notice 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 Notice 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. Each individual executing this Notice represents and warrants that such individual has been duly authorized to execute and deliver this Notice in the capacity and for the entity set forth where such individual signs.

THE OWNERS have executed this Notice to be effective as of the date first set forth above.

"**BOYER**"

BOYER PARK CITY JUNCTION, L.C., a Utah limited liability company, by its Manager:

THE BOYER COMPANY, L.C., a Utah limited liability company

By:________________________________
Name:______________________________
Its: Manager

"**CITY**"

PARK CITY MUNICIPAL CORPORATION, a municipal corporation

By:______________________________________
Name:____________________________________
Its:_______________________________________

State of Utah)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this ____ day of __________, 2011, by ____________________________________, a Manager of The Boyer Company, L.C., a Utah limited liability company, which is a Manager of Boyer Park City Junction, L.C., a Utah limited liability company

____
Notary Public
Residing at: ____________________________

My Commission Expires:

State of Utah)
) ss.
County of Summit)

The foregoing instrument was acknowledged before me this ____ day of __________, 2011, by ____________________________________, the ___________________ of Park City Municipal Corporation, a municipal corporation of the State of Utah.

____
Notary Public
Residing at: ____________________________

My Commission Expires:

EXHIBIT A
to
NOTICE OF CO-TENANCY AGREEMENT

Legal Description of the Property

PARCEL 1:
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MEMO

PLANNING DEPARTMENT

445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
Tel. 435.615.5060
Fax 435.615.4906
www.parkcity.org

To: Honorable Mayor/Members of City Council
From: Francisco Astorga, Planner
Subject: TZO/LMC Amendments
Date: August 22, 2011

The following staff report will be presented to the Planning Commission during their scheduled meeting on August 24, 2011. Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC) as described in the staff report.

Planning Commission Staff Report

Application No: PL-11-01281
Subject: LMC Amendments
Author: Francisco Astorga, Planner
Date: August 24, 2011
Type of Item: Legislative

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC) for Chapter 2.1 Historic Residential-Low Density (HRL), Chapter 2.2 Historic Residential (HR-1) District, and Chapter 2.3 Historic Residential (HR-2), as described in this report. Staff recommends the Planning Commission conduct a public hearing on the LMC amendments describe herein, consider input, and forward a recommendation to the City Council specifically to:

1. End the TZO without adopting further limitations on maximum footprint solely for plat amendments; and

2. Provide direction to staff to continue with analysis and recommendations regarding a floor area limitation for all new construction (without using either a TZO or the pending ordinance doctrine- all applications may proceed under current code and design guidelines until and unless a new ordinance is adopted).

Topic

Project Name: LMC Amendments to Chapters 2.1 HRL District, 2.2 HR-1 District, and 2.3 HR-2 Districts
Applicant: Planning Department
Proposal: Revisions to the Land Management Code concerning lot combinations and limiting the maximum building sizes in Historic Residential Districts

Background

On June 23, 2011, the City Council adopted a Temporary Zoning Ordinance (TZO) which prohibits the approval of plat amendment applications filed after June 15, 2011 in the Historic Residential Districts (HRL, HR-1, and HR-2) for a period not to exceed six (6) months until the City Council considers limits on the maximum building footprint allowed as a result of lot combinations in those zones. The proposed Land Management Code (LMC) amendments were noticed on June 15, 2011 and were drafted in order to address the concerns which motivated the TZO.

On July 13, 2011, the Planning Commission conducted a public hearing and reviewed the pending ordinance. The proposed LMC amendments brought forward were broader than the TZO as they addressed overall massing in the historic residential districts and were not limited to only the building size on lot combinations, although such buildings were also addressed. During this meeting the Planning Commission agreed that they did not support the proposed restriction of lot combinations to sites with historic structures only and they also requested to see additional research and analysis related to the proposed footprint reduction/limitation, number of stories, and increased setbacks. The LMC amendments and public hearing were continued to August 24, 2011.

On July 21, 2011, the City Council held a joint session with the Planning Commission to discuss redevelopment policies and strategies. For the purpose of the joint meeting, the Planning Department introduced the issue of lot combinations as a broad discussion item and as an illustration of the trade-offs involved in setting redevelopment policy. The background information set the stage for a larger policy discussion on lot combinations, density, massing, and compatibility within these residential districts. The broad discussion created clear communication from the City Council and Planning Commission regarding redevelopment in Old Town.

During the joint meeting the City Council clarified, by trying to balance all of their interests (consensus), that their intent behind the TZO was limited solely to the footprint issue resulting from plat amendments. Therefore, City Council requested that Planning Staff prepare a staff report for the next Planning Commission public hearing on August 24, 2011 regarding the TZO – limiting the analysis and recommendations to whether additional <u>footprint</u> restrictions for plat amendment/lot combinations should be codified in the LMC within the HRL, HR-1, and HR2 zoning districts. These limitations will not affect existing lots of record. Existing lots will be able to proceed under the current footprint formula (table), maximum height, and minimum setbacks, etc. as permitted uses subject to the 2009 Historic District Design Guidelines unless the site requires a steep slope Conditional Use Permit (CUP). The analysis and draft ordinance will <u>not</u> propose additional changes to the lot development restrictions (height, setbacks, floors, etc.) in those districts, which are applicable to all new development.

Also during the joint meeting, the City Attorney acknowledged that the Planning Commission may still make their own recommendations to expand the ordinance, including additional regulations and/or applicability to all new development. However, doing so would be contrary to the preliminary direction which the Planning Commission has repeatedly requested greater clarity from the Council on. The City Council makes the final decision on the pending ordinance, and also may decide to repeal the TZO at any time.

At the August 11, 2011 City Council meeting, the Council requested that Staff provide an update on August 25th regarding the previous night's Planning Commission meeting, and indicated a desire to consider whether to move forward with the TZO or adopt further exceptions, depending on the progress. The TZO will otherwise expire upon adoption of a new ordinance regulating lot combinations or on December 15, 2011, whichever occurs first.

<u>Estimate of Lots and Parcels Impacted by the TZO</u>

Utilizing Geographic Information Services (GIS), staff has estimated:

- Approximately 73 vacant Old Town parcels (an Old Town parcel is usually identified with a tax id number but contains more than one [1] Old Town lot) located within the HR-L, HR-1, and HR-2 Districts; these parcels equate to approximately 127 Old Town Lots (e.g. a typical 25' x 75' lot).
- Approximately 82 vacant lots (platted lots of record, including typical Old Town lots and lots that have been formally re-platted) within these districts.
- Approximately 275 Old Town parcels (see definition above) with structures (historic or not) on them that would necessitate a plat amendment in order to get rid of discrepancies with platted lot lines.

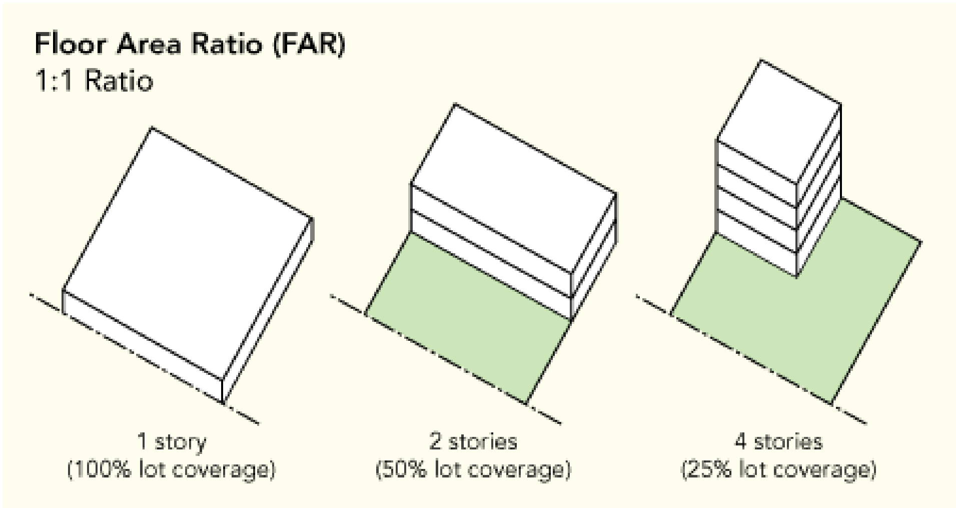
Historical Background

As far back as 1990, there have been concerns expressed by some members of the public, the Planning Department, the Planning Commission, the City Council, and the Historic Preservation Board that the zoning regulations result in unacceptable development density and/or incompatible building sizes in the historic residential districts. In the mid 1990s, a critical development occurred when the Chief Building Official and City Attorney confirmed that the Uniform Building Code and state law did not allow construction across platted lot lines even when both lots were owned by the same person or entity. That decision fundamentally altered [increased] the City's ability to regulate new construction, remodels, and additions to historic structures by mandating plat amendments prior to building permit.

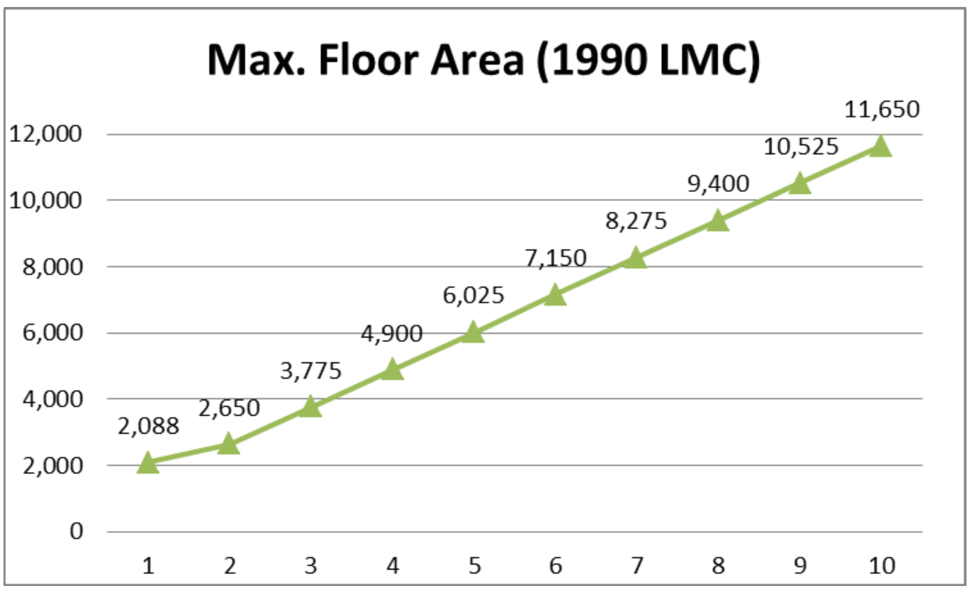
Concerns have also been expressed that the existing LMC plat amendment process allows the possibility of larger lots of record yielding larger structures that are incompatible with the development patterns of the historic neighborhood and existing topography. Amendments to the LMC in the form of Floor Area Ratio and Footprint Formula were made in 1990, 1993, 1995, 1999, 2000, and 2006. These issues were last discussed in 2007. The outcome of the 2007 discussions was the 2009 LMC amendments which reduced the massing and size of buildings and adoption of new Design Guidelines for Historic Districts and Historic Sites, but specifically rejected further alterations to the maximum footprint table by imposing a maximum footprint.

1990 LMC - Floor Area Ratio Regulation

Ordinance 90-17 was the City's first regulation of floor area. The floor area of all new structures constructed within the HR-1 District was limited by the Floor Area Ratio (FAR). FAR is the floor area of a building divided by the total area of the lot or parcel. The exhibit below is an illustrative representation of a FAR. The three (3) areas below contain the same FAR of 1:1.



The 1990 ordinance limited the floor area of a building through the FAR regulation as outlined in the graph below:

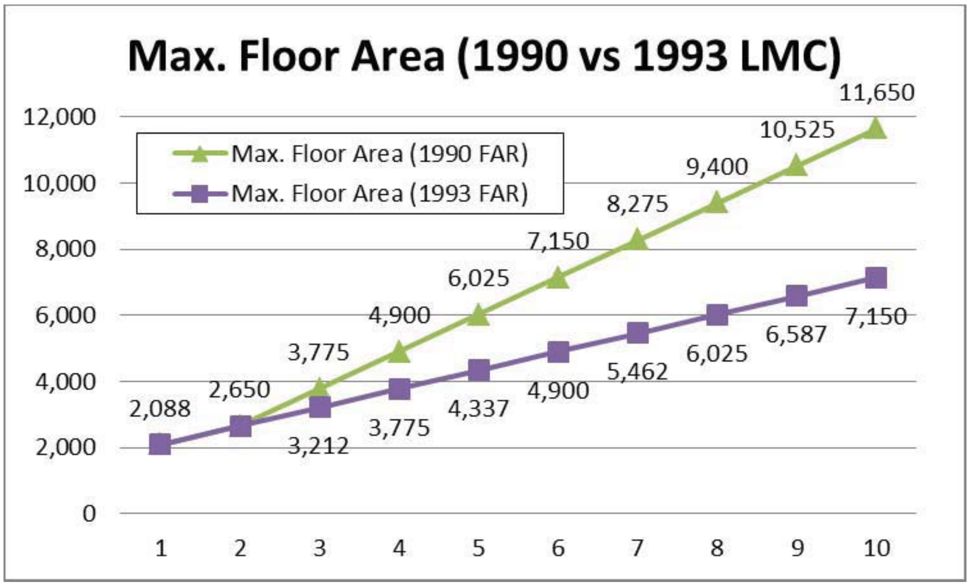


The graph above shows the number of lots (based on the historic Old Town configuration of 1 lot = 25' x 75', 2 lots = 50'x75', 3 lots = 75' x75', etc.) on the X axis (bottom) and the maximum floor area that can be placed on each site (on the Y axis on the left side). The floor area identified above includes an additional area of 400 square feet for a two (2) car garage. The LMC also indicated that in an effort to further encourage adaptive reuse of historic structures within Park City's Historic District, the Floor Area Ratio requirement did not apply to renovations, additions, or expansions to historic structures. Therefore, additions could expressly exceed the FAR, in order to facilitate historic remodels.

Projects submitted during this timeframe also required compliance with the Historic District Design Guidelines adopted in 1983 through submittal of a Historic District

Design Review (HDDR) application. The scale of buildings, their materials, and their site relationships are examples of the specific characteristics that were analyzed and from which the guidelines were developed. Due to the smaller size, scale, and volume of historic sites, the HDDR typically resulted in new projects/remodels that were below the maximum square footage identified above.

1993/1995 LMC - Floor Area Ratio Regulation
Ordinance No. 93-2 amended the City's floor area regulation established in 1990. The 1993 ordinance further reduced the floor area of a building through the FAR regulation as outlined in the graph below:



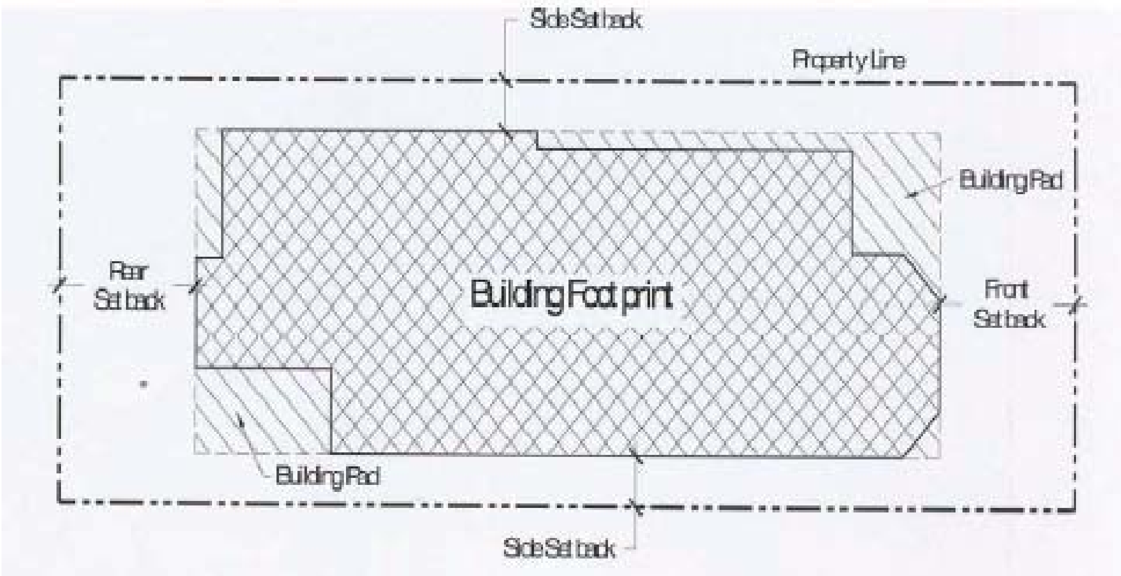
The graph above shows the number of lots on the bottom (X axis) and the maximum floor area that can be placed on each site (Y axis). The floor area identified above includes an additional area of 400 square feet for a two (2) car garage. The 1993/1995 LMC also indicated that in an effort to further encourage adaptive reuse of historic structures within Park City's Historic District, the Floor Area Ratio requirement did not apply to renovations, additions, or expansions to historic structures. Therefore, additions could expressly exceed the FAR, in order to facilitate historic remodels.

The 1993 ordinance was passed to reduce the floor area as the size of the lot combination increased. The additional area consisting of 400 square feet for a two (2) car garage remained in place as well as the exemption of floor area ratio requirement for renovations, additions, or expansions to historic structures.

Ordinance No. 95-65, passed in 1995, simplified the verbiage of the floor area ratio requirement; the result remained the same.

Projects submitted during this timeframe also required compliance with the Historic District Design Guidelines adopted in 1983 through submittal of a HDDR application. The scale of buildings, their materials, and their site relationships are examples of the specific characteristics that were analyzed and from which the guidelines were developed. Due to the smaller size, scale, and volume of historic sites the HDDR typically resulted in new projects/remodels that were below the maximum square footage identified above.

1999 Temporary Zoning Ordinance (TZO)
Ordinance No. 99-39, passed in 1999, adopted a TZO for the HRL and HR-1 Districts to establish interim zoning standards pending revisions to the LMC. The primary changes in the **temporary zoning ordinance** to the HRL and HR-1 zoning districts included the elimination of the maximum floor area through the FAR regulation established in 1990 and amended in 1993 (and in 1995). In lieu of a FAR to determine maximum house sizes in these districts, the proposed LMC amendments regulated house size via maximum height, minimum setbacks, and the newly proposed building footprint development standard. The exhibit below is an illustrative representation of building footprint:

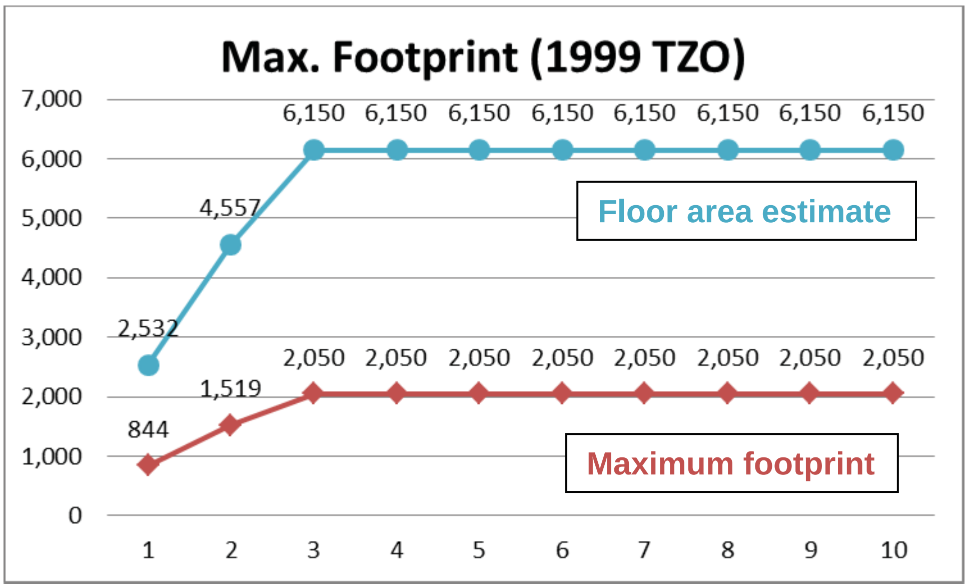


The interim zoning standards pending revisions to the LMC included a formula which specified maximum footprint sizes which were a function of lot area *(e.g. 844 s.f. for a 25' x75' lot; 1,519 s.f. for a 50' x75' lot; and 2,050 for a 75' x 75 x lot)*. For larger lots, greater setbacks were required.

As drafted in the interim zoning standards (TZO), the largest achievable building footprint was 2,050 square feet – the maximum building footprint for a three (3) lot combination. If a property owner combined four (4) or more lots, the maximum building footprint permitted remained at 2,050 square feet. The purpose for the Planning Commission limiting the maximum building footprint to a three (3) lot equivalent was to prevent large, potential incompatible, structures from being constructed in Old Town.

Projects submitted during this timeframe also required compliance with the Historic District Design Guidelines adopted in 1983 through submittal of a HDDR application. The scale of buildings, their materials, and their site relationships are examples of the specific characteristics that were analyzed and from which the guidelines were developed. Due to the smaller size, scale, and volume of historic sites, the HDDR typically resulted in new projects/remodels that were below the maximum square footage identified above.

For the purpose of establishing a comparison between the 1990 and 1993/1995 floor area regulation and the footprint requirement, the light blue line shown on the same graph below indicates the estimated maximum square footage that could be placed on each lot combination based on a three (3) story building, which can be identified as a maximum/extreme scenario.



The ordinance also introduced language for development on a steep-slopes which required a Conditional Use Permit (CUP) process for development of structures over 1,000 square feet in size located on a slope in excess of thirty percent (30%). The proposed CUP review criteria included provisions for the location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, and building height. The new steep slope CUP regulation also gave the Planning Commission the ability to grant a building height exception not to exceed forty feet (40') subject to specific criteria. Even though the floor area (shown in blue above) is the estimated (maximum/extreme scenario), Planning Staff finds it appropriate for the floor area comparision. However, the language of the TZO was not accepted by the Council in the final ordinance. The footprint limitation was again rejected.

2000 LMC - Footprint Regulation
Ordinance No. 00-15, passed in 2000, approved the comprehensive and substantive rewrite of the LMC in conjunction with the aforementioned TZO, specifically for the HRL and HR-1 Districts to address development on steeps slopes, lot and site requirements for new construction and additions, building height measurements, permitted and conditional land uses, and vegetation protection. Note that the HR-2 District was

created/adopted in 2000 by Ordinance No. 00-51. The same footprint regulation applied to the HR-L, HR-1, and HR-2 residential districts.

As introduced in the 1999 TZO, the substantive change to these residential districts was the elimination of the floor area ratio (FAR), replaced with a maximum building footprint limitation. The FAR counted square footage on all floors whether they were above or below ground. It was problematic for Staff, designers, and property owners and it was concluded that if the square footage was not visible, it shouldn't be an issue as long as the application meet all other code requirements and the Historic District Guidelines (1983).

The staff report published in conjuncition with the proposed ordinance indicated that one of the reasons the building footprint formula was developed was to create an incentive for individuals to combine small (usually difficult to develop) Old Town lots into larger lots resulting in less density and that the maximum building footprint which capped at 2,050 square feet *(a three [3] lot area equivalent)* would lessen the incentive to re-plat in excess of three (3) lot combinations.

Concerns were voiced regarding the maximum building footprint cap during the Planning Commission and City Council public hearings. The public recognized that the maximum footprint formula (calculation) was intended as a tool to provide incentive to combine lots in Old Town. The public indicated that the owners will simply create three (3) lot combinations and stop there, as it will be the most economically viable option since platting four (4) or more lots was subject to the same footprint limitation.

Staff then recommended that City Council discuss eliminating the 2,050 square foot maximum building footprint and not having a specific footprint cap. Staff indicated that it is possible that a property owner could request to combine numerous lots into one (1) larger lot to achieve a bigger structure; however, in doing so, greater setbacks and more open space would be mandated by the maximum building footprint formula. The aforementioned lot combination would result in less potential density and the resulting structure would still be reviewed pursuant to the necessary LMC and HDDR process.

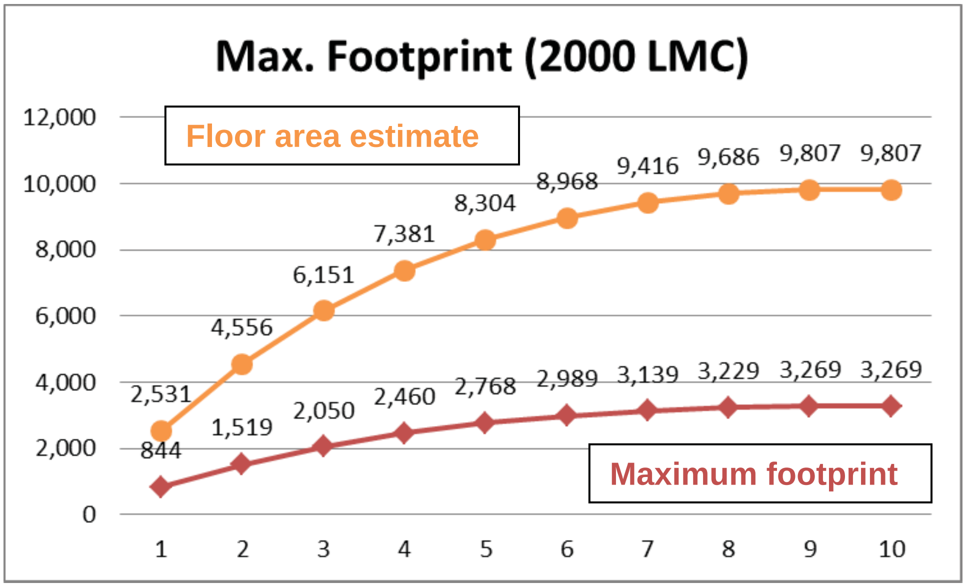
After many hearings, the City Council rejected the Planning Commission's recommendation regarding a maximum building footprint cap of 2,050 square feet. The newly re-written LMC contained the following regulation regarding building footprint (adopted via Ordinance No. 00-15):

> ***BUILDING FOOTPRINT.*** *The maximum Building footprint of any structure shall be calculated as follows:*
>
> *MAXIMUM FP =* $(A/2) \times 0.9^{A/1875}$
> *Where FP= maximum Building Footprint and A= Lot Area.*
> *Example: 3,750 sq. ft. lot:* $(3{,}750/2) \times 0.9^{(3750/1875)} = 1{,}875 \times 0.81 =$ *<u>1,519 sq. ft.</u>*
> *See the following Table 15-2.2.for a schedule equivalent of this formula.*

TABLE 15-2.2.

*Lot Depth, </= ft. **	*Lot Width, ft. Up to:*	*Side Yards Min. Total, ft.*		*Lot Area Sq. ft.*	*Bldg. Pad Sq. ft.*	*Max. Bldg. Footprint*
75 ft.	*25.0*	*3 ft.*	*6 ft.*	*1,875*	*1,045*	*844*
75 ft.	*37.5*	*3 ft.*	*6 ft.*	*2,813*	*1,733*	*1,201*
75 ft.	*50.0*	*5 ft.*	*10 ft.*	*3,750*	*2,200*	*1,519*
75 ft.	*62.5*	*5 ft.*	*14 ft.*	*4,688*	*2,668*	*1,801*
75 ft.	*75.0*	*5 ft.*	*18 ft.*	*5,625*	*3,135*	*2,050*
75 ft.	*87.5*	*10 ft.*	*24 ft.*	*6,563*	*3,493*	*2,269*
75 ft.	*100.0*	*10 ft.*	*24 ft.*	*7,500*	*4,180*	*2,460*
75 ft.	*Greater than 100.0*	*10 ft.*	*30 ft.*	*Greater than 75 ft.*	*Per Setbacks and Lot Area*	*Per formula*

As shown below the 2000 LMC limited building footprint (identified with the red line). For the purpose of establishing a comparison between the floor area regulation and the footprint requirement, the orange line shown on the same graph below indicates the <u>estimated</u> maximum square footage that could be placed on each lot combination based on a three (3) story building, which can be identified as a maximum scenario:



The nelwy adopted 2000 LMC also added that for development over steep-slopes, it required a Conditional Use Permit (CUP) process for development over houses over 1,000 square feet in size located in excess of thirty percent (30%).

<u>2006 LMC - Footprint Regulation</u>
Ordinance No. 06-56, passed in 2006, approved additional amendments to the LMC. The amendments did not change the foortprint formula adopted in 1999/2000 but added the following language to the building footprint section of the LMC:

> ***BUILDING FOOTPRINT.*** *The maximum Building Footprint for any Structure located on a Lot , or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following Formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots exceeding 18,750 square feet shall be 4,500 square feet; with an exemption allowance of 400 square feet, per dwelling unit, for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 sf.*

The reason this provision was added was because after a ten (10) lot combination the number calculated by the footprint formula starts decreasing. The LMC was written to specify that a lot combination exceeding 18,750 (equivalent to ten [10] Old Town lots) was capped to a 4,500 square foot building footprint and also required a Conditional Use Permit to be reviewed by the Planning Commission to ensure compatibility with surrounding structures in use, scale, mass, and circulation and that the effects of any differences in use or scale are mitigated through carefull planning.

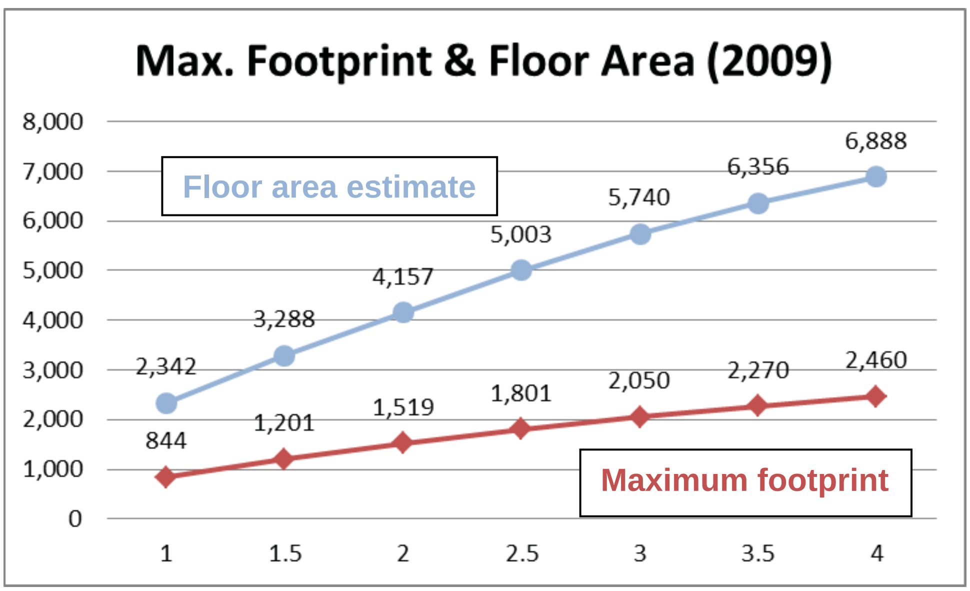
<u>2009 LMC</u>
In 2009 the Historic Preservation Board (HPB) adopted Resolution No. 09-01 adopting the Park City Historic Site Inventory (HSI). The City Council adopted specific LMC

amendments pertaining to the updated of Design Guidelines for Historic Districts and Historic Sites and also adopted such Design Guidelines.

Even though the height regulation remained the same as before, twenty seven feet (27') maximum above existing grade, Ordinance No. 09-14 amended the method of measuring height, and it added a maximum of three (3) stories, required a ten (10) foot minimum horizontal break on the third story, and required a specific roof pitch. The amendments that took place in 2009 did not amend the footprint formula adopted in 2000, however, it did decrease the maximum possible floor area due to the story cap and the horizontal step required on the third story.

As shown below, the 2009 LMC limits building footprint, identified with the red line. The new newly adopted LMC indirectly limits floor area via maximum footprint, maximum number of stories (three), and required horizontal step; identified with the blue line. Due to the uncertainty of lot combinations of more than four (4) lots regarding their setbacks, frontage, and aforementioned parameters the graph below shows the lower end of lot combinations. It is worth noting that the most typical lot combination ranges from one and a half (1.5) lots to two (2) Old Town lots.

For the purpose of establishing a comparison between the 1990 and 1993/1995 floor area and the 2000 maximum footprint requirement, the light blue line shown on the same graph below indicates an estimated maximum square footage calculation that could take place on each lot combination based on a three (3) story building (with a ten foot [10'] setback on the third floor), which can be identified as a maximum scenario:

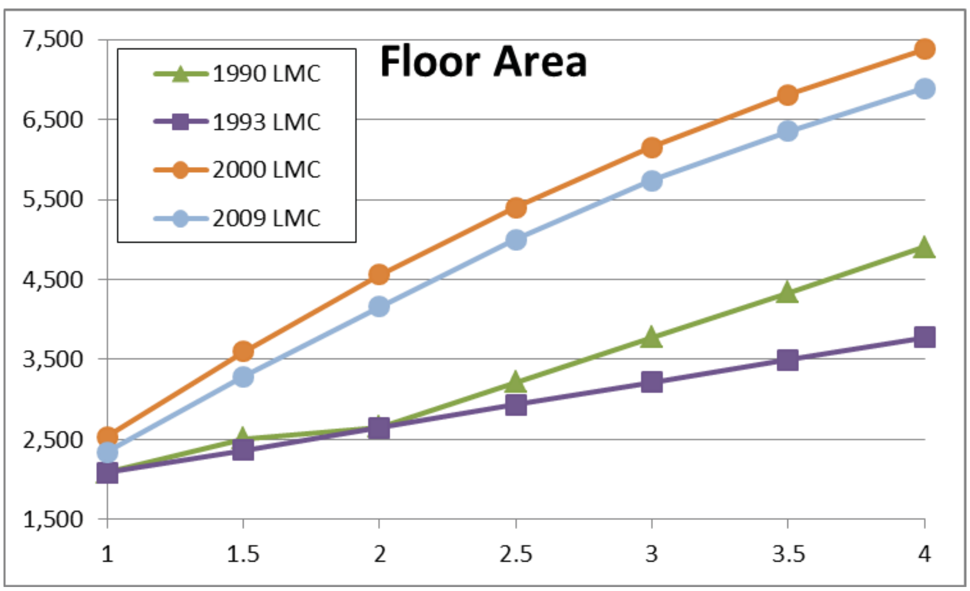


Projects are also subject to required compliance with the updated Historic District Design Guidelines (2009) through submittal of a HDDR application. The updated guidelines provide a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations. The scale of buildings, materials, and site relationships are examples of the specific characteristics that were analyzed and from which the guidelines were developed. Due to the smaller size, scale, and volume of historic sites the HDDR resulted in a reduction of the maximum square footage identified as the estimate above.

Analysis

Staff does not recommend a band-aid approach of re-addressing this complicated issue by treating new lot combinations differently than existing lots of the same size. If the City adopted new regulations for lot combinations only, a proposal to combine three (3) lots directly adjacent to a lot that already had been combined would be subject to different regulations.

More recently, there have been a number of plat amendments taken before the Planning Commission and City Council where there has been heightened concern relative to the size and massing of the structures which would be enabled by the lot combinations, despite being consistent with the building footprint table. Staff has prepared the following analysis which represents the evolution of floor area in Old Town since its inception in 1990, to the reduction in 1993, to the current building footprint regulation that started in 1999/2000, and the recent reduction in 2009. Due to the predictability of range of smaller lot combinations the graph below only shows up to four (4) *Old Town lot* combinations:



The graph above establishes the green line as the first floor area regulation enacted in 1990. The purple line shows the 1993/1995 floor area reduction. Note that up to this point the City did not have a floor area requirement for renovations, additions, or expansions to historic structures. See the attached minutes of the 1995 Plat Amendment City Council meeting discussion where the City's prior one and a half lot requirement for a single family permit is referenced (Exhibit A)

When the City eliminated the floor area regulation in 1999/2000 and utilized the building footprint regulation, it significantly increased the maximum floor area estimate (based on three story buildings) shown in orange. The City in 2009 in an attempt to reduce the mass and volume added development standards that slightly reduced the maximum floor area (based on three story buildings) shown in light blue. Also when the building footprint was enacted in 1999/2000 it applied to all structures, historic or not.

The FAR regulation was utilized in conjunction with the height and setbacks to define the building envelope. The FAR regulation focused on a specific building volume based on a relationship (ratio) with the lot area, whether the building was under or above ground. A structure built under the FAR regulation may cover the entire building pad (lot area minus setbacks).

The building footprint regulation is also utilized in conjunction with the height and setbacks to define the building envelope. The building footprint regulation focuses on the coverage of the lot area, whether the building is under or above ground. A structure built under the building footprint regulation may not cover the entire building pad as the building footprint is smaller than the building pad (lot area minus setbacks). After examining the adopted building footprint formula, Planning Staff identified the following relationship (percentage) of the lot building footprint (coverage) and each lot combination:

No. of Lots	Lot Measurements	Lot Area (sq ft)	Footprint (sq ft)	Lot Coverage (%)
1	25’ x 75’	1,875	844	45%
1.5	37.5’ x 75’	2,813	1,201	43%
2	50’ x 75’	3,750	1,519	41%
2.5	62.5’ x 75’	4,688	1,801	38%
3	75’ x 75’	5,625	2,050	36%
3.5	87.5’ x 75’	6,563	2,270	35%
4	100’ x75’	7,500	2,460	33%

The building footprint acts as a better development regulation than the floor area ratio regulation because not only does it control lot coverage but it also indirectly controls the maximum floor area via combination of the minimum setback regulation, maximum height regulation (including maximum no. of stories), lot coverage, and ultimately with the project achieving compliance with the newly updated Historic District Design Guidelines (2009). Planning Staff recognizes that the maximum building footprint in terms of lot coverage is appropriate.

Even though the floor area has increased with the implementation of the building footprint regulation from the FAR regulation, the City has also amended the LMC to preserve the character of the historic residential districts, encourage the preservation of historic structures, and encourage construction of historically compatible structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.

Staff finds that due to the recent 2009 update of the Design Guidelines for Historic Districts and Historic Sites, the guidelines will work in conjunction with the current LMC regulations designed to find appropriate size, scale, and volume within the residential districts. In 2008 and 2009 the City held various public Historic Preservation Board, Planning Commission, and City Council meetings in conjunction to the applicable required hearings regarding to the LMC amendments and revisions to the updated guidelines, and therefore Planning Staff does not recommend amending the LMC until these new regulation parameters are given more time to see results. Note that whenever there is a conflict between the LMC and the Guidelines the more restrictive applies.

Discussion Requested: ***Does the Planning Commission agree with Planning Staff recommendation of ending the TZO with no further LMC amendments? This would provide the 2009 Guidelines more time to see results in conjunction with the current LMC regulations. The current LMC regulations include maximum building footprint; minimum setbacks; maximum building height including a maximum of three (3) stories, and a ten foot (10') horizontal step in the downhill façade; and specific development standards for construction over steep slopes.***

Future Work Session Discussion

In a future Planning Commission Work Session Planning Staff could explore the opportunity to allow for an additional floor area regulation that can be added to the HRL, HR-1, and HR-2 Districts. If this is the direction that the Planning Commission desires to entertain, Planning Staff could then recommend adding a floor area regulation based on the current building footprint of the lot.

Given the historical background and analysis of this staff report of the maximum floor area based on the current building footprint, the maximum number of stories, and the ten foot (10') horizontal step in the downhill façade Planning Staff recognizes the large increase of floor area that took place once the FAR regulation was eliminated and the building footprint regulation was adopted.

Staff could then recommend keeping the footprint formula as it has been recognized as an appropriate development parameter for lot coverage and adding a maximum floor area cap. The maximum floor area would be twice (2x) the maximum footprint and be based on the current definition of gross residential floor area:

> *The Area of a Building, including all enclosed Areas, Unenclosed porches Balconies, patios, and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 400 square feet, are not considered floor area. Basement and Crawl Space Areas below final grade are not considered Floor Areas. Floor Area is measured from the finished surface of the interior of the exterior boundary wall.*

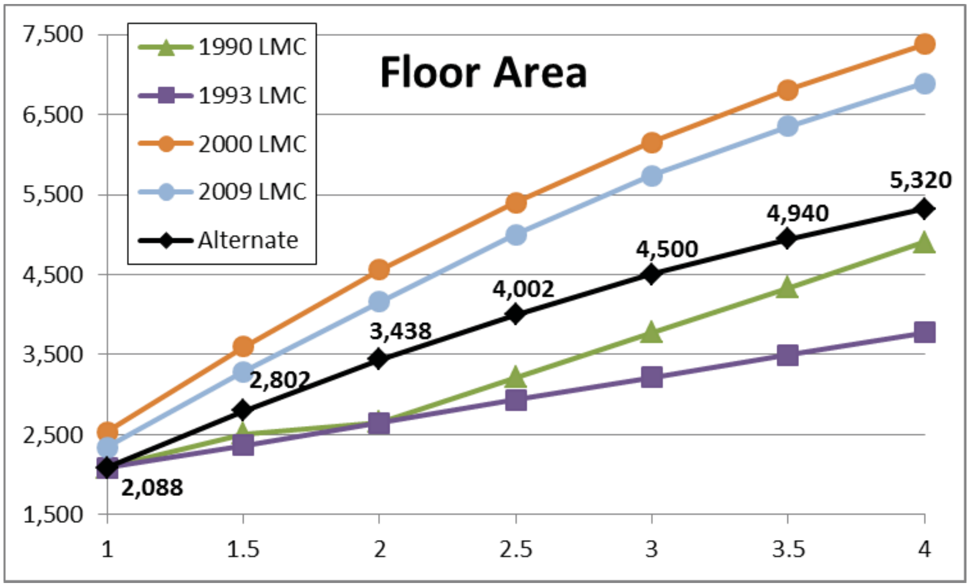
The floor area regulation would result in the following:

No. of Lots	Lot Measurements*	Lot Area (sq ft)	Footprint (sq ft)	Lot Coverage	Current Floor Area†	**Possible Floor Area Cap‡**
1	25’ x 75’	1,875	844	45%	2,342	**1,688 + 400 = 2,088**
1.5	37.5’ x 75’	2,813	1,201	43%	3,288	**2,402 + 400 = 2,802**
2	50’ x 75’	3,750	1,519	41%	4,157	**3,038 + 400 = 3,438**
2.5	62.5’ x 75’	4,688	1,801	38%	5,003	**3,602 + 400 = 4,002**
3	75’ x 75’	5,625	2,050	36%	5,740	**4,100 + 400 = 4,500**
3.5	87.5’ x 75’	6,563	2,270	35%	6,356	**4,540 + 400 = 4,940**
4	100’ x75’	7,500	2,460	33%	6,888	**4,920 + 400 = 5,320**

* For lots □75’ in depth the footprint formula used.
† Estimated maximum square footage based on a three (3) story building.
‡ Garages up to a maximum area of 400 sq. ft. are not considered floor area.

The benefit of this possible future recommendation would be that the building footprint remains the same but the maximum floor area would be capped to reduce the mass and volume of proposed structures. This possible future recommendation would be in line with the purpose to preserve the character of the historic residential districts, encourage the preservation of historic structures, and courage construction of historically compatible structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.

In order to compare this possible future recommendation with the maximum floor area outlined throughout this staff report Planning Staff has prepared the following graph below that summaries each LMC regulation that altered the maximum floor area since its inception:



The black line above provides the possible floor area cap that would be twice (2x) the maximum footprint currently identified in the LMC plus a 400 square foot two (2) car garage. The benefit of this possible future recommendation is that it reduces the maximum floor area as it provides the designer appropriate flexibility to still work with the current building footprint. It also gives the property owner an additional 400 square feet should they desire to build a two (2) car garage.

Department Review
This staff report has been reviewed by the City's Planning and Legal Departments.

Process
Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC §15-1-18.

Notice
Notice of the public hearing was published in the Park Record on June 18, June 25, and August 10, 2011 and posted according to the requirements in the Land Management Code. The original noticing for the TZO and LMC amendments were on June 15, 2011.

Public Input
The Planning Department has received many inquiries about the TZO and the pending ordinance.

Alternatives
- Conduct a public hearing on the LMC amendments described herein or as amended and forward a positive recommendation to the City Council. **This is the recommended alternative.**
- Conduct a public hearing and forward a negative recommendation to the City Council.

- Continue action on the LMC amendments to a date certain.

Significant Impacts

Changes to the LMC are intended to protect the historic district and create greater compatibility within infill to the Historic District.

Consequences of not taking the Suggested Recommendation

Taking the suggested recommendation will leave the LMC unchanged and may provide additional time to apply the recently adopted Design Guidelines for Historic District and Historic Places (2009) in conjunction with the current LMC regulations that were last updated in 2009.

Recommendation

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC) for Chapter 2.1 Historic Residential-Low Density (HRL), Chapter 2.2 Historic Residential (HR-1) District, and Chapter 2.3 Historic Residential (HR-2), as described in this report. Staff recommends the Planning Commission conduct a public hearing on the LMC amendments describe herein, consider input, and forward a recommendation to the City Council specifically to:

1. End the TZO without adopting further limitations on maximum footprint solely for plat amendments; and

2. Provide direction to staff to continue with analysis and recommendations regarding a floor area limitation for all new construction (without using either a TZO or the pending ordinance doctrine- all applications may proceed under current code and design guidelines until and unless a new ordinance is adopted).

Exhibits

Exhibit A – City Council Work Session minutes – 01.05.1995 & 01.19.1995
Exhibit B - Public input received after July 13, 2011

- the Council will be asked to consider contribution additional revenues to match the private funding up to an agreed limit ($25,000).
- a plan and work program will be developed and a standing Advisory Board will be appointed from those asked to contribute to oversee the expenditure of the funds.

- this program will have to be explained and promoted so that a majority of those who benefit will support the imposition of an additional business license surcharge fee.

- this example of public private cooperation can serve as a for other sections of the City wishing to enhance their areas.

Myles emphasized that although the Main Street Merchants Association support the project, not all merchants belong to the group and many have not heard about the project. With the consent of Council, he would like to organize a meeting with Main Street businesses. Jennifer Harrington then showed slides of Main Street areas which could be improved. Pace Erickson reported that the City now spends about $100,000 on Main Street (i.e., banners, maintenance, decorating but not snow removal). Lou Hudson suggested that this be a volunteer effort, but Ruth Gezelius discussed the difficulty when the building isn't occupied by an owner. Shauna Kerr stated that she was a proponent of this project after the summer tour but suggested that the letter should wait until this is discussed at the Council retreat to make sure this is a priority of Council, and Ms. Gezelius suggested that the feedback from the businesses could be helpful at the retreat and that this is a good community project. Leslie Miller agreed that this needs to be set as a priority and could not justify a $50,000 expenditure without further discussion. She also considered beautification as an individual responsibility and there may be planning difficulties. She could not support this yet and wanted to make sure that there is a high level of commitment from the Main Street Merchants and that there is good justification in providing matching grants from general taxpayers' dollars. Ms. Miller felt that assessing higher business license fees will not be popular. A meeting with the Main Street Merchants is fine as long as they know "it is not a given". Lou Hudson noted that other commercial areas would request the same consideration and John Sands from the Prospector business district agreed that other areas feel neglected.

The Mayor recommended that this be discussed further at the retreat.

Procedure for adjusting lot lines. City Attorney Hoffman explained that this review was prompted by a request from a citizen. In the past, through various administrative actions, staff had facilitated the recombination and resubdivision of Old Town lots without public input and without discretionary review. That process enabled the owners of contiguous Old Town lots either to develop them as single lots, with small structures, or as combined and reconfigured lots with much larger structures. Over the past year, staff has amended its practice of administrative adjustment of lots within Old Town to conform with state law, particularly with regard to mailed notice to all property owners in the plat.

Ms. Hoffman pointed out the expectations from plats and used the Aspen Springs Subdivision Plat as an example of how view corridors were planned, platted and recorded. The differences between typical plats and the Park City Survey, Millsite Reservation, and Snyders Addition is that the historic plats are very large and the topography and development patterns vary. She discussed steps to streamline the process including, in the long term, legislative action which would take into account the difficulty with historic plats. In the short term, applicants could notice property owners within 300 feet, as provided in the Land Management Code, and place a note on the plat regarding noticing. A third solution would be for the City to subdivide the historic plats into smaller sections so that noticing is more manageable. Council needs to give direction regarding building across lot lines which would require an ordinance amendment. Ruth Gezelius felt that lot combinations should require more review as setbacks should be increased.

Leslie Miller asked why this is occurring now and why previous city attorneys weren't aware of non-compliance with state law. Ms. Hoffman responded that it was just a matter of the right questions being asked and the timing. Ms. Miller noted that property owners were not very comfortable about the plat note. Alison Child, property owner and applicant, felt that lot combinations should occur as permitted uses because that has been the process and lot combinations have the desired effect of lowering densities. She felt that suddenly the rules have changed and that these decisions should be made by the administrative staff and not the elected officials. Rick Brighton, architect, stated that it is absurd to have these applications go to the City Council. Ms. Miller felt it important to be sensitive to applicants, and the City Manager explained that the City could absorb some of the mailing costs for noticing until the proper amendments are made. Ms. Child suggested that the City obtain another legal opinion and questioned that if this is a gray area, why are we spending so much time on this.

Because of time constraints, this matter will be discussed further at another meeting.

3. School Bond issue. Dr. Fielder stated that the bond issue totals $31.5 million for the construction of secondary

Council's motion of January 5 with regard to approval of the purchase of the film equipment. Roger Harlan, who made the motion, stated that the minutes accurately reflect his motion and the restated motion. Leslie Miller stated that a specific amount was not identified. Toby Ross discussed that there were two meetings with the Arts Council, and the approach the Arts Council desired to take was substantially different from the proforma included in two packets. Staff didn't feel comfortable that it had the authority to negotiate those changes.

Lou Hudson expressed his position of supporting the project because of community benefit and use of the facility. He felt it appropriate to move ahead because the Film Festival has already begun; Bob Johnston explained that the equipment is installed but has not yet been purchased. Shauna Kerr pointed out that in several packets it was stated that the Arts Festival would pay back $7,500 and now it appears it can't meet that obligation. She voted against this last meeting because it violated the CIP Fund process but since there is a commitment to the loan, the issue is whether the Council is comfortable in the Arts Council paying it back on a different payment schedule. The Mayor mentioned that he made a statement previously that this was a "thin" deal, at best, at $7,500 and all of the Arts Council people testified that the pay-back could be accomplished and the Council made a motion on those numbers. Leslie Miller contended that she did not base her vote on those numbers and stated that staff put together the new proforma with options without the benefit of having Arts Council's review and the Arts Council didn't have the information at the last meeting. There are new numbers that will make sense. Bob Johnston explained that the Arts Council had the information before the Council meetings. He continued that as a result of the Arts Council Board meeting, it was determined that this level of commitment was too great. The Mayor felt it inappropriate for the Arts Council to come back for a "better deal" and Ms. Miller felt that was a misrepresentation and that they are trying to make a public facility more accessible to the community.

Roger Harlan emphasized that the motion was based on the reliability of the $7,500 figure and if the numbers have changed, that is new information. Ms. Miller stated that Council should be open to the new information if it results in a better community project and Lou Hudson agreed. Mr. Hudson pointed out that the City has the funds at this time. Ruth Gezelius stated that there was a lack of procedure and she did not want to feel pressured about making a decision when things are out of order. See regular meeting minutes.

4. Procedure for adjusting lot lines. City Attorney Hoffman stated that state law, as it relates to plat amendments, is more commonly applied that thought earlier. Salt Lake City has older and larger plats and has proposed legislation to address these problems; Park City can incorporate its concerns and that could occur by this spring. State law mandates that one can't erase lot lines without going through a formal plat amendment process. She stated that building over lot lines is a violation of the Land Management Code and Uniform Building Code because of setback requirements. The LMC can be amended for internal lot line adjustments. Applicants wouldn't have to go through a plat amendment process but lot lines would still exist. Option 1 would be a relatively easy administrative process but is not really site specific and doesn't provide the neighbors with notice. Option 1a is a similar option but provides staff with discretion to adjust setbacks and FARs (i.e., Bald Eagle - ratio for homes on two lots). Ms. Hoffman explained Option 2, where the application would only go to the City Council and not the Planning Commission, streamlining the plat amendment process. There would be site specific review of the structure, staff would have more discretion and easements could be identified. This would require an amendment to the LMC and would comply with state law.

Ron Ivie discussed problems in Old Town were there is construction over lot lines. Examples included Vie Retreat, the little red house on Park Avenue, and a situation on Rossie Hill where the owner represented that he was combining lots and after the home was built, sold one of the lots not located in the footprint. Brent Gold, attorney, pointed out that the balance of the property could have been deed restricted at the time of the building permit to prevent the sale of a lot. Ms. Hoffman responded that deed restrictions would not clean up the right-of-way issue, encroachments and still presents potential lawsuits.

Tom Clyde, attorney and former City Attorney, stated that his concern is that for many years the requirement forced owners to have an equivalent of 1.5 lots to obtain a building permit. This was accomplished in many instances with a quit claim deed and people based their expectations that that was how it was going to work. A plat note to avoid the "double dipping" of selling a lot would put a buyer on notice. Mr. Clyde is concerned about filing plat amendments in the middle of blocks where surveys don't match and the expense incurred to the owners by having to hire professionals. Going through the amendment process has great potential for creating a lot of problems that could be solved through simpler means. He felt Option 1 is preferred where the LMC is amended and the UBC in Old Town only to allow people to build across lot lines and deal with the FARs as a zoning matter. If the FARs are consumed on a lot, it would put a subsequent buyer on notice. There is fear of the discretionary process which may take months and the noticing is onerous. Shauna Kerr clarified that the FARs would be represented in some sort of recorded agreement which would be revealed in a title report. He emphasized that plat amendments could prompt boundary disputes on every application.

To the extent that Council would like to pursue the administrative lot combination option, Ms. Hoffman asked how many lots are too many to breach? Ms. Hoffman explained to Ms. Miller that there is no distinction between commercial and residential applications. Shauna Kerr felt that an "identifiable" process could be created through formulas. The City Attorney stated that there are a lot of policy issues at stake with regard to these decisions. The law, as written, does protect the public but may be too cumbersome and these options should be reviewed by the Planning Commission for a recommendation.

Alison Child commented that the reasons for this forum is compliance with state law, the lot line problems Ron addressed, and application of the FARs. She emphasized that people are fearful because there are so many unknowns and recommended amending the LMC and FARs which may take a year. She stated that she has supported every amendment to FARs and would just like to know what the rules are now, as opposed to a year from now. Ms. Hoffman reiterated the features of Option 1a. Alison Child noted that the maximum number of lots for lot combinations and house sizes can be specified in the LMC. Ms. Hoffman discussed the merits of Option 2 but Toby Ross commented that Options 1 and 1a seem to have more support. He suggested that four or fewer lots would be workable for administrative lot line combinations to determine setback and easement considerations. There should be a commitment to come back and solve FARs and the broader setback questions as soon as possible. Rick Brighton, architect, added that when there are six to eight lots, it probably would be a condo project and felt that staff should be provided discretion. He pointed out that people building one home on two lots is a good thing as people recognize that there needs to be appropriate setbacks; the focus should be on the intent and not the exceptions that may take advantage of a situation. He doesn't mind if the rules are restrictive as long as they are clear and concise and the process is easy. Ms. Child recommended that there be an "plat czar" because the process is very cumbersome, i.e. limits of disturbance. Many times the City is not getting the best outcome because the applicant does not want to go through the process. Toby Ross suggested that his could be a hearing officer. An Old Town resident complained about "unreasonable" development occurring adjacent to historic homes.

Craig Smith, former Assistant City Attorney, explained that the way we got to this process rather than the plat amendment process was that up to a few years ago it was impossible to amend a plat. Before the law was amended, applicants were required to obtain the signatures of all owners in the plat. He discussed the protection to the City that plats provide. Marianne Cone discussed the scale of homes and the public notice process. Tom Clyde pointed out that much of the discussion is going back to the land use issues, i.e. scale and setbacks, not lot lines. Mary Wintzer, resident, felt that the notification process is important. Bill Ligety commented that the process should be kept simple, supported deed restrictions, and suggested noticing for 100 feet. Alison Child felt that if people are interested in how a building will look, a simple way to accomplish that would be to require notification at the Historic District Commission level during architectural review. She is opting for clear consensus of the parameters for an application. Toby Ross suggested that an amendment to the LMC could allow people to build across lot lines through an administrative process but there could still be notice of a hearing to address easements or other kinds of things. Ms. Child felt that was reasonable.

Ms. Hoffman stated that she is hearing support for an administrative process that involves some level of public notice, that allows the breach of lot lines, with certain restrictions. She continued that that will be drafted for the Planning Commission a recommendation will be before Council in a couple of months. In the meantime, the simple lot combinations could be accommodated by that process in anticipation of those changes. Ruth Gezelius didn't feel comfortable with that and felt that a plat amendment provides more protection to owners and the City. Shauna Kerr referred to Tom Clyde's comments regarding the potential boundary disputes created by plat amendments which could be a bigger nightmare. All of the alternatives could be presented to the Planning Commission, and Ms. Hoffman stated that her concern is that she needs to enforce the law as written unless there is a consensus and other direction is provided by the Council. The Mayor suggested as an interim solution to implement an administrative process unless there was a circumstance that the City Attorney preferred Council to review. Ms. Hoffman commented that the most prudent thing to do is to streamline the amendment process (Option 2, eliminating Planning Commission approval) until other details are worked out. Shauna Kerr pointed out that in reality there will probably be only one or two applications in the interim period, which is not in the construction season. The Mayor emphasized the importance of reviewing FARs again.

Prepared by Janet M. Scott

July 10, 2011

Dear Planning Commission Members,

In reviewing this Planning Commission Staff Report, I realized the ultimate goal of these LMC Amendments and the reason why the TZO was adopted by City Council.

The goal of the LMC Amendments is in response to Applications such as the Upper Ridge Plat Amendment proposal to Planning Commission on June 22, 2011 for a request to reconfigure all or parts of 42 Old Town lots into 6 lots of record, open space and ROW areas.

The author states that the proposed LMC amendments are **broader** than the TZO as they address overall massing. Per City Council, the TZO is to address the limits on the maximum Building Footprint allowed as a result of lot combinations in such zoning districts.

I believe that we need to address one issue at a time, not a multitude of issues, as these potential changes affect hundreds of owners of vacant land and historic homes in the HR Districts.

The LMC Amendments as proposed are penalizing the current owners of small lots for no apparent reason other than a broad statement that homes need to be smaller. In 2009 there were new guidelines approved for the HR Districts which made building even more restrictive. I would like to see examples of these homes that have been built under the new guidelines and why we need additional changes?

The author has proposed four general development parameters.

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1. I agree that lot combinations need to be addressed. The Upper Ridge Plat Amendment where taking 42 old town lots and turning them into 6 lots is a great example as to why the TZO was adopted.

2. Footprint Formula- First I would like to know how many platted lots are bigger than 50 feet x 75 feet that are still vacant in the HR District? Not only is the author proposing a 10 percent reduction in footprint, maximum of two stories, but is also proposing huge additional setbacks for any lot over 25 feet wide. The combination of these reductions is overly penalizing owners of smaller platted vacant lots.

3. Maximum of two stories. This is so restrictive it is unbelievable that it is even being proposed. If Park City was flat, the design guidelines would be easy. The author has not given us examples as to what two story homes would look like on steeper uphill and downhill lots that sit on one platted 25 x 75 foot lot? The basics of this proposal would mean that people would not build garages. It is 2011 and garages are very important to keep cars off of the street.

4. Setbacks- Again this is overly restrictive in combination with the reduction in footprint, maximum of two stories and increased setbacks.

First Discussion- Planning Commission needs more information. Planning Commission should not support the plat amendment/lot combination limitation to **only** historic structures.

Second Discussion- Planning Commission again needs more information.

Third Discussion- It is logical to rezone the North Star Subdivision.

The author talks again about a reduction in stories from three to two as a majority of historic structures were not three stories. Yes many of us live in the HR District and it is 2011 not 1890. I bought my first home in Old Town in 1987 and built my first home in 1995 under the FAR (floor area ratio) guidelines. Yes the FAR guidelines needed change, but there have been many revisions since 1990 that are now fair to the owners of vacant land and the neighbors around them. There has always been discussion at the City with regards to new homes and I have never heard once that they have wanted new homes to look or be historic in mass and scale.

Fourth Discussion- The two story proposal cannot be a blanket rule as no two lots in Old Town are the same. The existing three stories is fair and makes for a livable home.

Fifth Discussion- The increased setbacks for smaller lots is overly restrictive.

The property owners of the HR District were blindsided with these new proposed amendments. The staff report was not published until after 4:30 PM, Friday July 8 giving owners very little time to respond.

I personally own two lots in Old Town, live in Old Town and had no idea that Planning Staff was proposing these new rules. I wish I could be at the meeting on Wednesday but made plans to be out of town months ago.

Sincerely,
Stephen Elrick
578 & 584 Park Ave.

July 11, 2001

Park City Planning Commission
Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah 84060

Re: Proposed Land Management Code Revisions

Dear Planning Commission,

As the owner of 543 Woodside I recently became aware of proposed changes to the Land Management Code that will cap the footprint, reduce the allowed number of levels and increase setbacks. I have been designing a renovation to the existing historic home on my property. My architect met with the city at a pre-application meeting and received positive feedback to add a garage at the street level. This would add a third, underground level to the home. Right now, the home has no off street parking. As I understand it, under the proposed code change the third level would not be possible. I find this very confusing in that the city staff has said that it is possible to add a garage to this property as a basement level and comply with the design guidelines yet now I am told the LMC code change may prohibit it. It would seem to me that to exclude the ability to add a garage that can comply with the design guidelines just because it is a third level is arbitrary and narrow in scope and will further complicate the parking issues on Upper Woodside.

My home is approximately 1000 square feet on two old town lots. Currently I can expand to 1516 square feet in footprint. Since I cannot build over the existing home this would only allow for an addition of 500 square feet. If I am allowed to add a second level to the addition this might bring the total living area to 2000 square feet. Under the proposed code, my total living area would only be 1600 square feet. In sharp contrast under the proposed ordinance, on a similar site without a historic home, a new home could be as large as 2600 square feet (1300 square feet footprint on 2 levels). This is a disparity of 1000 square feet. The notion that a footprint cap can be applied with equity across the range of varying old town site conditions is greatly flawed.

In 2009, the planning commission and city council worked out design guideline and LMC revisions that reduced building levels to 3, strengthened the application process and required compatibility with existing homes. We were in the design stage at that time and waited until the revised code was ratified. As I understand it, these revised codes have not been tested and no new homes have been built under them. I fail to see the logic in putting forth more restrictive codes for a problem that have already been dealt with and solutions have been implemented.

I ask that you table these poorly conceived revisions in favor of the well developed and conceived code modifications from 2009 which give greater latitude in design and still provide for oversight and required compatibility.

Respectfully,

Steve Maxwell
543 Woodside Avenue
404.556.1111

131 Sampson Avenue
Park City, UT 84060

July 12, 2011

Park City City Council
Park City Planning Commission
445 Marsac Avenue
Park City, UT 84060

Dear City Council Members and Commissioners,

As I have written to you in 2008 and 2009, my husband, Joseph G. Sponholz, and I are proud and happy owners of several homes in Old Town, one in which we live as often as we can, two of which we rent to long term tenants, and one of which is currently boarded up and uninhabitable. We are very strong supporters of maintaining the architectural heritage and history of Park City and the aesthetic sensibilities of its residents and government.

We are horrified to see that the Planning Commission is contemplating new and egregious zoning restrictions that appear to accomplish nothing more than drastically reducing the value of any currently unimproved property while dramatically increasing the value of recent McMansions that were approved by the Council as well as other reasonable new or renovated construction of moderate size.

The last property we purchased in January 2010 was an eyesore and a disaster waiting to happen. We have complied with all the requirements of the town in having the structure thoroughly documented and safely boarded up. Our intention was to build a structure in compliance with the zoning and historical guidelines that we understood to be in effect at that time. We based our purchase on what our real estate agent and architect advised us would be in compliance. The new proposals would significantly restrict what we or any other owner could do, clearly reducing the current value of the property.

All of our properties are on Sampson Avenue and Upper Norfolk, all considered steep slope areas. To limit future construction to only 2 stories in this area is a significant penalty. The current restriction of 3 stories was limiting enough. If the intent of the new zoning is to insure that there is consistency within the neighborhood, I suggest that you tour Sampson and Upper Norfolk before finalizing the rules. The proposed limitations would make new construction dramatically smaller than the existing surrounding structures, with a negative impact on property values and general appearance of the neighborhood. As others have mentioned, parking would have to be outside because an indoor garage would be a prohibitively expensive use of one of only two stories. There is no street parking because the streets are too narrow, even without any snow.

As I have said in the past, the current regulations have kept the size and appearance of all but a handful of Old Town homes in keeping with the historical ambience of the town. Those oversized homes could have been managed by the current regulations. The fact that they weren't is not sufficient reason to permanently negatively affect the rest of the property owners in Old Town.

There will always be some friction between economic interests of developers and individuals and the aesthetic and historical interests of a community. Park City has appeared to have found a balance between the two. De facto restriction of the size of new construction and the number of stories with no regard to the proximate neighborhood or the topography will have a significant effect on future tax revenues of the city. In addition, there will be a negative impact on the local architects, builders, real estate professionals, and suppliers whose services have already been severely hit in this current economic environment.

As we said before, we strongly urge the City Council to abandon these proposals and refocus its efforts on avoiding McMansion eyesores while protecting the environment, the history and the architectural integrity of our beautiful city.

Sincerely,

Nancy Bronstein Sponholz

Francisco Astorga

From: David Baglino <DavidBaglino@msn.com>
Sent: Wednesday, July 13, 2011 11:28 AM
To: Park City Planning; Francisco Astorga; Thomas Eddington
Cc: Jonathan DeGray; Michael
Subject: Current TZO/Pending Ordinance on Lot Combinations

Dear Chairman Wintzer and Members of the Planning Commission,

On behalf of Stacey Sachen owner of two homes in Old Town and myself as a General Contractor we would like to express our strong opposition to any change in the current TZO/pending ordinance on Lot Combinations. We strongly urge that you uphold the current three story restriction now in place. We believe the third story allowance that was added in recent years has solved a critical problem in Old Town regarding parking and has begun to alleviate the congested streets by allowing an underground/basement garage to be added as a third story.

Furthermore and specifically we will be negatively impacted on the project we have been working on for months and invested over $10,000.00 into city and design fees located at 263 Park Ave that has gone through the preapproval with the Historic Design Review Committee to submit full application approved at the end of May. We then went on and completed the design and approval process with SBWRD on June 6, 2011, second the full Historic Design Review application was submitted on June 20, 2011, next we completed and submitted our CUP application on June 24, 2011 and finally at no time between March of when we began this process through the submission of the HDR application were we ever notified of this pending ordinance on Lot Combinations. It is our understanding that the notice was improperly given as well as back dated.

Due to all of these circumstances we feel it would be unjust to further delay this project and have a negative impact on property values in Old Town and making an already bad economy worse. We appreciate your time and effort in reviewing and promptly correcting this issue.

Wasatch Engineering Contractors Inc.
David Baglino

Off (435) 604-0600
Cel (435) 640-5806
Fax (435) 604-0574

July 13, 2011

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Park City Planning Commission
443 Marsac Avenue
Park City, Utah 84060

Dear Planning Commissioners,

In 2009 the planning commission and city council adopted revisions to the design guidelines and the LMC for the HR-1, HR-2 and HRL zones. These revisions placed a cap of 3 levels for all homes, required reduction in building mass and adopted new design guidelines for the district and historic sites.

During the debate that occurred there was discussion as to whether to cap building to two levels and whether to reduce the allowable footprint. It was concluded at the time that a two level home created very restrictive design options on sloping lots. It was also decided that instead of reducing footprint that the emphasis would be placed on the review process and the requirement for new homes to be compatible in mass and scale with existing homes.

These revisions to the code give the planning staff the ability to work with applicants on a verity of lot configurations that any one size fits all approach cannot. They provide a great deal of latitude to achieve creative design solutions that are also sensitive to adjacent structures.

Due to the economic climate these revisions remain untested. It is my understanding from the planning staff that since there enactment in 2009 there has not been any single family homes build under these guidelines.

That being the case it is difficult for me to understand whey at this time we are being told that building size in old town is too large and that this is of such grave importants that a TZO is needed to allow time to review the situation. Since 2009 nothing has changed, there has not been a swell of construction activity in old town that could raise this kind of reaction. There simple does not appear to be good cause for the TZO of this proposed code amendment.

The code amendments propose to:

1. Restrict lot combinations to historic sites
2. Reduce foot print on all lots over 1875 sq. ft. by 10% and to cap foot print on two or more lots to 1367 sq. ft.
3. Reduce stories from 3 to 2
4. Increase setbacks.

Old Town, for the most part, is made up of 25x75 lots. Over time these lots have been combined, split and combined again. There is every conceivable combination and configuration in existence. As long as I can remember it has been encouraged to combine lots in order to avoid the 19' wide home design. To restrict lot combinations to only historic sites will do nothing but give incentive to lot owners with more than one lot to build individual 19' wide homes. This would further increase residential, vehicle and pedestrian density in old town. By placing this restriction it will reduce the verity of building size and design that adds to the character of the zone. It also begs the question, what happens to fragment lots? Are they allowed to be combined with whole lots as the code requires?

Reducing footprint at this time in light of the 2009 revisions seems unreasonable. The code as is allows the staff to require buildings to be compatible in mass and scale. The tools exist in the code to insure compatibility but they also allow for flexibility. By reducing or capping footprint on lots it will limit design options and potentially create a one home design fits all in old town. Look at any side of old town and you see a verity of building and lot sizes. This is the context we are working in. It is mixed and that is what gives interest. If you say every home has a 1367 footprint then you will lose this diversity.

Right now the code, in terms of footprint, discriminates against property owners with historic homes. If the footprint is capped the living area in historic homes well be reduced even further as compared to new construction. A good example of this is the property at 929 Park Avenue. The Planning Commission just approved a plat amendment for this property. It is a 900 sq. ft. footprint historic home on a 5000 sq. ft. lot. Under the proposed revisions this property would be able to build out a 467 sq. ft. addition. If they are allowed to develop the addition on a second level then the home would yield 1834 sq. ft. gross area including any garage area. A smaller property or 3750 sq. ft. under the proposed revisions without a historic home can build up to 2734 sq. ft. (1367 x2). A 900 sq. ft. difference

With the plat approval the Planning Commission voted unanimously to allow 1688 sq .ft. of footprint on this property. This will yield a home of approx. 2400 sq. ft. on a 5000 sq. ft. lot which is a reasonable and fair size home for the property.

Reducing allowed levels from 3 to 2 will create a number of unwanted effects for new construction and remodels of existing homes. If you are planning to build a home on a sloping lot and are limited to 2 levels it is unlikely that you would opt for a garage as this would eat up one of your levels. What is more likely is that you would build a parking pad to meet your off street parking requirement and then place your building on the lot as high and out of the ground as you could to get windows out of the living space. This will create a street scape of parking pads and long stairs going up or down to the home entry. If the lot gets steep, over 30%, it is unlikely you could meet the code requirement for cuts and fills not to exceed 4'. If this is the case than the only code allowed solution is to build the garage. This would severely affect the living area. On a single uphill lot, over 30% slope, with a max foot print of 844 sq. ft. the max living area you could expect would be under 1000 sq. ft. This is a one bedroom home. Under the current code a single lot like this could yield between 1800 and 2100 sq. ft. of area including a single car garage.

There are many examples of 3 level homes with garages both historic and new properties that have been built which meet the design guidelines. To limit residences to 2 levels will achieve nothing but odd building design solutions, unworkable square footages and more cars on the streets.

The proposal looks to increased setbacks to gain separation between homes. Obviously there is no option on a single lot to increase side yard setbacks but on lots of larger size it is a good option to explore. I do however believe that the increases staff proposes are too large.

To summarize I find the proposed code revisions are greatly flawed and do not offer up any improvement over the current, untested 2009 revisions. The current proposal constitutes a complete overhaul and would have a profound negative effect on building design in old town. Good planning needs to take into account: the needs of the citizens; create an environment in which good design can occur and lastly take into account the effect of planning code, like these being proposed, on the economy. These proposed revisions do none of these things.

Sincerely,

Jonathan DeGray
105 Norfolk Avenue

From: Katie Cattan
Sent: Wednesday, July 13, 2011 3:07 PM
To: Francisco Astorga
Subject: FW: Preliminary hearing for tonight

From: Tom Bakaly
Sent: Wed 7/13/2011 2:02 PM
To: Thomas Eddington
Cc: Katie Cattan; Polly Samuels McLean; Mark Harrington
Subject: FW: Preliminary hearing for tonight

Please forward to the Planning Commission tonight and Council for future discussions. FYI - I may come hear the discussion tonight at Planning Commission. Thanks - TBB

-----Original Message-----
From: Chuck [mailto:cwmooty@gmail.com]
Sent: Wednesday, July 13, 2011 1:56 PM
To: Tom Bakaly
Subject: Preliminary hearing for tonight

Tom, My name is Charles Mooty. My wife and I own two vacant lots on Park Avenue as well as a home on Woodside. We put significant investment into the purchase of our lots and subsequent drawings and engineering work for our plans to develop a new home on Park Avenue. We submitted our plans for our new home on Park Ave over 18 months ago. Given the fallout of the housing market here in Park City we put on hold our construction project for a better time to sell our current home. We have just heard of the proposed changes being considered by the city and it will have a huge negative impact to our investment. It simply is not fair to once again constrain our development . When we bought our lots we had purchased them with the understanding of the then building restrictions. We then had to modify our plans plans to the latest restrictions which had already been approved and now have subsequently lapsed. As anyone looking at our plans can see, we have put a plan together which is reasonable and not at all over built. Now under the new proposed guidelines, this plan could not be approved and that is simply is not right.

My request is twofold. I would please like to have my voice of disapproval communicated in print to the council. In this difficult economic period, you cannot wipe out further equity or valuation for these vacant lots from property owners. It simply is not fair or right; particularly when the current restrictions in place are so much more restrictive then the adjacent development around us.

Second, I ask that if this proposal is approved, that we be permitted to have our current plan be reinstated before final approval of the proposition. We have not been given fair notice of this and we certainly would have resubmitted before June 15 had we known about this new proposal. Again, this is not fair and I really don't want to have a legal fight around proper notification.

Our investment is significant in Old Town. We take great pride in the community and understand the concerns for over development. But this is simply too restrictive and forcing us to take a huge personal investment loss if this proposal was to move forward.

Please be smart in these tough economic times to the property owners who have already seen significant decline in market values for real estate here in Park City.

I would greatly appreciate your consideration,

Sincerely,

Charles Mooty
chuck.mooty@gmail.com

Charlie Wintzer - Chair Park City Planning Commission

PO Box 1480

Park City, UT 84060

Subject: Planning vs. Old Town

Dear Charlie:

I was unable to attend the hearing on July 13, 2011 but wanted to share some of my thoughts.

My wife, Carolyn, and I built and operate Woodside Inn located at 1469 Woodside Avenue at the northern portion of "Old Town". Our building was completed in October 2000. There are 8 bedrooms & 3 floors above a 2200 sq.ft. garage.

We conformed to the zoning for this area and hit the limit of 35 feet.The height limit has generally been adhered to in Old Town, exceptions being Marriott's and other hotel/condos getting waivers.

Our garage size is unheard of in Old Town. You are always invited to come by and check it out.

Most property values in Park City, in and out of Old Town, have decreased about 50% since January 2008. The decline might be slowing a little, but the County Assessor does not agree. Last October (2010) I asked the Assessor's office to voluntarily decrease the market value of our property from $1,825,000 to $1,500,000. He would not do this so I hired an appraiser who worked on our behalf to reduce our property value which is now $1,500,000.

The planning department is out to lunch. Most city employees and some council members do not believe we are in a recession. They have protected employment with very good benefits including getting raises and bonuses. This is unheard of in the private sector.

We have all experienced the heavy hand of the federal government with numerous regulations and mandates. To some extent it has reached into our state government (ie DABC). Don't allow this crap to plague Park City!

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Shrinking Old Town lots, establishing 2 story limits will eliminate garages which are desperately needed throughout Park City. We have far too many vehicles parking on our streets now making snow removal impossible.

Our garage plus 3 dedicated off street parking spaces was required when we built in 2000. The City widened Woodside Avenue in 2008-2009 and took 4 feet off our property to install a city sidewalk. Across from Woodside Inn is an 8-plex (the City has at least one unit in the building). This building has 16 parking spaces. These units in many cases have multiple renters. One unit has 4 guys, 4 dogs and 4 cars. These cars are now parking on the sidewalk in front of the Woodside Inn & we have lost two parking spaces because of the sidewalk.

I warned Matt Cassel about taking our 2 spaces that planning had demanded. He told me he spoke with planning and the "taking" of the spaces was ok'd. We have 3 garages in another condo building across the street which do not handle cars - only storage for all their junk.

It might come as a surprise, but our guests constantly praise the over all appearance of Old Town. Why even consider these radical changes?

I realize that many areas of this letter will not be received with friendly eyes. The attached article reflects my concern. Park City is not immune to the economy that will persist for several years.

Please share this with your associates. I would be glad to read this letter to any audience.

Sincerely yours, Robert A. McCallister

Robert (Bob) McCallister

435-640-4039 info@woodsideinn.com

Fall in Property-Tax Revenue Squeezes Cities 7-15-11.

By Kelly Nolan

Local governments have endured the first back-to-back declines in quarterly property-tax revenue on record, Census Bureau data show, in part because some have been unable or unwilling to raise tax rates fast enough to offset drops in home prices.

Property taxes bring in more than a quarter of local-government revenue, according to Moody's Investors Service. And until recently, they had been a steadier and more reliable income source than sales and income taxes, which react faster to current economic conditions.

But total revenue from property taxes across the U.S. fell 3% in the fourth quarter of 2010 and 1.7% in the first quarter of 2011, compared with a year earlier. Consecutive declines hadn't happened before in census data stretching back to 1963. That has put a squeeze on already-strapped cities, counties and school districts.

Unlike the early years of the most recent recession, property taxes aren't providing "the relief governments are looking for to get them out of their fiscal doldrums," said Richard Ciccarone, chief research officer at McDonnell Investment Management in Oak Brook, Ill.

One reason is the sharp decline in property values, on which the taxes are based. Another factor: Statutory property tax caps in some states and taxpayer resistance to higher property-tax rates in others have prevented local officials from trying to raise rates enough to compensate for falling assessed values of homes, Mr. Ciccarone said.

Property taxes had shown resilience until now because municipalities charge tax rates on assessed real-estate values that often lag market values by at least few years. So the sharp decline seen in property values during the recession is just starting to be reflected in some valuations.

And while the pace of the decline in home prices has eased, tens of thousands of foreclosures and faltering consumer confidence are expected to leave housing markets bumping near their current level for the rest of the year.

Nationally, home prices were down 4% in April from year-ago levels, according to the Standard & Poor's Case-Shiller 20-City index.

Still, said Bob Kurtter, managing director of public finance at Moody's, local governments can offset declining home-value assessments by charging a higher tax rate.

For example, Washington's King County, home to Seattle, increased its tax rate 14.6% but saw its tax levy—or target for property-tax revenue—increase just 0.5% in calendar 2010, according to Moody's.

Such large property-tax increases aren't always politically palatable, though.

Honolulu experienced a 7.6% decline in property assessments for fiscal 2011, Moody's said. Although the city raised its average property tax rate to \$5.21 per \$1,000 of property value from \$5.05, the higher rate wasn't enough to offset the decline in assessed values. Honolulu's tax levy shrank 4.6%.

From: Truxes [mailto:truxes@gmail.com]
Sent: Wednesday, July 27, 2011 5:17 PM
To: Kirsten Whetstone
Cc: Susan and Bill Truxes
Subject: Adverse effect of proposed HR-1 footprint/floor reduction, on 3 Northstar subdivision lots [NR-8, 9, and 10].

Kirsten
Thanks for your heads-up! Please print/forward this email on to PCPC and others who may be interested.

Note: "OTL" means 1 Old Town Lot = 25‘x75’ = 1,875 sf.
NR-8 (Our Truxes lot) is 24 OTLs, NR-9 is 22 OTLs and NR-10 is 33 OTLs.

PCPC and the council knows that all of the buildings uphill from Lowell Ave are considerable larger than all other old town homes. See Tags 1 and 2

As you know we (in the Northstar subdivision) have 3 (1 to 1.5 acre) lots, plated in June 1974, i.e. 17 years ago! Tag 3.

We (Northstar lots NR-8 [Truxes], NR-9[Lozano] and NR-10 [VanDenburgh]) already lost considerable footprint SF value back in 2009 [rewrite of 15-2.2-3(D)] down to a 4,500 sf footprint (+400 sf garage) for 2 stories and a basement, yields MaxSF = 14,700 sf. see HABU, Tag 4.

Now you want to take us from our 14,700 sf to 1,367 sf max footprint [73% of a OTL!] and 2 stories with no basement or total housing sf = 2,734 sf !!!

This leaves us with (2,734/14,700 =) 18.6% of what we have been planning on since we bought at a premium and paid taxes on this property for 17 years !

Please do not change 15-2.2-3(D) [the Northstar exception] as suggested.
It is unnecessary, just take out the "or combination of Lots" if combos are concern.
It will reduce our property value by millions!

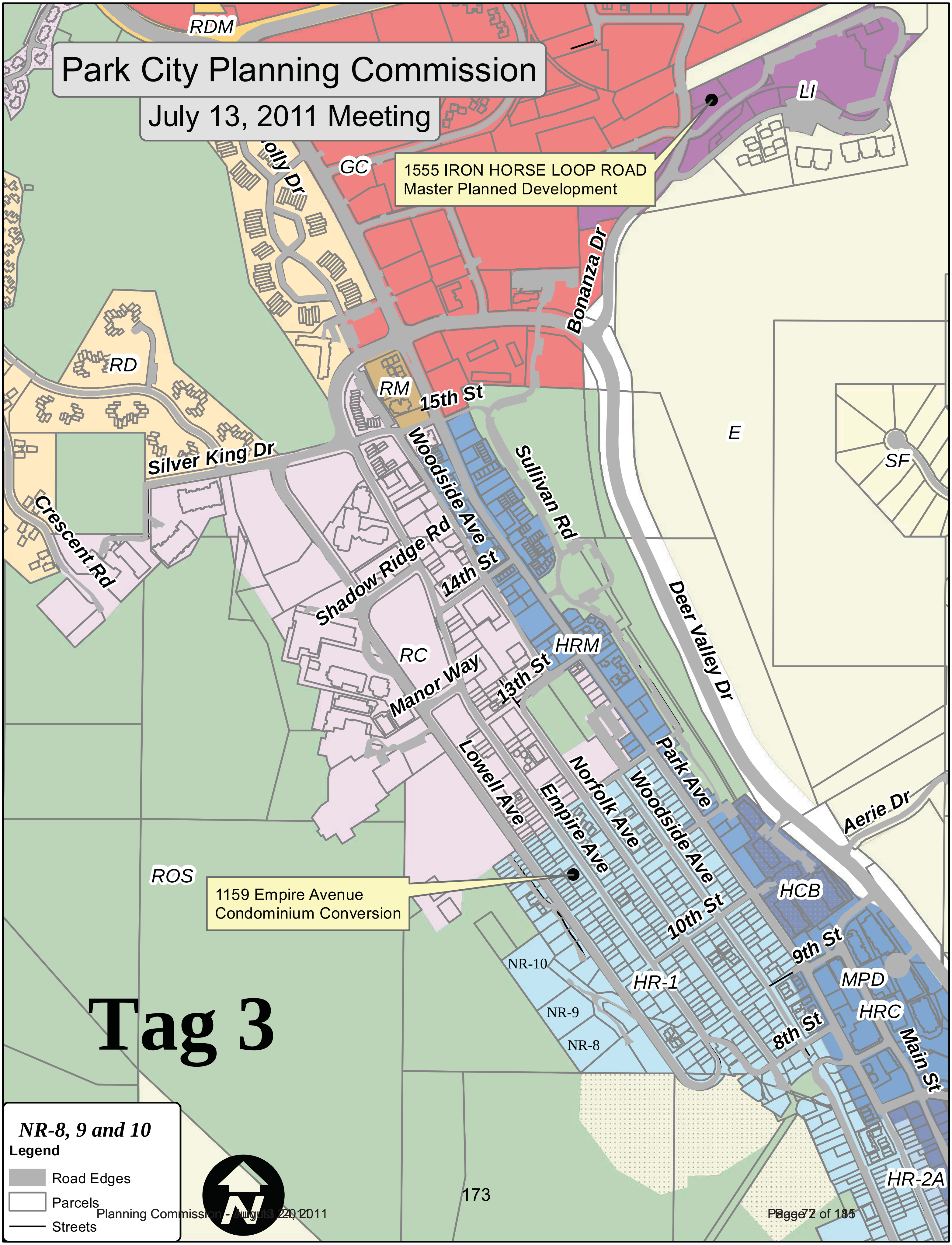
Truxes
Truxes [truxes@gmail.com]

1 attachment: consisting of
Tag 1 - Sweeney hotel next to our properties,
Tag 2 - NS-7, Garda 4 stories,
Tag 3 - Old town map showing us as largest lots in town and
Tag 4 - present rules HABU (Highest And Best Use) plan].

Note: Present use of a 400 oz gold bar could be as a paper weight worth $200.00,
but at a HABU(gold value) is worth $617,784!

Tag 1: Sure looks like more than 2 stories and very big on the up hill side of Lowell Ave. in HR-1!

Tag 2: Sure looks like 4 stories, as seen here.
NR-7, 923 Lowell Ave., 90' facade on 0.68 acre.
Neighbors at "Yellow Slicker" across Lowell NOT as long or as wide as 911 or 923(above) Lowell Ave.


Park City Planning Commission
July 13, 2011 Meeting
1555 IRON HORSE LOOP ROAD
Master Planned Development
1159 Empire Avenue
Condominium Conversion
Tag 3
NR-8, 9 and 10
Legend
Road Edges
Parcels
Streets
RDM
GC
LI
RD
RM
E
SF
RC
HRM
ROS
HCB
MPD
HRC
HR-1
HR-2A
NR-10
NR-9
NR-8
Bonanza Dr
15th St
Silver King Dr
Crescent Rd
Woodside Ave
Sullivan Rd
Shadow Ridge Rd
14th St
Deer Valley Dr
Manor Way
13th St
Lowell Ave
Empire Ave
Norfolk Ave
Park Ave
Aerie Dr
10th St
9th St
8th St
Main St
N

The Highest and Best Use (HABU) of the subject property at 947 Northstar Dr., Park CityUtah.

This property (TAX ID: NR-8) is a Private Ski-In/Ski-Out (**SISO**), 1.03 acre, heavily wooded lot on the private road.

Macro-location: Between the PCMR (Park City Mountain Resort) and 100' to 200' above Old Town area of Park City, Utah USA.

Micro-location: Abuts Creole ski run on the PCMR (Park City Mountain Resort) via a deeded and recorded easement Entry No. 00529817.

The *highest and best use* is a concept in real estate appraisal, which states that the value of a property is directly related to the use of that property; the highest and best use is the reasonably probable use that produces the highest property value. This use, the Highest and Best Use, may or may not be the current use of the property. The 4 tests of highest and best use (HABU) are 1. legally allowable, 2. physically possible, 3. financially feasible and 4. maximally productive. [*Read all footnotes on Page 2 of 2.*]

1. **Legally Allowable** (maximum improvement per 15-2.2-3(D), and guest house per 15-2.2-2(B)(2) and 15-4-6):
   - **SISO**: NR-8 private ski-in/ski-out (SISO[1]) access to the abutting Creole ski run on the Park City Mountain Resort (PCMR).
   - **Option 1**: 14,700 sf maximum improvement[2]: 12,000 sf build-out of existing improvement up to the top of lot, no guest house[3].
   - **Option 2**: 14,700 sf maximum improvement[2]: new house, demolish existing improvement, no guest house[3].
   - **Option 3**: 13,950 sf maximum improvement[2]: 11,250sf new main house and remodel existing 2,700 sf as guest house[2].
   - **Option 4**: 14,700 sf maximum improvement[2]: demolish existing improvement, new main house with a new guest house[2].
   - **Steep Slope**: Steep slope construction[4] for new house or new main house on subject property, NR-8, per *15-2.2-6*
   - **Long term lease (All Options) and Nightly Rental (Option 1 and 2 only):** per *15-2.2-2(A)(3)*

2. **Physically Possible**:
   - **SISO**: Is physically possible according to Pat and Mike Sweeney (2 of the 3 owners and officers) of the Sweeney Land Company (owner of PC-800-1-Lot 10 which our ski access crosses). Who on Friday, Aug. 22, 2008, walked subject (NR-8) ski access and agreed our ski access is approved by them and very (physically) possible. They offered several alternative trail suggestions that also are physically possible and are under consideration. A well used hand cleared 3 to 10 foot wide ski path already exists. Pat Sweeney suggested we may be able to use our SISO trail for the top of the lot main house construction access also if it is made 12' wide and reclaimed with grass after construction.
   - **Option 1**: A 14,700 sf house with a 12,000 sf build-out of existing improvement up hill is physically possible, utilizing steep slope[4] construction techniques, very common in Old Town.
   - **Option 2**: A 14,700 sf new house at the top of the lot is physically possible, utilizing steep slope[4] construction techniques. Removing the existing 2,700 sf improvement[3] presents no steep slope[4] considerations and is physically possible.
   - **Option 3**: A 13,950sf **(**= new 11,250sf house at the top of the lot plus remodeling the existing 2,700 sf improvement) The new is physically possible, utilizing steep slope[4] construction techniques and the remodel presents no steep slope[4] considerations and is physically possible.
   - **Option 4**: A 14,700 sf new house with a new guest house at the top of the lot is physically possible, utilizing steep slope[4] construction techniques. Removing the existing improvement[3] presents no steep slope[4] considerations and is physically possible.
   - **Steep Slope**: Steep slope construction[4] is very common and physically possible in Old Town Park City.
   - **Long term lease (All Options) and Nightly Rental (Option 1 and 2 only):** required parking is physically possible.

3. **Financially Feasible** (assume demolition at $75/sf, remodel at $100/sf and build new at $360/sf)**:**
   - **SISO:** Cost from (as is) $0 to (12' wide) $25,000. Have SISO[1] now. Additional cost to widen to 12' could make construction easier.
   - **Option 1**: Cost $8,065,000 [5] for lot, remodeling existing improvement up to top of lot, no guest house.[total cost/sf=$548.64/sf]
   - **Option 2**: Cost $8,265,000[5a] for lot, building new main house with no guest house (demolish existing).[total cost/sf=$562.25/sf]
   - **Option 3**: Cost $7,795,000 [6] for lot, building new main house plus remodel guest house [7] [total cost/sf = **$**558.78/sf]
   - **Option 4**: Cost $8,967,000 [8] for lot, building new main house and new guest house. [total cost/sf = **$**610/sf]
   - **Steep Slope**: Steep slope construction[4] is included in the cost/sf for **Option 1 to 4** and common in the neighborhood.
   - **Long term lease (All Options) and Nightly Rental (Option 1 and 2 only):**many management companies in town.

4. **Maximally Productive**(*% Potential Profit = (((MV/cost)-1)*100)* and assume demolition at $75/sf, and sale price new at $750/sf [*or at $1,000/sf*]) **:**
   - √Market value (MV) SISO[10] **as vacant** with demolition[3]: **$3,250,000**[9] = 1,700,000[10] + 1,750,000[11] - 200,000[3].
   - √Market value (MV) SISO[10] **as vacant** without demolition[10a]: **$3,450,000**[12] = 1,700,000[10] + 1,750,000[11] - **0**[10a].
   - √Market value (MV) SISO[10] **as is**: **$4,124,000**[13] = $3,450,000[12]+674,000(= 2,700sf at $250/sf)
   - Market value (MV) SISO[10] as **Option 1**: 14,700 sf, remodel up hill: $11,025,000 at $750/sf *[or $14,7000 at $1,000/sf]*
     - **Option 1**: *% Potential Profit* = **36.7%** *[or **82.9%**]*= (((**11.025**/8.065)-1)*100) *[or ((**14.75**/8.065)-1)*100]*
   - Market value (MV) SISO[10] as **Option 2**: 14,700 sf, all new no guest house: $11,025,000 at $750/sf *[or $14,7000 at $1,000/sf]*
     - **Option 2**: *% Potential Profit* = **33.4%** *[or **78.5%**]*= (((**11.025**/8.265)-1)*100) *[or ((**14.75**/8.265)-1)*100]*
   - Market value (MV) SISO[10] as **Option 3**: 13,950 sf, new + rem-guest house: $10,462,500 at $750/sf *[or $13,950,000 at $1,000/sf]*
     - **Option 3**: *% Potential Profit* = **41.4%** *[or **79%**]*= (((**11.025**/7.795)-1)*100) *[or ((**13.95**/7.795)-1)*100]*
   - Market value (MV) SISO[10] as **Option 4**: 14,700 sf, new + new guest house: $11,025,000 at $750/sf *[or $14,7000 at $1,000/sf]*
     - **Option 4**: *% Potential Profit* = **23%** *[or **64.5%**]*= (((**11.025**/8.967)-1)*100) *[or ((**14.75**/8.965)-1)*100]*

Determination of Highest and Best Use: Option 3: 11,250 sf new house with private ski access and a remodeled 2,700 sf guest house.

This property (TAX ID: NR-8) is a Private Ski-In/Ski-Out (**SISO**), 1.03 acre, heavily wooded lot on the private road.
Macro-location: Between the PCMR (Park City Mountain Resort) and 100' to 200' above Old Town area of Park City, Utah USA.
Micro-location: Abuts Creole ski run on the PCMR (Park City Mountain Resort) via a deeded and recorded easement Entry No. 00529817.

Footnotes (947 Northstar Dr. HABU):

1: **SISO**. Private ski access to Creole Run on the Park City Mountain Resort (PCMR) is legally allowable according to the subject property's (NR-8) abutting easement owner (PCMR, POC: Administrative Director, Jenni Smith) and easement property owner the Sweeney Land Company (POC: Pat Sweeney). see attached SISO.pdf [deeded and recorded ski easement known as the "Creole Trail, Lift and Base Ease" Entry No. 00529817, ¶1] and RED.pdf. If this SISO access across to Creole is made 12' wide, it provides construction access to the top of the lot.

2**:** The maximum improvement (14,700 sf) for this 1.03 acre lot in zone HR-1 is three times the maximum allowable footprint (MFP) of 4,900 sf (4,500 sf + 400 sf for a garage) per 15-2.2-3(D), without a guest house. The MFP of the main house is reduced by the footprint of a guest house [per 15-2.2-2(B)(2) and 15-4-6] and in the case of Option 3 (a remodel of the existing improvement with a footprint of 1,150 sf) the maximum allowable square feet of a new main house at the top of the lot would be 11,250 sf (= 3*(4,900 sf - 1,150 sf) = 3*3,750 sf).

3**:** Subject NR-8 has existing 2,700 sf improvement that could cost **$200,000 (~$75/sf)** to remove. See page 3 of 22, Appraisal File No.: 0709-BH2 / Case No.: 3000142749.

4**:** See *15-2.2-6* DEVELOPMENT ON STEEP SLOPES Requires (B) Conditional Use Permit(CUP) for over 1,000 sf (A) on 30% slope.

5: Cost of Option 1 is $8,065,000 = $3,450,000 *(lot w/o demolition)* + $4,320,000 (cost of the new 12,000sf*(14,700-2,700) addition at †$360/sf)* + $270,000 *(2,700sf remodeled existing improvement at $100/sf)* + $25,000*(12' wide ski/construction access)* [Option 1 total cost/sf =$8,065,000/14,700 sf = **$548.64/sf**]. † "$360/sf" from page 4 of 22, Appraisal **File No.**: 0709-BH2 / **Case No.**: 3000142749 / date: 7/23/08.

5a: Cost of Option 2 is **$**8,265,000 = cost of Option 1 + $200,000 for demolition ($75/sf) of existing improvement. [Option 2 total cost/sf = $8,265,000/14,700 sf = **$**562.25/sf]

6: Cost of Option 3 = **$**7,795,000 = $3,450,000 *(lot w/o demolition)* + $4,050,000(*new 11,250 sf main house at $360/sf*) + $270,000 *(guest house is 2,700sf remodeled existing improvement at $100/sf)* + $25,000*(12' wide ski/construction access)*. [Option 3 total cost per maximum allowable sf = (3,450,000+4,050,000+270,000+25,000)/(11,250 sf+2,700 sf) = $7,795,000/13,950 sf =$558.78/sf]

7: "$100/sf" is cost to remodel existing improvement as a guest house.

8: Cost of Option 4 is $8,967,000 = $3,450,000 *(lot w/o demolition)* + $5,292,000(*new main house and new guest house, 14,700 sf at †$360/sf*) + $25,000(*12' wide ski/construction access*) + $200,000 (*demolition of existing improvement @ $75/sf*).[Option 4 total cost/sf = $8,967,000/14,700 sf =$610/sf]

9: Market value as vacant with demolition: $3,250,000 = $1,700,000(for SISO **10**)+ $1,750,000(for large lot WITHOUT SISO **11**) - $200,000 (for demolition of existing improvement so *improvement placement doesn't reduce SISO value. This may be unnecessary see note* **10a***)*

10: SISO value = $1,700,000 [i.e. location, location, location]**:** "*Based on an analysis of the sales found in the area, ski-in/ski-out access is a very valuable attribute which provides a considerable contribution to value (estimated at about $1,700,000).*" on page 3 of 22 of Appraisal File No.: 0709-BH2 / Case No.: 3000142749 / date: 7/23/08.

10a:*"The value of the ski access is therefore estimated at approximately $1,700,000 based on paired sales with no adjustment for removal of the improvement."* on page 4 of 22 of Appraisal File No.: 0709-BH2 / Case No.: 3000142749 / date: 7/23/08.

11**:** $1,750,000 is the value of subject property (NR-8) as vacant and without ski access, based on the 7/2/07, $1,750,000 sale of NR-10 (MLS#: 9969384), a larger (1.44 acre) vacant flag lot 500' to the west on the same private road, Northstar Dr.. Ski access is neither *Legally Allowable* nor *Physically Possible* for NR-10, however it is *Legally Allowed* the same size (no larger) improvement as the subject property (NR-8) per 15-2.2-3(D) which states "The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet (0.40 acres) in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet." So 4,500 sf + 400 sf times 3 stories = 14,700 sf. This lot, like the subject property (NR-8), is also legally allowed a guest house per 15-2.2-2(B)(2) and 15-4-6.

12: Market value of SISO as vacant without demolition: $3,450,000 = $1,700,000(for SISO**10**)+ $1,750,000 (for large lot WITHOUT SISO**11**) - $0 (for not demolishing existing improvement as suggested on page 4 of 22 of Appraisal File No.: 0709-BH2 / Case No.: 3000142749 / date: 7/23/08, see note **10a***)*.

13: Market value as is: $4,124,000 = $1,700,000(for SISO**10**)+ $1,750,000(large lot WITHOUT SISO **11**)+$674,000 (valued at $250/sf, replacement cost for existing 2,700 sf improvement 947 Northstar, to be saved as guest house for subject property.).

14: this documents name is HABU.cwk as of 081112W. Also see HABU lot size.cwk , *4maps.pdf* and 561Woodside.cwk and 3AppsAnalysis.cwk

Francisco Astorga

From: joy@joypatin.com
Sent: Wednesday, August 10, 2011 1:27 PM
To: Francisco Astorga
Subject: Stop the Madness!

The proposed land and property use change is preposterous. This change cannot be permitted to go through. Property owners in Old Town and throughout Park City will ultimately be affected in a negative way.

Is Park City still part of the United States of America? Historic guidelines are one thing, but such tight restrictions on privately owned property cannot continue. Let's settled down, Park City Council Members, and make decisions that are best for the community at large.

I hope you are listening.

Joy

Joy Patin
435/647-6363
joy@joypatin.com

Dear Mayor, Council Members and Commissioners:

I am writing this letter to voice my strong opposition, as a local resident of Park City, to the Temporary Zoning Ordinance and the Proposed Ordinance modifying the Land Management Code.

I am strongly in favor of preservation and compatibility, my home is historical, and in the past I have felt the need for some change as my home was adversely affected by a home built adjacent to mine.

I have followed the 2009 changes and while they are not a perfect fit for me, I feel comfortable with them.

I feel the current Temporary Zoning Ordinance is not needed and the Proposed Ordinance modifying the Land Management has no benefit, would only penalize me and in no way meet the stated objective of preservation and compatibility

Sincerely,

Tracy Nielsen

Tracy Nielsen

RECEIVED
AUG 1 2 2011
PARK CITY
PLANNING DEPT.

Dear Mayor,

My name is Kamilla Nielsen, and I am a Senior at Park City High School and an Old Town resident. My mom and dad have been very concerned over the changes that have taken place that affect our property over the last few years and as a result I have been following the process.

The latest sets of changes have deeply upset my parents. It seems that the latest set of changes is unfair to us.

My parents have invested in Park City thinking their home would be a good place to put their savings into.

It seems bad enough that the economy has taken such a turn, but then to have this come up.

These changes in the past and the current proposed changes have caused my parents so much stress, concern and sleepless nights.

I cannot speak to the need and or reason for these changes, for what I am told and understand they seem unnecessary. What I know and can say for sure is that this has caused great concern, fear, and stress in our lives.

The decisions you make will deeply affect our lives and my future, please take into account that we are people who in good faith believed in this town and the people who run it. Please do not pull the rug out from under us

Sincerely,

Kamilla Nielsen

Kamilla Nielsen

RECEIVED
AUG 1 2 2011
PARK CITY
PLANNING DEPT.

Francisco Astorga

From: David Van Denburgh <David.Vandenburgh@AmericanFence.com>
Sent: Friday, August 12, 2011 5:46 PM
To: Francisco Astorga
Subject: Proposed Old Town Ordinance Impact

Commissioners:

As a resident of Park City and "Friend of Old Town," I am writing to express my concern regarding the proposed ordinance being considered. I am concerned about the negative impact this could have on the residents of Park City and feel that the 2009 amendments to the Land Management Code have not been given sufficient time to determine their results. Therefore, at this time I feel any change to the current Code is unacceptable. Our town needs economic investment and reinvestment which further restrictions will effect adversely. As a property owner in Park City, I want to see innovative new construction as well as renovations done to improve the community and support local businesses, not property values reduced as a result of new restrictions. Along with my fellow Friends of Old Town, I encourage you to consider the impact of this proposed orginance on Park City property owners.

Respectfully,

David S. Van Denburgh
911 Lowell Ave.
Park City, UT 84060
david.vandenburgh@americanfence.com
602-352-7681

Francisco Astorga

From: jim wilson <jwpcpp@gmail.com>
Sent: Saturday, August 13, 2011 9:33 AM
To: Francisco Astorga
Subject: LMC

Francisco, I would like you to know I am opposed to the proposed changes in the LMC. I have lived in Park City 67 years and it was a great place until about 30 years ago when some one in city government decided that property owners were not smart enough to make their own decisions on what to do with their own property. My house was built around 1900.I may be old but there is nothing historic about it. thanks for your time and effort. Jim Wilson 1063 Norfolk Ave.

Francisco Astorga

From:
Sent: Sunday, August 14, 2011 4:58 PM
To: Francisco Astorga
Subject: TZO/LMC changes

>
>
> Hi Francisco,

> How are things going at city hall? Hopefully a bit less contentious
> than they were during the last meeting on the TZO! I was asked by a
> few folks to resubmit the letter below to you, hopefully it helps.

> I have owned property in Old Town for over a decade and am quite
> proud to be a Parkite and a member of a community that prides itself
> as a prosperous, well managed historic ski town. However, I recently
> received notice of the TZO re height and footprint and as one of the
> limited number of recent buyers in Old Town, I found the proposed
> regulations quite disconcerting. After much due diligence, I
> purchased the historic property on Ontario Avenue knowing that adding
> a garage at street level was possible. If I had been aware that such
> changes were in the works, I certainly would not have purchased the
> property or anything else in Park City for that matter.
>
> As a 20 year member of Phi Alpha Theta, I am very much a fan of
> historical preservation and understand the implications of maintaining
> the historical integrity of an area. However, in Park City, owning a
> historic property already comes with with an extremely high amount of
> regulation even when compared to other historic districts (I have
> owned historic properties in several other loc'ns as well). Adding
> more control on footprint and reducing levels to two only adds more
> regulation and less flexibility in terms of design
> options/alternatives that would help preserve the historical look yet
> allow for practical options for
> owners of such properties. Additionally, taking into account the
> unique topography in Park City, it is difficult to comprehend how a
> 'one size fits all' solution on height would make sense. My small
> home only has foot access that is quite difficult on a very steep
> slope for example, lending itself only to building up the hill in
> order to have a garage and maintain the proper historical facade in
> front while still having safe entry for the average person or even
> more so for the physically challenged (for example, I have wheel chair
> bound friends and an elderly mother and there is no way for them to
> get into this property, hence, they have never been). The neighbors
> on both sides have added garages similar to what I hoped to eventually
> do when I purchased this property 2 months ago (although mine would be
> a bit more subtle and historic portion pretty much unchanged).
> Changing this now would severely impact my valuation as well as those
> in similar situations.

>
> Finally, I would also note that we are in the midst of an extremely
> weak transition in housing and housing finance if not a double dip
> which may be made much worse as the GSE's pull away from the market
> (which they are starting to do). At the end of the day, at best this
> does not seem to be the time to throw up roadblocks to economic and
> housing recovery however anemic they may be. Maintaining the
> integrity of Old Town is one thing, creating overbearing regulations
> that create a disincentive to recovery of our construction indus.,
> housing recovery, improvement and maintenance of historic properties
> and the economy of Park City in general seems quite regressive.
>
> Please feel free to contact me if you would like to discuss further as
> I am obviously very interested in this issue and Park City's
> regulatory environment in general. Also, can you please add me to any
> distribution lists you may have to keep me informed regarding any
> possible changes, hearings, legislation etc (felt kind of blind sided
> by this one as you can imagine).
>
> Best,
> Bill McKenna
>
>

Francisco Astorga

From: regina white <roocharoon@yahoo.com>
Sent: Sunday, August 14, 2011 1:31 PM
To: Francisco Astorga
Subject: changes

Francisco,

Please add my name to the list of Park City residents who are against the proposed land use ordinances. There is no reason to change them so quickly. The 2009 ordinances haven't had a chance. It's a bad idea.

Regina White
314 Daly
Park City

Francisco Astorga

From:	Heidi Gatch <heidi@pru-utah.com>
Sent:	Monday, August 15, 2011 3:27 PM
To:	Francisco Astorga
Cc:	Liz Sharp
Subject:	Against further restrictions/down zoning "Land Use Change" in Old Town

Dear Francisco,

I understand you/the staff/City Council and the Planning Commission are in a difficult situation. You have people on both sides of the Land Use Change issue and you're trying to be fair and equitable to all. The problem is you can't please everyone all the time. I appreciate the effort and attention all of you have given to this issue and to everything you do on behalf of the people of Park City. I also think you have more important things to tackle/engage in at this point. If this had occurred 10 to 15 years ago before Park City invited everyone to "Come to Park City", encouraging the 2002 Olympics and as much tourism as we have, I think you could have probably put these more restrictive regulations in place - and they may have made sense. At this point, I think that ship has sailed, so to speak. People have paid very strong prices with existing rules and regulations in place. I think you are setting yourselves up for unnecessary time, effort and expense to try to handle their objections that will most probably follow if the new restrictions are implemented. Yes, some larger homes have been built in Old Town over the last 10+ years but that is what was allowed for and it adds diversity to the fabric of the historic district. You have homes of all shapes and sizes. Some larger homes on larger lots. That's generally what occurs in a neighborhood and that's what occurred in Old Town. If we were still back at 10 – 15+ year ago pricing and build-out, these more stringent restrictions may have been appropriate. At this point, with relatively few remaining lots to develop, I don't think it is appropriate. I think you need to decide/disclose who is actually promoting this movement and have a public forum/discussion to discern what the majority of the public wants in this case. It is very emotional and somewhat confusing at the meetings. I think the staff, board members and those in attendance get discouraged and frustrated and start saying things out of distress. I was uncomfortable at the last meeting by some of the things that were being said back and forth. I don't think that's where anyone wanted the tone of the meeting to go. Speaking for myself, that's not where I wanted it to go. I think it would be more productive, expeditious and fair for those who have bothered to engage in the process, to be able to participate in it. Present, discuss, discern public opinion and vote. I think all would agree the responses at the last meeting clearly demonstrated the majority of attendees were against further restrictions/down zoning.

I don't really understand who is promoting the Land Use Change and what the proponents think the "change" will accomplish? Making properties harder to finance is probably not the way anyone wants to go in current market conditions and I think you have pretty strong Land Use rules and regs in place right now? Ones that haven't really been tested because of market conditions. That's why I'm unclear why they need to be more restrictive and who is promoting the change. I think it would be helpful for you to be able to explain why further restrictions are being considered, who is calling for them and the reasoning behind the movement. It would be helpful to better understand it from all aspects because right now, it doesn't make much sense to me and I think you have more important matters in which to devote your time, effort, talent and expense. (And I mean that sincerely. You all have so much to do I think you should be able to put your energies into those other important things.) That's my personal opinion and we haven't lived in/owned property in Old Town since 2000. We do list/sell Old Town properties year round and on behalf of our friends/clients who live and own there I don’t think further restrictions are fair or appropriate at this time. Especially since the ones on the books have not been able to be tested.

I think a mandate for the City Council and Planning Commission is to represent the best interest of the public. I hope you and the board members will allow the public to participate and to be heard in this important decision.

Thank you very much for your consideration.

Cheers,

Heidi Gatch
Prudential Utah Real Estate
HeidiGatch.com
Heidi@Pru-Utah.com
Liz@Pru-Utah.com
Private Fax: 435-655-2503
Toll Free: 800-553-4666
Heidi cell: 435-640-0892

Francisco Astorga

From: Gary <gkimball1@msn.com>
Sent: Monday, August 15, 2011 1:32 PM
To: Francisco Astorga; Dana Williams; Sandra Morrison; Patricia Abdullah
Subject: Rape of Old Town

FRANCISCO,

I REALIZE YOU ARE GOING TO GET A TON OF MAIL/E-MAIL FROM THE WELL- OILED *DEVELOPERS MACHINE*! THE MAJORITY OF OLD TOWN RESIDENTS DO NOT WANT THE CHARACTER OF OLD TOWN CHANGED!

OLD TOWN IS PARK CITY'S 4TH RESORT! PLEASE DON'T STAND BY AND LET IT BE DESTROYED BY THE WANTON GREED OF THOSE WHO CHASE THE BUCK!!

THEY HAVE TURNED THE TERM FRIEND INTO A OXYMORON!! DON'T BE A MORON AND BUY INTO THEIR GREED!

SEVENTY-FOUR YEARS IN "OLD TOWN" AND COUNTING,

GARY KIMBALL

Francisco Astorga

From: Kate Riggs <kate@parkcityrealtors.com>
Sent: Monday, August 15, 2011 11:06 AM
To: Francisco Astorga
Subject: FW: Old Town property rights

Francisco,

Please include the email below in the briefing packet on lot combos.

Many thanks, Kate.

From: Carrie Shoaf [mailto:carrie@luxuryresidencegroup.com]
Sent: Monday, August 08, 2011 10:06 AM
To: kate@parkcityrealtors.com
Subject: Old Town property rights

Kate,
The proposed changes in Old Town property rights are an outrage and I don't believe city planning has any idea what kind of devastating affects it will have on property owners in Old Town.
Property values will certainly decrease, rights are being violated, a non conforming property will not be able to get a loan without paying extremely higher interest rates, - the list goes on and on.
Thanks,
Carrie

Carrie Shoaf
Associate Broker
Luxury Residence Group
Summit | Sotheby's INTERNATIONAL REALTY
Carrie@LuxuryResidenceGroup.com
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ParkCityDeerValleyShortSales.com
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Visit Us:

Park City Municipal Corporation July 6, 2011

445 Marsac Avenue

Park City, UT. 84060

Attention**: Kirsten Whetstone, AICP**

Senior Planner

Dear Kirsten

I am an owner of a residence at 1096 Lowell Avenue in the Old Town Historic district and I am writing to you regarding the Temporary Zoning Ordinance (TZO), modifying to the existing Historical district regulations, of which our architect Jonathan DeGray, informed us on June 25, 2011.

Specifically, I would like to address the proposed two-story height limit on residences in the Historic District. As a property owner, I strongly oppose these new changes, that in my opinion, are not 1) in the benefit of existing or future owners in the area, 2) not helpful in reducing the density of the Historical District, nor 3) helpful to the already fragile economy. Other opposing reasons are as follows:

- My residence on Lowell Avenue is an existing two story structure on a 35'X 75' lot without a garage. The reason I purchased this property a year ago, was because it allowed me to expand the structure and add a third level with a garage in the future. By adding a third story, my new entrance will be at street level providing easier access to my house from the street. This will be an important consideration in my senior years. More important it will allow me to park my car within my property and out of the street, which is a great benefit to the traffic congestion that occurs on Lowell Avenue during the winter months.

- This proposed change in the zoning ordinance will impact greatly the Real Estate business in the area by limiting the opportunities of existing owners to sell, and of future buyers to build new structures or remodel existing ones.

- This new ordinance change will also punish new owners buy not allowing them to have the same benefits that their existing neighbors with three-story homes possess.

- The existing Park City Municipal Code for the Historical district goes to great efforts to maintain the esthetic appearance of the area by regulating the scale, building height and rooflines of the houses. This new zoning change will go against the uniformity of neighborhood by altering the scale, height and rooflines of the houses by reducing them from three stories to two, and thus loosing the charm and consistency that the Historical District so ardently seeks to maintain.

- Finally, it is a proven fact that the construction industry generates the largest number of jobs and dollars to the economy. By not disallowing owners like me to add a third story and remodel their homes, this negatively impacts the local economy which is already suffering from hard times, by lost revenue and job creation.

I hope that the city leaders realize the damage that these proposed limits will cause to the owners and the economy, and will reconsider their position.

Sincerely,

Octavio Tudela

Francisco Astorga

From: Angus BEAVERS <angusbeavers@msn.com>
Sent: Tuesday, August 16, 2011 9:01 AM
To: Francisco Astorga
Cc: Angus Beavers
Subject: Old Town style matters. Not size.

Dear Francisco
Please include these comments in the packet for August 24.

I have owned 3 homes in Old Town since 2003 and i am a Realtor in Park City with Keller Williams.

In a nut shell, the beauty of Old Town is not dependent on the size of the homes but in conserving the architectural continuity of a beautiful Victorian era Miners' Camp. Therefore, don't restrict the size but do constrain the aesthetic of the new buildings. Keep their roots Victorian! But -- as per huge old Victorian Homes in Aspen and in numerous other towns across America -- do not constrain their size to unreasonable standards. Beauty is not about size but it's about balance.

Incidentally, modern interpretations of mine shafts should not be included in this venue --however, cool they may look individually. After all, miners lived in homes in old town -- not mines.

Regards
Angus Beavers
435 962-0094
angusbeavers@msn.com

Francisco Astorga

From: Lynn Kelley <dlkelley@up.com>
Sent: Tuesday, August 16, 2011 1:55 PM
To: Francisco Astorga
Subject: 905 Woodside

Dear Francisco Astorga:

My husband and I purchased 905 Woodside two years ago with the intention of retiring in Park City within the next five years. I understand that your department is considering proposals that would make it more expensive/difficult for non-residents to own property in Old Town, in order to retain the "Old Town Character." I would submit that people who purchase in Old Town do so specifically because of the "Old Town Character" and in fact, in many ways make it possible for the full-time residents to enjoy that character without having to assume the full tax burden necessary to maintain the character. Given the economic make-up/jobs available in the Park City area, it seems to me that a mix of full-time and part-time residents is necessary to maintain the economic health of the area.

In our case, we have a 200 year old home in Providence and understand the nature of purchasing historic properties. Although our real estate agent strongly advised us NOT to purchase in Old Town because (as she related to us) the "difficulty of working with the planning commission," we viewed the commission as a positive organization. In addition, since we plan on living in Park City full-time in 5 years, it seems to me that additional barriers for people such as us would defeat the end goal, which is to have people in PC who value the historic nature of the city, and who will make it their home.

I urge the Commission to carefully calculate the economic consequences of a decision of this kind. There is a cost to maintaining all of the wonderful services the city has to offer--and I would guess that a fair percentage of that cost is being paid by people who are not taking full advantage of the benefits, while the people who live in the city and take full use of the services, may be getting quite a bargain. Once a change like you have proposed is made, it will take several years to begin to see a diminishing of services, and at that time it may be difficult to undo the damage.

Thank you for your consideration,

Lynn Kelley & Daniel Ross
905 Woodside

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planning

From:	Jennifer Roberts [jroberts@pru-utah.com]	Sent:	Wed 8/17/2011 11:35 AM
To:	Dana Williams		
Cc:			
Subject:	TZO Concerns		
Attachments:	Letter to Council Planning TZO 8 16 11.pdf(696KB)		

Dear Dana,

I fully support the sentiments of the attached letter.

Thanks for your time and consideration.

Best regards,

Jenny Roberts

The Lange Group

Prudential Utah Real Estate

435-901-0324

Francisco Astorga

From: John Vrabel <jvdesign@comcast.net>
Sent: Tuesday, August 16, 2011 4:29 AM
To: Francisco Astorga
Subject: Comments from Old Town resident
Attachments: Copy of IMG_9064.jpg; Copy of DSC_008903.r2.jpg

To Park City Offices,
Planning Department

Re: Large dwellings in Old Town

Dear City Officials,

I applaud your/the city's efforts to look at this issue. Having lived in old town since November of 1968, traffic patterns have developed, and have been observed over time. Park City has always had large dwellings such as Bea's Canyon Lodge, up Daly Avenue, and several boarding-house sized dwellings in the past. The problem is different now. With large dwellings come CARS, either from service vehicles and/or tenants or owners, or all three, etc., cars come. The building code dose not require enough 'off street parking for large re-models and not enough for new construction,' in old town. For example a 41 Sampson Avenue, photos attached, approval, under the 1983 LM Code, allowed a mining era, currently lived-in house of 1100 square feet, to be remodeled into a 4400 square foot new construction, modern home with a one car garage, and one space in front of the garage. The developer, under the code did not even have to have a garage at all. The assumption that a 4400 sqft. Structure will have only one car was and is flawed. The 2009 LM code did a good job of dialing back the '83 code to be much more sensitive to the needs of the historic district and all of old town.

The crux of the problem is: the new code 'still dose not correctly addresses the car problem and under addresses the need in the design phase.' Then it is too late. The structure gets built and may change hands, but rarely dose the car-count decrease over time, rather, it increases.

With regard to your latest effort in old town to restrict large structures, I agree with restricting as in your plan. If larger dwellings, new or remodels,' required' more parking to accurately reflect the need of the structure, albeit at more development expense, then I believe both could co-exist and not over-congest old town any more than it currently is. Either way the parking issue in old town needs to be more accurately addressed to prevent further parking congestion.
thank you, john vrabel

Prudential
Utah Real Estate

Prudential Utah Real Estate
890 Main Street, P.O. Box 1226
Park City, UT 84060
Bus 435.615.0700 Fax 435.615.0725
888.921.7355 www.pureutah.com

August 16, 2011

Mayor Dana Williams
Members of City Council
Members of City Planning Commission

We have had many discussions in our Company meetings regarding Old Town and the Temporary Zoning Ordinance recently put in place. While we believe that concern raised over the size of construction in Old Town is a viable and worthy matter to contemplate, it is our position that the TZO is a destabilizing measure during our fragile real estate recovery, with adverse consequences on property values, property financing, and the rights of existing property owners. We urge members of City government to lift the TZO and continue to monitor Old Town planning and construction under the 2009 historic district guidelines.

We further recommend that before any similar new measures be put in place, the City allow the non-primary property owners in Park City an ample period of time and notice to weigh in. We have heard from many of our clients that this TZO was a surprise to them and they feel they were not properly given notice or the time to respond. Our view is that this is not just an Old Town issue, but one that impacts our entire community.

We all recognize that Old Town is the gem of our community and want to preserve and protect its historic fabric. We encourage thoughtful and open debate that will lead to carefully crafted guidelines without unintended consequences.

Respectfully,

Stephen C. Roney
Chairman, Chief Executive Officer & Owner

Christine Robinson
Senior Vice President & Principal Broker

Francisco Astorga

From: John Calhoun <jcalhoun@ewpartners.com>
Sent: Wednesday, August 17, 2011 10:34 AM
To: Dana Williams; Francisco Astorga; planning
Cc: kate@parkcityrealtors.com
Subject: Proposed land use changes for Old Town

Dear Park City Planning Commission and Town Council,

As a general real estate brokerage in Park City, we would like to express our concern over the town's Temporary Zoning Ordinance (TZO) and the proposed land use changes for Old Town.

While we completely understand the need to preserve the historical character and "Zen" of Old Town, we strongly believe the current plan before the Commission may have unintended, far-reaching negatives that will (*and already have to some degree*) affect the economic future of our great town.

What follows are some of the comments that we are hearing from our agents and colleagues:

- The TZO that is now in place is doing irreparable damage to our local real estate market and to homeowners' ability to secure much needed financing. We believe it should be lifted immediately.

- The current discussion of revisiting the land management code is creating market uncertainty and it is our understanding that some investors are pulling out of Park City as a result. It is also our understanding that several real estate transactions have already fallen apart as a result of this uncertainty.

Having heard the basic arguments, we ask that the 2009 historic district design guidelines be allowed to demonstrate their effectiveness.

Most importantly, for the long term interest and success of our community, we urge you to bring certainty back and once again, help us deliver the message that Park City is THE place to live, work, play and invest in.

Thank you for your time and consideration in this important matter

John Calhoun
Slifer Smith & Frampton Park City
625 Main St, Park City, UT

Francisco Astorga

From: Karri Dell Hays <kdhays@sliferpc.com>
Sent: Wednesday, August 17, 2011 4:16 PM
To: Dana Williams; Francisco Astorga; planning
Subject: TZO in Old Town

Hello Dana, The City Council, Planning Commission and Planning Dept. Staff,

As a 40+ year resident, a long-time home-owner on upper Park Avenue and a former Park City Planning Commissioner, I would like to express my concern for the proposed temporary zoning ordinance in my neighborhood.

After reviewing the notes from the July 11th joint work session between the City Council and the Planning Commission I would like to address a few things.

1. Re: page 15, The Pros and Cons of Allowing Lot Combinations:

   Of the 9 Pros listed on page 15, there are only 4 cons. I would like to individually address all of them.

   a) Allowing a larger footprint on a single lot is the pattern of over ¾ of the homes in Old Town. The perception that homes may " look" too large is not the problem of the home/lot owner, it is in the architectural design of the home. There are plenty of homes in Old Town that would fit into the category of 'very large', some don't even appear to be large from the outside and yet on the inside there may be over 4000 sq ft of living space. While the quest may be to keep the house sizes smaller, perhaps the quest should be to make the houses *appear* smaller.
   b) The reference to the Historic 'pattern' in Old Town may have been perceived to be created by the 25X75 lot size created by the gentleman in Boston who platted our town without ever have visited the state of Utah, but to say that the pattern was to maintain a smaller house/lot size is ridiculous. I have lived in Old Town for over 40 years and when our family first came here to visit in the late 1960's there were many, many houses that straddled two to three lots. The idea of scaling back to an era that has not existed here for over 50 years would be useless, not only because it is not historic in nature, but because there are so many existing homes that currently fall into this "large scale" category you are referring to.
   c) Developers who were maximizing house sizes for re-sale in the 90's and in early 2000, by and large were fed into this single lot criteria that you are suggesting in the previous paragraph. However, the homes built on single lots have not fared so well as second homes or single family, full time residences because they are simply not suitable for a modern day family to live in. There are no yards and no spare living spaces for a family to dwell comfortably. Allowing larger homes on larger lots would bring more families into Old Town and would also allow for more creativity in the building/architectural process. The single lot homes are (in my opinion)no more than nightly rental condominiums.
   d) Allowing larger additions onto historic homes is seen as Con in your criteria…and for the life of me I cannot understand why this is so??? The mining town home that has not been touched since the late 1800's was more than likely built with two, 2X4 boards wide and one, 2X4 board deep. I'd like to know how many of you could live in a space that big? Not only are these houses too small to live in with a 21st Century, four-person family, they are built so poorly that the insulation was most likely just newspaper, the wiring, knob and tube and if there was heat it was a wood stove….some are still like this! Allowing additions to historic homes is the arena in which we have the opportunity to *celebrate* our historic heritage. We keep the old while bringing the modern world into our lives. One great example of an area where historic homes have been beautifully incorporated into the town is Telluride, CO. There you will find beautiful, amazing, green built treasures in the midst of the heart of town…and they are not small. I urge you to let home-owners of historic homes have the freedom to be creative with their house sizes. Size and Height are NOT the issues in Old Town, it's in the design.

On the Pros and Cons of Not Permitting Lot Combinations pg. 16, you are mostly addressing garages and cars. Having grown up on Park Ave and also having raised my own three kids on Park Ave. I ask you how a family supposed to live without a garage, or a car? Cars are an issue in Old *because* there are no garages and the current codes aren't allowing the proper design of them. If larger lots were allowed, garages could be oriented in the back of many houses. When my parents bought our home on Park Ave in 1970 there was a garage in the back of the lot with a driveway leading up to it. This is not an unrealistic goal.

You also state, as a Pro, that smaller homes will allow more locals to buy in Old Town. This is simply untrue! Even the smallest, most un-liveable home in Old Town costs more than $450,000. And the max density-developer-built homes on the 25X75 lots are selling for more than $700,000. Unless you are someone like me, who purchased a home in Old Town more than 15 years ago, the "Locals" as you call them, will be hard pressed to afford anything that works for a family in Old Town. And why would they buy a home that is not suitable for family living when there are plenty of homes in Park Meadows and Prospector that are in the $300,000 range….with yards and garages.

In closing, I grew up in Old Town and as I mentioned, I raised my three kids in Old Town. I have been lucky enough to have a two-car garage and a home that was just large enough to live happily…albeit, by many, many standards our home is still considered to be too small for the average family. I have several neighbors who have also raised their kids in this wonderful area. But, as their families grew, their needs for a larger home were denied by the City for a plethora or reasons. Some were forced to move. From what I have been able to gather from their experiences, the reasons for not letting them expand were simply silly and the criteria in order for them to expand at all was completely cost restrictive. By imposing strict rules on those who already live or own property in Old Town is troublesome not only to me, because I am an historic home-owner but also because I would like to improve my home at some point and with the current direction of the planning dept. I don't think I will be able to achieve any of the goals, architecturally or financially. I urge the City to take into account the need for reasonable exceptions and creative designs. If the goal is to have a varied and diverse historic district, then you must consider the financial abilities of those who already live there to improve their own properties. By imposing zoning ordinances as you are suggesting, you are helping no one. In short, this ordinance does nothing but constrict those who already live and own here and inhibit the future of a creative and diverse community.

Sincerely,
Karri Dell Hays

Karri Dell Hays
P.O. Box 2125
145 Park Avenue
Park City, UT 84060
435-640-5711 m

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planning

From: Will Lange [wlange@pru-utah.com] Sent: Wed 8/17/2011 11:10 AM
To: Dana Williams; Alex Butwinski; Cindy Matsumoto; Joe Kernan; Liza Simpson; Richard Peek; planning
Cc: Steve Roney; Chris Robinson
Subject: Issues regarding park City TZO
Attachments: Letter to Council, Planning, TZO, 8.16.11.pdf(696KB)

All,

Attached is a letter that was recently sent to you by Steve Roney of Prudential Real Estate. Please understand that I fully endorse the concerns expressed in the letter.

It is always a fine balance between the government's role in the lives of citizens and the citizens' personal freedoms and liberties. Government is a bureaucracy and the nature of a bureaucracy can allow it to evolve to a point where it propagates itself in order to justify its existence. In other words a bureaucracy can place a higher priority on its own survival as an entity than the mission it is charged to carry out on behalf of its citizens. In situations where this occurs all logic and reason regarding sound and fair policies can be lost.

Intellectual elites who are government employees need to be careful not to assume that they know what is best for the general population by stepping on the rights of productive citizens by implementing ill-advised policies in the name of good governance.

Best,

Will Lange

Prudential Utah Real estate

435 640 0001

Francisco Astorga

From: planning
Sent: Wednesday, August 17, 2011 8:35 AM
To: Francisco Astorga
Subject: FW: tzo

From: Sean Matyja [mailto:sean@enjoyparkcity.com]
Sent: Tuesday, August 16, 2011 5:37 PM
To: planning
Subject: tzo

I would like to add my name in endorsement of the letter sent by Prudential Utah Real Estate concerning the TZO. Our Prudential letter reflects my concerns and thoughts regarding this matter.

I feel the current 2009 guidelines are already strict enough (almost too strict) and any further adjustments to tighten restrictions harms the property rights of the individual owners in the community. I also think the TZO is poorly timed and is a wet blanket over a smoldering fire of activity in our economic recovery which is tied closely to our real estate recovery. We have a long road to go, and don't need another hurdle.

--
Thanks,

Sean Matyja, REALTOR®
ABR, Accredited Buyer Representative
Prudential Utah Real Estate

(435) 901-2158 mobile
(435) 608-6337 e-fax
sean@enjoyparkcity.com

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August 17, 2011

Mayor Dana Williams
City Council
Planning Commission
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Via Email: fastorga@parkcity.org; planning@parkcity.org; dana@parkcity.org

Re: LMC Amendments, Application No. PL-11-01281

Dear Mayor, Council Members and Commissioners:

I am writing this letter to express our deep concern, as a local real estate broker, to the City's recent actions that directly impact us as a business and our clients' investment in our community.

My clients and I have personally felt the impact of the Temporary Zoning Ordinance (TZO) and the proposed ordinance. The TZO is doing irreparable damage to our local real estate market and to homeowners' ability to secure much needed financing. The City should lift the TZO immediately.

The current discussion of revisiting the Land Management Code is creating market uncertainty. The uncertainty has stymied new investment of capital in our community. Investment is pulling out of Park City.

The 2009 historic district design guidelines made significant changes in the types of homes that may be allowed. These changes, made just two years ago, have not had enough time to demonstrate their effectiveness. Now is not the time to make more changes to the land management code. What we do not want right now is the perception of and discomfort from an ever-changing land management system.

Most importantly, for the long-term interest and success of our community, I urge you to restore certainty and help deliver the message that Park City is THE place in which to live, work, play and invest.

Sincerely,

Thomas Wright

The following comments were submitted from the Friends of Old Town web site administrator:

Website Submissions

The following names and comments are in regard to the proposed LMC changes and have been submitted voluntarily by concerned residents and supporters online.

Eric Luna - eluna@bonairfinancial.com
Aug 17, 2011
I am opposed to the proposed changes to the LMC currently being discussed by the Planning Commission for the following reasons. 1. The proposed changes are tantamount to a taking of property. I bought two properties in Old Town, which will be affected by the proposed changes. I did so with the expectation that I could rebuild or remodel based on the codes in effect in 2005 and 2006. By adding additional restrictions, you have already lessened the value of my properties, and now you propose to restrict development even further. 2. The proposed restrictions run counter to the nature of early Old Town development, which was often done with minimal setbacks, as evidenced by the zero lot line development of Main Street. 3. Park City is quickly acquiring a reputation as being unfriendly to business. This constant tinkering with the LMC will add uncertainty and further solidify this reputation. 4. The proposed changes will lead to property values falling further than they already have and lower property tax revenues. Please consider the devastating effects the proposed changes will have on the value of your friends' and neighbors' properties, many of whom, as I, are depending on these properties for our retirement. Thank you.

Steven Delaet - steven.a.delaet@gmail.com
Aug 16, 2011
I have owned a condo at 844 Woodside since 1997 and have watched Old Town change and develop into the wonderful place it is today. I appreciate the efforts of the City Council and the Planning Commission, however, I simply cannot understand the reasoning behind these proposed restrictions. I am very concerned that the negative effects of these restrictions will far outweigh any good that they may do. Also, I would like to know who is behind this proposal and what there motivation is. Respectfully, Steven de Laet

Carol O'Donoghue - carolodz@comcast.net
Aug 16, 2011
312 Upper Norfolk
I believe that your intentions are sincere but the restrictions you plan to impose on current homeowners are all just mathematical figures. Your goals as stated are to preserve the historic character of Old Town and I am 100% behind you in this. But I do not see one thing in your proposed ordinance that deals with the VISUAL character, style, or quality of the construction. I, along with most old town residents I know, would rather see you address VISUAL style of the additions, and new construction making them LOOK historical. The current restrictions in old town are very tight on size and footprint already-especially for the small lots but the ugly buildings and 1970 architectural style of so many of the buildings is what hurts the historic character of our town. Historical style should be at least as important in your codes; yet I am told that the design of the home or addition is NOT even considered (or asked for) when applying for a variance. I love Old Town and want to spend the rest of my life here but I will not be able to do that if you implement these restrictions. My house is 100% below grade at the street and is a terrible eyesore for old town from the street...so it is a good example how these rules will NOT improve our town. I suggest that you work within the already tight restrictions imposed and look instead at improving the "historical style" of old town. Please include my comments in your packet for the Aug. 24th meeting. Thank You, Carol O'Donoghue

John Rippel - Ripp2@me.com
Aug 15, 2011
519 Woodside
Development criteria for lots in Old Town and our particular street are much too stringent and are a impediment to new high quality growth.

Cyndi Schwandt - cyndi@alpineskiproperties.com
Aug 15, 2011
I do not approve of these changes. Not many people in PC know about this much less all the second homeowners.

Gary Bush - bushconstruction@qwest.net
Aug 15 2011
Lower Norfolk
Much too restrictive. Not well thought out at all!

Chris Gleeson - cgleeson@kurandapartners.com
Aug 14, 2011
Park City
I do not approve of these changes.

Kamilla Nielson - tracyinparkcity@hotmail.com
Aug 12, 2011
Old Town
I do not approve of these changes.

Shannon & Missy O'Neal - pconeals@comcast.net
Aug 12 - 2011
Old Town
We do not approve of these changes. We are old town property owners and wish to be put on your list of contacts.

David "Jim" Wilson - jwpcpp@gmail.com
Aug 11, 2011
I have lived in Park City for 67 years and the last 20 have been nothing but confusion as to what we can and can't do with our homes in Old Town. The proposed changes only make it worse. If the city wants to control what happens in old town make the home owners reasonable offers and buy the houses. It will soon be impossible to live here

Marty Graybill - martygraybill@gmail.com
Aug, 11 2011
Peoa
I do not approve of these changes.

Stephen Elrick - stephen@pru-utah.com
Aug 11, 2011
Old Town
As a 26 year Old Town resident and land owner, the new proposed changes make no sense as we all know.

The following comments were submitted from the Friends of Old Town web site administrator:

Website Submissions

The following names and comments are in regard to the proposed LMC changes and have been submitted voluntarily by concerned residents and supporters online.

Rudolf Otrusinik - otrusinik@yahoo.com
Aug 11, 2011
I own a lot in HRL zone in Park City. Changing the setbacks would completely destroy my chance of building my dream retirement house. I am in the process of designing my house and was actually given green light to proceed with architectural plans in May 2011 after preliminary design review by Park City. After spending around $20,000 in architectural fees and all the input and work on the project, I found about these proposed changes. Not from the city where I had my preliminary design review, but from a friend in Park City. I feel betrayed by the city.

Jeri and Robert Briggs - JBradleybriggs@gmail.com
Aug 11, 2011
Old Town
We have been Old Town property owners for 24 years. We have started to discuss plans to enhance our historical property, but with these changes, it will be virtually impossible.

Peter Papineau - papineaubuilders@yahoo.com
Aug 11, 2011
I do not approve of these changes.

Mary Ciminelli - maryciminelli@yahoo.com
Aug 10, 2011
Please consider the long term ramifications to property values and tourism that your proposed changes.

Ira Sachs - irasachs2003@yahoo.com
Aug 10, 2011
Park City
I do not approve of these changes.

Kalvin M. Wilde - kalhouns@gmail.com
Aug 10, 2011
I do not approve of these changes. Yes, I oppose what the city is proposing. Park City is what it is, and will always have someone trying to improve it beyond its' capabilities. Get Over It.

Ray King - rayfranking@earthlink.net
Aug 10, 2011
Upper Norfolk, Old Town
I do not approve of these changes.

Doug King - kingfish135@hotmail.com
Aug 10, 2011
Upper Norfolk, Old Town
I do not approve of these changes.

Cathy Richards Ahlers - cathyparkcity@gmail.com -
Aug 10, 2011
I do not approve of these changes.

Francisco Lozano - francisco@zeiba.com
Aug 10, 2011
These changes are wrong for PC. This is especially negative for the North Star subdivision, the sizes of these lots are way bigger than the rest of old town. In the past we had the code changed as the formula to compute the FAR was wrong for this part of town. So the planning commission should be left out of HR-1.

Judy Scipione - judi@jscipione.com
Aug 10, 2011
I do not approve of these changes.

Jason Racicot - jrparkcity@gmail.com
Aug 9, 2011
Please do not change the Old Town regulations. Old Town is fine just the way it is. The rules are strict enough as is. Thank you.

John Phillips - john@jpconstructioncompany.com -
Aug 6, 2011
Houses are like people. The outside may attract us but what is inside is what matters.

Tracy Nielson - tracyinparkcity@hotmail.com - Aug 5, 2011
Old Town
I do not approve of these changes.

Francisco Astorga

From: flint.nate@gmail.com on behalf of Nathan Flint <nate@flintdigital.net>
Sent: Thursday, August 18, 2011 10:19 AM
To: Francisco Astorga; planning; Dana Williams
Subject: My Thoughts Regarding the Proposed Ordinance Change

Francisco,

As part of my professional responsibilities for The Friends of Old Town I've had the opportunity to review the proposed changes and hear to several perspectives. Additionally my wife and I have been property owners in Old Town from 2005-2010.

I do not agree with these changes nor do I see the benefit. Upon reading the changes my initial response is that this is analogous to closing the barn door after the horses are out.

While I believe many in town feel that there have been some pretty bad designs in Park City in the past 40 years, the changes enacted in 2009 seem sufficient to protect us from such egregious architectural assaults while ensuring that the development of the few remaining lots is compatible with existing neighborhoods and livable by current standards. My first question is why the change now after two years, thousands of hours of work by those involved and virtually no building under those changes?

Additionally have you taken the time and examined the potential impacts?

- This would seem to force more on street parking. Is that not an acknowledged problem already?
- Wouldn't this make many existing homes "non-conforming".
- Has any thought been given to the economic impacts? Is so where are those discussed?

From a personal perspective, we have started a family and have been looking for a new home in Park City that can accomodate our needs now and in the future. There are homes in Old Town that previously met our criteria, but with these changes our options are either purchasing a non-conforming home or one that we may not be able make large enough to accomodate our needs in the future. This certainly dampens my enthusiasm for finding a home in Old Town. I am not alone. It is my understanding that talk of these changes have put some Real Estate transactions on ice.

I do not wish to disparage the efforts or the intentions of the Planning Staff or the Planning commission, however I can see little benefit to these changes and a very high cost. I believe that if you listen to to the input from the community members that this will potentially affect, that this will become apparent.

Regards,
Nate Flint

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August 17, 2011

Mayor Dana Williams
City Council
Planning Commission
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Via Email: fastorga@parkcity.org; planning@parkcity.org; dana@parkcity.org

Re: Proposed Land Management Changes & Temporary Zoning Ordinance (TZO)

Dear Mayor, Council Members and Commissioners:

On behalf of our brokerage, I would like to express our concern with the recent implementation of Temporary Zoning Ordinance and some of the proposed changes to Park City's Land Management Code. The proposal is not a modest change. As we understand it, the change could have a very significant long-term negative impact on our local economy. At minimum, the proposal merits much more detailed analysis and public input.

We are sensitive to the present and future value of preserving the unique and remarkable character of the Old Town district. At the same time, we are unaware of any current or pressing need to make any changes to the 2009 guidelines that are currently in place. We are all trying to work through a most difficult economic climate. The TZO and the proposed changes, are, if anything, poorly timed. They are creating further uncertainty regarding the value of investing in real estate in Park City. We respectfully ask you to strongly consider lifting the TZO, and to take additional time and public input in the analysis of this critical issue.

Sincerely,

David W. Johnson
CEO

August 17, 2011

To: Mayor Dana Williams & Members of the City Council & Planning Commission

As a full-time resident of Park City, a member of the Real Estate community and an owner of a historic home in Old Town I am writing to express my concern over the City's Temporary Zoning Ordinance (TZO) and the proposed land use changes for Old Town.

Do you al really believe that NOW is the time for a change?

To my understanding, the Land Management Code was thoroughly reworked in 2009 with significant stakeholder input, and these historic district design guidelines have not been given the opportunity to demonstrate their effectiveness. This has created even MORE market uncertainty in an already uncertain economic climate. We are experiencing investors pulling out of Park City as a result.

I purchased a historic home on Park Avenue many years ago as an investment – At that time Park City was a great place to invest! Not only did I believe the home would increase in value, but the potential to renovate the home was always an option. At the time of my purchase I met with Pat Putt who walked me through the guidelines for renovations in Old Town. Now, my investment is in jeopardy….your decisions are making it difficult to determine Old Town property values based on the uncertainty of what a property owner will be able to do with their property. Why can't Old Town have a wonderfully preserved feel of a historic mining town, including a meaningful plan of development with fabulous architecture, and at the same time be adaptable to the living style of the 21st century? Do you realize that the values on appraisals have been downscaled and listings have been pulled as a result of the uncertainty?

For the long term interest and success of our community, we urge you to bring certainty back and once again, help us deliver the message that Park City is THE place to live, work, play and invest in.

Thank you,

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August 16, 2011

To: The Planning Commission,

I would like to first say that I have the utmost respect for each of you. I realize that these are not your ideas and instead, they are ideas that have been presented to you for your consideration. I urge you to drop the TZO and end the discussion on further limiting the rights of property owners in Old Town. I don't understand the need to make further changes to the LMC when it was already reworked in 2009. Because of the economy and lack of time, these changes have not had the opportunity to prove that they do preserve the integrity of Old Town as you, the Commission, envisioned that they would. There has only been one house constructed under the 2009 changes to the LMC and it's not even complete. I do not approve of the idea of "casting a larger net and then bringing it back in", as stated by a member of the City Council. This gives a false sense of compromise and makes me question the motives of these changes. More diligence and more thought have to be put into these decisions when you are legislating my livelihood.

I am an Old Town resident and am looking forward to raising my family in Old Town. My house is 934sq. ft. and I do not have the ability to knock down my home and start from scratch. This means, for me to reasonably fit a family in my home, I will have to remodel what I already have. I have heard some people imply that if I want to start a family I should move out of Old Town--as if children, and families with children, are not part of the overall "vision" Park City is trying to create of Old Town. I find this attitude sad. I could not imagine raising my children anywhere else. My family has been in Old Town since 1882 and I would like them to continue to have a presence in Old Town for the fore seeable future. However, without the ability to add a third level and add additional livable space, I will not be able to fit a family in the Old Town home I have worked so hard for—in the neighborhood I love living in.

My great grandfather Clifford John Phillips was a contractor here in Old Town, as am I now. His hands built what we are trying to preserve and my hands work diligently to restore what he built. As a contractor, I am concerned about the affects the TZO has already had and will have on the construction industry in Old Town. It is hard enough to deal with the economic conditions as they are, add to that indefinite stand still that many projects have found themselves in and projects that will never happen because owners are leery of dealing with the freeze or the wishy-washy nature of the city.

I urge you to take this matter off the table, lift the TZO and bring certainty back to our town. I believe we could make a bigger difference and get closer to the end that is intended with encouraging architectural details rather than

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simply limiting size. I appreciate your service to our community and I hope that you will consider my opinion as an Old Town resident.

Thank you,
John Phillips
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