PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 9, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 9, 2012.

Closed Session
2:00 p.m. Personnel, property and litigation

Work Session

3:30 p.m.	Council questions/comments	
3:40 p.m.	iPad check-in	P. 7 - 9
3:50 p.m.	Ice Arena update	P. 10 - 20
4:10 p.m.	Wildlife corridor	P. 21 - 28
4:30 p.m.	2030 Long Term Strategic Plan • Public input	P. 29 - 81
5:00 p.m.	Board of Adjustment interviews	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV MINUTES OF MEETINGS OF JULY 12, 2012, JULY 19, 2012 AND JULY 26, 2012
P. 82 - 109

V RESIGNATIONS AND APPOINTMENTS

Consideration of two appointments to the Planning Commission for terms beginning July 2012 and expiring June 2016 and one appointment to fill an unexpired term to July 2014

VI NEW BUSINESS

1. Consideration of an Ordinance approving the PCMC/Richards Annexation
   (a) Public hearing
   (b) **Motion to continue to September 13, 2012**

2. Consideration of a second change order with URS Corporation, in the amount of $20,000, for finalization of a draft plan to address the Prospector Drain, in a form approved by the City Attorney P. 110 - 111

3. Consideration of a Master Festival License for Park City Family Field Day to be held on August 11, 2012 at the PC MARC P. 112 - 115
   (a) Public hearing
   (b) Action

4. Consideration of a Letter of Intent with Park City Mountain Resort, in a form approved by the City Attorney P. 116 - 125

5. Consideration of a request for placement of benches in Round Valley – Summit Lands Conservancy P. 126 - 129

6. Consideration of an Ordinance approving the 1103 Lowell Avenue plat amendment at 1103/1105 Lowell Avenue, Park City, Utah P. 130 - 152
   (a) Public hearing
   (b) Action

7. Consideration of an Ordinance approving the Mine Bench Subdivision, located at 7700 Marsac Avenue, Park City, Utah P. 153 - 162
   (a) Public hearing
   (b) Action

8. Consideration of an Ordinance approving the Ontario Mine Bench Condominiums, located at 7700 Marsac Avenue, Park City, Utah P. 163 - 187
   (a) Public hearing
   (b) Action

9. Consideration of a plat amendment for 80 Daly Avenue, Park City, Utah
   (a) Public hearing P. 188 - 268
   (b) Action

VII ADJOURNMENT

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

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 16, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, August 16, 2012.

Posted: 08/06/12
See: www.parkcity.org

PARK CITY COUNCIL MEETING TENTATIVE
SUMMIT COUNTY, UTAH
AUGUST 23, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 23, 2012.

Closed Session
2:00 p.m. Personnel, property and litigation

Work Session
3:50 p.m. Council questions/comments
4:00 p.m. Old Town commercial height discussion
4:40 p.m. GreenPark co-housing
5:00 p.m. Resort Communities Sales Tax ballot language
5:20 p.m. Mid-year Environmental Update
5:50 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

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 a Resolution designating September as National Preparedness Month in Park City, Utah

2. Consideration of a contract for China Bridge Repairs with ___ in the amount of $___, in a form approved by the City Attorney

V NEW BUSINESS

7. Consideration of an Ordinance - 429 Woodside Avenue plat amendment
   (a) Public hearing
   (b) **Motion to continue to September 13, 2012**

1. Consideration of a Resolution appointing representatives to the Park City Redevelopment Agency Tax Entity Committee

2. Consideration of a Parking License Agreement for Community Car Sharing Services with U-Haul Car Share in a form approved by the City Attorney

3. Consideration of amendments to the Municipal Code - Parking Code
   (a) Public hearing
   (b) Action

4. Consideration of a Resolution adopting a Housing Assessment Plan for Park City, Utah
   (a) Public hearing
   (b) Action

5. Consideration of an Ordinance - 2185 Sidewinder Drive amendment to record of survey
   (a) Public hearing
   (b) Action

6. Consideration of an amendment to the Sundance Film Festival Supplemental Plan for the 2013 Festival

VI ADJOURNMENT

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

Posted: 08/20/12
See: www.parkcity.org

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

August 2012

16 **No meeting**
23 See agenda
30 Business recruitment
Quarterly goals update
OTIS update - MC
MFL – Quinns Junction Family Funktion
MFL - RAGNAR 2013 – Wasatch Back Relay'
Sundance – study session JW

September 2012

6 **No meeting – City Tour**
13 **Liza gone**
429 Woodside Avenue plat amendment
200 Ridge Avenue Subdivision
20 Rocky Mountain Power – study session
27 Latino Community outreach and engagement – study
Richards/PCMC Parcel – Annexation Petition

October 2012

4
11
18
25 Bonanza Park update

Pending Items:

Rescind PC Heights assessment ordinance
RDA and other economic districts strategic plan
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety

City Council Staff Report

Subject: iPad Standardization
Author: Scott W. Robertson, IT Director
Department: IT; Executive
Date: August 9, 2012
Type of Item: Administrative

Summary Recommendations:
Approve standardization of iPad app for viewing meeting packets and agree to a firm transition date (8/31) for downloading and using only the designated app.

Topic/Description:

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

Staff is also seeking to understand other concerns with the use of iPads for reviewing meeting packets and current apps being utilized.

Background:

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

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

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

Analysis:

Standardization of Apps

Standardization will minimize display inconsistencies and provide efficiencies in the training, support and delivery of meeting packets. Based upon IT's analysis, Readdle's PDF Expert is recommended as the designated app. However, if Council prefers a different application such as iAnnotate, Council could choose to standardize on that application. Is Council willing to standardize on one app for viewing meeting packets?

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

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

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

Department Review:
Executive; Legal

Alternatives:

A. **Approve:**
Council would purchase individually (or as necessary) the agreed iPad PDF app by Friday, August 31, 2012. Council would work with Jody Morrison in the Executive Department on technical issues related to the iPad.

B. **Deny:**
Denying the proposal will result in no changes to the current process.

C. **Modify:**
Modifications would be incorporated into this proposal.

D. **Continue the Item:**
Same as deny

E. **Do Nothing:**
Same as deny

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

Consequences of not taking the recommended action:

There is an increased risk of meeting packet inconsistencies between Council and Staff; support issues would be addressed on an individual basis.

Recommendation:

Approve standardization of iPad app for viewing meeting packets and agree to a firm transition date (8/31) for downloading and using only the designated app.

City Council
Staff Report

Author: Jason Glidden, Jon Pistey, Amanda Noel
Subject: Park City Ice Arena – Annual Report
Date: August 9, 2012
Type of Item: Informational

Recreation Library
Department

Summary Recommendations:
An annual report developed to update City Council on ice arena usage, news, program highlights and statistics is attached.

Description:

A. Topic:
Park City Ice Arena Annual Report for 2011-2012

B. Background:
The Ice Arena opened in February of 2006. Each year staff develops a report providing an annual update to City Council.

C. Analysis:
The ice arena staff developed the attached annual report to provide City Council with a snapshot of fiscal year 2012 activities, statistics and projects.

D. Department Review:
The Recreation Library Team, Legal Department and City Manager have reviewed this report.

Alternatives:
No action is requested. This is an informational report.

Park City Ice Arena Annual Report 2011-2012

A higher degree of play

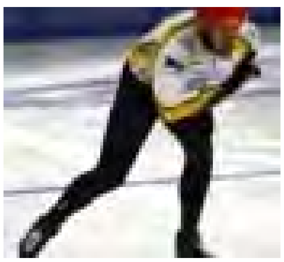
Table of Contents

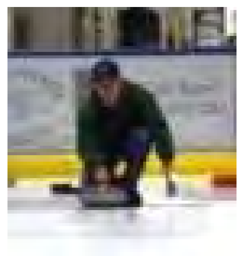
Executive Summary

The Park City Ice Arena (PCIA) offers a variety of ice related instructional classes, drop-in programs, camps, leagues, tournaments, events, public skating sessions, and private rentals for residents of Summit/Wasatch Counties and visitors. Our top priorities are facilitating a safe recreational environment, providing quality ice, quality programs and excellent customer service.

Mission Statement

To effectively utilize resources to provide an enjoyable recreational experience that exceeds the expectations of our customers.






Strategic Goals

- **Public Program Development:** The Ice Arena will place its primary focus on developing public skating programs by engaging the regional population and providing a variety of ice programs.

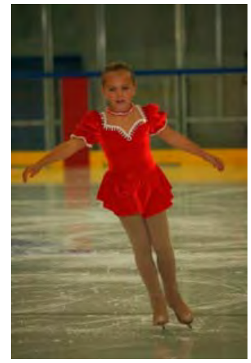
- **Fiscal Responsibility:** The Ice Arena will focus on efficient operation, appropriate and measured capital expenditures, and a sustainable operating subsidy.

- **Economic Development:** Consistent with Park City's goal to operate as a world-class multi-season destination resort community, The Ice Arena will serve as an economic development tool.

To reach these goals, we have focused on building strong ice programs and maintaining a solid working relationship with our customers including skaters, user groups, event coordinators and local promoters. We are committed to continuously developing a strong Ice Management Team. We are building a solid foundation for the future of ice activities in Park City.

Programs

The Ice Arena has continued to experience considerable growth this past year. After completing the contracting for next season's user groups, we are confident that their future growth is now limited by the amount of available ice. The majority of ice is being rented by local user groups or scheduled for administrative programs such as open skates, hockey drop-ins, and freestyle sessions. We also rent ice to local businesses or organizations that wish to host a special event or visiting groups looking for to enjoy a private rental.



Ice Arena Programs

The Ice Arena offers "Learn-To" programs throughout the year that expose local children and adults to skating and build a participant base for user groups. The number of participants in Learn- To programs has begun to flatten out due to a lack of "reasonable" ice time available to offer classes. "Reasonable" ice times are defined as the hours between the end of the school day and 8:00 pm, and are specific to youth programs.

Last year, the Ice Management Team identified a slowing of growth in the Learn-To-Programs, and re-worked the ice schedule by moving the courses to different days of the week. This past year the rink offered these programs on Monday and Tuesday afternoons and PTA sponsored Learn-To Skate programs on Fridays. This resulted in registration for our sessions being close to capacity, or sold out. With the demand for such programs continuing to increase and the limited capacity during the reasonable after school hours, we will be offering the Learn-To Programs for both pre-school aged children and adults during morning ice that is currently underutilized.

Program Participation Numbers By Year

ARENA RUN PROGRAMS	2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Learn to Skate – Youth & Adults	735	713	702	796	726	853	821
Learn to Play Hockey – Youth & Adult	159	164	10*	101	104	142	125
Hockey Leagues – Adult	114	123	162	175	204	212	319

**2007-08 there we no Learn –To – Play courses October- May at the request of local youth hockey organization*

***Summer courses started in June, as opposed to previous years when they began in July. Subsequently the counts for June were included in 2010-2011.*

In addition, the Ice Arena is partnering with the Youth Winter Sports Alliance to expand the "Get Out & Play" program. The program works with school age children in the Park City area to expose them to the wide variety of winter sports.

User Groups

The Ice Arena is home to ten user groups representing five different sports. Several of the user groups are feeling an increased interest by potential new members and are becoming limited in growth due to lack of available ice.

In an effort to accommodate this growth by including opportunities for skill development off the ice, we have converted an unused office to an off-ice training room. This space will allow participants to maximize the utility of time spent on the ice, by providing space and equipment to develop ice sport related skills and an opportunity for conditioning off of the ice. This initiative gives the PCIA and user groups an opportunity to expand programs and puts our local clubs at the forefront of other nationally recognized organizations who are not yet offering off ice programs. The Speed Skating Club of Park City, Ice Miner's Organization (youth hockey) and The Figure Skating Club of Park City received a grant from the Youth Winter Sports Alliance totaling $1,700 that was used to purchase off-ice equipment to help establish the space and develop dry land components to their programs.

Early morning ice which previously went unused is now gaining popularity by user groups. During the 2011-2012 season, the Ice Arena hosted freestyle sessions that were heavily attended by school aged figure skaters. The Figure Skating Club is dependent on this ice to supplement their club ice. Looking forward to the 2012-2013 winter season, some of the before school ice has been offered to the youth hockey program, who are still considering whether participants of the select teams can utilize this ice for practice.

Programs

Notable User Group Growth

The Figure Skating Club of Park City received recognition from Us Figure Skating for the second year in a row for being one of the top clubs in the nation in recruiting new members though the Bunny Hops Program, a course for new skaters.

The National Ability Center has increased utilization of the PCIA by incorporating sled hockey as an activity into Wounded Warrior Project programs. This project is scheduled on underutilized, daytime ice, and increases the exposure of the sport of sled hockey. The National Ability Center is also interested in reestablishing a sled hockey team. This is an exciting opportunity for The Ice Arena as in previous years, the sled hockey team has hosted games featuring national teams and a popular annual tournament, creating exposure to the sport and generating revenue for the facility.

In the fall of 2011, The Ice Arena welcomed a new user group, a Junior A hockey team, the Park City Moose. The Moose rented a large amount of ice during weekday mornings, which had previously gone unused. Unfortunately, the team will not be returning for the 2012- 2013 season due to Park City's small market which limited the amount of ticket and concession revenues that subsidized the costs of the team. With their departure, we expect a decrease in ice rental revenue; however we expect the impact to be minimal as we continue to see an increased demand for private rentals and ice needs by user groups. Also minimizing the impact of the Moose's departure, the Pioneers, who spent the 2011 season in Salt Lake City, will return to Park City in 2012. Their decision to return is based on a stronger fan base in Park City as well as for the convenience of local players and attraction for visiting teams.

User Group Participation Numbers

Group	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	Expected 2012-2013
Ice Miners	80	85	97	120	130	127	130
PC High School	25	30	25	15	25	30	30
PC Moose	N/A	N/A	N/A	N/A	N/A	26	N/A
Pioneers	N/A	N/A	N/A	25	25	30	30
PC Predators	20	25	20	18	18	20-25	28
NAC- Sled Hockey	10	10	10	200	350	400	400
Figure Skating Club	20	25	25	35	50	74	100
Speed Skating	12	16	22	35	35	22	25
Curling	24	26	42	42	45	38	40
TOTAL	**191**	**217**	**241**	**490**	**678**	**747**	**783**

Financials

The Park City Ice Arena's Strategic Plan states that the facility will maintain a cost recovery better than 65% with the total dollar amount not to exceed $350,000. The staff at the PCIA have worked to find efficiencies in the operation of the facility to reduce spending, while taking advantage of opportunities to increase revenue streams. The combination of the two has lead to a steady increase in the cost recovery percentage while maintain a high level of service.

The Ice Arena had a very successful FY 2012, with an increase in revenue of $140K from FY 2010. This was due in large part to increases in ice rental, drop-in program participation and the sale of figure skates. Staff has worked diligently to be as efficient with our expense budget. We have been able to offer more programs, increase services and staff more hours of operation within the current expense budget.

Fiscal year 2012 continued the upward trend, with revenue increases of $90k while expenses remained flat in comparison to FY 2011. Again, these increases are due to the rental of more ice time, increased public program participation, and figure skate sales. Most of the increase was due to the addition of a new user group, the Park City Jr. Moose, which rented morning ice time that has been underutilized in the past.

With over 90% of ice time between 6AM and 12PM being utilized seven days a week, our opportunities for seeing large increases in revenue are dwindling. With the help of Nate Rockwood in the city's budget department, we have developed a revenue modeling tool that we have used to develop a plan for the next five years. With modest projected increases to user numbers and slight price increases in FY 2014 and FY 2016, we project that we can achieve a cost recovery level of over 95% in five years if we keep increases to our expense budget limited during that time. There are opportunities for capturing significant additional revenue in the areas of retail and advertising. However, both ventures require additional expenses, including staffing and materials. Staff is investigating possible return of investments to pursue these areas further..

Fiscal Year	Revenue	Expense	Cost Recovery	Subsidy	Notes
'07	$408K	$632K	65	$224K	Open 9 months, 77% of budget spent on staff and pro-
'08	$404K	$765K	53	$361K	Added 1 FT position, Propane ex- increased $60k, $90K in revenue from Rap Tax grant additional report- reve-
'09	$457K	$809K	56	$352K	Added additional FT position, open 12 months for first time
'10	$459K	$690K	67	$231K	reorganization of staff structure reduces FT budget closed for three weeks for floor painting
'11	$600K	$779K	77	$179K	some reorg savings used to boost operating lines and increase revenue opportunities: expanded leagues, skate sales, retail sales
'12	$690K	$800K	85	$110K	Added the Park City Jr. Moose hockey team, increase demand in Learn To programs, and retail sales.

Operations

Over the past year we have resolved two of our biggest operational issues with a swift and positive impact on customer service. The first of these is the replacement of our electric ice resurfacer which could no longer be serviced. The new resurfacer is a state of the art battery-powered machine with a system that automatically controls the cutting and water functions to maintain the levelness of the surface of the ice to within the thickness of a credit card. This improves the quality of our product significantly, reduces staff time and ice time dedicated to ice maintenance, and allows us to schedule those hours and bring in additional revenue.

Capital Improvements

Our only significant capital project this year resolved our second largest operational issue and single largest customer complaint. We removed of all the original shower valves which were embedded in the block walls. These units had internal scald guards that had a tendency to stick either all the way open and allow only hot water to pass through, or be completely closed which resulted in cold showers. This required replacing the entire valve, which cost $600 each and had to be special ordered with a delivery lead time longer than four weeks. We replaced the valves with fixtures on the outside of the walls that are designed for locker rooms, and are easier to fix at lower cost with parts readily available. We were able to save costs on this project by doing all the plumbing and fixture mounting with Ice Arena staff.

We have two outstanding capital issues that staff has been assisting Matt Twombly with trying to resolve. The first is an ongoing issue with the exterior concourse and stadium bleacher seating. There are drainage and slab settling issues that are causing leaking into the Ice Arena locker rooms below, uneven walking surfaces and migration of the bleachers away from the concourse. The estimated cost of this project is $60,000. The second issue is the exposed HVAC equipment on the roof at the north end of the building. Snow accumulates on this lower roof section and damages the equipment and duct work. The best solution is to enclose this area to prevent further damage to the equipment and ductwork. The estimated cost of this project is $150,000.

Economic Development

The Park City Ice Arena also serves as an economic driver by hosting a number of events throughout the year. The events brought visitors from around the western United States who helped the local economy through lodging, and various personal spending. The Ice Arena hosted the following special events during the 20011/2012 season:

Rocky Mountain Showcase– This youth hockey tournament is hosted by the Youth Hockey Association. The tournament brings in teams from Utah, Idaho, Wyoming and Colorado.

Gold Diggers Hockey Tournament – Park City hosts the "B" level of this annual women's tournament. Twelve teams competed in the three day tournament that takes place in December.

Rocky Mountain Bonspiel – The Park City Ice Arena was proud to host the annual curling competition. The event brought in teams from three states and one team from Canada. The successful running of the tournament has made Park City a promising site for future regional and national tournaments.

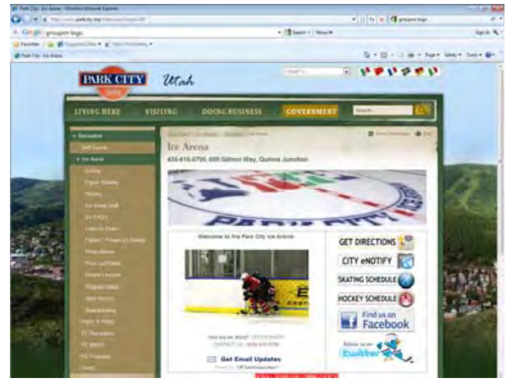
Muddy Puck Hockey Tournament – This co-ed adult hockey tournament is played in April during the shoulder season of spring. The tournament brings in 14 teams from throughout the western United States.

Luc Robitaille Celebrity Shoot Out – This annual event is held during the Sundance Film Festival, the event featured former NHL greats along with stars from Hollywood taking part in an entertaining hockey game and skills competition. The event was featured on the NHL Channel, the VS Network, and in numerous print publications throughout the US and Canada.

Advertising

The Park City Ice Arena is taking a more aggressive approach to soliciting advertisers than in the past. We continue to look for new opportunities within the ice arena while maintaining a clean, uncluttered feel to the public. Staff has worked to form positive business relationships within the Park City community. These relationships not only provide additional revenue streams but also help to promote the Ice Arena and the on-ice programs. One addition to the rink's inventory is the RevelTV which is programing that plays on the TVs in the ice arena lobby, and allows for recreational programs and local community businesses to be spotlighted to visitors of the rink. The ice arena work with staff from the PC MARC to have these systems installed at both facilities at a reduced cost.

Marketing



The marketing strategy for the Park City Ice Arena is to increase the facility's viability and usage to the local community and visitors. To accomplish this goal we have a diverse marketing plan that includes both internal and external marketing, collaboration with other Park City recreation facilities, and a well-designed public relations program. The ice arena works closely with the PC MARC, Park City Golf Club, and the Park city Library to cross promote program offerings, and take advantage of any joint marketing opportunities in local publications.

The PCIA performs a significant amount of its marketing and customer outreach through the Internet. While the PCIA's website is the flagship of all marketing efforts, the staff has worked to create other Internet based tools to help communicate with users and promote rink programming. These include Facebook, Twitter, and an e-mail newsletter created through Constant Contact. These online tools have allowed staff to redirect marketing resources to increase the reach of marketing material.

As a resort town with an active resident population, the Park City Ice Arena has identified two target markets.

Residents

The first targeted segment is residents of Summit and Wasatch Counties. The focus of marketing toward this segment is our "Learn-To" programs which are designed to develop skills and interests in ice sports. The Learn-To programs serve as feeder programs for subsequent Ice Arena courses and leagues. Just as important, the feeder programs create new participants for user groups, improving the participation in and sustainability of club programs. As mentioned earlier in this report, together with the Youth Winter Sports Alliance, we will be expanding the Learn- To ideology creating exposure for children to speed skating and curling, in addition to figure skating and hockey.

From the 2,000 people that replied to the recent recreation survey, we learned that the number one place where residents look for recreation information is from Play Magazine where we have included all of our courses, leagues, camps, fees and user group information. The second most common means where locals learn about recreational offerings is through family and friends, or word of mouth. To capitalize on this opportunity we were a sponsor for the 4th of July Parade and participated in the Chamber's Summer Kick-off Event. Many of our promotional coupons offer two for one pricing to encourage customers to bring their friends to experience the facility. The third most effective method is through newspaper articles. We continue to contact the Park Record with sports briefs and standings. We contact the publication when we are hosting special events or offering new programs for them to highlight the facility.

Non- Residents

The second target market consists of the visitors to Park City. The greatest interest by this segment is for open skate sessions and special events. These activities supplement the visitor's primary reason for visiting. For the 2011-2012 winter season, the PCIA will be offering a public skate session during weeknights which will help capture visitor dollars.

The local publications do a great job of placement and distribution. PCIA utilizes couponing in these publications as a way to track effectiveness and to entice visitors to utilize the facility. This strategy attracts both large groups seeking greater utility and smaller groups that are on a budget. The PCIA has a presence in Park City Magazine publications including Things to Do, Mountain Express and participates in the Stay & Play promotional coupon book.

Future Outlook

In the future it will be necessary to investigate and find solutions to issues that are arising due to increased ice demand, maintain current levels of service, as well as opportunities to develop high altitude training programs in Park City.

While programs continue to grow, the need for more “reasonable” ice times is increasing by both user groups and programs managed by the Ice Arena. Prime-time ice is scheduled and well utilized, while program growth next season will encourage the utilization of late night and early morning ice times. Ice demand is estimated to reach critical levels in the coming years, impeding additional growth. Previous projections of user group growth showed that critical levels started to be reached in 2011. During the winter of 2011-2012 the popularity of early morning PCIA programs increased. For the 2012-2013 season, the youth hockey organization and figure skating club both requested more ice time. Due to these requests, we can only offer ice time in the morning before school and by doing so, we would be selling ice that was previously a popular freestyle session managed by the arena. We anticipate that the increasing needs will not be met considering the projected growth of these to youth groups in the coming years. The PCIA staff will continue to monitor demand.

Recreational Studies

In FY 2012, Park City Recreation partnered with Snyderville Basin Recreation District to perform two studies. The first study was conducted by Zions Municipal Consulting. The purpose of this study is to update the recreational needs assessment that was preformed in 2002. The information generated in the 2002 report helped the area plan and develop many of the recreational facilities that are present today. The following areas were addressed in the updated study:

Revise population projections and household characteristics

Evaluate levels of service in comparable mountain resort communities

Update the current inventory of existing facilities in Park City and the SBSRD

Evaluate current levels of demand, usage and capacity of existing facilities

Update recommendations for needed facilities and levels of service (LOS)

In regards to the ice arena, the survey states: “*The current level of service is approximately one-third of that found in other mountain resort communities. Both Aspen and Telluride have two ice rinks, while serving much smaller resident populations (6,658 and 2,235 respectively). Based on the comparable data, as well as current usage levels and interviews with local staff and ice users, it appears that there is demand for another ice rink in the area.”*

The second study was preformed by Leisure Services. The purpose of the survey was to help determine the priorities of the community in regards to recreational facilities and programs. One product of the survey was a n “Importance/Unmet Needs Matrix. The matrix specified facilities that were both a high priority and high unmet need to the community. A second sheet of ice was one of the facilities mentioned.

Based on ice usage projections and the results of the two studies, it is projected that a second sheet of ice will be needed in the next two to three years. Staff would like to begin the process of looking at options to meet this need. The addition of a second sheet of ice would not only satisfy future ice demand, but would also allow for staff to continue efforts to develop programs associated with high altitude training, which is consistent with Council’s goals of developing a world class, multi seasonal resort destination.

City Council
Staff Report

Subject:	**Utah Department of Transportation Wildlife Underpass Proposal**
Author:	**Heinrich Deters**
Department:	**Sustainability**
Date:	**August 9, 2012**
Type of Item:	**Discussion and Direction**

Summary Recommendations: Staff recommends Council review the current Utah Department of Transportation (UDOT) proposal for a wildlife tunnel under highway 40 between the Round Valley Open Space and the Triangle Parcel and direct staff to request that the tunnel not be built at this time.

Topic/Description: Collaborative regional planning efforts with Summit County as they pertain to the jointly owned Triangle Parcel.

Background:
In December 2008, Summit County and Park City concluded a number of land acquisitions including the purchase of a 107 acre "Triangle Parcel" from Property Reserve Inc. (PRI) along the US 40 frontage road. (Exhibit A) The County and City purchased the land to address future public works and transit needs. According to the Letter of Intent that governs the parcel, the City and County had always planned on cooperatively preparing a master plan for the site.

Analysis:
While the focus of this report and staff's discussion with Council is UDOT's proposal of a wildlife underpass, it is necessary to address this question within the larger context of the collaborative planning efforts of the City and County related to the Triangle Parcel.

Planning associated with the Triangle Parcel essentially involves three parties, Summit County, Park City and the Boyer Company as a representative of PRI and the LDS Church. In addition to planning for the future use of the site, these parties, along with PRI, are responsible for the preparation and implementation of a clean-up plan to remove contaminated soils from a limited portion of the property. Other factors that need to be taken into account for the master planning of the property including the following:

- The preservation of portions of the property for open space, wildlife corridor and view shed protection;
- An undesignated five acre section of the property for a future church meeting house; and
- The siting and development of necessary public facilities to serve the needs of local government and the residents of the Snyderville Basin and Park City.

These factors and others are set forth in the property purchase agreement, as well as, a Letter of Intent between Summit County and Park City Municipal (Attachment A)

Wildlife Underpass Project
In June of 2012, UDOT completed a wildlife study, specific to the highway 40 corridor from Silver Creek junction to the town of Duchesne. The report highlights wildlife-vehicle collisions (WVCs) numbers, hotspots, financial impacts and mitigation measures.

Later that month, the Director of Region 2 for the Utah Department of Transportation announced a funding opportunity (Attachment B) for the construction of a pedestrian/wildlife tunnel and a supporting trailhead. It appears that approximately $700,000 in federal enhancement funds had become available and needed to be committed to a project by October 1st of this year – which necessitates a decision by the City and County in early August 2012. UDOT staff met with County, Basin and City staff on two occasions to review a conceptual project and location. UDOT's recommended location of the tunnel is from the Round Valley Open Space on the west side of highway 40, 'daylighting' on the east side of Highway 40 on the Triangle Parcel. This location was preferred by UDOT because:

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

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

Triangle Parcel Planning Efforts
The purchase and planning agreements along with the adopted County/City Letter of Intent outline steps that need to be addressed in a comprehensive planning process for the Triangle Parcel.

City and County staff recently began meeting for the purpose of identifying City and County needs and outlining a possible path forward. Staff's intention was to bring options to the City and County Councils once those options were outlined. City and County staff held a meeting on May 30, 2012 to begin outlining City/County needs. A second meeting was scheduled for July 13 – and where UDOT had approached the City and County with the wildlife underpass concept just prior to that meeting, so staff used the July 13 meeting to discuss a joint City/County staff recommendation on the underpass.

Staff hopes to return to this nascent process to undertake the series of related tasks noted above once the question of the underpass is addressed. Current staff participants include the following personnel:

Summit County Staff
Kevin Callahan, Public Works Director
Derrick Radke, County Engineer
Adryan Slaght, Principal Planner
Kimber Gabryszak, Planner III
Ashley Koehler, Sustainability Director

Park City Staff
Diane Foster, Deputy City Manager
Thomas Eddington, Planning Director
Kent Cashel, Transportation Manager
Pace Erickson, Street Superintendent
Heinrich Deters, Trails/Open Space

.

At the July 13 meeting, County and City staff unanimously agreed to forward a negative recommendation on the wildlife underpass to the respective Councils. The timing and components of the project are in conflict with the existing planning process outlined and may preclude future planning initiatives if not designed as a whole.

Alternatives:

A. Approve: Direct staff to proceed with planning and implementation of the proposal.
B. Modify the request: Provide additional information and direction.
C. Deny the request: This is the recommended action.
D. Continue the Item: Ask staff to return with more information.
E. Do Nothing: Same effect as continuance.

Significant Impacts:

Letter of Intent

As discussed above, UDOT's request to construct an underpass and Basin Recreation's request to build trailhead parking lot on the Triangle Parcel has the potential to significantly complicate the planning for this parcel. The project, while well intended, simply comes too early in the planning process and comes with too a short timeline to allow for cooperative planning by Summit County, Park City and The Boyer Company.

Funding

UDOT's proposal to use enhancement funds ($700,000) to construct the underpass to address the documented WVCs noted in the report is tantalizing to say the least; however, cost estimates for the project are closer to $1.5- 2 million, which would require the County, Basin and/or City to provide matching funds if the project was to be realized. Basin Recreation has expressed strong interest in the concept of partnering with UDOT on the development a pedestrian tunnel under highway 40. At their most recent meeting the Basin Recreation Board indicated a willingness to commit $400,000 in local trail funds to the construction of pedestrian/cyclist tunnel. That Board commitment was informal in that it occurred during Director Comments and was conditioned on the siting of the tunnel in the vicinity of the entrance to the state road shed on the Highway 40 frontage road on the Triangle Parcel. No funding has yet to be identified by the City or County. If Council decides to forego this project, the enhancement funds will likely be used for another project within the region. Should Council wish to pursue the wildlife underpass, UDOT will likely ask the City for a minimum financial commitment of $200,000. The remaining $200,000 would likely be requested of Summit County.

Creation of a Wildlife Corridor

The creation of a wildlife corridor, noted by planning staff to be at a minimum 300' wide, has the potential to hamstring future development or use of the Triangle Parcel, in addition to, conflict with the planning process of the parcel. The location of the tunnel could create a wildlife corridor in the vicinity of the most developable (aka flat and big) section of the property. Additionally, proposing the tunnel 'daylighting' on an adjacent privately owned parcel may present similar hurdles for a landowner.

Will it serve its purpose?

While no one member of the County or City planning staff is a wildlife expert, several members have voiced concern questioning if an underpass would truly be utilized by the wildlife. Furthermore, staff is concerned that the proposal to comingle pedestrians and wildlife within the 24' wide x 12' high tunnel, while obviously at separate times, may also decrease its intended use. UDOT officials, believe the underpass will be utilized by wildlife as identified and have provided contacts to wildlife experts if the County and/or City is interested. Staff simply recommends that the issue and location be studied further and hopes to work with UDOT on a future project of similar means.

Trail connection
If Council chooses to forego the proposal, a separated trail connection under highway 40 will not be realized in the near future and, if desired, would need to be fully funded by an unidentified entity, depending on the location.

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

Staff Recommendations: Staff recommends Council review the current Utah Department of Transportation (UDOT) proposal for a wildlife tunnel under highway 40 between the Round Valley Open Space and the Triangle Parcel and direct staff to request that the tunnel not be built at this time

Exhibit A- Triangle Map

Attachment A- Triangle Letter of Intent

Summit County and Park City Municipal Corporation
Letter Of Intent: PRI/Boyer Joint Property Acquisition

This Letter of Intent is made and entered into this 19th day of November 2008, by and between Summit County ("County") and Park City Municipal Corporation ("City") (jointly referred to herein as the "Parties").

Purpose: The purpose of this Letter Of Intent (hereinafter referred to as the "LOI") is to clarify the understanding of Summit County and PCMC regarding cooperation on the joint acquisition of approximately 107 of the estimated 112 acres of parcel number SS-57-1, property owned by The Boyer Company located to the south east of the UDOT facility.

Whereas, the Parties wish to pool resources to maximize their respective ability to acquire land for public uses; and

Whereas, the Parties do not individually possess the funding sources to acquire this property unilaterally; and

Therefore, the Parties intend to work cooperatively, and in good faith, on the following:

1. The Parties agree to use best efforts to approve and execute jointly an acceptable Purchase Agreement and all necessary closing documents in a timely manner. The purchase agreement shall be for the triangle parcel.

2. The deed to the parcel shall reflect the following ownership breakdown and corresponding purchase amount due from each party.

    a. County Amount: $2,250,000; and
    b. City Amount: $2,250,000.
    c. Total Amount: $4,500,000.

    Accordingly, the triangle parcel will be owned by the County and City as Tenants in Common.

    Parcel number SS-57-1 is estimated to be 112 acres in size. The County and City will purchase approximately 107 acres and The Church of Jesus Christ of Latter-day Saints, or its affiliates, will reserve approximately five acres for a future church site.

3. Closing costs attributed to buyers at closing shall be split equally.

4. The Parties agree that the Purchase Agreement will require a survey and an ALTA title report payment of which will be split equally between the County and City.

5. The Parties agree that the deed may be executed directly by PRI and held in escrow

pursuant to a Boyer purchase agreement and mutually acceptable closing instructions.

6. Joint contribution to mutual goals: The City and County will work cooperatively to determine the future utilization of the property. The City and County will jointly develop a master plan. The City and County agree not to sell or transfer ownership of any portion of the parcel prior to completion of the master plan.

7. Any party may cancel the Purchase Agreement prior to closing for any reason.

8. Either party will give advanced notice to the other if a different course of action or decision contrary to the terms herein is contemplated.

IN WITNESS WHEREOF, the parties have duly executed this LOI the day and year written above.

SUMMIT COUNTY

Ken Woolstenhulme, Chair
Summit County Board of Commissioners

Attest:

Kent Jones
Summit County Clerk

Approved as to form:

David L. Thomas
Chief Civil Deputy
Summit County Attorney

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment B- Utah Department of Transportation Proposal Letter

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

June 28, 2012

Park City
Kent Cashell, Transportation Manager
PO Box 1480
Park City UT 84060

Dear Kent:

Recently, I've had the opportunity to meet with representatives from Basin Recreation and Park City about the possibility of partnering on a pedestrian/wildlife tunnel under Hwy 40. Partnering, for this project, would require both funding and help in the locating of a park and ride lot adjacent to the tunnel location.

This is a great opportunity to utilize a very limited funding source for UDOT (federal enhancement dollars). There is a restriction on these funds that require they be obligated by October 1, 2012. Therefore, it requires a commitment from our partners in a very short time frame. The estimate and preliminary design for this structure is currently underway so UDOT can provide a more defined cost for this project. Preliminary costs are approximately \$2.0 million but it is the goal of the department to identify cost savings and get the costs down to approximately \$1.5 million. The funds available from UDOT are, approximately, \$700,000. The Department's request of our partners is to provide the balance of the funding for the rest of the project.

I appreciate your help to build this project that, I believe, enhances our transportation facilities for a multitude of users and the wildlife. It would also help increase the safety for both road users, wildlife, and all users of the Round Valley trail system.

Thank you for consideration of the request.

received
July 9, 2012

Sincerely,

Jason E. Davis, P.E.
UDOT R2 Director

Region Two • 2010 South 2760 West • Salt Lake City, Utah 84104-4592
telephone 801-975-4900 • facsimile 801-975-4841 • www.udot.utah.gov

Executive

City Council
Staff Report

Subject: Park City 2030 Long Range Strategic Plan
Author: Bret Howser
Department: Executive
Date: August 9, 2012
Type of Item: Informational

Summary Recommendation: Staff is asking that Council take public input and provide final direction for edits prior to final adoption of the Park City 2030 strategic plan.

Topic/Description: Strategic Planning

Background:

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

On July 12, 2012, the Leadership ICMA Team presented to Council the recommended draft of Park City 2030, the City's long-range strategic plan. Council took public input, provided some feedback, and directed staff to return with a work session for further input. Council has now had the document for nearly a month, and staff is returning for final comments and edits prior to adopting the document by resolution.

Analysis:

The ICMA Team's recommended Park City 2030 long range strategic plan is attached. The document contains:

- Recap of the Community Vision
- Description of Four Council Priorities (consolidated from the current eight Council Goals)
- Desired Outcomes for each Council Priority
- Key Indicators for each Council Priority
- Strategic Approaches
- Implementation Plan
- Sample Biennial Plan & Template
- Sample Business Plan

Members of the Park City Council were presented with an early draft of the Park City 2030 plan back in April. Each Council person was given an electronic version to read through and to suggest edits. Any edits that were received from Council members in April were considered by the ICMA Team and the steering committee and incorporated into the draft that was presented in July.

Furthermore, a few potential edits were put forth during the July site visit by Council members and the public. Some of these have been incorporated into the attached document, however staff would like direction from a majority of Council prior to making the following adjustments:

- Adjust key indicators that measure “Good” or “Excellent” citizen responses to just “Excellent” responses
- Add “Multi-Seasonal Economy” and “Support Local Businesses” to the desired outcomes for Inclusive Community of Diverse Economic & Cultural Opportunities
- Add “Retention & Upward Mobility” to the desired outcomes for Responsive, Cutting-Edge & Effective Government
- Set a regular interval for updates to the Community Vision in the Implementation section.

Because the document will serve, along with the General Plan, as guiding principles for Business Plans and the strategies contained therein (ultimately resulting in action plans and BFO bids), <u>Council should be sure that the descriptions of the consolidated Council priorities, desired outcomes, and key indicators reflect their thinking as well as the constituents they represent.</u> That said, it should be noted that Council and the public will have opportunities to review and adjust the desired outcomes and key indicators annually as Biennial Plans are presented and updated. That will continue to be a critical aspect of Council Visioning exercises.

Staff will incorporate Council’s comments as well as public input and return with a final draft to be adopted by resolution on August 23.

Department Review: This report was reviewed the Park City 2030 Steering Committee, the City Attorney and the City Manager**.**

Recommendation: Staff is asking that Council take public input and provide final direction for edits prior to final adoption of the Park City 2030 strategic plan.

Attachments:
A – Park City 2030

PARK CITY 2030

Keeping Park City "Park City"

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

July 2012

TABLE OF CONTENTS

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

Special thanks to the Park City 2030 Steering Committee:

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

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

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

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

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

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

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

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

I. PARK CITY CHARACTER

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

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

II. PUBLIC ENGAGEMENT & TRANSPARENCY

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

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

III. HIGHLY ACCOUNTABLE WORKFORCE

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

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

IV. REGIONAL COLLABORATION AND LOCAL PARTNERSHIP

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

Regional Collaboration & Local Partnership (cont.)

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

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

V. USE OF TECHNOLOGY AS A COMPETITIVE ADVANTAGE

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

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

Keeping Park City "Park City"

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

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

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

Community Open House During 2009 Visioning Process

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

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

COUNCIL PRIORITIES

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

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

WORLD-CLASS, MULTI-SEASONAL RESORT DESTINATION

Success of this Priority is defined as…

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

Desired Outcomes

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

Key Indicators

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

PRESERVING & ENHANCING THE NATURAL ENVIRONMENT

Success of this Priority is defined as…

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

Desired Outcomes

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

Key Indicators

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

AN INCLUSIVE COMMUNITY OF DIVERSE ECONOMIC & CULTURAL OPPORTUNITIES

Success of this Priority is defined as…

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

Desired Outcomes

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

Key Indicators

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

RESPONSIVE, CUTTING-EDGE & EFFECTIVE GOVERNMENT

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

Desired Outcomes

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

Key Indicators

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

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

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

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

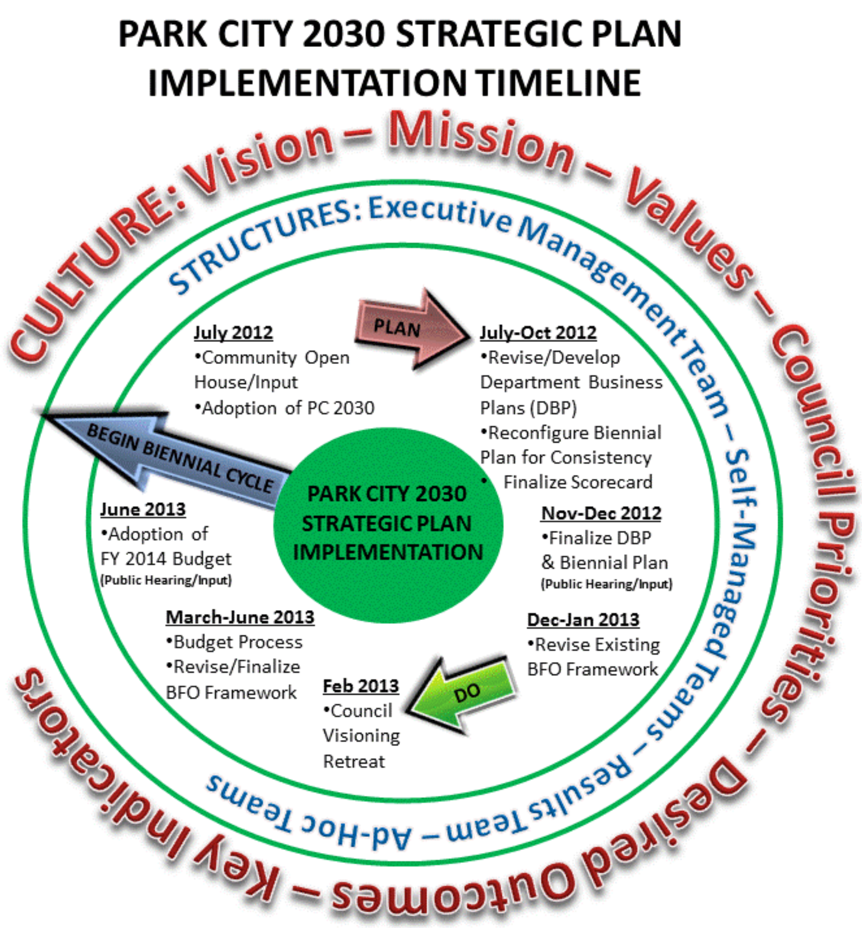
The Biennial Strategic Plan incorporates a ***Scorecard*** that is a visual representation of how the City is doing at achieving the specific Desired Outcomes identified in Park City 2030. This evaluation tool is based on the balanced scorecard method, with individual Desired Outcomes awarded a gold,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

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

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

IMMEDIATE IMPLEMENTATION

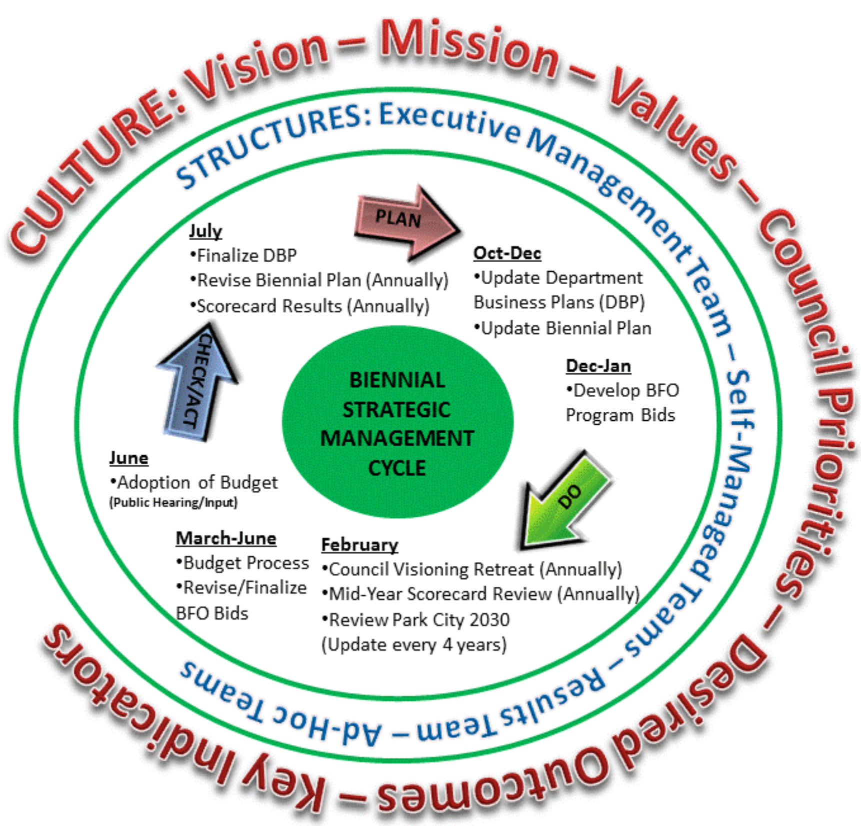
The below graphic illustrates the implementation timeline for the current year beginning with the start of Fiscal Year 2012-2013. Park City Municipal Corporation will begin developing Department Business Plans with anticipated completion by November 1. The Biennial Strategic Plan will be reconfigured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



ONGOING IMPLEMENTATION

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

PARK CITY MUNICIPAL CORPORATION
STRATEGIC MANAGEMENT SYSTEM



FINAL OBSERVATIONS BY THE LEADERSHIP ICMA CAPSTONE TEAM

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

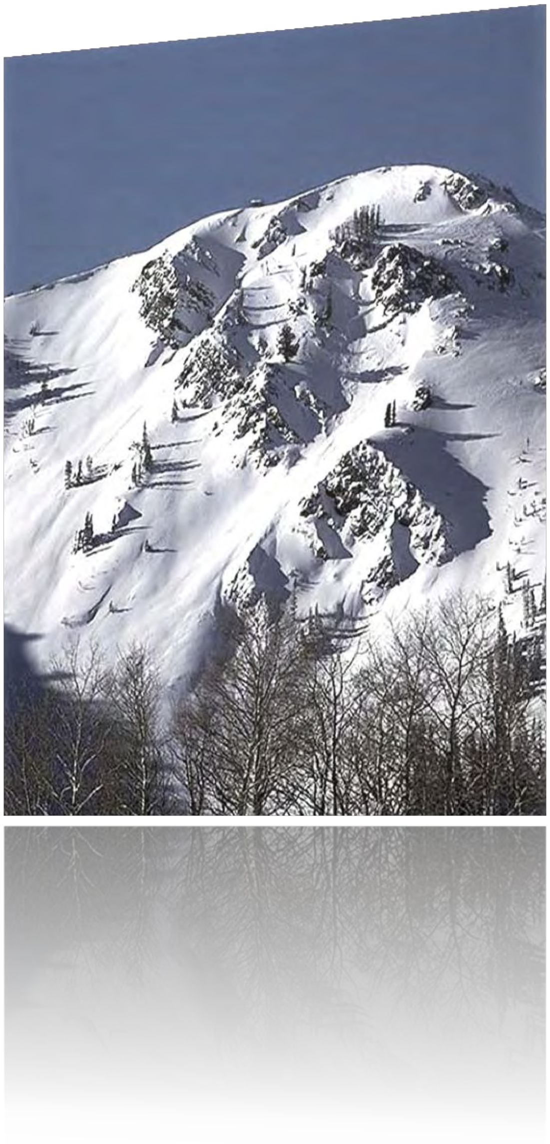
General Plan and Park City 2030 work together - The fact that Park City is working to update its General Plan while going through a strategic planning process is representative of the professionalism and dedicated staff that exists in the City. It is no small task to conduct either of these projects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

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

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

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

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



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APPENDIX

Community Vision

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

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

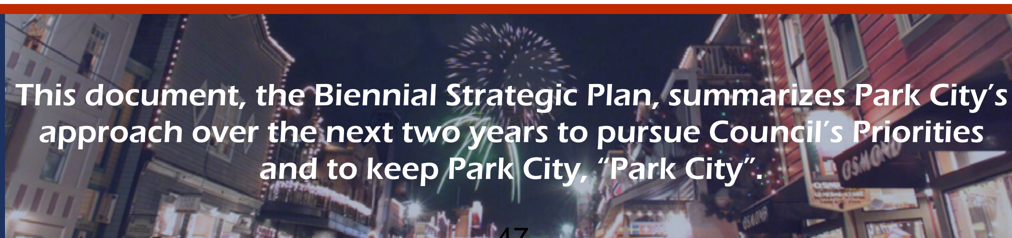
Keeping Park City "Park City"

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

Council Priorities

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

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



Community Indicators

The following measures are illustrative of the Community Vision

Park City Scorecard

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

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

Medal Count:

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

World Class, Multi-Seasonal Resort Destination

Success of this Priority is defined as:

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

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

Desired Outcomes

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

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

Key Strategies

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

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

Scorecard of Key Indicators

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

56% of residents are satisfied with special events

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

50% of applicants are satisfied with special events

Visitor nights booked

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

Average amount spent per visitor per day

$200.00 per day

Sales tax revenue

Municipal revenue was $2,000,000

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

Crime rate 20%

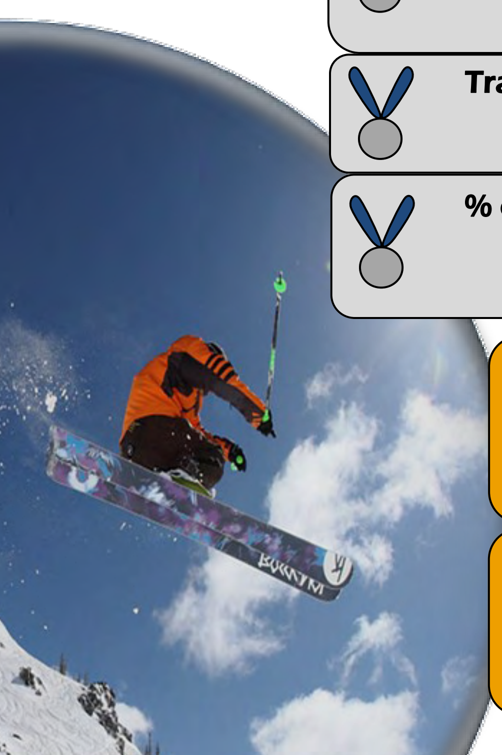
Average commute time along major corridors

Average commute time 5 minutes

Transit ridership

Number of transit riders 2,000,000 riders

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



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

75% of residents are satisfied recreation facilities, parks

Award winning recreational trail designation

No awards in 2011

Biennial Plan for World Class Multi-Seasonal Resort Destination

Recent Successes

Action Items Completed

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

Savings/Efficiencies Gained

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

Current Challenges

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

Trends & Opportunities

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

Action Plan

Operating Plan

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

Capital Plan

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

Other Targets for Action

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

Preserving & Enhancing The Natural Environment

Success of this Priority is defined as:

An Inclusive Community of Diverse Economic & Cultural Opportunities

Success of this Priority is defined as:

Responsive, Cutting-Edge, & Effective Government

Success of this Priority is defined as:

FISCAL YEAR

ECONOMIC TEAM BUSINESS PLAN

2012

Developed by:
Jonathan Weidenhamer
Thomas Eddington
Phyllis Robinson
Jason Glidden
Bret Howser
Katie Cattan

PARK CITY 1884

Purpose Statement

This document details specific strategies that the Economy Team will follow in order to ensure Park City's economic health, development, and redevelopment goals are met. It serves primarily as an accountability and management tool to ensure that staff is progressing towards achieving the Community Vision by taking measurable action steps. Secondarily, it clarifies how day-to-day taxpayer funded operations ultimately bring about the desired outcomes identified by the community and its representatives.

Table of Contents

The Community's Vision for the Economy

Community Vision

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

Park City's Core Values

Sense of Community	Natural Setting
Small Town	Historic Character

*Park City's **Sense of Community**, its unparalleled **Natural Setting**, **Small Town** charm, and **Historic Character** form the basis for Park City's position as a world class multi-seasonal resort community. The resort economy is at the heart of the community's vision. Benefits to the community of tourism are well documented, not the least of which is the abundance of tax dollars that come along with our chief export – world class skiing and recreation. These tax dollars are put to work by supporting vibrant arts and culture.*

Community Vision

↓

Council Priorities

↓

Desired Outcomes

↓

Strategies
- **Operating Programs**
- **Capital Projects**
- **Policies**

Council Priorities & Desired Outcomes

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

World-Class, Multi-Seasonal Resort Community
-and-
A Community of Diverse Cultural & Economic Opportunities

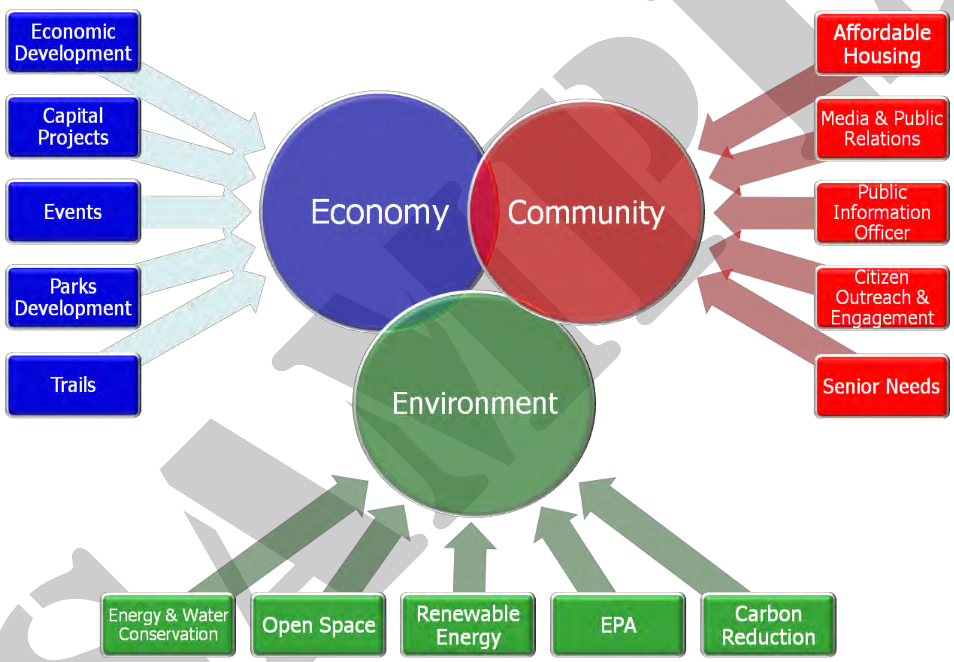
Within each priority area, a set of ***Desired Outcomes*** shows what we intend to accomplish. This document puts forth the specific strategies and action steps we'll use to bring about these Desired Outcomes.

Economy Team Mission

We seek to remain competitive as a world-class resort community while expanding our multi-seasonal economy through exploring diverse year round opportunities

WHO IS THE ECONOMY TEAM?

The City's traditional functions are organized into a single ***Sustainability Team*** with the goal of achieving an appropriate balance between and synergy among our economic, community and environmental goals such that all aspects of our community continue to thrive.



The Economy Department, a division of the Sustainability Team, oversees planning and implementation in a diverse range of areas to ensure the City's economic health. Work activities include management of the Redevelopment Authority, planning and implementation of capital projects, management of special events, community walkability and trails, and property acquisition and negotiations. The Economy Department works jointly with the Sustainability Team and the Planning Department to address overall economic health through economic development, community development, and redevelopment efforts in the City and align these efforts with the general and neighborhood plans, the Council Priorities, and Community Vision.

Strategies & Action Steps

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

COMMUNITY VISION

Keeping Park City "PARK CITY"

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

PLAN ↓ DO ↑

COUNCIL PRIORITIES

World Class Multi-Seasonal Resort Community

- Accessible and world-class recreational facilities, parks and programs
- Balance between tourism and local quality of life
- Varied and extensive event offerings
- Unique and diverse businesses
- Walkable and bike-able community
- Multi-seasonal destination for recreational opportunities
- Internationally recognized & respected brand

PLAN ↓ DO ↑

STRATEGIES

Economic Development Strategies

I. Support & Manage World Class Events
II. Provide Amenities Facilities & Infrastructure
III. Pursue Redevelopment Consistent with General & Area Plans
IV. Retain & Attract Diversified Business Types
V. City Branding & Promotion

STRATEGY I

SUPPORT & MANAGE WORLD CLASS EVENTS

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

Current Policy Direction: Take a more facilitative role in events

Operating Programs

	Action Step	Deliverable	Who's Responsible	By When
Special Events Program	Refine the event process and calendar to balance community goals and ROI	Report to Council concurrent with Economic Health Rpt	Econ. Dev. Mgr	Nov 2012
	Secure Sundance Agreement thru 2028 & Address MLK Conflict	Study Session	City Mgr & Econ. Dev. Mgr	July 2012
		Code Changes		Sep 2012
		Extended Agreement		End 2013
	Event Overhaul	Admin Process /Fee Changes	Econ. Dev. Mgr & Event Project Mgr	Done
		Temporary Bus Licensing		Sep 2012

Strategic Partners:

Internal: City Staff (Police, PW, Building,Planning Enforcement)

External: Chamber, Sundance, Fire District, Summit County, Long-term holders of event city service agreements

Critical Success Factors:

CONTINUED GROWTH AND EFFICIENCY IN PROGRAMMING THE EVENT CALENDER WITH MORE BENEFICIAL (ECONOMIC) EVENTS AND LIMITED COMMUNITY IMPACTS

STRATEGY II | PROVIDE AMENITIES, FACILITIES, & INFRASTRUCTURE

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

Current Policy Direction: Not actively pursuing a publicly financed convention/event center; will reevaluate if public-private partnership opportunity arises.

Operating Programs

	Action Step (Priority)	Deliverable	Who's Responsible	By When
Backcountry Trails Program	Transportation Master Plan Report Card	Report Card	Trails & OS Proj Mgr	Sep 2012
Economic & Redevelopment Program	Wi-Fi Network Feasibility Analysis	ID Priority Locations & Cost	Econ Dev Mgr & IT Mgr	Mar 2013
	City Way-finding & SMART Messaging Plan	Complete Plan	Econ Dev Mgr	Mar 2013

Capital Projects

	Action Step (Priority)	Deliverable	Who's Responsible	By When
Urban Trails & Walkability Program	Dan's to Jans Implementation	Completed Phase I Projects	Trails & OS Proj Mgr	Oct 2014
	Wyatt Earp Implementation	Completed Street Improvements	Trails & OS Proj Mgr	Oct 2013
Backcountry Trails Program	Pave Silver Quinn Trail	Paved Trail	Trails & OS Proj Mgr	Oct 2012
Downtown Enhancement Projects	Identify preferred location of Downtown Plaza – Complete Construction	Build Plaza Downtown	Econ Dev Mgr	Oct 2015
	Sidewalk Reconstruction & Streetscape Improvements	Sidewalk & Streetscape Improvements, block by block over 8 yrs	Sr. Project Manager	Start 2012; complete 2020
	City Hall Plaza	Completed Promenade	Sr. Project Manager	Oct 2014
	Coalition Plaza/trailhead	Completed Project	Sr. Project Manager	Oct 2016
	Miners Plaza	Completed Project	Sr. Project Manager	Oct 2017

Strategic Partners:

Internal: Other City Project Managers (Water, Public Works, Engineering

External: UDOT, Sundance

Critical Success Factors: Balancing capital improvements with construction impacts

STRATEGY III

Pursue Redevelopment Consistent with General & Area Plans

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

Current Policy Direction: Seek partnership opportunities with major landowners

Operating Programs

	Action Step (Priority)	Deliverable	Who's Responsible	By When
Economic & Redevelopment Program	Parking Redevelopment at PCMR Lot	1) Letter of Intent 2) RDA Extension 3) Signed Agreement 4) Phase I – Woodward Facility 5) Parking & Transit Ctr Construction	Strategic Initiatives Mgr	1)Aug '12 2)Oct '12 3)Dec '12 4)Oct '13 5) 2014
	Teasure Hill Negotiations	Conclude an agreement to: 1) keep ½ density at Treasure; 2) Move ½ density to a receiving zone; 3) Keep ski & uphill capacity improvements to treasure; 4) Ensure hot beds are created at Treasure	City Manager, Attorney & Econ Dev Mgr	Jun 2013
	Develop City approach to and role in redevelopment of major buildings on Main St.	Policy Discussion w/ Council	Econ Dev Mgr	Aug 2012

Capital Projects

	Action Step (Priority)	Deliverable	Who's Responsible	By When
Implementation of BOPA Plan	Develop Bus. Retention and Attraction Plan	Adopted Bus Retention and Attraction Plan	Strategic Initiatives Mgr	Dec 2012
	Identify Preferred Incentive Tools	Incentive Toolbox	Strategic Initiatives Mgr	Dec 2012
Implementation of LPA RDA Area Plans	Library Needs Assessment/Expansion	Completed Needs Assessment & Construction	Lib Director; Econ Dev Mgr, & Sr. Project Mgr	Jul 2012; Oct 2013
	Neighborhood Needs Assessment/Construction	Completed Needs Assessment & Construction	P.A. Mgr & Sr. Project Mgr	Jul 2012; TBD

Policies

	Action Step (Priority)	Deliverable	Who's Responsible	By When
General Plan	Update Economic Element	Complete Chapter	Sr. Planner	???

Land Mgt Code	🟡	Modify LMC to encourage, support vitality, activity while protecting scale and integrity of historic buildings	TBD	Econ Dev Mgr & Planning Dir	TBD
City's Posture on RDA	🟡	Use the Input from the 5 joint meetings to inform implementation of the Area and General Plans	Economic Element of the General Plan completed	Econ Dev Mgr, Planning Director and Sr. Planner	Oct 2012

Strategic Partners:

Internal: Planning Staff

External: Park City Mountain Resort, Treasure Hill Owners, Charles Buki (consultant), Tax Entity Committee

Critical Success Factors:

Finalized General plan
Finalized BoPa plan
Approved LOI w/ PCMR
RDA Extension
Agreement to Treasure Hill Negotiations

STRATEGY IV | RETAIN & ATTRACT DIVERSIFIED BUSINESS TYPES

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

Current Policy Direction: Not codified – Preliminary direction given to identify a business recruitment and retention plan. We are not clear if Council seeks to formally dDiscourage chains, (with perhaps the exception of a "boutique" chains). The more cogent concern was about size, specifically visual, parking and community character impacts of and big box retail.

Operating Programs

	Action Step (Priority)	Deliverable	Who's Responsible	By When
Economic & Redevelopment Program	Define & Test City's Role in High Altitude Destination	Study Session	Ice Business Mgr	Jul 2012
	Idenity of target properties and Development of a Direct Business Recruitment Plan	Business Recruitment Program	Strategic Initiatives Mgr	Dec 2012
	Annual Economic Health Update	Presentation to Council & Updated Metrics	Econ Dev Mgr	Nov 2012
	County Economic Development Task Force	Presentation to Council	Econ Dev Mgr	Jul 2012

Strategic Partners:

Internal: Ice & Recreation

External: Summit County, USSA, Utah Olympic Park/ UAF

Critical Success Factors:

Business Recruitment & Retention Strategy Codified

STRATEGY V

CITY BRANDING & PROMOTION

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

Current Policy Direction:

Operating Programs	Action Step (Priority)	Deliverable	Who's Responsible	By When
Economic & Redevelopment Program	Participate in Ski Resort Interconnect Concept Plan when Invited	N/A	Econ Dev Mgr	N/A
Reusable bag program	ID if Council is intersted in pursuing a program with event banners	Frame policy and resource discussion	Econ Dev Mgr	Nov 2012

Strategic Partners:

Internal: City Staff

External: Ski Utah, Ski resorts in Summit County, UDOT, UTA, Save our Canyons, Envision Utah

Critical Success Factors:

Program Resources

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

Human Capital

Staff retention
Development & Training
Succession Planning

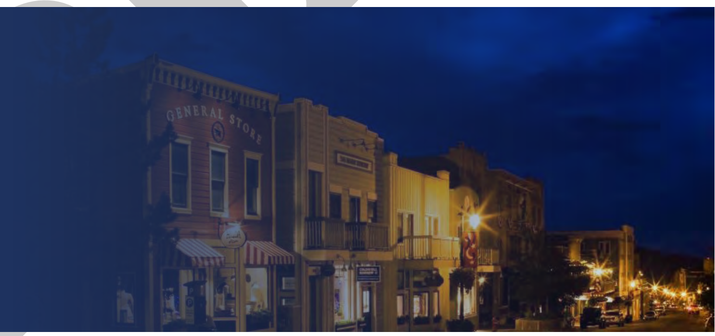
Technology

1. Identify Customer
   a. General Public
   b. Permanent Resident, Second Home owner
   c. Destination Tourism Visitor
   d. Day Visitor
   e. City Council, City Manager & Staff
2. Define What (resources)
   a. Project Management Staff (capital projects, events, trails, Economic Development ops
   b. Mapping software
   c. Day of event tools
   d. Web based Project Management tools
   e. Facility booking software
   f. Internet Connectivity – fast, publicly accessible, variety of locations
3. Define How
   a. CIP for Internet infrastructure
   b. Departmental budget or sharing of resources for Project Management needs
   c. Expand Class facility booking modules to PW

Contract Services

Our team may consider outside professional services assistance when the work would be proivided : quicker, cheaper, tecnically more proficient then existing staff, or when there is benefit to having an outside, independent authority make assertions.

Appendices



PART II - ECONOMIC DEVELOPMENT GRANT POLICY (ADOPTED JUNE 15, 2006)

Annually, the City will allocate $20,000 to be used towards attracting and promoting new organizations that will fulfill key priority goals of the City's current Economic Development Plan. Funding will be available for relocation and new business start-up costs only.

A. ED Grant Distribution Criteria

Organizations must meet the following criteria in order to be eligible for an ED Grant:

1. **Criteria #1:** The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.
2. **Criteria #2:** The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.
3. **Criteria #3:** The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for one-time events.
4. **Criteria #4:** The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.
5. **Criteria #5:** Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.
6. **Criteria #6:** Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

The City's Economic Development Program Committee will review all applications and submit a recommendation to City Council, who will have final authority in judging whether an applicant meets these criteria.

B. Economic Development Grant Fund Appropriations

The City currently allocates economic development funds through the operating budget of the Economic Development & Capital Projects department. Of these funds, no more than $20,000 per annum will be available for ED Grants. Unspent fund balances at the end of a year will not be carried forward to future years.

C. ED Grant Categories

ED Grants will be placed in two potential categories:

1. **Business Relocation Assistance:** This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered through an ED Grant include moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.
2. **New Business Start-up Assistance:** This category of grants will be available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

D. Application Process

Application forms may be downloaded from the City's www.parkcity.org website or available for pick-up within the Economic Development Office of City Hall. Funds are available throughout the City's fiscal year on a budget available basis.

E. Award Process

The disbursement of the ED Grants shall be administered pursuant to applications and criteria established by the Economic Development Department, and awarded by the City Council consistent with this policy and upon the determination that the appropriation is necessary and appropriate to accomplish the economic goals of the City.

ED Grants funds will be appropriated through processes separate from the biennial Special Service Contract and ongoing Rent Contribution and Historic Preservation process.

The Economic Development Program Committee will review all applications and forward a recommendation to City Council for authorization. All potential awards of grants will be publicly noticed 14 days ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual ED Grant Contracts may vary from contract to contract at the discretion of the City Council. Any award of a contract is valid only for the term specified therein and shall not constitute a promise of future award. The City reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Economic Development Program Committee, and any advisory board, Task Force or special committee with the power to make recommendations regarding ED Contracts are ineligible to apply for such Contracts. City Departments are also ineligible to apply for ED Contracts. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

Program: Special Events **Departments:** MULTIPLE DEPARTMENTS

Description:
Sustainability: Manage event calendar and event operations & implementation. Manage some City facility leases & rentals. Oversee some City services contracts with recurring events. Includes intense coordination, both within the CIty and externally.
Parks/Fields: The Parks and Fields Maintenance Departments provide a variety of maintenance and support services for this program. It requires that event logistical support be performed in many areas to ensure a smooth successful event.
Ice: Host special events that will aid in economic development in addition to providing entertainment for local residents.
Building Maintenance: The Building Maintenance Department provides a variety of maintenance and support services for this program. It requires that event logistical support be performed in many areas of the community to ensure a smooth successful event.
Police: Park City is a city that celebrates special events of all kinds. From major internationally known events of film and art to sporting competitions and community-based festivals. Park City is proud to host dozens of events and we ensure that each event has the necessary level of public safety to provide a safe environment.
Streets: The Streets Department provides a variety of maintenance and support services for this program. It requires that event logistical support be performed in many areas of the community to ensure a smooth successful event.
Transit: This program provides for enhanced Transit services provided during major events (Arts Festival and Sundance).

Council Goal: **World-Class Multi-Seasonal Resort Community**

Desired Outcome: **Further populate event calendar**
Balance tourism & local quality of life

Section 1: Scope

Parks/Fields: Current LOS - Items included from the Parks and Fields Maintenance Team include: logistical support for City-sponsored events, i.e. field preps, waste management, facility cleaning and enhanced snow removal. Challenges to the goal of this program are: Overall growth of events competing for resources due to increasing number and scale of events and organizer expectations.
Ice: Current LOS- The Park City Ice Arena hosts a number of special events throughout the year. A number of these events bring economic benefit to the community by bringing both participants and spectators from outside of Park City. The Ice Arena hosts several hockey events (Rocky Mountain Shoot Out - Youth, Gold Digger - Womens, Luc Robitaille Celebrity Shoot Out - Charity Game, Best of Utah - Senior Mens, and Muddy Puck - Co-Ed Adult. The ice arena is home to the annual Curling Elevated Bonspiel in April. In addition the ice arena helps to put on a number of community events for local residents and clubs. These events include Christmas at the Ice Arena, Learn to Skate Open Houses and this year a 10 Year Olympic Celebration Event. The Figure Skating Club of Park City hosts two skating shows (Christmas Show & Spring Show) at the ice arena. In the summer the rink stays busy hosting weekly camps. These include Rocky Mountain Hockey School, Park City Hockey Experience Camp, and the Figure Skating Camp. The Park City Ice Arena is the home of two mens hockey teams (Pioneers and Moose). Each team host games with teams from around the western United States.
Building Maintenance: Current LOS - Items included: logistical support for City-sponsored events, i.e. restroom cleaning, building cleaning, and general access accommodations. Challenges to the goal of this program are: Overall growth of events, competing for resources due to increasing number and scale of events, and organizer expectations.
Police: Current LOS- Nowhere does special events better than Park City, which is evident by the number of events held annually and the number that want to be here. Hundreds of hours are spent in planning and staffing the various events that are held. Close and trusting relationships have been developed between staff and event planners/promoters. Special events are vital to the promotion and economy of Park City.
Streets: Current LOS - Items included from the Streets Maintenance Team includes: logistical support for City sponsored events, i.e. barricades, message boards, waste management, street cleaning, and enhanced snow removal. Challenges to the goal of this program are: Overall growth of events, competing for resources due to increasing number and scale of events, and organizer expectations.
Transit: Current LOS- Provides enhanced transit service required to serve large crowds during Park City's major events (i.e., Sundance and Arts Festival).

Section 2: Proposed Amount/FTEs

Expenditures		Current FY12	Proposed FY13	Proposed FY14	*Is this the same level of service? Or is it reduced or enhanced LOS?*
Personnel		$1,012,725	$1,016,266	$1,017,586	**Same LOS**
Materials		$637,896	$647,171	$647,171	
Sundance Agreement		$50,000	$50,000	$50,000	
PSSM Agreement		$80,000	#VALUE!	#VALUE!	
Sundance Mitigation		$270,000	$270,000	$270,000	
Ongoing CIP		$134,320	$50,000	$50,000	**Ice Facility Capital Replacement - CIP**
(if applicable)	**Subtotal**	**$2,184,941**	**#VALUE!**	**#VALUE!**	
Revenues					
Parking Fees		$40,000	$40,000	$40,000	
BPE Fees		$229,511	$238,747	$245,754	
CIP County Contribution		$134,320	$50,000	$50,000	

Special Events Fees		$98,000	$76,327	$78,394
(if applicable)	**Net Total**	**$1,683,110**	**#VALUE!**	**#VALUE!**
FTEs				
FTR		9.95	9.97	9.99
PTNB		2.85	2.85	2.85
	Total	**12.79**	**12.83**	**12.85**

Results Team Score	129.75

Section 3: Qualifications for Meeting Criteria in Outcome Area

Special Events has been identified by Council as a high priority through Council's goals (Outcomes Area) and the strategic plan. The community has also expressed their desire for Special Events through Chamber Bureau, citizen requests and outside organizers. The Special Event program is a critical function to Park City's economic sustainability. Also, Special Event planning and staffing are essential for a safe and successful special event. Proper planning and staffing promotes a healthy event environment, which promotes Park City as a World Class Multi-seasonal Resort Community. Finally, Special Event transit services significantly reduce traffic congestion on all City streets and enable the movement of large numbers of people to event venues. Special Event Transit also reduces the need to expand roads and parking resources that would be required without strong transit support.

Section 4: Cost Savings/Innovation/Collaboration

Parks/Fields/Building Maint/Streets: Collaboration- Being in the Operations Division of Public Works, the Fields Department has a primary maintenance and assistance function in supporting Special Events. Working collaboratively with other agencies, departments and outside organizers has created efficiencies which allows for greater participant satisfaction and enhancing the overall experience that will propel us above the competing venues.

Innovation - The Building Maintenance Department continually looks for creative ways to increase efficiency through innovation. A example is the ability to provide separate access keys to buildings during large scale special events without compromising the City's overall security.

Ice: Due to limited ice along with a short summer schedule, the ice arena has become more efficient with booking camps. The Figure Skating Camp and Pioneer Camp have worked together to allow for both camps to take place on the same week.

Transit: Park City and Sundance collaborate on both traffic and transit planning year round to ensure the event runs as smoothly as possible. Transit's new GPS\AVL system have begun to revolutionize the way we operate our special event services by providing real time locations, real time passenger loads, origin\destination information, automatic stop announcements, and on-time performance reporting.

Section 5: Consequences of Funding Proposal at Lower Level

Parks/Fields/Building Maint/Streets: The consequences of lowering the funding for this program include: Reduction in Park City being a "destination resort". There would also be a decrease in financial and cultural benefit to the community.

Ice: If funding is cut to this program, then the number of special events held would be reduced and the level of service provided to event planners would be reduced, which could impact overall satisfaction. In addition, revenues from ice rentals from events would be reduced.

Police: Funding at a reduced level would create a reduced level of service, which would have a direct negative result on the success of any particular event.

Transit: Staff does not recommend lower funding levels for this program. Should Council direct Staff to reduce expenses in the program, then days, hours and\or routes served during special events would need to be reduced. This reduction would impact the City's ability to support the major events served and result in increased congestion during those events.

Section 6: Performance Measures

Parks/Fields: Number of times banners are changed throughout the year Target - 14 Actual 16

Ice: Two performance measures have been identified for Special Events. Number of events (28) and event planner satisfaction (90%).

Police: Performance measures in this area are consistently met. Proper staffing allows for safe and cost effect events coverage. Staffing of each event is based on geographic size of the event area, the number of anticipated attendees, times and dates of the event, any alcohol component and a variety of other factors such as traffic mitigation and pedestrian safety. Each event has all of the same factors to consider but no two events are exactly alike.

Streets: Percentage of barricade setup completed within 2 hours of event Target 100% Actual 100%

Percentage of electronic sign operational per event Target 100% Actual 99%

Transit: 2011 Special Event Passengers: 197,665

2011 Special Event Cost Per Passenger: $0.60

Program: Economic and Redevelopment **Department:** ECONOMY

Description: Implementation of all aspects of the City's Economic Development Strategic Plan including immediate and long-range goals for economic and redevelopment through planning , operations, programs, refining policy–related and property negotiation discussions; implementation of capital projects and programs.

Council Goal: **World-Class Multi-Seasonal Resort Community**

Desired Outcomes:
Proactive partnerships with major landowners in redevelopment efforts
Extend the Lower Park Avenue RDA
Balance tourism & local quality of life
Further populate event calendar
Unique & locally owned businesses

Scope

Current LOS: Implements Council's annually approved Econ Dev. Strategic plan, which currently includes the following projects and programs: (underlined ones were completed or are in progress)

Top Priority: 1) Determine what role the City has in the redevelopment of the Lower Park Avenue RDA and Bonanza Park Districts; 2) Assist in redevelopment of resort and commercial areas; 3)Complete a retail market analysis & carrying capacity study; 4) Assist in business attraction/retention of both resort-based and year round businesses; 5) Complete Convention, multi-use event center & high altitude destination feasibility analysis; 6) Events – Overhaul process & fee schedule; criteria to prioritize event calendar, review regulations of temporary uses during large MFL's.

High Priority Projects: 1) ID downtown project priorities through HPCA joint study; 2) Continue building trail network infrastructure and Urban pathways; 3) High Altitude Training Destination; 4) Monitor commercial mix in Main Street Storefronts; 5)Smart Messaging signs for parking information ;

Priority Projects - 1) Work with Summit County to identify and pursue common economic goals; 2)Assist in renovation of the Main Street Mall; 3) Assist PC businesses on retention & development initiatives; 4) Keep a Post Office on Main Street; 5) Interconnect; 5) Events - Per the Budgeting for Outcomes process we learned in 2010 that PCMC expended in excess of $1.2 million in direct event-related expenses. These events drew approximately 316,000 attendees and participants, producing an indirect economic impact of over $100 million; Sundance brings $62.7 million to the state; Arts Festival brings $18 million to the County; and Triple Crown softball brings $7 million to the City.

Proposed LOS: Ongoing implementation of ED St. Plan, including redevelop base area at PCMR; take proactive partnering role in redeveloping BoPa including expansion, such as business recruitment & retention and financial modeling; Continued implementation of Walkability, Trails & Open Space; Proliferation of Event Calendar; Continued implementation of Capital Projects

Desired

Expenditures		**Current FY12**	**Proposed FY13**	**Proposed FY14**
Personnel		$168,836	$168,836	$168,836
Materials		$11,951	$151,688	$151,688
Destination Tourism		$145,000	$145,000	$145,000
Lower Main RDA Oper		$40,000	$40,000	$40,000
Main Street Oper		$10,000	$10,000	$10,000
HPCA via Chamber		$50,000	$50,000	$50,000
(if applicable)	**Subtotal**	**$425,786**	**$565,524**	**$565,524**
Revenues				
Admin IFT		$60,000	$60,000	$60,000
Parking Fees (HPCA via Chamber)		$40,000	$40,000	$40,000
(if applicable)	**Net Total**	**$325,786**	**$465,524**	**$465,524**
FTEs				
FTR		1.50	1.50	1.50
PTNB		-	-	-
	Total	**1.50**	**1.50**	**1.50**

Is this the same level of service? Or is it reduced or enhanced LOS?
Enhanced LOS

Results Team Score 125.5

Section 3: Qualifications for Meeting Criteria in Outcome Area

The City Council Goal of World Class, Multi Seasonal Resort Community has the following desired outcomes: proactive partnerships with major landowners in RDA efforts; extend LPA RDA; balance tourism & local quality of life; further population of the event calendar; and unique & locally owned businesses.

Section 4: Cost Savings/Innovation/Collaboration

By maximizing efficiencies of existing staff resources, skills and talents, we've limited consulting services needs. Collaboration with the Chamber, through our Joint Venture, has allowed the Chamber to take lead on procuring studies on Event center & Financial impacts of events, leading to a more nimble and efficient procurement process. The Joint Venture budget was increased $70k to pay the Chamber to market the St. Regis because we've estimated the St Regis generates $125k in resort sales tax.

Section 5: Consequences of Funding Proposal at Lower Level

1. Less direct revenues (sales, resort, transient room taxes); 2) Less ROI on resources spent; 3) Additional community impacts stemming from events; 4) Reactive (or less)policy refinement, programs and vetting of partnering opportunities; 5) Less realization of City Capital goals; 6) Diminished level of service for trails, open space and walkability.

Section 6: Performance Measures

Initiate 80% of Top & High priority projects identified in ED strategic plan annually

Program: **Urban Trails and Walkability** **Department:** **ECONOMY**

Description: Continue to implement Walkability projects as set forth in the WALC recommended approved project list.

Council Goal: **Effective Transportation**

Desired Outcome: **Community Transportation & Walkability Plan**

Section 1: Scope

Current LOS: Provide a high level of service in the planning and implementation of the remaining WALC recommended projects, which include the following projects; Dan's to Jans, Wyatt Earp Way, widening of existing pathways, Old Town crosswalk,s and minor biking and walking improvements throughout town. Provide a high level of service in community outreach and public participation in the planning and implementation of projects, as well as proactively mitigate negative impacts to neighborhoods.

Proposed LOS: No change in level of service.

Section 2: Proposed Amount/FTEs

Expenditures		Current FY12	Proposed FY13	Proposed FY14
Personnel		$62,477	$62,477	$62,477
Materials		$2,121	$2,121	$2,121
Debt		$836,657	$836,423	$835,126
(if applicable)	**Subtotal**	**$901,255**	**$901,021**	**$899,723**
Revenues				
Property & Sales Tax		$836,657	$836,423	$835,126
(if applicable)	**Net Total**	**$64,597**	**$64,597**	**$64,597**
FTEs				
FTR		0.65	0.65	0.65
PTNB		-	-	-
	Total	**0.65**	**0.65**	**0.65**

Is this the same level of service? Or is it reduced or enhanced LOS?
Same LOS

Results Team Score	116

Section 3: Qualifications for Meeting Criteria in Outcome Area

1. Implement projects in a timely fashion. 2. Provide ample opportunity for public input. 3. Provide a high level of service in community outreach to mitigate construction impacts 3. Provide safe and effective infrastructure for alternative travel options.

Section 4: Cost Savings/Innovation/Collaboration

1. Coordinate and collaborate with other City projects and/or utility companies to gain an economy of scale on project costs. 2. Innovative thinking on infrastructure design and maintenance planning.

Section 5: Consequences of Funding Proposal at Lower Level

Project timelines negatively impacted. Connectivity, safety and effectiveness of projects and overall walkable network negatively impacted.

Section 6: Performance Measures

Increase information and signage for bike routes by 10% annually. 90% of park city households within ¼ mile of urban trail.
Increase usage of primary walking and biking routes by 10% every two years

Program: **Trails (Backcountry)** **Department:** **ECONOMY**

Description: Implementation & management of the Trails Master Plan, including trail construction, maintenance, regulation, events and planning. Includes coordination with the public, as well as with internal and external stakeholders like Mt. Trails and Basin Recreation. Continue to provide world-class summer & winter trail recreational opportunities.

Council Goal: **Recreation, Open Space, and Trails**

Desired Outcome: **Effective and safe vehicle & pedestrian transportation**

Section 1: Scope

Current LOS: Continued implementation and management of the Trails Master Plan capital projects, in addition to the management of the backcountry trails maintenance budget. Continued coordination and collaboration with all trail stakeholders. Continue to provide world-class recreational trail opportunities in the summer and winter.

Proposed LOS: Provide better oversight of trail event management and regulation, including promoter debriefs and application and collection of associated fees. Data collection associated with three proposed goals: 1) Transportation Master Plan report card. 2) Trail use and demographic data to establish fiscal analysis of trail use and appropriate improvements. 3) Continued GIS data collection.

Section 2: Proposed Amount/FTEs

Expenditures		Current FY12	Proposed FY13	Proposed FY14
Personnel		$22,281	$22,281	$22,281
Materials		$24,381	$33,774	$33,774
Ongoing CIP				
(if applicable)	**Subtotal**	**$46,662**	**$56,055**	**$56,055**
Revenues				
(if applicable)	**Net Total**	**$46,662**	**$56,055**	**$56,055**
FTEs				
FTR		0.25	0.25	0.25
PTNB		-	-	-
	Total	**0.25**	**0.25**	**0.25**

Is this the same level of service? Or is it reduced or enhanced LOS?

Same LOS

Results Team Score	109.25

Section 3: Qualifications for Meeting Criteria in Outcome Area

Trails are a high priority goal for Council, as well as for the community. Enhancement in data collection will help meet goals established in the Transportation Master Plan, as well as work towards providing a better understanding of the public's use of the facility and the possibility of providing some data, which may help provide a glimpse into the fiscal impact of trail users on the Park City economy. Oversight and implementation of trail event fees and criteria will help fund and protect the public resource.

Section 4: Cost Savings/Innovation/Collaboration

Cost savings: Specific oversight of trail event criteria and fees will specifically offset trail maintenance and deter events, which may damage the facility or negatively impact the public's ability to access the trail system.

Innovation: There is very little to no current data on the fiscal impact of trail users, their demographic or desires per the Park City trail system.

Section 5: Consequences of Funding Proposal at Lower Level

Trails are a high priority goal for Council, as well as for the community. Enhancement in data collection will help meet goals established in the Transportation Master Plan, as well as work towards providing a better understanding of the public's use of the system. Furthermore, oversight of trail event criteria and fees may result in negative impacts on the trails and trail user experience.

Section 6: Performance Measures

90% of Park City households within 1 mile of backcountry trails

Increase wayfinding for backcountry trails by 10% annually

Weidenhamer

CP0020 City-Wide Signs Phase I

Manager: Weidenhamer	*Carryforward*	*YTD Expense*	*Encumberances*
Recommended	0	290	0

Funded in FY02 - Continue to coordinate and install way-finding and directional signs throughout the City.

Council Goals: World Class, Multi-seasonal/Resort Community

Future Funding	*12 Adjust*	*12 Total*	*13 Adjust*	*13 Total*	*14 Adjust*	*14 Total*	*15 Adjust*	*15 Total*	*16 Adjust*	*16 Total*
031475 TRANS FR GEN FUND		5,000		5,000	20,000	20,000		0		0
033468 PROP TAX INCREMENT RD/		2,500		2,500	15,000	15,000		0		0
034468 PROP TAX INCREMENT RD/		2,500		2,500	15,000	15,000		0		0
CP0020 Total:		10,000		10,000	50,000	50,000		0		0

CP0061 Economic Development

Manager: Weidenhamer	*Carryforward*	*YTD Expense*	*Encumberances*
Recommended	1,823	0	0

The project was created to provide "seed money"towards public/private partnership ideas. These expenditures are a result of the beginning stages of economic development plan.

Council Goals: World Class, Multi-seasonal/Resort Community

Future Funding	*12 Adjust*	*12 Total*	*13 Adjust*	*13 Total*	*14 Adjust*	*14 Total*	*15 Adjust*	*15 Total*	*16 Adjust*	*16 Total*
031475 TRANS FR GEN FUND		0	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
034450 BEGINNING BALANCE		0		0		0		0		0
034467 OTHER MISCELLANEOUS		0		0		0		0		0
034468 PROP TAX INCREMENT RD/		25,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
CP0061 Total:		25,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000

CP0226 Walkability Implementation

Manager: Weidenhamer	*Carryforward*	*YTD Expense*	*Encumberances*
Recommended	3,556,356	7,712,537	47,043

This project funds varying projects related tot he Walkability Community program. The projects to be completed with this funding will be as outlined by the Walkability Steering and CIP committees and as approved by City Council during the 2007 Budget Process

This was cp0190 in the FY2009 budget

Council Goals: Recreation, Open Space, and Trails

Future Funding	*12 Adjust*	*12 Total*	*13 Adjust*	*13 Total*	*14 Adjust*	*14 Total*	*15 Adjust*	*15 Total*	*16 Adjust*	*16 Total*
031451 BOND PROCEEDS	-50,000	7,250,000		0		0		0		0
031474 STATE CONTRIBUTION		0		0		0		0		0
031475 TRANS FR GEN FUND		0		0		0		0		0
033450 BEGINNING BALANCE		0		0		0		0		0
CP0226 Total:	-50,000	7,250,000		0		0		0		0

CP0233 China Bridge Pocket Park

Manager: Weidenhamer	*Carryforward*	*YTD Expense*	*Encumberances*
Recommended	202,620	28,185	0

Council Goals: World Class, Multi-seasonal/Resort Community; Preservation of Park City Character

Future Funding	*12 Adjust*	*12 Total*	*13 Adjust*	*13 Total*	*14 Adjust*	*14 Total*	*15 Adjust*	*15 Total*	*16 Adjust*	*16 Total*
031484 Transfer from Sales Tax DSF	-174,435	-174,435		0		0		0		0
CP0233 Total:	-174,435	-174,435		0		0		0		0

CP0262 High School Bus Sundance Transit Reconstruction

Manager: Weidenhamer

Recommended

Carryforward	*YTD Expense*	*Encumbrances*
50,000	90,000	0

Sundance transit has added loading to the school bus drop zone at the High School. The City is partnering the School District to re-construct the school bus drop zone to handle the additional capacity.

Council Goals: Preservation of Park City Character

Future Funding	*12 Adjust*	*12 Total*	*13 Adjust*	*13 Total*	*14 Adjust*	*14 Total*	*15 Adjust*	*15 Total*	*16 Adjust*	*16 Total*
031475 TRANS FR GEN FUND		0		0		0		0		0
057479 TRANSIT SALES TAX		40,000		0		0		0		0
CP0262 Total:		40,000		0		0		0		0

	Annual Cost	***Cost Description***
Annual Impact on Operating Budget:	$ 15,000	This project should alleviate future operating expenses that may occur with the City's partnership between Sundance and the School District. Related to Temp. patching approx. 15 K annually not current being shared by pcmc.

CP0263 Lower Park Avenue RDA

Manager: Weidenhamer

Recommended

Carryforward	*YTD Expense*	*Encumbrances*
0	0	0

The project entails planning, design, demolition, reconstruction of historic buildings, construction of new buildings, and possible land acquisition in the Lower Park, Woodside, platted Norfolk and Empire Avenues North of 13th Street within the Lower Park Avenue RDA. PM I includes new community center and reconstruction of 2 historic houses at Fire Station area.

Council Goals: Preservation of Park City Character

Future Funding	*12 Adjust*	*12 Total*	*13 Adjust*	*13 Total*	*14 Adjust*	*14 Total*	*15 Adjust*	*15 Total*	*16 Adjust*	*16 Total*
033468 PROP TAX INCREMENT RD/		3,000,000		3,000,000	1,250,000	1,250,000		0		0
CP0263 Total:		3,000,000		3,000,000	1,250,000	1,250,000		0		0

CP0270 Downtown Enhancements Phase II

Manager: Weidenhamer

Recommended Pending Funding

Carryforward	*YTD Expense*	*Encumbrances*

Council Goals: World Class, Multi-seasonal/Resort Community; Effective Transportation and Parking System

Future Funding	*12 Adjust*	*12 Total*	*13 Adjust*	*13 Total*	*14 Adjust*	*14 Total*	*15 Adjust*	*15 Total*	*16 Adjust*	*16 Total*
031451 BOND PROCEEDS		0	0	0	0	0	0	0		0
CP0270 Total:		0	0	0	0	0	0	0		0

New 13-33 Main Street Wireless

Manager: Weidenhamer

Not Recommended

	Carryforward	YTD Expense	Encumberances

Council Goals: World Class, Multi-seasonal/Resort Community

Future Funding	12 Adjust	12 Total	13 Adjust	13 Total	14 Adjust	14 Total	15 Adjust	15 Total	16 Adjust	16 Total
031475 TRANS FR GEN FUND		0	50,000	50,000	50,000	50,000		0		0
New 13-33 Total:		0	50,000	50,000	50,000	50,000		0		0

	Annual Revenue	Revenue Description
Annual Impact on Operating Revenue	$ 0	None

New 13-34 Bonanza Park RDA - Internet Upgrades

Manager: Weidenhamer

Not Recommended

	Carryforward	YTD Expense	Encumberances

Council Goals: World Class, Multi-seasonal/Resort Community

Future Funding	12 Adjust	12 Total	13 Adjust	13 Total	14 Adjust	14 Total	15 Adjust	15 Total	16 Adjust	16 Total
031475 TRANS FR GEN FUND		0	50,000	50,000	50,000	50,000		0		0
New 13-34 Total:		0	50,000	50,000	50,000	50,000		0		0

	Annual Revenue	Revenue Description
Annual Impact on Operating Revenue	$ 0	None

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

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

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

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

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

Todd Aerni
Chief Building Official
City of Papillion, NE

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

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

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

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

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

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

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

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

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

PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
JULY 12, 2012

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Bret Howser, Budget Manager; Matt Twombly, Project Manager; and Jonathan Weidenhamer, Economic Development Manager

ICMA Team: Todd Aernie, Nelsie Smith and Marc Landry

Katie Wright, PC Foundation; Alison Butz and Mike Sweeney, HPCA; and Dave Nicholas, IBI Group

1. **Council questions/comments.** Linda Tillson introduced Tegan Davis, the new Youth Librarian who relocated from Colorado.

Dick Peek reported that Habitat for Humanity dedicated the Marsac house which will be occupied by a family of four. The Historical Society received a clean audit for the year. Cindy Matsumoto reported on the Library Board meeting which was attended by the new appointees. Alex Butwinski relayed that he attended an Art Board meeting. Andy Beerman announced that the USOC decided not to pursue a Winter Olympics for 2022 but to focus on the Summer Olympics in 2024 or the Winter Olympics in 2026 which will provide more time to prepare a bid.

Liza Simpson attended the Fire Board meeting where the fire impact fee study was reviewed and adopted at the next meeting. Almost all of the impact fees are decreasing because the district is getting closer to build-out and the implementation of legislative changes to the calculation. The Mountainlands Community Housing Trust met. She congratulated the Friends of the Farm on its new interpretive trail. She commented on the great paving job in Swede Alley and the Transit Center.

The Mayor spoke about welcoming a national Burger King conference and learning about converting recycled frying oil into a new biofuel available to the public. He and staff met with the latest Air Force team and he attended the dedication of the Habitat for Humanity house. He welcomed Candace Watkins, former Mayor of Covington, Louisiana to the meeting.

2. 2030 Strategic Plan – International City Management Association. Bret Howser introduced Nelsie Smith, Marc Landry and Todd Aernie. The steering committee included City employees Pace Erickson, Jessica Moran, and Jason Glidden and Katie Wright, from the PC Foundation, representing the general public. A community open house was held last night and all input will be considered in a final draft document. Marc Landry referred to helpful information gained from the 2009

Community Vision with the strong message to *keep Park City, Park City.* He explained that every year ICMA selects approximately 15 individuals to attend a leadership program and they are part of that group.

Nelsie Smith reiterated that the foundation for this project is the Community Visioning which provided a lot of information as a basis for the vision. The team was in Park City is March and April. In March, a series of meetings were held with stakeholders and Council provided additional input in April. She noted that about 15 people attended the open house last night and the feedback was positive. Adaptive reuse of historic properties has been highlighted. The documents that correspond with Park City 2030 will continue to evolve over time to reflect the current needs of the community. She explained that the eight goals established by the City Council were redefined into four goals. Each of these priorities has desired outcomes and indicators. In April, historic preservation appeared to be lost and not highlighted as a priority. She referred to five strategic approaches which are overarching and the fundamental basis for decision-making in Park City. Park City character and regional collaboration used to be goals but the Team felt they are the means to get to the end.

Todd Aernie stated that Council adopted eight biennial strategic plans which have been refined and a scorecard has been incorporated. Measures have been assigned to the desired outcomes and indicators. Gold, silver and bronze are the scores; gold is turning toward the vision, silver is stable and bronze is turning away from the vision. Staff will report back to the Council on the status of priorities which will tie into the business plans and budgeting for outcomes. He referred to the proposed scorecard which will provide a great snapshot of the status of goals. He discussed the importance of balancing priorities so they don't compete against each other.

Marc Landry explained that the biennial plans take into account Council priorities and desired outcomes; the scorecard and the action plan are tied together. Staff will prepare business plans which will include specific operational items and the BFO process is in place. He pointed out that the draft templates of the biennial plans and business plans are examples. The General Plan and Strategic Plan need to work together and the score card is essential for the elected officials and the community to measure success. Mr. Landry felt the next step is for Council to consider adopting the 2030 Strategic Plan and for staff to refine the biennial plans and develop business plans. In some areas, staff has already done that. He thanked staff members, the stakeholders and elected officials for their feedback.

Liza Simpson referred to regional collaboration and felt that it needs to be expanded beyond Summit County and the state or it could be less specific. She asked how median income compared to median home price can be used as a key indicator. Ms. Smith explained that these are written as aspirational commentaries, recognizing that there are challenges, to help gauge success. Todd Aernie added that these will tie back into outcomes.

Bret Howser pointed out that there is little control for some key indicators to dictate outcomes. It was decided to keep them in the document anyway, monitor the trends and do our best to manage the outcomes. The City will not score in the top in all instances because many of these goals will be mutually exclusive and it will be a balancing act over the long haul.

Dick Peek referred to the statement about strategic approaches being the overarching way to filter elements of the Plan and Nelsie Smith stated that this needs to be incorporated in the final document. Mr. Howser relayed that the priorities and the outcomes should drive how the City operates and the strategies created in the business plans. The five general approaches should also drive how the strategies are created.

Andy Beerman felt that this will be a beneficial tool for the City and should dovetail nicely with the General Plan work. He explained that his concern is not attaining gold medals on everything but is more related to excellence and the indicators. He felt the focus should be on excellent scores as opposed to a combination of those and it is more meaningful from a public perception point of view. He suggested adding two desired outcomes, a multi-seasonal economy of jobs and support of local businesses. There are two key indicators relating to the school system for which the City has very little control and he questioned if their inclusion is appropriate. Nelsie Smith indicated that this was discussed at length and the group didn't want any resident to feel his needs are not being met. She felt Park City provides services reaching this population that influence reading proficiency and ensures graduation rates.

The Mayor asked if members are comfortable consolidating eight goals into four goals but articulating the approaches. He added that he felt there was overlap with eight. He spoke about kids growing up in this town and not being able to stay to make a living here without working for the resorts or the tourism industry.

Andy Beerman suggested that retention be a desired outcome for City employees as well as the ability to move upward within the organization. He asked if it makes sense to conduct a Community Visioning exercise every ten to twelve years. The Mayor believed that these have been done about every five years at varied levels but the last one was different than previous ones. Liza Simpson suggested morphing it with the recommendation that the long-range strategic plan be updated every four years. Maybe there is a way of updating the biennial plans without reinventing the wheel. The Mayor pointed out that part of the last Community Visioning was specifically focused on rewriting the General Plan. Mr. Beerman felt that a community-wide evaluation of our values should be conducted every ten to twelve years and maybe every four years to look at the Plan and make needed modifications. He felt that the icons used for the strategy points are not intuitive; Mr. Howser agreed and stated that staff will work on this.

Nelsie Smith emphasized that the communication piece for the community is the biennial plan which will be written in a way that is easy to understand.

Alex Butwinski referred to the statement, *the resort experience continues to exceed expectations,* and felt it is unclear as to whose expectations and Bret Howser agreed that *visitor* should be added for it to make sense. Mr. Butwinski wasn't convinced about using Olympic medals as icons measuring success. He pointed out conflicting language on public art. Ms. Smith felt that the scorecard should be clear and it probably will be changed. She spoke about the importance of the public understanding the biennial plans.

In response to a comment from Dick Peek, Marc Landry described the document as evolving and fluid. Mr. Peek felt that the details of the key strategies and desired outcomes need to be finalized before adoption which is tentatively scheduled on July 26. Mr. Bakaly explained that the teams will develop the business plans and Council is adopting the structure, key indicators, and desired outcomes. Discussion ensued about holding a work session on the Strategic Plan before adoption. The Mayor pointed out that there is no commentary on preserving Park City's brand. Nelsie Smith stated that it is an outcome as part of the world-class multi-seasonal resort destination and the outcomes should represent Park City's brand. Liza Simpson interjected that she uses *community* and *brand* synonymously. The Mayor invited public input.

Katie Wright referred to concerns about including School District data as key indicators. She relayed that just about every community uses third grade reading levels as an indicator of future success. She encouraged Council to keep those indicators in the document and to maintain collaboration with other groups.

3. Downtown Projects. Jonathan Weidenhamer expressed his appreciation to members for giving direction on the Resort Communities Sales Tax increase because one of IBI's deliverables is to provide a phasing plan. The projects are broken down to immediate needs which are intended to be done this summer. Short term needs are those in a one to five year time frame including streetscape and sidewalk, plaza and past due projects. Longer term needs are six to ten years out. Immediate needs can be funded within the existing budget estimated at $638,000. He felt these projects are priorities and influences the long term success of downtown. Design fees are budgeted at $200,000 and staff recommends proceeding with the design and engineering of the streetscape and sidewalk projects which will allow construction next year. Regardless of the outcome of the Resort Communities Sales Tax initiative, staff is recommending streetscape and sidewalk improvements which are critical infrastructure needs.

Mr. Weidenhamer noted that staff is asking for direction on the timing of the plaza work and staff is recommending 2014 for the Brewpub, City Hall Plaza, and Transit Center (bear bench pass-through). The Brewpub cannot be done any sooner because of design demands and is contingent on Resort Communities Sales Tax approval. There are economies of scale in building that with the City Hall Plaza. He stated that staff is recommending to begin the design next summer and construction in 2014.

Mayor Williams pointed out that the City Hall Plaza did not make the list of HPCA priorities. He is unsure if money should be spent on the design on the Plaza until there is more information on a Main Street ski connection to Deer Valley. Alex Butwinski strongly felt that City Hall is an iconic structure and although it may not be a Main Street priority, it should be a priority of the City Council. If the initiative passes, the money will start coming in the second quarter of 2013 and by the beginning of 2014, the City will have a chunk of money. The City Manager clarified that it won't be a big chunk because it will kick in after the winter season but there are ways to bridge a short term loan. Mr. Butwinski believed that timing and prioritization can be modified.

Cindy Matsumoto felt that budgeted improvements should move ahead and a more lengthy discussion would be appropriate after November when available funding is known. This will influence decisions on plazas and she felt it important to set aside funds for sidewalk maintenance. Dave Nicholas believed there are immediate fixes as a part of an overall project, but the strategy in sequencing is considering the most deteriorated sections that were reasonable from a construction perspective and maximizing the construction timing as well as balancing disruptions. Ms. Matsumoto felt that some sidewalks need immediate attention whether they are part of this project or not and the Mayor agreed that some sections of sidewalks are hazardous. Tom Bakaly interjected that if the tax passes, the sidewalks will be replaced next year but acknowledged that some repairs may need to be made now. Alison Butz pointed out that change in the seasons affect the sidewalks and curbs and Mr. Bakaly again stated that staff can check surface levels and make needed repairs.

Liza Simpson referred to Mr. Butwinski comments about showcasing City Hall. Even though Main Street is the main attraction for people, they all get there through Swede Alley and it should be attractive. She felt there is ample time to decide on the design of the plazas. Cindy Matsumoto asked about the historic wall project and Jon Weidenhamer explained that there were sales tax bonds issued for a Swede Alley OTIS project but over the last two years OTIS was pared down to infrastructure-based projects and the streetscape projects became less of a priority.

Andy Beerman felt that the schedule is sensible. It may not be exactly what the merchants wanted, but it makes a lot of sense. He disagrees with some members on the City Hall Plaza. Revealing the historic wall will improve the area and the focus should be on infrastructure and potential return of investment rather than aesthetic projects.

Dick Peek pointed out that $6 million was spent on the Marsac Building renovation. The grandiose stairway into town was used for generations and it dumps into an asphalt field. A lot of money was spent on the transit center and parking garage and Swede Alley is a great place to have a public plaza. He felt that the Brewpub Plaza with a Deer Valley connection could significantly boost our economy.

Mr. Weidenhamer understood that three Council members consider the City Hall Plaza a priority and design could begin in 2013. Ms. Simpson clarified that she was not suggesting accelerating the project, but views Swede Alley as a priority because it is the entrance to the Main Street shopping district. The Mayor felt it would be helpful to discuss this further and to take a look at the concept plans. Jon Weidenhamer noted that the plan presented in April has been modified to reduce impacts on parking and circulation. Mr. Bakaly stated that it seems that a majority is interested in the City Hall Plaza project but a work session would need to be held after November.

Liza Simpson asked why the dumpster behind Ciseros is there when there is a trash compactor a block away. Alison Butz commented that it is heavily used by merchants and installing a trash compactor in the Brewpub Plaza has been suggested to eliminate the need for the dumpster. Mr. Weidenhamer explained that there has been talk about screening it in the short term. Ms. Simpson pointed out that the Swede Alley dumpster is convenient for adjacent businesses but other Main Street businesses do not have that benefit.

Mike Sweeney explained that the HPCA trash committee feels that the dumpster is the best option and saves money for the street.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 12, 2012

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at the special time of 5 p.m. at the Marsac Municipal Building on Thursday, July 12, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Jon Weidenhamer, Economic Development Manager; Francisco Astorga, Planner; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. 7700 Marsac Avenue Subdivision - Thomas Eddington announced that if anyone is at the meeting for the 7700 Marsac Avenue Subdivision, it was originally contemplated to be heard tonight but will not, and the project will be renoticed. There was no one in attendance that had input.

2. Swearing in Vai Lealaitafea as Police Sergeant; Juan Pablo Torres and James Rodrigues as Police Officers – Police Chief Wade Carpenter commented on Vai Lealaitafea service on the force and introduced Officers Torres and Rodiques. Mayor Williams administered the oaths of office.

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

None.

IV MINUTES OF MEETINGS OF JUNE 7, 2012 AND JUNE 14, 2012

Alex Butwinski indicated that he has several corrections to both sets of minutes and would like them continued. Cindy Matsumoto, "I move to continue the minutes". Alex Butwinski seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Consideration of two appointments to the Recreation Advisory Board for terms expiring July 2015 and one unexpired appointment for a term expiring July 2014 – The Mayor recommended the appointment of Kathy Kahn and Alisha Niswander for terms expiring 2015 and Michael Barille for a term expiring 2014. Dick Peek, "I so move". Liza Simpson seconded. Motion unanimously carried.

VI NEW BUSINESS

1. Consideration of an Ordinance approving the 573 Main Street Three Lot Subdivision Plat Amendment, located at 573 Main Street, Park City, Utah – The Mayor opened the public hearing; there was no input. Alex Butwinski, "I move we continue an Ordinance approving the 573 Main Street Three Lot Subdivision Plat Amendment, located at 573 Main Street, Park City, Utah to July 26, 2012". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the 80 Daly Avenue plat amendment located at 80 Daly Avenue, Park City, Utah – The Mayor opened the public hearing; there were no comments from the audience. The Mayor requested a motion to continue to August 9th. Cindy Matsumoto, "I so move". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Master Festival License for the Montage Concert in the Sky, as conditioned, to be held on September 1, 2012 – Jonathan Weidenhamer stated that parking was an initial concern but the organizers have been working on mitigating impacts of the event and have agreed to all conditions of approval. Mayor Williams disclosed that his band has played twice at the Montage this summer.

Alex Butwinski asked about controlling parking and if there is a penalty for not complying with conditions of approval. Mark Harrington explained that conditions have worked well for compliance and on occasion additional bonding is requested to cover potential City costs. Staff is comfortable with current conditions and enforcement for this one day event. Mr. Butwinski requested that if this doesn't work for some reason that there be follow-up with the City Council on this application. Mark Harrington commented on tweaking events as they evolve. It was pointed out that attendance is expected at 1,100.

Andy Beerman recommended that the 75 parking spaces reserved for employees be provided for guests and that the Montage staff be encouraged to take public transportation or carpool. Jon Weidenhamer explained that employees will be shuttled and those 75 parking spaces are part of a private agreement for Deer Valley employees. It is hoped that Deer Valley employees will agree to shuttle. There is written approval from the HOA to use an additional 126 spots at the Ontario Mine Bench if needed. The Mayor opened the public hearing. There was no input. Liza Simpson wished the organizers success.

Andy Beerman, "I move we approve the Master Festival License allowing the Montage Concert in the Sky as described". Liza Simpson seconded. Motion unanimously carried,

4. Consideration of an Ordinance approving the Courchevel Condominiums at Deer Valley Fourth Amendment, located at 2700 Deer Valley Drive East, Park City, Utah – Planner Francisco Astorga explained that the City Council approved the Third Amendment last month. The request is to convert attic space and this should be the

last one because of parking requirements. Liza Simpson asked about HOA approval and Mr. Astorga explained that it has approved the modification. Alex Butwinski asked that the Planning Commission vote be included in staff reports. Dick Peek, "I move that we approve the Courchevel Condominiums at Deer Valley Fourth Amendment to the Condominium Record of Survey". Alex Butwinski seconded. Motion unanimously carried.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a joint meeting with the Planning Commission convened on the Balanced Growth Study findings, prepared and presented by Charles Buki, czb.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Jon Weidenhamer, Economic Development Manager; Bret Howser, Budget Manager; Phyllis Robinson, Public Affairs Manager; Linda Tillson, Library Director; Thomas Eddington, Planning Manager; Diane Foster, Deputy City Manager; and Mark Harrington, City Attorney. Liza Simpson "I move to close the meeting to discuss personnel, property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 3 p.m. Andy Beerman, "I move to open the meeting". Liza Simpson 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 MINUTES
SUMMIT COUNTY, UTAH
JULY 19, 2012

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michelle DeHaan, Water Quality and Treatment Manager; Clint McAffee, Water Manager; Nate Rockwood, Capital Budget, Debt and Grants Manager; Heinrich Deters, Trails Manager

1. Council questions/comments. Heinrich Deters announced that a picnic table honoring the young victim of the cemetery tragedy would be installed in Round Valley. Liza Simpson noted the Historic Preservation Board awarded grant money at their meeting, and asked about future funding. She advised them Council would likely discuss that in the upcoming budget season, as they would be discussing Main Street and Historic District issues. HPB has scheduled a work session to discuss "lessons learned" in the recent appeal on 335 Woodside Avenue. Ms. Simpson emphasized they were not revisiting the appeal. Mayor Williams attended the Snyderville Basin Water Reclamation District Board meeting and noted their upgrade was moving forward.

2. Water quality update. Michelle DeHaan, Water Quality and Treatment Manager, and Clint McAffee, Water Manager, explained the Water Department had made significant investments in the past two year to improve infrastructure, water monitoring and increase staffing. They have focused on protecting drinking water sources, improving customer confidence, monitoring distribution systems, and have plans to add water treatment staff to enable continued focus on water quality. Ms. DeHaan stated they plan to reinstate quarterly sampling within the distribution system with results posted on the water website. They are also planning to host a community open house to highlight water quality and improvements that have been made to improve drinking and stream water quality.

Staff has identified a research opportunity to collaborate and gain financial and intellectual support from three entities to further study water quality. The City is a member of Water Research Foundation, who would be the lead agency in the application being put forward for a research project, and supporting them would be Utah State University and the EPA Office of Research and Development. In addition to understanding metals accumulation and release mechanisms within the distribution system, this will enable the Water Department to identify and compare newer techniques for more successful pipe cleaning. If the City's application is successful, Water Research Foundation has a matching fund program where the City would provide $200,000 towards the project and they would fund $175,000. Staff recommended moving forward with the application.

Mayor Williams recalled conversations about "pigging" the system this summer. Manager Bakaly recalled a commitment to keep the Thaynes residents informed about testing and a commitment to have further discussions about that and recommended a work session discussion.

Michelle DeHaan provided illustrations of several methods for removing pipe scale accumulation and sediment buildup. In the past Staff has utilized unidirectional flushing which involves moving from one hydrant to the next sequentially in a loop fashion. Ice pigging and swabbing techniques are more effective in removing particulates and Staff will need to determine which type is most effective in our system. Swabbing involves injecting foam material into the system and ice pigging is a more complex technology which is gentle on pipes and would use our own water to make the ice. Ice pigging results can last from two to ten years and may require intermittent flushing. Clint McAffee stated the study would help the City to standardize its approach and select the most effective techniques for our system.

Council Member Alex Butwinski hoped that the installation of turbidity meters, increased testing frequencies, and early warning systems would demonstrate to the community that the City is actively pursuing their concerns.

Council Member Liza Simpson referred to smart meters that had been installed and asked if consumers could track water usage on the website. Consolidating information on water usage and water quality in the same place makes sense. Clint McAffee noted the water conservation position was being redefined to focus on tools that help target our conservation efforts in the right areas. He noted the installation of smart meter infrastructure was nearly complete, but they were still working out some issues with signals in the radio-based system.

Mayor Williams commented that in many neighborhoods the water lines were aging and problems were occurring between the meter and the houses. He suggested an information campaign notifying owners that sediment and scaling buildup in those lines were their responsibility. Mr. McAffee noted they could include that educational piece on the water website. He also stressed the importance of notification to residents during cleaning processes so homeowners would be aware of when work was being performed.

3. Special Service Contracts – Nate Rockwood and Heinrich Deters presented information on two extraordinary requests for funding through Special Service Contracts. Sundance Institute requested funding for student outreach and Summit Land Conservancy sought funding for sponsorship of the Land Trust Alliance “Rally”. The Special Service Contract sub-committee reviewed the requests and recommended allocating funds for Sundance in the amount of $9,000 for FY13. The sub-committee found that the Special Service Contract was not the appropriate funding for the Summit Land Conservancy request and recommended that a funding source used for open space related expenses be used if Council deems that funding the request was appropriate. Staff suggested several alternate sources and noted the Deputy City Manager was concerned about setting a precedent of using operating or capital budgets for funding requests from non-local nonprofits.

Heinrich Deters, subcommittee member, explained Land Trust Alliance “Rally” takes place in Salt Lake City this fall and has several hiking and biking events in Park City which would highlight the City’s open space. A basic registration is also included so a City Staff member could participate in the conference.

Council Member Liza Simpson explained that the committee felt it made sense to fund the request from open space to: a) promote the City’s open space purchases so the public has an understanding of what we have been doing; and b) to allow a staff member to be involved in the conference. She stressed that the committee was interested in having a work session discussion to better define criteria for extraordinary requests.

Council members agreed to support the Special Service Contract extraordinary request from Summit Lands Conservancy of $5,000 for FY 2013 using funding from the Open Space

Maintenance funds. They also supported the request from Sundance Institute for student outreach programs for $9,000 for FY 2013 as a Special Service Contract extraordinary request.

Council members all supported a holding a work session discussion about the Special Service Contract program; contingencies for extraordinary requests; and, criteria for receiving extraordinary requests.

4. Public Art Advisory Board Interviews – Council interviewed Judith Horwitz, Peg Bodell, Puggy Holmgren, Victoria Andersen, Elizabeth Demers, Bryan Markkanen and Bob Kollar.

Prepared by Sharon Bauman, Deputy City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 19, 2012

I ROLL CALL

Mayor Pro Tem Cindy Matsumoto called the regular meeting of the City Council to order at 6:00 p.m. at the Marsac Municipal Building on Thursday, July 19, 2012. Members in attendance were Cindy Matsumoto, Andy Beerman, Alex Butwinski, Cindy Matsumoto and Liza Simpson. Mayor Dana Williams and Council Member Dick Peek were excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Roger McLain, Water Manager; and, Heinrich Deters, Trails Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV MINUTES OF MEETINGS OF JUNE 7, JUNE 14, JUNE 21, AND JUNE 28, 2012

Alex Butwinski indicated he submitted some minor corrections to the Deputy City Recorder, <u>"I move we approve the Minutes of the meetings of June 7, June 14, June 21, and June 28, 2012 as amended"</u>. Andy Beerman seconded. <u>Motion carried.</u>

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

V NEW BUSINESS

1. <u>Consideration of a Construction Agreement with Hills Construction for the 13TH Street Booster Pump Station Modifications in the amount of $99,000, in a form approved by the City Attorney</u>. Roger McClain explained the work was in conjunction with the Empire Reconstruction, but was separated out due to the specialized nature of the work. Hills Construction specializes in pump station work which is the reason their bid was so cost effective.

Lisa Simpson, <u>"I move we approve the Construction Agreement with Hills Construction for the 13th Street Booster Pump Station Modifications in the amount of $99,000, in a form approved by the City Attorney"</u>. Alex Butwinski seconded. <u>Motion carried.</u>

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

2. Consideration of a Master Festival License for the Tour of Utah, Stage 6, to be held August 12, 2012 – Heinrich Deters, Trails Manager, introduced Tommy Youngblood, Max Paap, Bob Kollar and Todd Hageman and thanked the many departments, including police and transit, who had worked on the MFL application. He explained race routes, the event footprint, and timelines. He stressed the benefits to the community as a whole, but noted it was going to be impactful. They estimate 15,000 spectators on Main Street and are encouraging the use of alternate transportation and parking at satellite lots at Richards Flats and Canyons Resort. He reported that Staff had worked diligently to minimize impacts of the event. He explained the public would be notified about the timing of temporary road closures in and around the Historic District and Empire Pass/Royal Street/Solamere areas.

Council member Liza Simpson requested that Staff make special efforts to reach out to the public and requested that the Lodging Association be informed as well.

Mayor Pro Tem Matsumoto opened the public hearing.

Teri Orr, Eccles Performing Arts Center, noted the event coincided with the St. Regis Big Stars Bright Night Concert Series performance in Deer Valley that afternoon. She expressed concern about impacts involved with getting attendees to the Snow Park Area with all the road closures. She expressed concern that the neighborhoods would think the concert was responsible for the traffic congestion.

Heinrich Deters explained Staff had worked out an alternative that would route traffic up Aerie Drive, down Mellow Mountain Drive, and into the Solamere/Snow Park area until racers were coming down Royal Street. That would allow them to keep the road open longer. Staff and Council suggested alternatives and Staff agreed to work with Ms. Orr to mitigate impacts. Council members encouraged the groups to coordinate in the future.

Alison Butz, Executive Director of Historic Park City Association, stated they were extremely pleased by the efforts and noted the press would be phenomenal for Park City.

Mayor Pro Tem Matsumoto closed the public hearing.

Andy Beerman, "I move we approve the Master Festival License for Tour of Utah, Stage 6, to be held August 12, 2012". Liza Simpson seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. Council announced they were planning to go to Vintos.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 2:00 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto and Liza Simpson. Dick Peek participated in the meeting electronically. Staff present was Tom Bakaly, City Manager; Mark

Harrington, City Attorney; Tom Daley; Deputy City Attorney; Joan Card, Environmental Regulatory Program Manager; Jim Blankenau, Environmental Regulatory Program Manager;; Jason Christensen, Environmental Regulatory Program Coordinator. Cindy Matsumoto, "I move to close the meeting to discuss personnel, property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Liza Simpson, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 5:40 p.m. Members in attendance were Mayor Pro Tem Cindy Matsumoto, Andy Beerman, Alex Butwinski and Liza Simpson. Mayor Dana Williams and Council Member Peek were excused. Staff present was Mark Harrington, City Attorney and Sharon Bauman, Senior Recorder/Elections. Liza Simpson, "I move to close the meeting to discuss personnel". Andy Beerman. Motion carried unanimously. The meeting opened at approximately 5:55 p.m. Alex Butwinski, "I move to open the meeting". Liza Simpson 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 Sharon Bauman, Deputy City Recorder

PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
JULY 26, 2012

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Economic Development Manager

Wally Cooper, CRSA Architects; Linda Perkins, Park City Co-Op; Kim Page, Park City Film Series; Dan Swagger and Paul Wisneski, Senior Center

1. **Council questions/comments.** Liza Simpson relayed that she attended the interagency meeting yesterday where there was a presentation from DWR on wild land fire and wild land interface issues. Wildfire contingency plans and associated grant funding will be available on a water shed basis to communities. A public meeting will be held on August 7 on the application process.

Mayor Dana Williams announced the appointment of Diane Foster as Acting City Manager from August 26, 2012 until such time as the Mayor, with advice and consent of the City Council, appoints a new City Manager.

2. Lower Park Avenue Redevelopment Agency Facilities and Master Plan update. Jon Weidenhamer explained that the boundary runs from 7th Street north to the end of the golf course and east to west from the base of PCMR to Deer Valley Drive, including Bonanza Drive to Ironhorse Drive. It was created in 1989 and expires in 2015. Redevelopment agencies collect property tax increment for the area which is invested back into the district through economic development or housing projects. A master plan was developed by Design Workshop and Jack Johnson Company, including a score sheet with projects divided in three categories: (1) parking lot redevelopment, (2) transit, traffic circulation and walkability, and (3) neighborhood and community redevelopment.

When this was presented in January 2010, Council wanted more information on the community redevelopment element in the short term. He relayed that Council also wanted to preserve existing green and open spaces and maintain existing historic fabric, scale, character and authenticity. Direction was given to explore housing alternatives, neighborhood connectivity (east/west corridor), community and senior center housing opportunities, and environmental and green goals. PlanWorks created a phased master plan for the City and adjacent private properties which was presented in 2011. Two alternatives were offered; a dense option with height and a transitional approach which the City Council preferred. Joint redevelopment meetings were held with the Council and Planning Commission over the past year. He emphasized that redevelopment is inevitable and the City needs to take a proactive role to attain preferred goals. The library, senior center property, a private parcel, fire station, Miners Hospital and the recreation building are being considered. All of this planning has been done in context with the potential of the library expansion in the broader context of the redevelopment plan and efficiencies in buildings and services were examined.

Architect Wally Cooper explained that he met with the Library staff and outlined a program for expansion of the Library. There has been a 5% growth in circulation each year but visitation is about the same. There appears to be a need for more space because of increased circulation which is what most libraries are experiencing despite the availability of the Internet. Reference collections might be shrinking but other collections are growing or remaining stable and dynamics of libraries are changing. He relayed that Salt Lake County has just built three new libraries.

He pointed out that the children's section on the first floor is 1,150 square feet and is undersized for the demand. It is proposed to move it to the southwest corner of the building to allow for growth. The use of the tech center has dropped a little bit but there is still demand for technical assistance and access and the tech hub will be expanded as well as the family interactive area. The library staff areas are inadequate and need more space to operate effectively. There is public meeting space in the northeast corner and the storage area and Friends of the Library space would remain. Mr. Cooper stated that the first floor entails relocation of uses more than remodeling.

He stated that the second floor is a little bit more complicated and costly. The conference rooms would be reconfigured on the west side. The exhibit area would remain and the collection area in the south and north would remain. He spoke about needed engineering work with regard to the possibility of expanding the addition. This area is contemplated for a Spanish periodicals which continue to be in demand. A 600 square foot patio is proposed on the south side which depends on whether the Co-Op remains in the building. The patio would provide an outdoor reading area. The entire collection will be accommodated upstairs with some areas for displays. The Park City history reading room will be larger and will offer a space for quiet reading for adults and there is one extra conference room on the north side. The second floor hallway is the same as the first floor by taking out the walls on the sides of the hallway and both floors are dedicated to the Library.

With regard to the third floor, Mr. Cooper noted that the Film Series expressed a desire for more space. The east side where the Montessori School is located would be reconfigured as a senior center. The conference area is in the southeast corner and in this scenario PC Co-Op stays. Another option is locating the senior center in the Miners Hospital and in that case, the space on the east side would be devoted to public space and configured in a way allowing multiple uses based on needs. He discussed the use of movable partitions and the conference room could be rented. If the PC Co-Op were to be relocated in the recreation building, then additional space would be available on the third floor possibly for a non-profit or public use. The move of the Montessori

School results in a lot a space which can be back-filled nicely with the Library expansion.

Jon Weidenhamer added that the recreation building fits well with daycare. Miners Hospital could house the seniors but an elevator might need to be added. He referred to visiting community center facilities in Salt Lake where it was demonstrated that joint uses can be compatible. Staff has talked with Craig Elliott, adjacent property owner, about housing goals and it is recommended to begin discussions with stakeholders and to return to Council.

Liza Simpson suggested that the elevator situation in the Library building be fixed and to reconsider the side entrances. She asked why the Museum and the City is using the building for storage. Wally Cooper stated that the storage area can be studied if the materials can be moved. Ms. Simpson understood that the Museum has been looking for alternative storage space and was unclear about the City's needs and resources. Dick Peek explained that the storage area is outside the perimeter of the historic building. The location of the patio was described. Mr. Peek believed that an elevator is a great idea for Miners Hospital but is concerned about its location on the top level and changing historic features. Mr. Cooper explained that it would be a detached structure but will still require modification of the historic fabric of the building. Having multi-users in the building complicates access requirements. Ms. Simpson suggested storing City records on the third floor of Miners. Mr. Cooper stated that stairs would be associated with the elevator to move people off of the third floor.

Alex Butwinski recalled talking about Museum storage some time ago, and Dick Peek stated that the Museum is actively looking for storage space. Mr. Butwinski commented on the need for seniors to move out for Sundance in January. Discussion ensued on the Library being a stand-alone project with funding from the RDA. Cindy Matsumoto expressed her support of remodeling the Library. She pointed out that there is no access from the Library to the storage area which limits reuse. Wally Cooper added that the wall separating the storage area from the Library is the original wall.

She asked about relocating the seniors to the third floor of the Library and Mr. Cooper acknowledged they have a great situation right now with an accessible funky one story building with parking right outside the door. Moving them to the third floor in a more educational space somewhat disconnects them from the parking and the third floor is accessible by stairs or an elevator. It isn't as convenient. Miners Hospital is a little closer to the environment of what the seniors now have, but there are two levels and there are ramifications of dedicating the whole building to the senior center.

Andy Beerman expressed concerns about the addition of the Library looking awkward. Mr. Cooper explained that it would probably be glass as opposed to brick and is driven by the demands of the Library for space. The added space on the addition was to accommodate the Spanish periodicals section.

Liza Simpson noted that improvements to Miners Hospital would suit senior center activities in a more temporary way but would also enhance the facility for future community uses. It could be planned for both iterations while exploring a stand-alone community center.

In response to questions from Mayor Williams about the Co-Op, Linda Perkins stated that there are no plans to increase the number of students. She stated that they are willing to consider other space options. The Mayor invited public input.

Dan Swagger, Senior Center, stated that the current facility has 2,400 square feet, of which 400 square feet is kitchen. He noticed that the third floor plans for the Library do not include a kitchen. Their meals are prepared on-site and members would be very reluctant to have that change. He felt that getting a number of people on the elevator at the same time, for dinner for instance, could be a problem and impractical. The current senior center doesn’t have a meeting room for presentations which is something the group is interested in having.

Liza Simpson asked if they would use a Library meeting room and Mr. Swagger discussed the convenience of having all uses on one floor. The Mayor pointed out that the Library can provide the convenience of one floor, but Miners Hospital would be two floors. The Mayor emphasized that much of the impetus for redevelopment of the area was senior-driven.

Paul Wisneski, Senior Center, expressed concerns about egress from the upper levels in case of a fire and stairs do not seem practical. Mr. Cooper confirmed that an elevator is not considered a form of egress.

In response to questions from the Mayor, Mr. Cooper noted that the current senior center consists of the original building on the north end and an addition which was done much later. Mr. Swagger stated that the original plans for the building are dated 1929 and the new section was added in the late 1970s. Mr. Cooper advised that the building is not considered historically significant because it has been substantially remodeled.

Tom Bakaly asked for a time line for returning to Council with recommendations on implementation. Jon Weidenhamer felt that meeting with the stakeholders needs to occur and staff can return in 45 to 60 days with recommendations. Mr. Bakaly understood that members are okay with the direction this is going on a conceptual basis. The Mayor relayed that his only concern is adding on to the addition at the Library with a glass structure. If the Co-Op moves, there may not be a need for the addition to the building.

Jon Weidenhamer believed that in order for the third floor to function well, a commercial kitchen is probably needed. Wally Cooper explained that it would be best to have the kitchen on the north side because of the location of the plumbing.

Kim Page, Park City Film Series, stated that if they would love a kitchen included in the remodel of the Library building and are very flexible.

Andy Beerman spoke about the discussion of relocating post office boxes at the Library. He asked if the public meeting space downstairs is sufficient. Wally Cooper stated that he doesn't know the number of mail boxes which would dictate the amount of space needed and the Library is tight right now which is why the expansion on the roof is proposed. The Mayor recalled that gang boxes were proposed outside. Ms. Simpson added that Council is still waiting for a legal opinion. Mark Harrington interjected that the conditional use permit is strict for this facility and Mr. Cooper added that parking is already an issue at the Library. Ms. Matsumoto believed that many PCMR employees park there contributing to the parking problem.

Tom Bakaly stated that Council's prior direction on this was to return with schematics and the second part was matching them up with what is planned in the Lower Park Avenue area. Possible ideas include the remodel of the Library and what happens to the senior center short-term versus long-tem. Options are narrowing down and he wanted to make sure this direction is supported by Council. Mayor Williams relayed that based on the input from the seniors that Miners is a non-starter while the Library can accommodate all activities on one floor. Mr. Bakaly indicated that the key will be what is determined temporary versus what is permanent. He heard willingness from the seniors to consider temporary alternatives. Ms. Simpson felt both ideas need to be flushed out with the seniors. Tom Bakaly emphasized that the second part of the discussion is the permanent location for the senior center.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 26, 2012

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, July 26, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Francisco Astorga, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. King Road sign request - Mayor Williams relayed that he received a call from a resident on upper King Road who asked for a *not a through street* sign. Staff will follow-up.

2. Disclosure - Dick Peek stated that regarding the Claimjumper plat, that he is currently engaged in discussions with Joe Berrett and Joe Tesch on an unrelated issue.

3. Interagency Meeting - Liza Simpson referred to the interagency meeting where the 2030 Strategic Plan and a wild fire update by DWR were presented.

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

None.

IV RESIGNATIONS AND APPOINTMENTS

Consideration of four appointments to the Public Art Advisory Board for terms beginning July 2012 and expiring June 2014 – The Mayor recommended the appointment of Bob Kollar, Judy Horawitz, Brian Markkanten, and Victoria Andersen. Alex Butwinski, "I move we appoint the four individuals just named". 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")*

Cindy Matsumoto, "I move we approve Consent Agenda Items 1 and 2". Andy Beerman seconded. Motion unanimously carried,

1. Consideration of a resolution adopting the SR224 Corridor Study for Park City, Utah – Approved.

2. Consideration of award of construction contract with Lyndon Jones Construction in the amount of $63,895.00 for Wyatt Earp storm drain improvements, in a form approved by the City Attorney – Approved.

VI NEW BUSINESS

1. Consideration of approving a Real estate Purchase Contract for property located at 1450 – 1460 Park Avenue with GreenPark Cohousing, in in a form approved by the City Attorney – The Mayor opened the public hearing; there was no input. Dick Peek, "I move that we continue Item 1 to a date uncertain". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the 573 Main Street Three Lot Subdivision Plat Amendment, located at 573 Main Street, Park City, Utah – Planner Francisco Astorga explained that this is the Claimjumper building which is the largest historic building on Main Street. The current property owner is represented by Attorney Joe Rona. The application addresses both the Main Street and Park Avenue sides of the property. Approval of the plat amendment will result in the building sitting on one lot of record as it currently crosses several property lines and a zone boundary divide the property into the HCB and the HR-2 Zones. He relayed that the Planning Commission reviewed the project several times and authored the Conditions of Approval which have been incorporated into the draft ordnance. Staff recommends approval.

Dick Peek asked about the timing of the parking lot removal. Joe Rona explained that there was pressure from some of the Park Avenue neighbors who were unhappy with the parking lot that currently exists off of Park Avenue. It can accommodate up to ten vehicles and apparently during Sundance in years past, it has been used, creating problems for the neighborhood. After receiving that input, the applicant decided to work out issues with them which are reflected in the Conditions of Approval, e.g. construction fencing. The construction of the interior cannot be completed until next year's building season and if that lot is eliminated now, there will not be the needed staging area for construction. The solution is to allow the lot to remain until the construction season next summer has concluded and construction fencing will have to be installed and locked to prevent it from being used for parking during the Sundance Film Festival. The large lot is proposed to be converted to two parking spaces and he discussed the landscaping requirements and the one year recordation date. It is better to keep the asphalt in place for the staging area.

In response to a comment from Mr. Peek, Mr. Astorga explained that the Chief Building Official has reviewed the long range plans. The only permit issued to date relates to stabilizing the building. Mr. Peek pointed out that the chain link fence has a timeline of December 1, 2012 to March 1, 2013. He asked what will prevent the use of the parking lot from occurring if construction ceases and the plat does not get recorded. He suggested an additional condition in this instance that a physical impediment to parking be installed by the owner. Francisco Astorga stated that Council may add other conditions but the letter of intent indicates that they can and will get the needed construction done in less than a year, including the removal of the parking lot. Mr. Peek suggested that wording be added to Condition of Approval No. 11, *if permits have not been obtained to the lot line residential units prior to March 1, 2013, the construction fence shall be removed and a physical impediment to all vehicle parking on Lots 2 and 3 shall be installed*. Liza Simpson felt that the construction fencing could just remain but Mr. Peek felt that chain link may not handle snow loads and it is unattractive.

Francisco Astorga explained that the existing parking lot was built between 1990 and 1993 and is a legal non-complying use which provides the ability to keep the parking lot. The HR-2 Zone was created in 2000. Previously, there was a HR-2 overlay zone but it didn't have the same provisions as the HR-2 Zone and the parking lot is grandfathered.

Andy Beerman asked if the neighbors are comfortable with the current conditions. Mr. Astorga stated that they are and referred to exhibits from Tesch Law Office in the meeting packet. Attorney Joe Berrett explained that he and Mr. Rona have worked out differences and the conditions before Council have been agreed upon by both parties. The Planning Commission extensively reviewed the project which satisfied Park Avenue residents.

Cindy Matsumoto asked if building lot line to lot line is allowed in the zone. Francisco Astorga replied yes, the HCB does not require setbacks. She asked if the building will be built to the edge of Park Avenue. Mr. Astorga explained that the building will not be expanded. The non-historic additions were added in 1987 and the building was modified to accommodate emergency access. Because they were built prior to enactment of the HR-2 Zone, they are legal non-complying uses and that area will not be expanded in any form. The new Lot 1, which is part of the lot underneath the building, would go to that area. Ms. Matsumoto asked if there will be room to screen exterior trash and Mr. Astorga explained that the area has been mitigated on the north side of the structure and the Park Avenue side cannot be utilized for deliveries, trash, etc. Park Avenue will remain residential in character.

Liza Simpson asked if residents' concerns are sufficiently addressed during Sundance. Francisco Astorga pointed out that the Planning Commission added Condition of Approval No. 12 regarding special events. She noted that they were not allowed in the first place and the violations became a problem. Mr. Astorga felt there this can be better managed because of improved communication between departments on the situation.

Dick Peek pointed out that until the plat is recorded, building permits are at risk. Construction staging should be on asphalt and prior to plat recordation the parking lot needs to be removed. It seems like a disconnect and a timing issue. Mr. Astorga acknowledged the fact and relayed that the only permit that has been issued has been for the shell. No other building permits have been issued but he recognized Mr. Peek's concern. Mark Harrington interjected that it is more of a procedural step because the applicant has the benefit of plat approval which will make the permit eligible.

Alex Butwinski referred to Condition No. 12. Council approved an additional code enforcement position as part of the budget for off-hours coverage which would be a good resource for the neighborhood. He asked Mr. Peek if his concern was addressed on Condition No. 11. Mr. Rona explained that this was a condition that was suggested by Planning Commissioner Wintzer and something the Planning Commission wanted to include to better protect the neighbors during the Sundance Film Festival. He clarified that his client was not responsible for the violations during Sundance and encouraged reading No. 11 and 12 together. The locked fence will be there for the entire winter and the condition is that it can only be used for construction staging. If there is a problem, adequate conditions are in place. With regard to Council member Peek's concern, achieving plat recordation is what everyone wants, including the neighbors who do not like the current situation. The parking lot is a legal use and the applicant is agreeing to make it go away.

Mark Harrington asked if there is anything else besides the regulations of the zone that govern the use of the parking lot and Mr. Astorga answered no. Mr. Harrington proposed that the terms of the landscape guarantee agreement could provide protection in the event the construction ceases altogether. He suggested that this be addressed by Council giving direction to the Chief Building Official to establish some terms that minimize the possibility of the past violations of the zoning. It could be accomplished through a management plan. If it reverts to a parking lot use, the City would have at least some operational requirements which can be addressed in the landscape guarantee. This would give the City an additional tool for enforcement.

Francisco Astorga pointed out a mistake in Finding of Fact No. 29, correcting 75 feet to read 95 feet. Mayor Williams commented on the large number of Findings of Fact for this project. The Mayor asked which Conditions were prompted directly by the residents and Joe Rona identified Nos., 5, 6, 7, 8 and 9. The Mayor opened the public hearing. There were no comments from the audience.

Mayor Williams acknowledged the appreciated cooperation between both law firms. Mark Harrington suggested that the motion include direction to staff to address the landscape guarantee as part of the approval or just add a Condition of Approval that the Chief Building Official shall add conditions to the landscape guarantee to address future use of the parking lot, should it be reinstated.

Liza Simpson, "I move that we approve an Ordinance approving the 573 Main Street three-lot subdivision, plat amendment located at 573 Main Street with the final condition of approval suggested by the City Attorney and Francisco's correction regarding lot depth". Andy Beerman seconded. Alex Butwinski stated that the Park Avenue houses across the street are good examples of historic preservation. Motion unanimously carried.

With no further business, the regular meeting of the City Council was adjourned and a study session convened on the Dark Sky Ordinance.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Bret Howser, Special Projects Manager; Jon Weidenhamer, Economic Development Manager; Diane Foster, Deputy City Manager; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney. Dick Peek, "I move to close the meeting to discuss personnel, property and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 2:45 p.m. Liza Simpson, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried. The City Council again closed at approximately 5:45 p.m. Liza Simpson, "I move to close for personnel". Andy Beerman seconded. Motion unanimously carried. The meeting opened with the convening of the regular meeting.

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 STUDY SESSION MINUTES
SUMMIT COUNTY, UTAH
JULY 26, 2012

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tyler Poulson, Sustainability Manager; Thomas Eddington, Planning Manager; and Katie Cattan, Planner

Dark Sky Ordinance – Tyler Poulson explained that this topic was originally brought to Council during the 2011 Visioning Session where alternatives to the existing ordinance for outdoor lighting were presented. One option was applying the current outdoor lighting regulations to existing lighting. Currently, the regulations only apply to new construction and remodels and the LMC specifies that residential lighting needs to be down-directed and shielded and commercial lighting needs to be shielded and meet other provisions. The current code for new construction and remodels is essentially considered *dark skies friendly*. Prior to Visioning, the City was visited by Pete Strausser who is the technical director of the International Dark Skies Association. He ascertained that Park City is doing pretty well from a *dark skies* perspective.

Mr. Poulson stated that most recently, staff has reviewed the model lighting ordinance on the IDSA webpage and compared it to the City's LMC and one major difference is that the IDSA's lighting ordinance is based on different zones in terms of applying regulations were Park City's is more broad-based. There were not many other disconnects.

He pointed out that there are some exceptions to the lighting ordinance including the Historic District, seasonal display, and recreation. There is interest in discussing adding public art as an exemption.

Mayor Williams asked for clarity that some options might not be compliant with the Illuminating Engineering Society's standards. Mr. Poulson relayed that the statement was in an original paper for Visioning which he doesn't recall drafting, but the existing Code addresses lighting standards generally applied and recommended by the IES.

Dana Williams felt there is inconsistency in our lighting and some City lighting does not comply with our own ordinance. There are issues with park projects. There should be consensus among members about City compliance and about addressing non-compliant areas of town. Thomas Eddington explained that some communities implement amortization or sunset ordinances as a way to resolve the issue in two to three years. Katie Cattan added that they also set separate regulations for residential and commercial so that commercial has to be compliant but residential is allowed to continue until a remodel, for instance. This is based on the level of lighting impacts of a commercial structure.

Liza Simpson referred to the Johnson Controls audit where some lighting was identified as inefficient but it was going to cost the City more to change out the lighting than the amount of money saved in switching to more efficient fixtures. A decision was made to make upgrades as lighting needed to be replaced. She supported a sunset clause for the public and the Mayor felt that it would only mean replacing a few fixtures per residence for the general public.

Andy Beerman relayed that he took a walk around Old Town and felt the City is the biggest culprit and it would be inappropriate to ask residents or businesses to come into compliance until the City is willing to do so. The Mayor again asked if City lighting should come into compliance and Mr. Beerman believed that the City needs to lead by example. However, there should be an analysis of the cost of retro-fitting fixtures. The Mayor pointed out two lights standards located by KPCW that are capped and probably compliant and another one at the Marsac Building stairs that is non-compliant. Tom Bakaly emphasized that retrofitting is the policy question.

For the benefit of Mr. Butwinski, Mr. Eddington explained that bollards are the low lights that prevent cars from going onto pedestrian plazas. Alex Butwinski continued that the discussion was triggered by the uproar over up-lighting the Marsac Building tree sculpture. Down-lighting is allowed and he referred to the exemptions in the ordinance and proposed that technically the sculpture could be lit seasonally. Ms. Cattan explained that seasonal lighting is more like Christmas lights. Cindy Matsumoto believed that the issue was not prompted by the tree sculpture. Alex Butwinski felt that there must be a way to measure candle power at certain heights and felt that low landscape lighting should be accommodated. Mr. Eddington stated that lighting standards can be based on foot candles, height or distance from source.

Mr. Butwinski pointed out that the night sky ordinance is totally corrupted because of reflected light. The City can go through a lot of effort to down-shield lighting when the problem is the reflection of light going upward which is ignored in the Code. The up-lighting of landscaping would be lost in the reflected light. He asked what other members thought and suggested looking at the exemptions granted that benefit the City like lighting fields. He felt that the Council is not interested in art but the Mayor felt his statement is a leap. Mr. Butwinski again pointed out the high candle power at Quinns. Dana Williams did not feel he was accurate about the reflection of light off of the fields and he felt that Mr. Butwinski is taking lighting art too personally. Mr. Butwinski emphasized that his proposal applies in general to landscape lighting.

Andy Beerman suggested that lighting public art could be addressed specifically where it would only be on a few hours at night and at a certain level. Mayor Williams felt that lighting should be down-lit. Dick Peek believed that the City should come into compliance with the Code and adjust the Code for lighting art. Thomas Eddington explained that the sport lights are in compliance and meet the eight foot candles requirement at the property lines. The lights are shielded so the light source is not visible at a 90° angle and they are in compliance. He suggested a compromise where there are exceptions for art, flagpoles, certain landscaping and architectural features. He also suggested putting parking lot lighting on a timer which would make a significant difference.

Cindy Matsumoto agreed with Mr. Beerman that before citizens are asked to change out lighting that the City fix our issues. She stated that the lighting for the soccer fields is very bright and impacts some residences. Tom Bakaly felt that the approach is better described as holding the City to a higher standard because City lighting is in compliance with the current ordinance. The City held itself to a higher standard regarding art because an exception was not pursued. He felt holding the City to a higher standard is the question and/or holding everyone to a higher standard.

Liza Simpson asked if members are philosophically in favor of working toward doing the best we can and if we are, setting a sunset clause for the City and then setting one for the rest of the community. It would be nice to have a long and short term plan. Dana Williams pointed out that the IES model dark skies ordinance has exceptions allowed by special permit. Katie Cattan explained that for each exception in the model ordinance, there are lumen standards.

Mayor Williams referred to the information produced by Johnson Controls and felt that it may be used to reach our potential. Cindy Matsumoto believed that the current Code provides an exemption for public art and the bigger issue is lighting fields and impacting people's lives.

Alex Butwinski suggested that there should be an exception for lighting public art and each application should be reviewed individually. He agreed with Ms. Matsumoto on the bigger issue of lighting fields and Ms. Simpson on a sunset clause to bring the City into compliance. However he recalled that the retrofit for fully shielded lights at the soccer fields was $200,000 and became a budgetary issue. The Code could be amended to fix some things.

Dick Peek suggested that a special permit be obtained through an administrative conditional use permit process which could include public art and architectural features. Andy Beerman felt that if the City pursues a sunset clause, new efficient technologies should be explored. Tyler Poulson agreed and added that with regard to energy consumption, staff looked at replacing Main Street's high pressure sodium lights with LEDs but staff learned that they didn't deliver great energy savings relative to the existing lighting. The payback was over 100 years. He acknowledged his limited experience with outdoor lighting, lumens, and lighting technologies but relayed that new fixtures are very expensive. In order to determine the cost, the City would need to hire a professional and it is not unrealistic to estimate a comprehensive retrofit project at millions of dollars. Ms. Cattan added that another cost to consider is managing a sunset program for residential which will require a lot of manpower to monitor.

Mayor Williams stated that he doesn't really know how much of an issue it is. He felt that all members philosophically buy-in but he doesn't know how big of a problem it really is. Mr. Eddington advised that there are specialists who can come in and assess the City which may be a place to start. Andy Beerman felt the Mayor brings up a good point which is *environmental triage*. In consideration of issues like carbon footprint, water conservation, and air quality, night sky falls at the bottom of the list for him. He suggested that as a group; decide sustainability priorities and dark sky might not be worth investing millions. Mr. Poulson clarified that another way of assessing the problem is how often this is brought up or how many complaints are received on the topic by community members. He stated that since Visioning 2011, this subject has not been brought up until now.

Liza Simpson discussed receiving complaints from Old Town residents on seasonal lighting not being turned off by midnight. Mr. Bakaly felt this sounds like an order of magnitude, where members are interested in looking at the bigger or seasonal lights and up-lighting art. This is a change in policy as Council directed staff not to proceed on a variance for up-lighting art. He suggested returning in a work session to get clearer direction. Diane Foster relayed that holding the City to a higher standard would mean changing out the historic light standards on Main Street. Thomas Eddington explained that those historic lights are currently exempted.

Mayor Williams emphasized that our level of compliance with dark skies is unknown and suggested that a consultant be hired to identify issues. Ms. Simpson felt this would be worthwhile if it isn't too expensive. She agreed with Mr. Beerman's comments and suggested talking with our supermarkets about lighting lots. Mayor Williams pointed out that the reason for this discussion was not over up-lighting art but goes back to installing the Olympic way-finding tower. Tom Bakaly suggested that staff explore the issues and consulting work. Dick Peek referred to his conditional use permit idea for exceptions.

Mark Harrington pointed out that the community agrees upon the ethic that the the City wants to preserve dark skies as much as possible, but the stakeholders have not been engaged across the board in a collaborative process to accomplish this. He pointed out competing interests including public safety, business promotion, field activities, night skiing, etc. and suggested appointing a task force comprised of stakeholders charged with reducing their own night light pollution which may result in amendments to our ordinance. He didn't recommend hiring a consultant but rather engaging the big users. The inconsistency of turning off the Pay Day ski run lights was discussed. Katie Cattan stated that the ordinance includes a provision that the ski lights be turned off at a certain time but it hasn't been enforced.

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

Subject: URS Change Order Approval
Authors: Joan Card, Jim Blankenau, and Jason Christensen
Department: Sustainability
Date: August 9, 2012
Type of Item: Administrative

Summary Recommendations:
Staff recommends that Council direct staff to enter a second change order with URS Corporation in the amount of $20,000.00, in a form approved by the City Attorney, for finalization of a draft plan to address the Prospector Drain.

Background:
On November 18, 2010 Council authorized the City manager to execute a Professional Service Agreement with URS Corporation in an amount not to exceed $50,000.00. URS's services were used to inform and advise staff on engineering/technical issues related to proposed EPA cleanup efforts at Middle and Lower Silver Creek, including Prospector Drain. On March 14, 2012, the City Manager authorized a change order in the amount of $10,000.00 that allowed URS to continue to support staff during this negotiation. EPA continues its efforts to address tailings and water quality on Middle and Lower Silver Creek.

Analysis:
The City required engineering advice regarding EPA cleanup proposals for Silver Creek, including the Prospector Drain. To be responsive to EPA requests, URS created a draft plan to identify the source of water and contaminates to the Prospector Drain and identify and assess treatment alternatives. While URS has generated a draft plan, it has not finalized the plan due to the current status of EPA efforts and the need for this contract change order allowing additional expenditures.

Staff believes URS should finalize the Prospector Drain plan. The final plan will allow staff to be responsive to EPA requests and will help inform staff of issues and options to address stream water quality issues at the Prospector Drain and biocell. In order to provide a finished document staff recommends a change order be executed in the amount of $20,000.00, to allow URS to finalize this plan. The funding for this project is budgeted and would come from the Prospector Drain CIP. The available budget is approximately $183,000.00.

It is anticipated that as part of the future cleanup effort at Prospector Drain, staff would implement this plan, if required, after a new Request for Qualifications is made and an engineering firm is selected to implement the plan, and Council approves the new contract.

Department Review:
This report has been reviewed by Legal and the City Manager's office. Any comments have been incorporated into this staff report.

Alternatives:

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

B. Deny the Request:
This would result in the work URS conducted on the Prospector Drain remaining in an unfinished state and the value of that work would not be realized.

C. Continue the Item:
If the Council needs more information the item can be continued, but continuation may delay progress at the Prospector Drain.

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

Significant Impacts:
The funds for this contract change order have been budgeted in the Prospector Drain CIP project.

Recommendation:
Staff recommends that Council direct staff to enter a second change order with URS Corporation in the amount of $20,000.00, in a form approved by the City Attorney, for finalization of a draft plan to address the Prospector Drain.

City Council
Staff Report

Subject: Park City Family Field Day
Author: Max J. Paap
Department: Sustainability
Date: August 9, 2012
Type of Item: Administrative – Master Festival License
Applicant: PC MARC – Recreation Department, Park City Municipal

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the Park City Family Field Day, as conditioned, on August 11, 2012 which includes a 5K fun run to be held on the streets in and around the Park City school campus, the PC MARC parking lot and the Park Meadows neighborhood.

Description:

Topic:
Park City Family Field Day

Background:
Jessica Moran, on behalf of the PC MARC, submitted an application to hold a 5K race and a community wellness event at PC MARC. This single day event would follow the same route that the LDS Turkey Trot has successfully taken the past few years. The organizer has expectations of attendance to be around 100. The course would be programmed and staffed from 8:00 am to 10:30 am on Saturday, August 11, 2012. The organizer has met with Special Events staff to go over any logistical challenges or other issues.

Disclosure: The applicant is a City department.

Analysis:
This application is being reviewed as a Master Festival License due to the request for partial street closure and use of City property.

The following areas were scrutinized by the Events Team when considering the recommendation to approve the event.

<u>Race Course Logistics</u>
The event organizers have requested a proven route that has had much success on the annual Turkey Trot held on Thanksgiving mornings the past few years. No negative comments have been received using this proposed route from prior events. Public Safety and Transit have been noticed of the

event through the Staff Review process and have provided positive comments to the Events Staff. The event would begin with set up of the course at 8:00 am. The race would begin at 9:00 am on the described route. The event is scheduled to be finished no later than 10:30 am.

Parking

Parking for the anticipated crowd of 100 can be accommodated in the P C MARC east parking lot.

Findings of Good Cause to Reduce 90 day Review Requirement

Park City MARC submitted their initial application in June of 2012; Park City Municipal Code (4-8-4) requires 90 day review for consideration of a Master Festival License. The applicant has not met that criterion. Staff recommends that Council consider approval based on current Park City Council Targets for Action that promote Park City as a World Class - Multi Seasonal Resort Community that *promotes community amenities and events*. The Special Event Team finds that because of the limited size and scope of the event and there are no other approved Master Festival and/or Special Event Licenses for August 11, 2012, this timeframe does allow for sufficient time for a proper review.

Department Review:

Sustainability, Streets, Parking, Police, Recreation, and Police departments have reviewed the application for the Park City Girls Basketball 5K Fundraiser and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing the Park City Family Field Day as described. **This is staff's recommendation.**

Deny the Request:

Deny the Master Festival License, preventing the addition of the Park City Family Field Day to Park City's schedule of events.

Continue the Item:

The City Council may continue the discussion in order to receive additional information. However, the event will need to be re-scheduled**.**

Significant Impacts:

Park City has held many similar events to the Park City Family Field Day. Impacts that could arise from this event have been actively addressed by Public Safety and should be kept to a manageable level and the proposed route has proven success.

Consequences of not taking the recommended action:

The Park City Family Field Day would not take place on public property.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for the Park City Family Field Day on August 11, 2011 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact:

1. The Park City Family Field Day 5K will begin at the PC MARC. The course will start on Little Kate to Lucky John Dr. to American Saddler Dr. and back to PC MARC. The event will run from 9:00 am until 10:30 am.
2. The applicant will post volunteer course directors at all intersections along the route and have PCPD staffing as well at all critical points This event will not cause a disruption of the normal routine of the community/affected neighborhoods.
3. The event will not obstruct sidewalks or public rights-of-ways. Public transportation and other vehicular and pedestrian traffic in the area will not be significantly interrupted.
4. Fire or other essential public employees will not be diverted from their normal duties to protect the remainder of the City from the impacts of this event. Although there will be two dedicated officers for participant/traffic mitigation.
5. The event is expecting less than 100 attendees which 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 approved Master Festival and/or Special Event Licenses for August 11, 2012.
7. Due to the anticipated attendance and type of event there will not be an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. This application was submitted by the PC MARC. The Applicant has been working with City Staff to ensure that all conditions of the event will be met. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The proposed route is one implemented by the annual Turkey Trot, and has received not negative comments.

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 will work with 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. The approval identification provided with the approval of this permit must

be in possession of the applicant at all times while on location and must be made available for inspection when requested by City authorities or the public.

3. The applicant shall barricade and provide detour signage for the street closure in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
4. The Recreation Department shall submit proof of the necessary event rider/endorsement approved by Risk Management prior to the event.

Attachments

Exhibit A- Applicants proposed activity & Route Map

PARK CITY 1884

City Council Staff Report

Subject: **Letter of Intent between Park City Mountain Resort and Park City Lower Park Avenue Redevelopment Agency (LPA RDA)**
Author: **Bret Howser**
Department: **Executive**
Date: **August 9, 2012**
Type of Item: **Administrative**

Summary Recommendations:
Council should:

1. Authorize the City Manager to enter into a Letter of Intent with Park City Mountain Resort (PCMR) to pursue a construction agreement for a joint transit and parking facility at the resort base; and
2. Direct staff to schedule a RDA meeting on 8/23 to appoint Diane Foster as a replacement to Tom Bakaly on the RDA TEC committee, and confirm City support
3. Confirm City support of the extension of the Lower Park Avenue RDA (the RDA will formally direct TEC committee representatives on 8/23)

Topic/Description:
Letter of Intent between PCMR and Park City Redevelopment Agency (RDA) regarding the construction of a transit and parking facility at the resort base.

Background:
On December 8, 2011 the City Council and Planning Commission hosted the 5th of 5 joint meetings on the City's posture on redevelopment. This meeting specifically addressed the Lower Park Avenue RDA and even more specifically the question of extending the LPA RDA and partnership opportunities with PCMR to redevelop their parking lots.

At the meeting the City Council with Planning Commission input:

- Affirmed the City's posture on redevelopment as one of partnership and collaboration where necessary to achieve broader neighborhood goals and community vision;
- More specifically, the Council and Commission complete a survey that stated the area lacked identity, was uninviting, under-utilized and outdated. Furthermore they stated they wanted the resort presence to be the primary activity that enabled the open space to be interactive and create family friendly atmosphere and diverse opportunities; and lastly they confirmed use of RDA tax increment to effectuate their "gets" or goals stated later in this report;
- Directed staff to begin the process of extending the LPA RDA and agreed to appoint a Council Liaison (Dick Peek) as the Tax Entity Committee Member along with Tom Bakaly;

- Directed staff to begin negotiating possible terms with PCMR to identify deal points for redevelopment of a parking garage and transit center – specifically more detail on the financial, pro-forma level analysis and the conceptual scope of the project transit/parking project.

The full 12.8.11 staff report is available at:
http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=8521

The full 12.8.11 meeting minutes are available at:
http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=8629

To summarize the discussion at the meeting on 12/8/11, there was broad support for moving forward with the extension of the RDA and partnering with PCMR on a project. The public benefits of the project included:

1) Improved Transportation – improving connectivity, easing load in and load out and providing better access to the resort base;
2) Integrated Transit – more efficient bus service to the resort base would spur increased usage and make the overall system more effective and efficient;
3) Housing – affordable/attainable/workforce housing could be tied into the project, creating a neighborhood identity and transitioning the resort base in to the community, similar to the BOPA plan as well as provide MPD required housing on-site;
4) Events – partnership in the construction of parking can lead to partnership of parking operations for shared resort/community events, as well as sharing of revenue from parking to offset debt. Overall, partnership on the project is expected to greatly enhance the quality of the experience for locals, visitors, and residents alike;
5) Woodward Academy – provide programming atypical from traditional hotel, mixed use re-development that prioritizes recreation experience, family, and year-round recreation options that would help differentiate us from other resorts;
6) Timing/Phasing – financial contribution will allow us to effectuate the timing and receipt of our gets and influence the longer term phasing of the residential UE's, balancing incremental tax revenue with not growing just for growth's sake.

The group closed the meeting in agreement of appointing a member of each body to work with staff in a liaison role. Richard Peek is the City Council liaison and the Planning Commission will appoint a member at their next meeting.

Analysis:
Pursuant to Council direction, staff has negotiated a Letter of Intent (LOI) with Park City Mountain Resort (PCMR) which outlines the potential terms under which the Lower Park Avenue Redevelopment Agency (LPA RDA) would participate in the building of a

parking structure and integrated transit hub. The RDA would participate in the project for the purpose of securing public benefits identified above.

The attached Letter of Intent (LOI) outlines the general approach the two parties would take when structuring an agreement. PCMR has already signed the LOI in its current form. Staff recommends that Council direct the City Manager to enter into the LOI, at which point staff will begin negotiating terms of a final agreement between the two parties for the construction of a transit and parking facility at the resort base. Staff anticipates that this agreement would be finalized before the conclusion of the 2012 calendar year.

Major points of interest in the LOI include:

1) Event Parking – Park City would have access to the parking structure for up to 35 days annually for event use.
2) Affordable Housing – 20% of the existing affordable housing obligation (currently slated to be built at the Munchkin location) will instead be located at the resort base. The current obligation is about 40 units, so 20% is 8 units. It will be completed in the first phase of the project, either concurrent with the parking structure or at least by the time they build anything else at the resort base.
3) Timing/Phasing – The parking structure, transit hub, circulation improvements, etc., will all be completed in the first phase. In the event that the construction cannot be completed in one season, it will be completed during the construction season that immediately follows.
4) Woodward Facility – In many ways staff believes POWDR has identified the future of the sport and is making an investment in their future client. From an "attraction" standpoint as well as direct tax revenue standpoint, staff believes development of a Woodward Park City can be a huge branding boon and further establish Park City as a World Class Destination.
5) Parking Revenues – The LOI stipulates that PCMC will receive 10% of net operating revenue (meaning parking fees remaining after operations and maintenance costs).

The LOI anticipates the following funding sources for the project:

1) Private Development Financing: PCMR would secure much of the funding through whichever private mechanism they choose.
2) RDA Contribution: The RDA would contribute 20-25% of project costs (but no more than $10 M). The money would come from a Tax Increment Revenue Bond, and the debt service on the bond would be paid for with property tax increment generated in the RDA.
3) FTA Grant Funding: The Transit Department has already begun the lengthy process of securing funding for the project through the FTA's 5311 grant program. This funding is not a certainty, but the City has had a fair degree of

success getting this funding for similar projects in the past. If this funding is granted, we should expect it to cover 80% of the transit related project costs.

Staff believes that the LPA RDA, if extended by the Tax Entity Committee, can comfortably afford debt payments on a $10 M bond. The tables below bear this out.

Historic Data

Fiscal Year	Increment	Mitigation Payment	Net Increment
2002	1,637,500	421,826	1,215,674
2003	1,884,461	689,957	1,194,504
2004	2,109,202	683,865	1,425,337
2005	2,173,064	683,346	1,489,718
2006	2,227,898	703,128	1,524,770
2007	2,476,412	864,444	1,611,968
2008	2,628,305	819,748	1,808,557
2009	2,764,425	891,285	1,873,140
2010	2,740,075	805,225	1,934,850
2011	2,577,315	713,739	1,863,576

Projected Increment

Fiscal Year	Low Projection	Medium Projection	High Projection
2012	2,027,430	2,070,752	2,114,074
2013	2,070,752	2,157,396	2,244,040
2014	2,114,074	2,244,040	2,374,006
2015	2,157,396	2,330,684	2,503,972
2016	2,200,718	2,417,328	2,633,938
2017	2,244,040	2,503,972	2,763,904
2018	2,287,362	2,590,616	2,893,870
2019	2,330,684	2,677,260	3,023,836
2020	2,374,006	2,763,904	3,153,802
2021	2,417,328	2,850,548	3,283,769

Debt Service

Assume 4% Rate

Amount	15-Yr Term	20-Yr Term
$10 M	899,000	736,000
$15 M	1,349,000	1,104,000
$20 M	1,799,000	1,472,000
$30 M	2,698,000	2,207,000

<u>Next Steps</u>

If this LOI is approved by Council, staff will move forward with the process of extending the LPA RDA. The Taxing Entity Committee (TEC), previously created by RDA Resolution, will be given notification of a meeting in September. These entities will have 30 days to designate representatives. Once the TEC meets, they will have the opportunity to extend the expiration date of the LPA RDA to 2030.

Department Review:

Sustainability, Executive, Legal

Alternatives:

A. Approve:

Direct the City Manager to enter into the LOI with PCMR. This is Staff's recommended action.

B. Deny:

Council may deny the request. The terms of the LOI will have to be renegotiated any may affect the timeline.

C. Modify:

Council may modify the request. This will have the same impact as denying the request.

D. Continue the Item:

Council may request additional information which may affect the timeline.

E. Do Nothing:

This will effectively put a hold on negotiations and will impact the project timeline.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination	Preserving & Enhancing the Natural Environment	An Inclusive Community of Diverse Economic & Cultural Opportunities	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Positively Impact?	- Accessible, world-class recreational facilities - Varied & extensive event offerings - Accessibility during peak season times - Well utilized regional public transit - Multi-Seasonal destination for recreational opportunities	- Reduced municipal, business and community carbon footprints	- Residents live and work locally - Vibrant arts and culture offerings - Diverse population (racially, socially, economically, geographically, etc.)	N/A
Which Desired Outcomes might the Recommended Action Negatively Impact?	- Balance between tourism and local quality of life	- Reduced municipal, business and community carbon footprints		N/A
Assessment of Overall Impact on Council Priority	Very Positive	Neutral (Growth will certainly adversely impact carbon output, but this should be mitigated somewhat by improved transit and on-site housing)	Positive	Neutral

Additional Comments: While it is likely that redevelopment and growth will result from the ultimate construction of a transit and parking structure at the resort base, the growth will be consistent with the general plan without significantly impacting view corridors. Issues related to growth, such as increased traffic, need for affordable housing, etc., are mitigated by improved circulation, transit, and on-site affordable units. Staff believes that this project strikes a healthy balance between the four Council Priorities and significantly contributes to Keeping Park City “Park City.”

Consequences of not taking the recommended action:

Staff would have to renegotiate terms with PCMR or abandon the project. In either case, this would have a serious impact on the current Council direction to extend the RDA. The City would also potentially forfeit an opportunity to collaboratively participate as a partner and influence the outcome of redevelopment at the resort base and therefore be inconsistent with previous direction

Recommendation:
Council should:

1. Authorize the City Manager to enter into a Letter of Intent with Park City Mountain Resort (PCMR) to pursue a construction agreement for a joint transit and parking facility at the resort base; and
2. Direct staff to schedule a RDA meeting on 8/23 to appoint Diane Foster as a replacement to Tom Bakaly on the RDA TEC committee, and confirm City support
3. Confirm City support of the extension of the Lower Park Avenue RDA (the RDA will formally direct TEC committee representatives on 8/23)

Exhibits
A - Proposed LOI

Letter of Intent between Park City Redevelopment Authority (“RDA”) and Park City Mountain Resort (PCMR)

This Letter of Intent is made and entered into this 9th day of August, 2012, by and between Greater Park City Company, a Utah corporation, dba, Park City Mountain Resort (PCMR) and Park City Redevelopment Authority (RDA) (jointly referred to herein as the Parties).

Purpose: This Letter of Intent shall clarify the understanding between the Parties with regard to the parking structure and transit center project conceptualized in Exhibit A (the Project), which is intended to be a joint project between the Parties and of a public as well as private benefit. This Letter is precursor to a definitive Agreement between the Parties stipulating the details of the Joint Project. The Letter outlines general guidelines under which the Parties will work together to arrive at an eventual Agreement.

Whereas, Park City Municipal Corporation and PCMR have an ongoing shared interest in hosting world class special events and mountain recreation based tourism;

Whereas, it is in the best interest of both Parties that these activities be welcomed in a manner that maximizes positive exposure for Park City as a world class destination, maximizes the capture of visitor expenditures within the greater Park City area, and minimizes the impacts to permanent residents;

Whereas, the ability to efficiently direct vehicle trips to logical nodes and to maximize transit ridership while minimizing impacts from congestion, traffic incidents, and reduced air quality is an integral part of operating a successful destination resort community;

Whereas, maintaining infrastructure, amenities, and a development pattern that is competitive in the regional, national, and international marketplace for destination visitors is important to both the economic health of the Parties and the quality of life that can be provided for Park City and Summit County residents;

Whereas, maintaining the health of our destination tourism based economy will result in long term revenue growth in the form of property tax, retail sales tax, TRT & RAP tax, and related spending that supports the overall Summit County business community;

Therefore, the Parties agree to explore the joint planning, financing, and development of a parking and transportation facility intended to further the public and private realization of the aforementioned goals and priorities.

1. Scope
    a. The Parties will work jointly to establish scope for each of the following aspects of the Project:
        i. Parking –

1. Event Parking – Park City Municipal Corporation will have access or long term lease rights to the parking structure for up to 35 days of each year for purposes of event parking. The Final Agreement will outline the detailed plan. Scheduling, events, specific days and number of parking spots will be reviewed and agreed upon annually by both parties.

ii. Transit Hub Size & Location– The Parties intend to establish strategies to improve user friendliness, increase ridership, minimize waiting times and delays, explore smart messaging in conjunction with improved circulation patterns and stop / hub location(s), improve ability to serve events, achieve trip reductions and increase shared vehicle trips for recreation, tourism, event, and employee visits.

iii. Housing – The Parties agree that 20% of existing housing obligations required in the approved PCMR MPD (ie: 8 units) will be located at the resort base. The Parties intend to examine the best location and size for these units consistent with the current MPD and in light of efficiency issues, economic feasibility, and the needs of the intended occupants/residents/buyers. The Parties will also examine properties held by both Parties and whether these create opportunity for partnership between the Parties to jointly or separately develop and/or operate housing of the appropriate type at a preferred location.

2. Timing/Phasing of the Project
   a. The parking structure, transit hub, circulation improvements, and smart messaging will be completed as part of the first phase, to the degree these can be completed within a single construction season.
   b. The housing obligations to be located at the resort base (outlined above in section 1, iii) will be completed concurrent with the first completed phase of the parking / transit structure or prior to receiving a Certificate of Occupancy of the first project approved under the MPD that is not parking or infrastructure related, whichever occurs later.
3. Financial Participation
   a. Both Parties will share a portion of the financial responsibility for the Project.
   b. The RDA will evaluate possible terms of contributing 20%-25% of the estimated costs of the Project, with a projected cap of $10 million, from proceeds of RDA Tax Increment Revenue Bonds. This contribution is to be made for the purpose of securing the overall viability of the Project and for securing public benefits, including but not limited to: housing, mitigating traffic and circulation impacts, neighborhood place making, improved integration with transit, and coordination/management authority for use during community events. A portion of these community benefits will occur concurrent with the first phase of the parking project.

      i. The RDA contribution will occur proportionally with the phasing of the Project and will be triggered by the issuance of a building permit. At no point during the phasing of the Project will the cumulative RDA contribution to date exceed 25% of the total Project cost to date.

c. All efforts will be made to secure Federal grant funding for the transit portion of the Project. Any federal funding secured for the project will reduce the Parties' respective contributions proportionately.
d. The Parties will explore alternative financing options (i.e.: RDA Increment Bonds, conduit bonds, mezzanine financing, etc.) allowable by state code to defray financing costs where possible. Any financing secured by or through the RDA which is to be repaid by PCMR or Project revenues will be in addition to the contribution identified in section 3(b) rather than in lieu of that contribution.

4. Project Management
   a. The Parties will finalize a project management plan in full compliance with federal, state and local procurement requirements. The parties have a goal of giving as much of the project management activity as possible to PCMR.
5. Ownership, Operations & Maintenance
   a. The Parties will agree to an ownership structure that will result in satisfactory operations, maintenance, and capital replacement to each of the Parties.
   b. The Parties will jointly agree to a minimum quality of ongoing service and maintenance for the structure prior to construction.
   c. In the event that the Project is partially funded by FTA grants, the Parties will consider an appropriate structure of ownership such that the value of the land can be used as a grant match. The Parties may explore condominiumizing the parcel, entering a long-term lease, etc., as potential alternatives.
      i. If land value is used as a grant match, the land will be donated and not sold to the RDA for additional cash consideration above and beyond the RDA contribution specified in 3(b).
6. Operating Revenues
   a. Operating revenues will be used to pay for operating and maintenance expenses directly related to the parking structure (not to include debt service).
   b. Any remaining net revenue will be distributed 90% to PCMR and 10% to the RDA.
   c. Policies for the collection of revenue will be set by PCMR after consultation with City Staff.
7. Extension of the RDA
   a. In the event that the Lower Park Avenue is not extended by vote of the Taxing Entity Committee and the RDA Board prior to expiration, any obligations of the Parties shall automatically terminate and be of no further force and effect.
8. Non-binding
   a. This letter is a statement of intent only, and is not a binding obligation of either of the Parties. Such obligations may only be contained in a binding Definitive Agreement executed by the Parties.

Acknowledgment:

____
Tom Bakaly
Authorized Representative
Park City Redevelopment Authority

Acknowledgment:

____
Jenni Smith
President and General Manager
Greater Park City Company,
A Utah corporation,
Dba Park City Mountain Resort

Acknowledgment:

____
John D. Cumming
Chairman and Chief Executive Office
Powdr Corp.,
A Delaware corporation

Acknowledgment:

____
John D. Cumming
Chairman and Chief Executive Office
Powdr Development Company,
A Utah corporation

City Council
Staff Report

Subject: **Summit Land Conservancy Fundraising Benches**
Author: **Heinrich Deters**
Department: **Sustainability**
Date: **August 9, 2012**
Type of Item: **Discussion and Direction**

Summary Recommendations: Staff recommends Council discuss and approve the proposal to place benches in Round Valley as part of Summit Land Conservancy's efforts to fund the Osguthorpe conservation easement.

Topic/Description: The placement donation of benches as part of a Council approved fundraising effort should be governed by policies as set forth in the PCMC Donation Policy.

Background:
In 2010, Council approved a program by Summit Lands Conservancy to auction off several benches in the Round Valley open space to supplement fundraising efforts for the Osguthorpe Conservation Easement, as long as the revenue generated went directly to costs associated with securing the easement.

Analysis:
Donation Policy
Public donations on City property is governed by the adopted PCMC donation policy. Park City's Donation Policy addresses third party donations under the 'Qualifying Donations' section, which states:

- Third party consideration prohibited. Unless specifically approved by the City Council, third parties, including non-profit organizations, may not market or include donations to the City as part of a donation or additional consideration to that party or organization. The City Council may only approve such arrangements where the consideration is used to offset costs or enhance existing services or donations directly provided by that organization to the City (such as Adopt a Trail programs).

The current bench proposal (Exhibit A) has been identified as a Tier III project, that stipulates 'Donations proposed on City Owned Open Space must be compliant with the locations management plan, conservation easements, if any, and shall require City Council approval in a regularly scheduled meeting.'

Project components
A location map and picture of the proposed benches identifying the donation has been provided. (Exhibit B) Engravings noting the donors (names) gift to preserving the Osguthorpe open space will be in accordance with the donation policy.

Implementation
If Council chooses to approve the implementation of these benches, staff would work with Summit Land Conservancy and the Mountain Trails Foundation to have them installed as soon as possible.

Future Benches
While additional benches in Round Valley may be appropriate in the future, staff finds that this specific Summit Land Conservancy fundraising effort has concluded and no further donations will be taken under the guise of this program.

Alternatives:
A. Approve: This is the staff recommended option.
B. Modify the request: Council could choose to modify the proposal.
C. Deny the request: Council could direct the City Manager not approve the proposal.
D. Continue the Item: Council may feel there is not enough information to make a decision, and have staff return with more information.
E. Do Nothing: Same effect as continuance.

Significant Impacts:
Any use of public property needs to be approved by City Council.

Over the past few years, numerous Park City residents and groups have inquired specifically about placing benches on City Open Space. Some inquires, from such entities as the Boy Scouts of America, have been for community service projects, while others have been memorial requests. Staff finds that there remains an opportunity to place a small number of additional benches in Round Valley, which will enhance the recreational opportunities of the area.

Maintenance
Ongoing maintenance of donated items is outlined within the donation policy.

5. Vandalism & Maintenance
All normal maintenance costs are at the City's expense, however, no special maintenance and/or replacement will be undertaken. Special maintenance shall be defined as exceeding normal maintenance as determined and provided by the Parks Department. Payment will be made by check payable to Park City Municipal Parks Department. The Parks Department will replace a tree within one year of the planting of the tree but will not be responsible after two years. The City reserves the right to relocate any donation.

Departmental Review
This report has been reviewed by the Sustainability Team, Legal Department and City Manager.

Staff Recommendations: Staff recommends Council discuss and approve the proposal to place benches in Round Valley as part of Summit Land Conservancy's efforts to fund the Osguthorpe conservation easement.

Exhibit A- Proposal

PCMC Donation Written Proposal

Date: June 8, 2012

Applicant: Summit Land Conservancy

Address: PO Box 1775, Park City, UT 84060

Phone: 435-649-0220

Email: Cheryl@summitlandconservancy.org

Scope of donation(s) *(Why and what are you submitting for this request?)*
During its campaign to raise $1,000,000 to complete the easement purchase on the Osguthorpe's farm in Round Valley, City Council authorized the Summit Land Conservancy to offer "memorial" benches to large donors. The Conservancy offered benches for a suggested donations of $75,000. The Conservancy received donations totaling $295,000 for four benches.

Location *(Where are you proposing to donate the item(s)? maps, photos are encouraged. Please be specific)*
City and Conservancy staff identified several locations in the City's Round Valley open space that would be appropriate for benches. Please see the attached map. The numbers 1-4 indicate the locations we are proposing for the four benches.

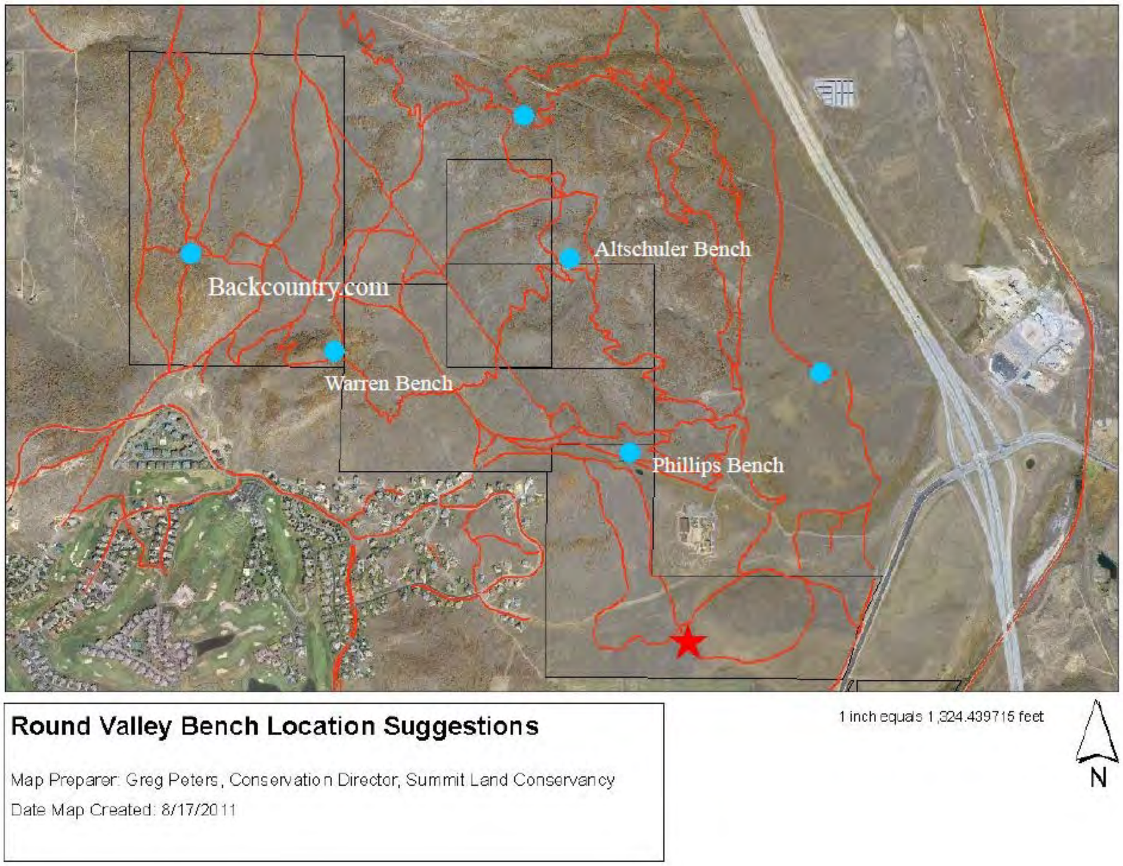
Type of Donation *(Please provide size, shape, materials, quantity of donation.)* The benches are sandstone. 54 inches long. The back will be 12 to 14 inches high. These benches will be similar in design to those on the Park City golf course, but with a lower back. Please see attached photo, but do note that the back on the photo is larger than the ones we will be using.

Approximate Cost of Donation
Thanks to an in-kind donation from the stonemason, each bench will cost the Conservancy $1,200

This agreement shall be in effect for the life of the donated item in accordance with generally applicable standards administered by the Finance Department

Exhibit B- Locations and Photo

Location Map



Photo

City Council
Staff Report

Application #: **PL-11-01339**
Subject: **1103 Lowell Avenue Plat**
Author: **Francisco Astorga, Planner**
Date: **August 9, 2012**
Type of Item: **Administrative – Plat Amendment**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the 1103 Lowell Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	Mark & Steven Parker, represented by Craig Elliott
Location:	1103/1105 Lowell Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council action

Proposal
The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.

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

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

Background
On September 2, 2012 the City received a completed application for the 1103 & 1105 Lowell Avenue Subdivision plat, a three (3) lot subdivision. The property is located at 1103/1105 Lowell Avenue in the Historic Residential (HR-1) District. During the internal

development review it was identified that their proposal was going to have difficulties complying with the policies of the Snyderville Basin Water Reclamation District (SBWRD) regarding sewer lines over easements. After several meeting with City Staff including the City Engineer and the SBWRD the applicant amended their application to create one (1) lot of record of their property currently identified by the Summit County as parcel no. SA-321-A, to be known as 1103 Lowell Avenue Plat Amendment.

Currently the site contains a three (3) story duplex setback twenty-seven feet (27') from the front property line. According to Summit County records the structure was built in 1978 and contains a total of 3,155 square feet. The duplex is forty-six feet (46') in width and twenty-five feet (25') in length, excluding the decks on the north and south façade. The footprint of the duplex is approximately 1,150 square feet. The subject area contains portion of lot 30, 31, and 32, which do not have access to a right-of-way (Pacific Avenue was vacated by the City numerous years ago). Two (2) of the existing lots currently meet the minimum lot area in the HR-1 District.

The Planning Commission reviewed this plat amendment request during their July 25, 2012 meeting. The Commission forwarded a positive recommendation on a 3-2 vote.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 8,680 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The site currently contains a duplex that was built in 1978. When the structure was built a two-family building (duplex) was an allowed use in the district. Currently a duplex is a conditional use.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width is sixty-two feet (62'). The proposed lot combination meets the lot and site requirements of the HR-1 District described below.

Requirement	Permitted
Building Footprint	2,664.8 square feet (based on the lot area of 8,680 square feet)
Front/rear yard setbacks	15 feet minimum, 30 feet total (based on the lot depth of 140 feet)
Side yard setbacks	5 feet minimum, 14 feet total (based on the lot width of 62 feet)
Height	27 feet above existing grade, maximum.
Number of stories	A structure may have a maximum of three (3) stories.
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for a for third story
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Parking	Two (2) parking spaces per unit.

Staff has identified that the duplex does not meet current LMC standards outlined above such as the side setbacks and height including vertical articulation. The current building on the site is considered legal non-complying. The LMC indicates that a non-conforming use and non-complying structure may continue to be used and maintained subject to the standards and limitation of LMC Chapter §15-9.

As show on the Vicinity Map below the character of the west side of Lowell Avenue is completely different than the character of the east side of the street.

The area of the lot combination is consistent with the lots on the west side of Lowell Avenue. The lots on the east side of Lowell Avenue contain the traditional Old Town configuration (25'x75'). The use is also consistent as this portion of Lowell Avenue has various duplexes and condominiums on the north and the south of the subject site.

In July/August of 2011 Planning Staff, the Planning Commission, and the City Council discussed lot combinations, plat amendments, and further limitations to achieve greater compatibility with the historic character in terms of mass and volume. At that time, the Planning Commission and City Council choose not to amend the Land Management

Code (LMC).

During the many meetings and discussions it was recognized that the area around the Northstar Subdivision did not reflect the purpose statements of the HR-1 District as there are no historic structures on Lowell Avenue and the lot areas are much larger than the historic configuration. It was also discussed that after the General Plan update/amendment/re-write, that this area would most likely be of a different zone designation to match the future plans of this neighborhood.

Staff finds good cause for this plat amendment as the lot lines going through the building will be removed. The remnant parcels will become part of the legal lot of record. The proposed lot will be consistent with the west side of Lowell Avenue. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats.

The Planning Commission had some concerns related to the maximum floor area that could be built on the proposed one (1) lot combination. Given the character of the west side of Lowell Avenue staff finds the proposed lot combination consistent with the neighborhood. See Exhibit H.

Process

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

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

Public Input

Staff received several questions regarding the proposed plat amendment request. Brian Van Hecke submitted an email on July 18, 2012, see exhibit G. Public input was also received during the July 27, 2012 Planning Commission meeting as property owners were concerned with the an access easement through the subject site.

Alternatives

- The City Council may approve the 1103 Lowell Avenue Plat Amendment as conditioned or amended; or

- The City Council may deny the 1103 Lowell Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 1103 Lowell Avenue Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The site would remain as is and no construction could take place over property lines.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 1103 Lowell Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Survey
Exhibit C – Aerial & Site Photographs
Exhibit D – County Plat Map
Exhibit E – Northstar Subdivision
Exhibit F – Vicinity Map with building footprints
Exhibit G – Public Input
Exhibit H – Minutes from July 27, 2012 Planning Commission meeting

Exhibit A: Draft Ordinance with Proposed Plat

Ordinance No. 12-

AN ORDINANCE APPROVING THE 1103 LOWELL AVENUE PLAT AMENDMENT AT 1103/1105 LOWELL AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1103/1105 Lowell Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

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

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

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

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Canyon Subdivision.

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

SECTION 1. APPROVAL. The 1103 Lowell Avenue as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 1103/1105 Lowell Avenue.
2. The site is within the HR-1 District
3. The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.
4. The area currently identified by the Summit County as parcel no. SA-321-A.
5. Currently the site contains a three (3) story duplex.
6. The structure was built in 1978.
7. The subject area contains portion of lot 30, 31, and 32 do not have access to a right-of-way.
8. The proposed subdivision plat creates one (1) lot of record consisting of 8,680

square feet.
9. The minimum lot area for a single family dwelling is 1,875 square feet.
10. The minimum lot area for a duplex is 3,750 square feet.
11. When the structure was built a two-family building (duplex) was an allowed use.
12. Currently a duplex is a conditional use.
13. The current use of the property is considered legal non-conforming.
14. The minimum lot width allowed in the district is twenty-five feet (25').
15. The proposed width is sixty-two feet (62').
16. The proposed lot combination meets the lot and site requirements of the HR-1.
17. The duplex does not meet current LMC standards for side setbacks and building height, i.e. vertical articulation.
18. The current building on the site is considered legal non-complying.
19. The area of the lot combination is consistent with the lots on the western side of Lowell Avenue.
20. The use is also consistent as this portion of Lowell Avenue has various duplex and condominiums on the north and the south of the subject site.

Conclusions of Law:

1. There is good cause for this Subdivision Plat as the lot lines going through the building will be removed, remnant parcels will become part of the legal lot of record. And the proposed lot will be consistent with the Lowell Avenue west portion of the street.
2. The Subdivision Plat is consistent with the Park City Land Management Code, The General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction will require modified 13-D sprinklers,
4. A ten feet (10') wide public snow storage easement will be required along the front of the property.

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

PASSED AND ADOPTED this _____ day of ____________, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

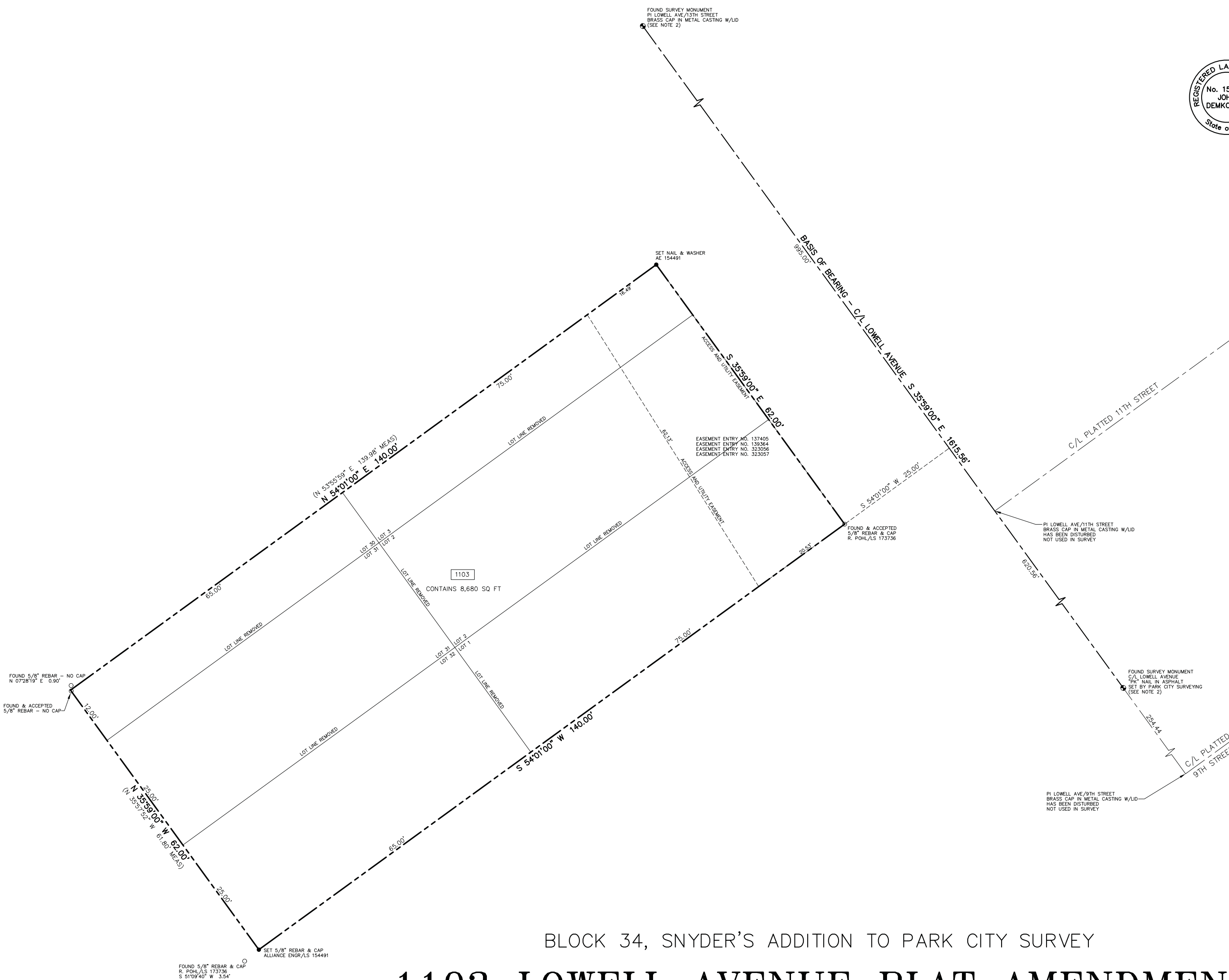
____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Attachment A – Proposed Plat

Attachment 1



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 1103 LOWELL AVENUE PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

______________________ John Demkowicz

__________ Date

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

BOUNDARY DESCRIPTION

LOTS 1 and 2 and southerly 12 feet of Lot 3, easterly 65 feet of Lot 31 and 32 and easterly 65 feet of the southerly 12 feet of Lot 30, Block 34, Snyders Addition to Park City, described as: Beginning at the southeast corner of Lot 1, Block 34, Snyders Addition to Park City in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 35°59' West 62 feet; thence South 54°01' West 140 feet; thence South 35°59' East 62 feet; thence North 54°01' East 140 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Mark Wilson Parker, the undersigned owner of the herein described tract of land, to be known hereafter as 1103 LOWELL AVENUE PLAT AMENDMENT, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this ______ day of

________________, 2012.

__________________, Owner
Mark Wilson Parker

State of ___________:
ss:
County of ___________:

ACKNOWLEDGMENT

On this ______ day of ______________________, 2012, Mark Wilson Parker personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Mark Wilson Parker acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: __________________

My commission expires: _____________________

NOTE

1. The access and utility easement shown, Entry No. 139364, does not close. After reviewing the plat for Northstar Subdivision, Entry No. 138365, recorded June 10, 1977, it was determined that the easement as it is shown on this plat is the intended configuration.
2. The monument at Lowell Avenue & 13th Street and the "PK" nail monument shown on this survey were used by Alliance Engineering to survey this property in 2007. These monuments no longer exist.

LEGEND

● Set 5/8" rebar w/cap, ALLIANCE ENGR/LS 154491

☐ Street address on Lowell Avenue

10' 0 10' 20'

BLOCK 34, SNYDER'S ADDITION TO PARK CITY SURVEY

1103 LOWELL AVENUE PLAT AMENDMENT

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

SHEET 1 OF 1

5/29/12 JOB NO.: 1-8-11 FILE: X:\SnydersAddition\dwg\srv\plat2011\010811.dwg

(435) 649-9467 Alliance Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ___________, 2012 A.D. BY ________________ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ___________, 2012 A.D. BY ________________ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ___________, 2012 A.D. BY ________________ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ______ DAY OF ___________, 2012 A.D. BY ________________ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ___________, 2012 A.D. BY ________________ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ___________, 2012 A.D. BY ________________ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____________________ DATE _______ TIME _____ BOOK _____ PAGE _____ __________ FEE _______________ RECORDER

Exhibit B – Survey

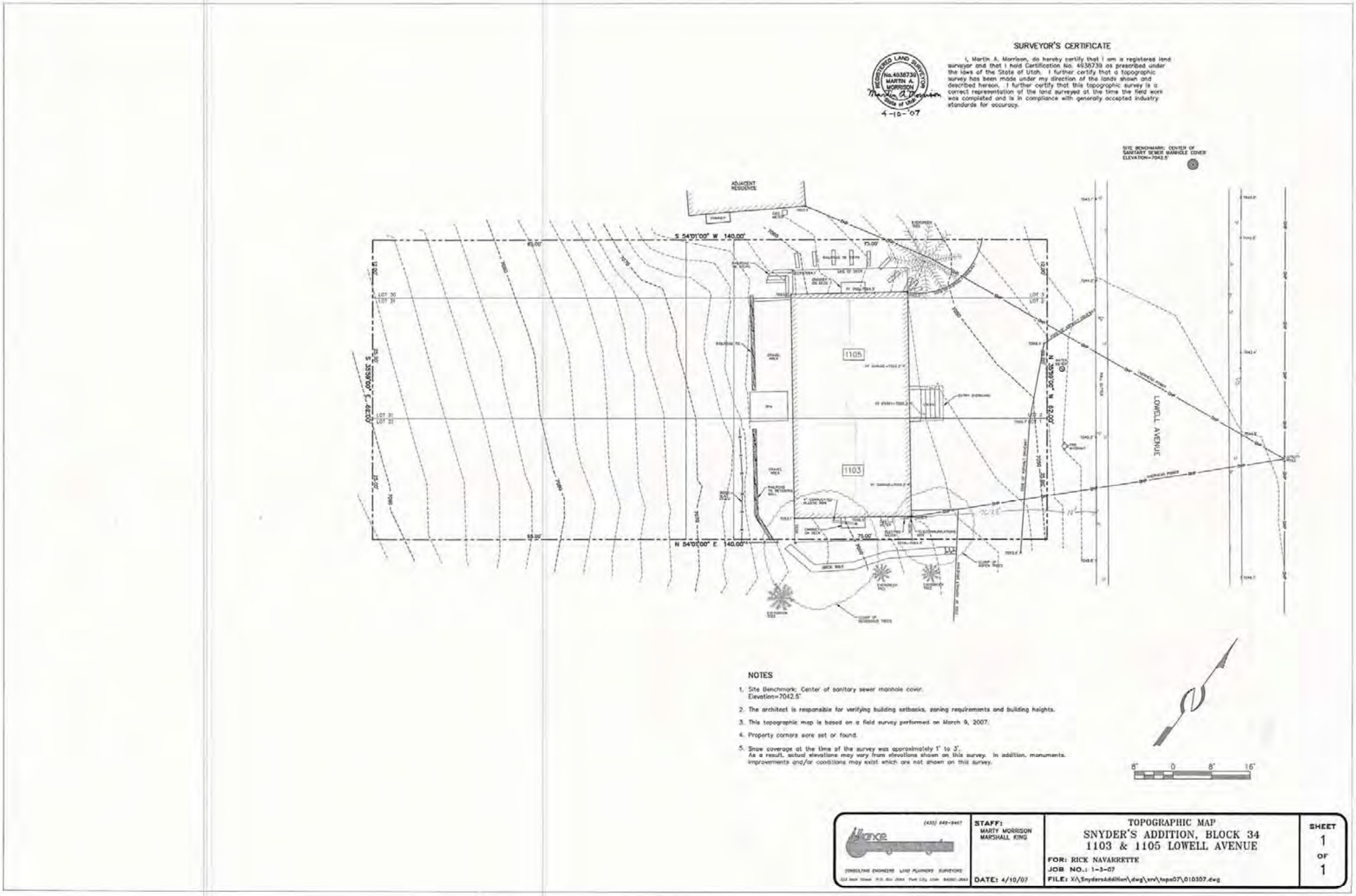
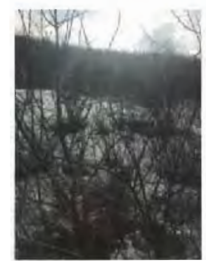


Exhibit C – Aerial & Site Photographs



RECEIVED
SEP 02 2011
PARK CITY PLANNING DEPT.

elliott workgroup architecture

Photographs
1
August 8, 2011

1103 -1105
Lowell Avenue
Park City, Utah 84060

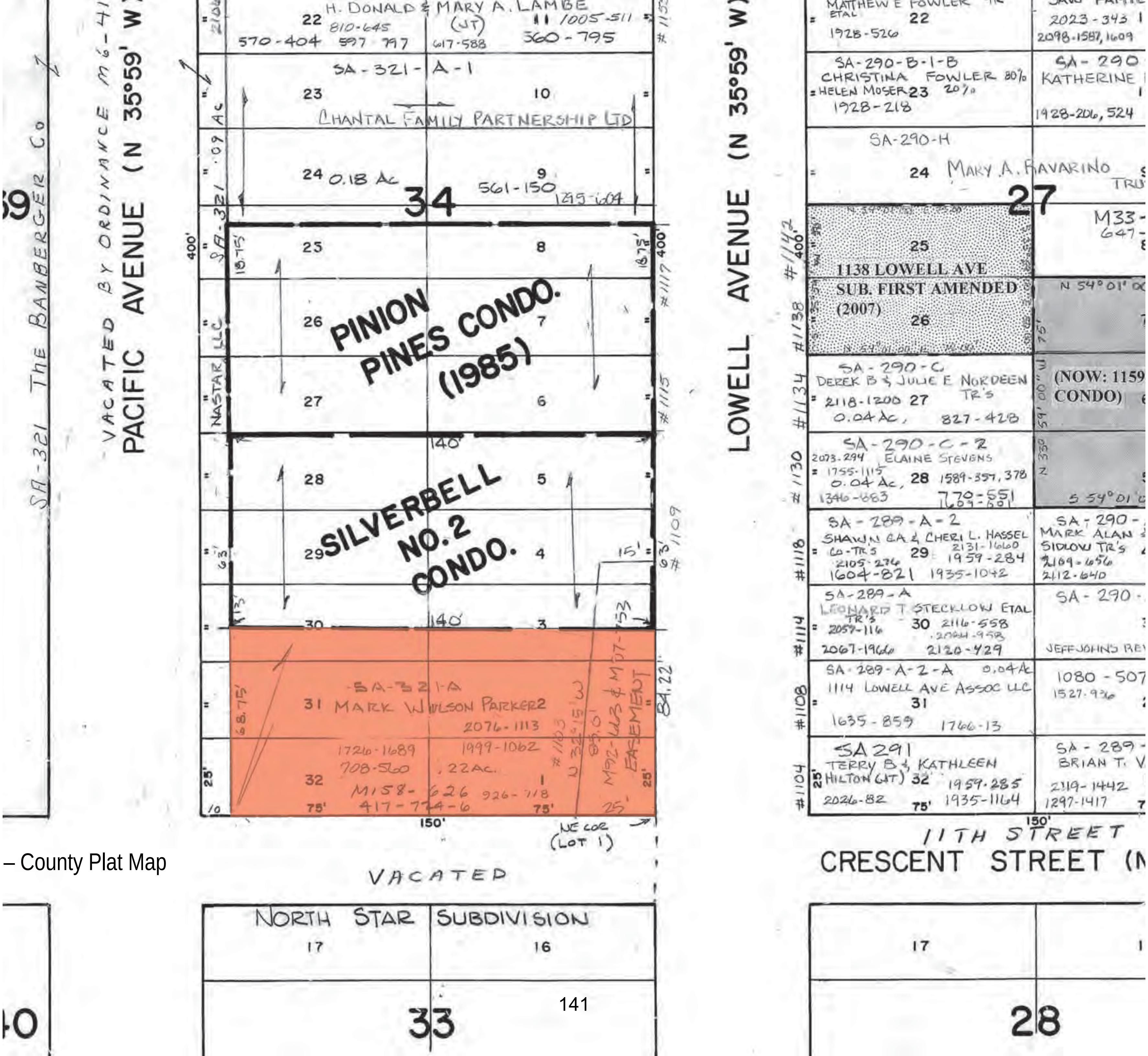


Exhibit D – County Plat Map

Exhibit E – Northstar Subdivision

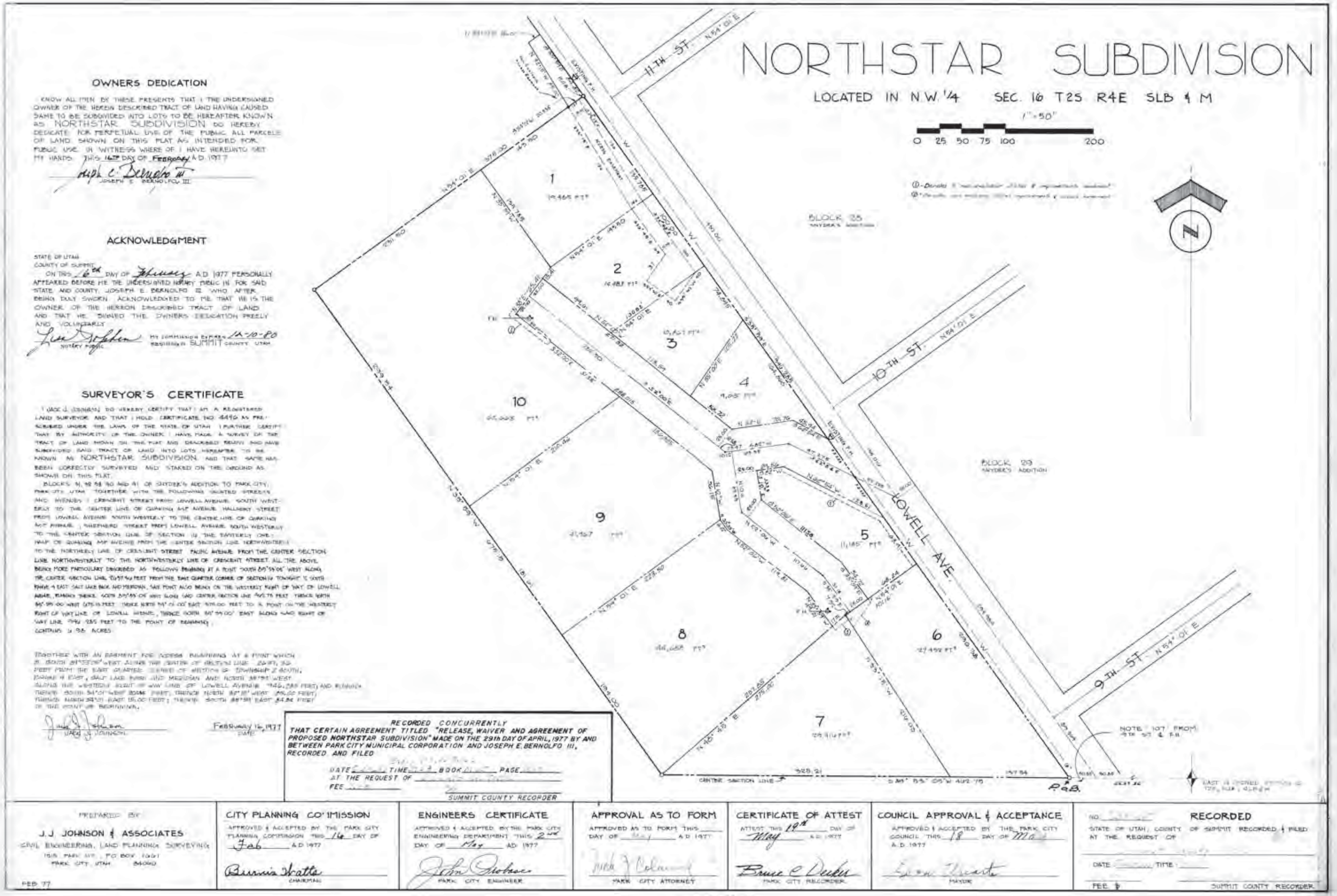
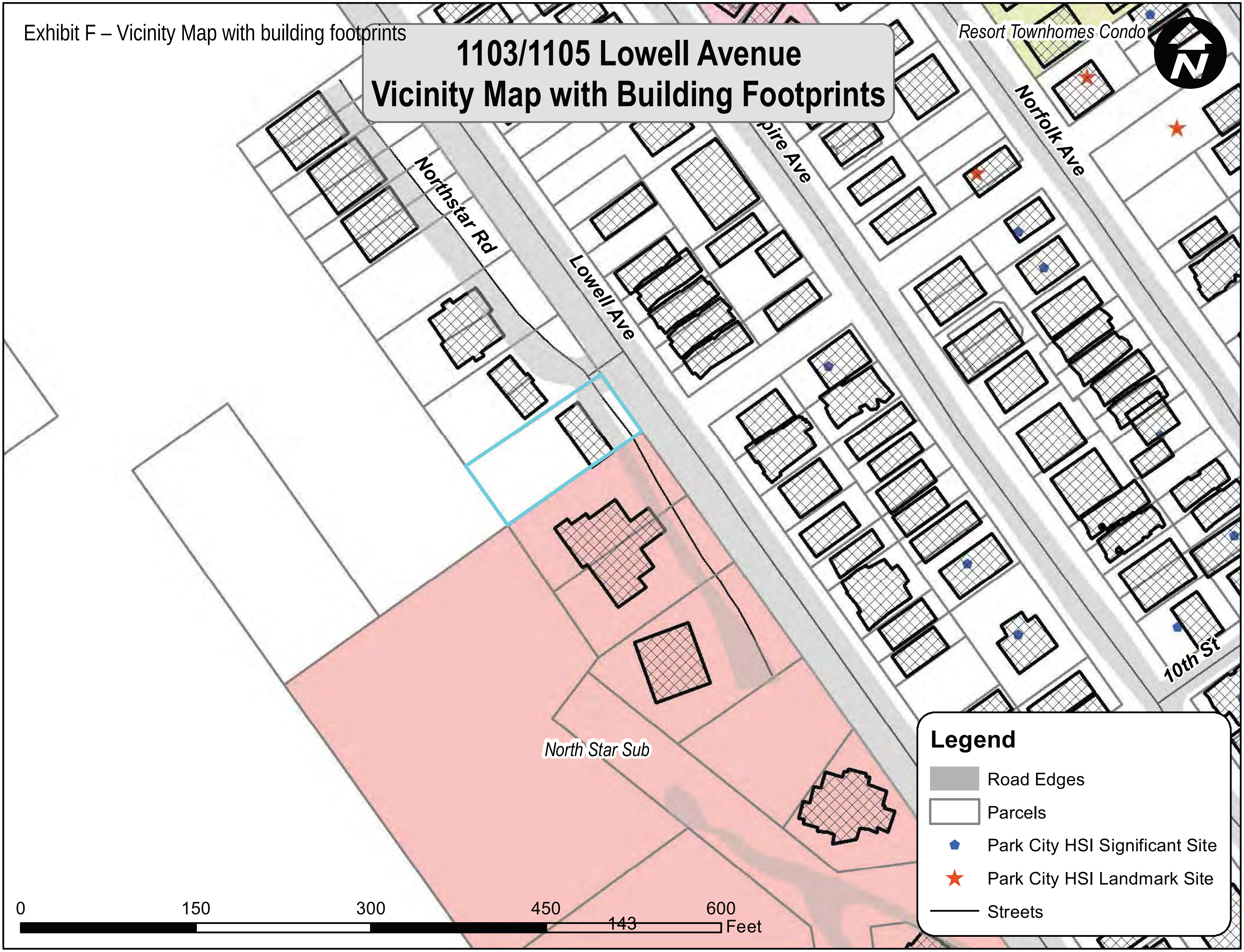


Exhibit F – Vicinity Map with building footprints



Francisco Astorga

From: Brian Van Hecke <bvhutah@gmail.com>
Sent: Wednesday, July 18, 2012 6:19 PM
To: Francisco Astorga
Subject: RE: 1103/1105 Lowell Avenue

Francisco,

Thanks for the email and background on this application.

I'm very concerned about the true agenda of this application and possible additional reasons for this lot combination. Are these clearly understood? I think it's important to understand now what their future plans are for this property (prior to approval of the lot combination).

It's very important that we protect the historical integrity Old Town. Please make sure that we do not open up the possibility for additional density added to this property at a later time. There is already too much density on many Old Town lots as a result of loopholes, past construction codes, etc.

I ask that the Park City planning department staff and planning commissioners ensure that future plans for this property and others strictly adhere to current Old Town development and construction codes, setbacks, height limits, etc.

Please contact me with any additional information or questions.

Regards,

Brian Van Hecke
1101 Empire Avenue
435-901-1500

From: Francisco Astorga [mailto:fastorga@parkcity.org]
Sent: Tuesday, July 17, 2012 12:47 PM
To: 'bvhutah@gmail.com'
Subject: 1103/1105 Lowell Avenue

Brian,

The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record. Currently the site contains a three (3) story duplex setback twenty-seven feet (27') from the front property line. According to Summit County records the structure was built in 1978 and contains a total of 3,155 square feet. The duplex is forty-six feet (46') in width and twenty-five feet (25') in length, excluding the decks on the north and south façade. The footprint of the duplex is approximately 1,150 square feet. The subject area contains portion of lot 30, 31, and 32 do not have access to a right-of-way. The only two (2) lots that currently meet the minimum lot area in the HR-1 District are platted lot 1 & 2. See attached exhibits.

Let me know if you have any questions.

Sincerely,

Francisco Astorga | Planner

CONTINUATION(S) – Public Hearing and Continue to Date Specified

30 Sampson Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)

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

MOTION: Commissioner Thomas moved to CONTINUE 30 Sampson Avenue – Steep Slope CUP to a date uncertain. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

543 Woodside Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01507)

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

MOTION: Commissioner Thomas moved to CONTINUE 547 Woodside Avenue Slope CUP to a date uncertain. Commissioner Hontz seconded the motion.

916 Empire Avenue – Steep Slope CUP
(Application #PL-12-01533)

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

MOTION: Commissioner Thomas moved to CONTINUE 916 Empire Avenue – Steep Slope CUP to August 8, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1103/1105 Lowell Avenue – Plat Amendment
(Application #PL-11-01339)

Referring to the work session discussion, Chair Wintzer believed this application was a perfect example of why the Planning Commission needs to be involved in the General Plan. This area needs help with zoning and the only people who would recognize that are the ones trying to work with it.

Planner Astorga reviewed the request for a plat amendment. An existing duplex was built in the early 1980's. The policy at that time was to build over property lines rather than to allow for lot combinations. The City required that the property was owned in common ownership and the properties were under the same tax ID number. That policy has since changed and the applicant was requesting a lot combination through a plat amendment to combine the entire portion currently owned by the same property owner. The owner has indicated a desire to add more units behind the duplex in the future; however, that was not part of this application.

Planner Astorga noted that the plat amendment would create a large lot of record at 8,680 square feet, which would yield a maximum footprint of approximately 2,665 square feet. He pointed out that the duplex is not historic and could be demolished. The maximum floor area, minus the 10' setback required in the HR-1 under height, and minus any articulation, would be approximately 8,000 square feet.

The Staff recognized that there were no historic structures on Lowell Avenue. On the east side of the street there are smaller scale buildings that follow the pattern of 25' x 75' lots. There is a pattern of condominiums and duplexes on the west side of the road. The proposed lot size is consistent with the pattern of larger homes. Understanding that this is a unique neighborhood in the HR-1 District, the Staff would work on finding appropriate zoning for the west side of Lowell Avenue when updating the General Plan.

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

Commissioner Thomas assumed the slope of the property was over 30%. Chair Wintzer asked if this property would come back to the Planning Commission for a steep slope CUP. Planner Astorga replied that it would come back if construction takes places on slopes 30% or greater.

Chair Wintzer opened the public hearing.

Rich Heatherington stated that he is the owner immediately to the south on Lot 1 of the North Star subdivision, and they share the common access easement with 1103 Lowell. He noted that Mr. Van Hecke had sent an email expressing concerns with density, and he echoed those concerns. Mr. Heatherington remarked that the issue is with the access road that is shared by the two houses to the immediate south. He noted that the current condition of the road is dilapidated and the current density is close. In addition, the parking access where the structure is built blocks snow plow access and emergency vehicle access. Mr. Heatherington noted that if the plat amendment creates a lot over 8500 square feet they could eventually fit four units on the lot. The LMC requirement of two parking spaces per unit would add eight cars. He pointed out that in its current condition the road is nearly impassable with two cars. Mr. Heatherington was concerned about the access coming off of Lowell that accesses the lots in North Star. He asked if the road would be repaired, if the grade would be changed, or if better access would be created if density occurs in the future.

Chair Wintzer clarified that access for the lot was off of Lowell and not the subdivision. Planner Astorga replied that this was correct. Access was over the subject property. There is an easement and he believed the users would be responsible for maintaining the access easement and not this applicant. He would verify that with the recorded easement and share the information with the neighbors. If the easement does not identify the responsible party, that would need to be worked out among the neighbors. It is not something the City could enforce. Planner Astorga remarked that three different easements were shown over the property, but he was unsure who owned it. Chair Wintzer assumed it would be owned by Lots 1, 2 and 3.

Assistant City Attorney McLean stated that the proposed plat had four recorded easements listed.

Commissioner Savage understood that the easements were physical descriptions of the right-of-way and who holds them. Therefore, the combination of the lots would have no impact on the location of the easements. Planner Astorga replied that this was correct. Commissioner Savage clarified that this evening they were only talking about the combination of the lots; and that the existing easements would stand going forward, subsequent to the combination of lots.

Chair Wintzer believed this subdivision was done at a time in Park City's history when there was not a lot of follow through. He suggested that Mr. Heatherington do his own follow up to find out who owns the easements and what they entail. Planner Astorga had the recorded documents in the file and he offered to provide copies to Mr. Heatherington. Director Eddington noted that the recorded easements should describe the parties and their responsibility.

Chair Wintzer closed the public hearing.

Chair Wintzer remarked that the question for the Planning Commission was whether a possible 8,000 square foot house was appropriate in this neighborhood. He thought the answer was ambiguous in the purpose statement of the zone; but the size was clearly inappropriate when looking at the character of the neighborhood.

Commissioner Worel clarified that if the Planning Commission allows the plat amendment to create one large lot, the options would be to build an 8,000 square foot house or to divide the lot into two smaller lots. Chair Wintzer remarked that once the lot combination occurs, the applicant would have to come back to the Planning Commission to request a subdivision. He did not believe it would be subdivided because the intent of the plat amendment was to clean up the lot line under the existing structure. Planner Astorga stated that the lots could not be subdivided unless the duplex was demolished.

Commissioner Savage asked if when the Planning Commission is faced with the question of recommending a lot line combination to the City Council, whether they have the purview to delve into the intended use of the property subsequent to the lot line combination and stipulate constraints on what can be done. He asked if the applicant would be subject to constraints imposed by the Planning Commission that would not exist if that lot combination were already in existence.

Assistant City Attorney McLean stated that good cause is one criteria for a lot line adjustment or plat amendment. In the past the Planning Commission and the City Council have considered the neighborhood and the compatibility of what could be built. The use itself cannot be controlled if it is a use permitted by Code, but they can place constraints on size if there are findings of good cause for compatibility with surrounding properties in the neighborhood.

Commissioner Hontz stated that she used to live on Lowell Avenue and when she walks the street now, it appears that the western portion of the street is relatively consistent in larger structures. Of all the places in Old Town, the western portion of Lowell is more compatible with larger structures. However, the eastern side has a unique smaller lot focus. She believed the Staff's analysis was accurate in terms of what occurs on Lowell Avenue. Commissioner Hontz stated that the subject lot and the existing structure were in need of attention and she felt it would benefit the neighborhood to have that cleaned up. On the other hand, an 8,000 square foot structure is very large and she had a hard time envisioning that for Old Town.

Commissioner Hontz referred to Findings of Fact #13 and #18 in the Staff report. She noted that #13 states that the current use of the property is considered legal non-conforming. However, #18 states that the current building on the site is non-complying. She assumed that the building itself was non-complying and the use was non-conforming. Director Eddington replied that this was correct.

Craig Elliott, representing the applicant, thought a duplex was an allowed use in the HR-1 zone. Planner Astorga explained that a duplex is allowed through a conditional use permit. The existing duplex did not go through the conditional use permit process.

Assistant City Attorney McLean explained that the duplex pre-dates the conditional use process, which is why it is considered a legally non-conforming use. She stated that if the duplex use stopped for more than a year, the applicant would be required to submit a CUP application for a duplex.

Assistant City Attorney McLean referred to Exhibit F, the neighborhood vicinity map, and asked Planner Astorga to comment on what each area represents in terms of square footage. Planner Astorga did not have numbers on the other properties; however, the subject property is a total of 3100 square feet for the entire structure. He recalled that the duplex was approximately 46' x 25', which was similar to the structure to the north. The structure sizes increased as they moved further to the north and the south.

Commissioner Strachan pointed out that one of two things could logically be done in the zone. An applicant could either apply for a zone change or the Planning Commission could put a limitation on the square footage of the structure. In his opinion, there is no way to meet the purpose statement of "encourage single family development on combinations of 25' x 75' lots". Commissioner Savage understood that the intent for delineating the footprint size in the Code as a function of the combination of lots was to make sure that as lots got bigger, houses did not scale linearly. Commissioner Savage agreed with the intent, but he was unsure whether this application could meet that requirement if the lots were combined. In this case, if the lot gets bigger the structure also gets bigger and out of proportion with the rest of the homes. Another issue is that an 8,000 square foot structure would not meet the purpose statement of "encouraging construction of historically compatible structures and keeping with the character and scale of the Historic District". Commissioner Strachan did not believe the "shoe" fits within the zone. He favored the idea of a zone change because larger houses belong in that area. However, large houses are not acceptable under the current zone structure.

Planner Astorga pointed out that if the applicant requested a zone change it would have to be supported by the entire neighborhood. Commissioner Strachan did not think that was unrealistic.

Commissioner Savage clarified that under the current zoning, the LMC specifies that if this lot combination is approved, an 8,000 square foot house would be allowed based on the resulting footprint. He was told that this was correct. Commissioner Savage pointed out that the applicant was requesting a lot line combination without any additional benefits that would not exist if the lot already existed inside the zone.

Craig Elliott reiterated that the intent of the plat amendment was to clean up the property. The owners could then come back for the conditional use permit process. Mr. Elliott believed the Planning Commission would get their questions answered through the CUP process and have the opportunity to discuss design options and compatibility.

Chair Wintzer remarked that an 8,000 square foot structure would not be allowed without the lot combination. The dilemma for the Planning Commission is what doors would be opened if they allow the plat amendment. This was their only chance to address the issues before making that decision.

Commissioner Strachan still supported a zone change as the appropriate process. Mr. Elliott stated that the applicant did not have the opportunity to make an application for a zone change as an individual because it would involve dealing with 40 or 50 property owners. Mr. Elliott believed a zone change should come from the City. Commissioner Strachan agreed that a zone change would not be an easy process; but without the zone change the applicant may be limited on the size of the structure because the Planning Commission and City Council could limit the lot size if they grant the lot combination. Mr. Elliott believed that would be significantly inconsistent with that side of the street. Commissioner Strachan pointed out that it would be consistent with the language of the zone. Mr. Elliott argued that the zone language was irrelevant in that location because it does not relate to what already exists. Mr. Elliott did not believe the applicant would follow through on the plat amendment if the lot size was reduced. It would not make sense to agree to a reduction on the property when the intent is to make the current non-conforming into a legal piece of property. He believed the local architects do what is best for the community in terms of size and design. Commissioner Strachan questioned the greed of property owners; not the skill of the design professionals. An owner could ignore the architect’s recommendation and direct him to build the house he wants.

Commissioner Worel asked if the lot combination needed to be approved before the CUP, or if they could come together. Director Eddington stated that an applicant would have to have a buildable lot before applying for a CUP. Commissioner Thomas stated that the Planning Commission has seen applications that show the CUP and the plat amendment on the same agenda. The lot line adjustment is reviewed as the first item, followed by the CUP if the lot line was approved.

Commissioner Worel favored a concurrent process because the Planning Commission would know what the applicant intended to do with the property after the lot line adjustment. Mr. Elliott remarked that a concurrent process requires the applicant to go through the time and expense of approaching

a design on a piece of property that may not exist if the plat amendment is denied. It is a risk that goes beyond what the City requires.
Assistant City Attorney McLean stated that in terms of legal defensibility, this application was challenging because in looking at the tax records, the two units were platted over four lots and two parcels. In terms of consistency, not allowing this property to do what other properties have done along that same side of the street would be difficult to defend.

Commissioner Thomas stated that historically the Planning Commission has approved multiple lot combinations. He noted that the Code does not place a limit on the number of properties that could be combined. For that reason he believed this application was reasonable. Commissioner Thomas recognized that this lot combination would create a large lot, but they have already set precedent for allowing multiple lot combinations. Commissioner Strachan clarified that his preference for a zone change did not dispute past approvals by the Planning Commission. He was only trying to point out that a zone change would codify that lots of that size are allowed in the zone. Without the zone change, the current zoning stipulates that larger lots should not be allowed and that small lots are encouraged. He understood that the facts did not match the zoning and that large structures exist, which suggests that the lot lines should be combined and that a large house could be built. He believed the correct process would be to change the zone and then allow the home; rather than violate the current zone and allow the house because precedent was already set.

Commissioner Strachan thought the Planning Commission could grant the lot line combination this evening, and at the same time caution the applicant that when the CUP application comes forward, the lot size may be more significantly restricted in size than it would be if he obtained a zone change.

Commissioner Hontz referred to Finding #19 in the Staff report and revised the language to read, “The area of the lot combination is consistent with the lots on the western side of Lowell Avenue”. Commissioner Hontz referred to Condition #4 and added the word “foot” after 10 to read, “A 10-foot wide snow storage easement will be required along the front of the property”.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 1103 Lowell Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed 3-2. Commissioners Savage, Strachan and Thomas voted in favor of the motion. Commissioners Hontz and Worel were opposed.

<u>Findings of Fact – 1103/1105 Lowell Avenue</u>

1. The site is located at 1103/1105 Lowell Avenue.

2. The site is within the HR-1 District.

3. The property owner requests to combine all of Lot 1 and Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder’s Addition into one (1) lot of record.

4. The area is currently identified by Summit County as parcel No. SA-321-A.

5. Currently the site contains a three (3) story duplex.

6. The structure was built in 1978.

7. The subject area contains portion of Lot 30, 31, and 32 do not have access to a right-of-way.

8. The proposed subdivision plat creates one (1) lot of record consisting of 8,680 square feet.

9. The minimum lot area for a single family dwelling is 1,875 square feet.

10. The minimum lot area for a duplex is 3,750 square feet.

11. When the structure was built a two-family building (duplex) was an allowed use.

12. Currently a duplex is a conditional use.

13. The current use of the property is considered legal non-conforming.

14. The minimum lot width allowed in the district is twenty-five feet (25').

15. The proposed width is sixty-two feet (62').

16. The proposed lot combination meets the lot and site requirements of the HR-1.

17. The duplex does not meet current LMC standards for side setbacks and building height, i.e. vertical articulation.

18. The current building on the site is considered legal non-complying.

19. The area of the lot combination is consistent with the lots on the western side of Lowell Avenue.

20. The use is also consistent as this portion of Lowell Avenue has various duplex and condominium on the north and the south of the subject site.

<u>Conclusions of Law – 1103/1105 Lowell Avenue</u>

1. There is good cause for this Subdivision Plat as the lot lines going through the building will be removed, remnant parcels will become part of the legal lot of record. And the proposed lot will be consistent with the Lowell Avenue west portion of the street.

2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding Subdivision Plats.

3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.

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

<u>Conditions of Approval – 1103/1105 Lowell Avenue</u>

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

2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All new construction will require modified 13-D sprinklers.

4. A 10-foot wide public snow storage easement will be required along the front of the property.

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

Planner Astorga noted that the Planning Commission previously reviewed this application for a plat amendment to combine two lots on April 11 and May 9, 2012. On May 9th, the Staff was directed to provide lot areas and footprints to the Daly Avenue comparison study. They were also directed to eliminate vacated Anchor Avenue from the footprint calculation. Planner Astorga stated that the revised study included all structures on Daly Avenue, separated by uses, the existing square footage according to Summit County Records, the lot size of each lot, and the calculated maximum footprint on each lot allowed per the LMC. Since it was impossible to physically measure every footprint, Planner Astorga informed the Planning Commission that the maximum footprint on the study was calculated from a formula using the square footage of each lot.

Planner Astorga reported that the applicant had provided a model as requested by the Planning Commission at the meeting on May 9th. The applicant also submitted an approximate footprint calculation for each of the proposed Lots A and B, as well as massing elevations.

Following the May 9th meeting, the item was continued several times to allow the Staff and the applicant the necessary time to obtain the requested information.

City Council
Staff Report

Subject: Ontario Mine Bench Subdivision
Author: Mathew W. Evans, Senior Planner
Date: August 9, 2012
Type of Item: Administrative – Subdivision
Project Number: PL-10-01070

PARK CITY
1884
PLANNING DEPARTMENT

<u>Summary Recommendations</u>
Staff recommends the City Council hold a public hearing and consider approving the Ontario Mine Bench Subdivision, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

<u>Description</u>

Applicant:	Christie Babalis and Patrick Putt on behalf of United Park City Mines/Talisker and Jordanelle Special Services District (JSSD)
Location:	7700 Marsac Avenue
Zoning:	Recreation Open Space (ROS)
Adjacent Land Uses:	Open Space and Residential/Resort
Reason for Review:	Subdivision plats require Planning Commission review and City Council approval

<u>Proposal:</u>
The applicant is proposing to subdivide an existing 30.56 acre parcel into two lots; Lot 1 is 2.01 acres, and Lot 2 which is the remaining portion of the property at 28.55 acres. Both new lots have existing structures and buildings which are associated with each of the two different property owners. The applicants are not proposing any new development on the properties at this time, and there are no known proposals for future development.

The subdivision application is proposed in order to officially establish the separate ownership of the two lots. Lot 1 encompasses an existing structure, a portion of which is owned and operated by the Jordanelle Special Services District (JSSD which is the Number 3 shaft site of the Ontario Mine) and the other portion owned by the United Park City Mines. Lot 2 encompasses the balance of the Mine Bench property owned by the United Park City Mines Company which is used for offices, equipment and salt storage.

<u>Background</u>
On June 24, 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing, development approval process, as well as development

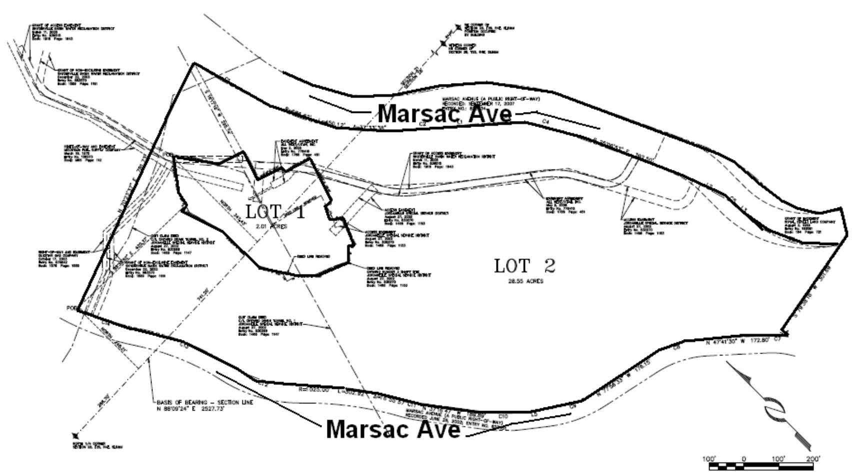
conditions and amenities for each parcel. The Mine Bench property was included in the annexation, and was given the Zone Designation of Recreation Open Space (ROS).

The property has three permanent buildings and one temporary structure (yurt for salt storage) currently, houses two buildings that are used by United Park City Mines/Talisker, and the old Ontario Mine Building, which is currently used as a bakery for the Talisker Resorts.   Prior to these uses, the old mine building was used for the “Silver Mine Adventure Tour” which included a gift shop a kitchen for the preparation of food and eating area associated with the now closed Mine Adventure.

In August of 2002, a portion of the Mine Bench property was conveyed to JSSD and conveyed to them by deed. However a subdivision was not applied for. The proposed subdivision and subsequent condo-plat (a separate application) will memorialize the conveyance.

The original application for the proposed subdivision was received on September 27, 2010. Since that time the applicants and Staff have had several conversations about moving the project forward and the necessary steps to do so. Staff also made two site visits to the property to better understand all of the issues related to the proposed subdivision and condo-plat. On March 13, 2012, the application only lacked a copy of the Covenants, Conditions and Restrictions (CC&R’s) to be complete. As a courtesy, Staff scheduled the public hearings on the applications pending receipt of the CC&Rs. In drafting the CC&R’s the applicants ran into an issue that required they amend the drawings and the plat one additional time. On April 17, 2012 staff received a complete and updated application.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. At the meeting there was discussion regarding some of the findings of fact and conditions of approval. The language has been updated herein to reflect Planning Commission’s recommendation on those findings and conditions. There was no public communications with Staff prior to the meeting and there was no public input during the meeting.



ONTARIO MINE BENCH SUBDIVISION

Analysis
Planning Staff finds there is good cause for the application to the existing parcel into two separate lots. The ROS Zone does not establish a minimum lot size, and both proposed lots are more than adequately sized for the buildings and uses currently on the property. Proposed Lot 1, which is 2.01 acres, contains the existing Mine Bench building (Number 3 shaft site) which is currently used by JDSS (Main building and Hoist Building) and the balance of such is a portion of the old Silver Mine Adventure Building. Lot 2, which is 19.22 acres, includes a maintenance building, and office building, a salt storage yurt, and a parking lot. The remaining lands remain undeveloped and there are no immediate plans to develop them.

Proposed Lot 1 is completely surrounded by Lot 2 and has no direct street frontage onto Marsac Avenue. The only access to Lot 1 is through an existing access easement and common use driveway. The ROS zone requires a 25 foot setback from between buildings and property lines. The access to Lot one remains the existing driveway from Marsac Avenue, which is also a recorded access and utility easement to the Mine Bench Building which Lot 1 basically encompasses.

Snyderville Basin Water Reclamation District (SBWRD) raised concern regarding the proposal to create a lot completely surrounded by another lot because SBWRD usually does not allow for a private sewer line to extend over a lot line. However, a letter from Bryan Atwood, District Engineer for SBWRD (exhibit "D") states that this will not be an issue due to the fact that a private sewer line current services all of the buildings on the property SBWRD is requiring a conditional of approval that states:

"At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required"

At the Planning Commission meeting, this Condition of Approval was amended slightly at the suggestion of the applicant. SBWRD has reviewed this amendment and has indicated that they will not approve the plat without the note as it was originally written. Therefore, staff recommends the condition of approval be as originally suggested and the condition has been amended below to reflect SBWRD's input. A condominium plat is also proposed as a separate application (PL-10-01071). The purpose of the condo-plat is to memorialize JSDD's and United Park City Mines existing ownership of the land and improvements on proposed Lot 1 which includes the original Mine Bench building which is split by ownership.

The applicants are proposing to grant Park City Municipal Corporation a twenty-foot wide access easement atop of an existing Snyderville Basin Reclamation District access easement, for the purpose of gaining access to the Judge Tunnel water facility. The common driveway off of Marsac Avenue is currently used by the City to gain access to the water source, and is inspected monthly. Although the City has access to the site from Daly Avenue, the current means of access to the Judge Tunnel water source from Marsac Avenue is the easiest and safest way to access the source. The easement is granted within the “Owners Dedication” language on the plat which reads:

“The owners also hereby grant to Park City Municipal Corporation (‘Grantee’) a non-exclusive, twenty-foot wide easement for Grantees own use and not as a public dedication, for the purpose of vehicular travel by the Grantee across the Surface of the Land (the ‘City Easement’), said City easement being in the same location as that certain access easement granted by the Owner to the Snyderville Basin Water Reclamation District by easement instrument recorded on March 3, 2008, as entry number 839515, in the offices of the Summit County Recorder, Summit County Utah, as depicted on this plat and being over the existing roadway on the Land.”

The general property, which has frontage onto Marsac Avenue on two sides, has two access points. The first is the primary access for both proposed Lots 1 and 2, who currently share and will continue to share a common driveway, and the second access is for a separate parking lot. The existing driveway is also the location of several easements, including a right-of-way easement for Mountain Fuel and Snyderville Basin Water Reclamation District, JSSD, and once the subdivision is recorded, Park City Municipal Corp for access Judge Tunnel water source.

<u>ROS Zone</u>:

According to Section 15-2.7-1 of the LMC, the purpose of the Recreation and Open Space (ROS) District is to:

(A) Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,

(B) Permit recreational Uses and preserve recreational Open Space land,

(C) Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and

(D) Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.

(E) Encourage sustainability, conservation, and renewable energy.

The ROS Zone limits allowed uses to “Conservation Activity” and lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property is used for. The buildings used by JSSD are “Public Utility Uses” and the existing Talisker Bakery is “Resort Support” (and is an Existing Non Conforming use that has been in operation since prior to annexation of the property in 1999) category as previously determined by the Planning Director, Thomas Eddington.

The ROS Zone designation does not establish a minimum lot size or require that a Lot has frontage onto a public right-of-way, but does establish a setback requirement between property lines and buildings. The minimum setback between the property line and a building is twenty-five feet (25'). All existing buildings are currently setback 25' away from any existing property line. The new proposed two-lot subdivision will not create nonconformity with respect to setbacks. The new lot line is approximately 60 feet to the nearest building.

Taxes:

It has come to the attention of the City that the property has been exempt from property taxes due to the current assessment of the property as "mining claims." Staff understands that there are ongoing discussions with the County regarding this issue. As a Condition of Approval, prior to the recordation of the plat, Staff recommends that the County be notified of the use of the property as described in this Staff Report so that the correct tax assessment for the property can be levied.

Water:

The Water Department has informed the Planning Department that the original water impact fees paid for by United Park City Mines did not include commercial uses at the 7700 Marsac Avenue location or irrigation of landscaping in the area. It has come to the attention by the City that water is now being used for uses that were not calculated when the original fee was paid. As a Condition of Approval, Staff recommends requiring that the applicant, prior to the recording of the plat, resolve this issue with the Water and Building Departments and correct any errors in the original impact fee assessment for the Mine Bench properties associated with the water line that services the Mine Bench Building. If payment of back fees is required, such must be paid prior to recordation of the plat.

Process

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

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC. The Snyderville Basin Water Reclamation District (SBWRD) will require a reconfiguration of the private sewer lateral or an extension of the Public Wastewater system for the redevelopment of the site or a new structure on Lot 2. The DRC determined that there were no public trails on the property, and thus there would be no requirement to show existing trails or trail easements since none exist.

Notice
The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also put in the Park Record in accordance with the requirements of the LMC.

Public Input
No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Council meeting June 28, 2012.

Alternatives
- The City Council may approve the Ontario Mine Bench Subdivision as conditioned or amended; or
- The City Council may deny the proposed Ontario Mine Bench subdivision and direct staff to make findings for this decision; or
- The City Council may continue discussion on the Ontario Mine Bench Subdivision to a date certain and request additional information.

Significant Impacts
There are no significant fiscal or environmental impacts from this application. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

Consequences of not taking the Suggested Recommendation
The proposed plat amendment would not be recorded and the proposed two lot subdivision would not be recorded. The applicant will not be able to proceed with their proposed condominium plat, and thus the nonconformance of both parcels would continue until such time that a Subdivision plat to resolve the issue is approved and recorded.

Recommendation
Staff recommends the City Council hold a public hearing for the Ontario Mine Subdivision approve the same based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Draft Ordinance
Exhibit A – Proposed Plat
Exhibit B – Record of Survey
Exhibit C – Snyderville Basin Water Reclamation District Letter
Exhibit D – Draft minutes of Planning Commission from June 13, 2012

Draft Ordinance

Ordinance No. 12-

AN ORDINANCE APPROVING THE ONTARIO MINE BENCH SUBDIVISON LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Subdivision; and,

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Subdivision as proposed.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.

4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.
17. Property tax assessment for this property may be incorrect based on old mining claims designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
5. Additional water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.
6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.
7. The plat will dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property

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

PASSED AND ADOPTED this 9th day of August, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject:	**Ontario Mine Bench Condominium**
Author:	**Mathew W. Evans, Senior Planner**
Date:	**August 9, 2012**
Type of Item:	**Administrative – Condominium**
Project Number:	**PL-10-01071**

Summary Recommendations
Staff recommends that the City Council hold a public hearing for the Ontario Mine Bench Condominium Plat and consider approving such based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant:	Christie Babalis and Patrick Putt on behalf of United Park City Mines/Talisker and Jordanelle Special Services District (JSSD)
Location:	7700 Marsac Avenue
Zoning:	Recreation Open Space (ROS)
Adjacent Land Uses:	Open Space and Residential/Resort
Reason for Review:	Condominium plats require Planning Commission review and City Council approval

Proposal:
The applicant is proposing to a three (3) unit condominium conversion of an existing building located on Lot 1 of the Ontario Mine Bench Subdivision. The purpose of the condominium plat is to memorialize Jordanelle Special Services District (JSSD) and United Park City Mines existing ownership of the land and improvements on proposed Lot 1.

The propose condominium plat would split ownership of the Mine Bench building, also known as the number 3 shaft site and the Silver Mine Adventure Tour building, into three units. Unit 1, which encompasses a majority of the building, Unit 2A, and Unit 2B which are connected by internal infrastructure, but not attached to one-another via a common wall. Only Units 1 and 2A are attached

Aside from any work required by the Building Department to make sure that the structures are separated by a fire-rated wall that meets current code requirements, there is no other proposed development, either internally or externally. Any future expansion of the building would require a condominium plat amendment to show the additional private ownership areas proposed.

Background
The Mine Bench building ceased operations in 1982 and eventually the building became

a tourist attraction with the “Silver Mine Adventure Tour”. In 1999, the property and building were annexed into Park City has part of the Flagstaff Mountain Annexation. In 2001 the owners of the Mine Adventure Tour ceased its operation, and in August of 2002, a portion of the Silver Mine Bench property was conveyed to JSSD and conveyed to them by deed.

On September 27, 2010, an application for a two-lot subdivision and the Condominium Plat of the existing Mine Bench building was received by the Planning Department. Substantial changes to the proposed plat have taken place between the first submittal and the current submittal. On May 23, 2012, the applicant was deemed “complete”.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. There was no public communications with Staff prior to the meeting and there was no public input during the meeting.

Analysis

Planning Staff finds there is good cause for the Condominium plat. Lot 1 of the Ontario Mine Bench Subdivision is which is 2.01 acres, contains the existing Mine Bench building (Number 3 shaft site) which is currently used by JDSS (Main building and Hoist Building) and the balance of such is the old Silver Mine Adventure Building. Lot 2, which is 19.22 acres, includes a maintenance building, and office building, a salt storage yurt, and a parking lot. The remaining lands remain undeveloped.

The existing Mine Bench building has access to Marsac Avenue though a recorded access easement through Lot 2 of the Mine Bench Subdivision. The access easement currently exists in the form of a driveway that begins towards the southern end of Lot 2. The driveway is also easement for several utilities (water, sewer, etc.) as well as an access easement for the City to gain access to the Judge Tunnel Water source, which sites on an adjacent property to the north.

Allowed uses within the building are subject to those as outlined in Section 15-2.7-1 of the LMC. The ROS Zone has only one “permitted” use which is “Conservation Activity”. The Code also lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property has been used for. The portion of the building used by JSSD would fall under “Public Utility uses” and the existing “Mine Bench Bakery” falls under the “Resort Support” category as previously determined by the Planning Director, Thomas Eddington. No Conditional Use Permits will be required for any of the existing uses due to the fact that they were legal-nonconforming when the property as annexed in 1999.

In February 2008, the City received a code violation complaint about a bakery in operation inside of the Mine Bench Building. Soon after the complaint was filed an application for a business license for the “Mine Bench Bakery” was received by the Finance Department. Ultimately the business license was denied due to the fact that there was no Conditional Use Permit on file for business. The owners of the bakery, Talisker, argued that the bakery had been in place since the closure of the “Silver Mine Adventure Tour” and that it simply utilized the existing kitchen that had previously been permitted when the property was still in the unincorporated county. In researching the Bakery, the City discovered that a portion of the Mine Bench building had been sold to JSSD. The owners were ultimately informed that a Subdivision and Condo-Plat were necessary to mitigate setback and property line issues. Once the Condo-Plat is approved, a business license for the bakery will be issued due to the fact that the use is not in question, but the nonconformities due to the sale of the property without a subdivision, are.

Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the bakery that was determine by the Planning Director to be a legal non-conforming use. Furthermore, the bakery is within compliance with the previous use of the building as a kitchen with a commercial license as an accessory to the previous use as the “Silver Mine Adventure” tour and continues today as a resort support use to the Empire Pass, and other resorts.

Any proposed changes to the uses within the building that fall under the uses specified within the ROS zone will likely be subject to a “Conditional Use Permit”, uses not listed as “permitted” or “conditional” would not be allowed.

<u>Process</u>
Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review
This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed.

Notice
The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also put in the Park Record in accordance with the requirements of the LMC.

Public Input
No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Council meeting August 9, 2012.

Alternatives
- The City Council may approve the Ontario Mine Bench Condominium Plat as conditioned or amended; or
- The City Council may deny the proposed Ontario Mine Bench Condominium Plat and direct staff to make findings for this decision; or
- The City Council may continue discussion on the Ontario Mine Bench Condominium Plat to a date certain and request additional information.

Significant Impacts
There are no significant fiscal or environmental impacts from this application. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

Consequences of not taking the Suggested Recommendation
The proposed condominium plat would not be recorded and the ownership of the building would still be split by deed as previously recorded.

Recommendation
Staff recommends the City Council hold a public hearing for the Ontario Mine Condominium plat and approve the same based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Ordinance
Exhibit A – Proposed Condominium Plat
Exhibit B – Mine Bench Building information

Draft Ordinance

Ordinance No. 12-

AN ORDINANCE APPROVING THE ONTARIO MINE BENCH CONDOMINIUMS LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Condominiums; and,

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Condominium plat as proposed.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.

5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

<u>Conclusions of Law:</u>

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

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 9th day of August, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned ("Owner") is an owner of the herein described tract of land (the "Land") and hereby causes the same to be divided into lots, subject to easements as set forth and as referenced on the Plat, hereafter to be known as ONTARIO MINE BENCH SUBDIVISION.

In witness whereof the undersigned has executed this certificate dedication and consent this _____ day of

________________, 2012.

JORDANELLE SPECIAL SERVICE DISTRICT

By: ______________________________

Title: ______________________________

ACKNOWLEDGMENT

State of ____________:
ss:
County of ___________:

This instrument was acknowledged before me this _____ day of ____________, 2012 by

___________________, the _________________of JORDANELLE SPECIAL SERVICE DISTRICT and that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

______________________________   ______________________
A Notary Public commissioned in Utah   Printed Name

Residing in: ______________   My commission expires: __________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned ("Owner") is an owner of the herein described tract of land (the "Land") and hereby causes the same to be divided into lots, subject to easements as set forth and as referenced on the Plat, hereafter to be known as ONTARIO MINE BENCH SUBDIVISION. The Owner also hereby grants to Park City Municipal Corporation ("Grantee") a non–exclusive, twenty–foot wide easement for Grantee's own use, and not as a public dedication, for the purpose of vehicular travel by Grantee across the surface of the Land (the "City Easement"), said City Easement being in the same location as that certain access easement granted by the Owner to the Snyderville Basin Water Reclamation District by easement instrument recorded on March 3, 2008, as entry number 839515, in the offices of the Summit County Recorder, Summit County, Utah, as depicted on this plat, and being over the existing roadway on the Land. The Owner shall have the right to relocate the City Easement to the extent necessary to accommodate any of Owner's uses at the Mine Bench, provided that any relocation does not materially impair such purpose.

In witness whereof the undersigned has executed this certificate dedication and consent this _____ day of

________________, 2012.

UNITED PARK CITY MINES COMPANY
a Delaware Limited Liability Company

By: ______________________________

Title: ______________________________

ACKNOWLEDGMENT

STATE OF UTAH)
): ss.
COUNTY OF _________)

On this _____ day of ____________________, 2012, personally appeared before me Kerry C. Gee, whose identity is personally known to me, or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say this he is the Vice President of United Park City Mines Company and that said document was signed by him in behalf of said Corporation, and said Kerry C. Gee acknowledged to me that said Corporation executed the same.

______________________________   ______________________
A Notary Public commissioned in Utah   Printed Name

Residing in: ______________   My commission expires: __________

REGISTERED LAND SURVEYOR
No. 154491
JOHN DEMKOWICZ
State of Utah

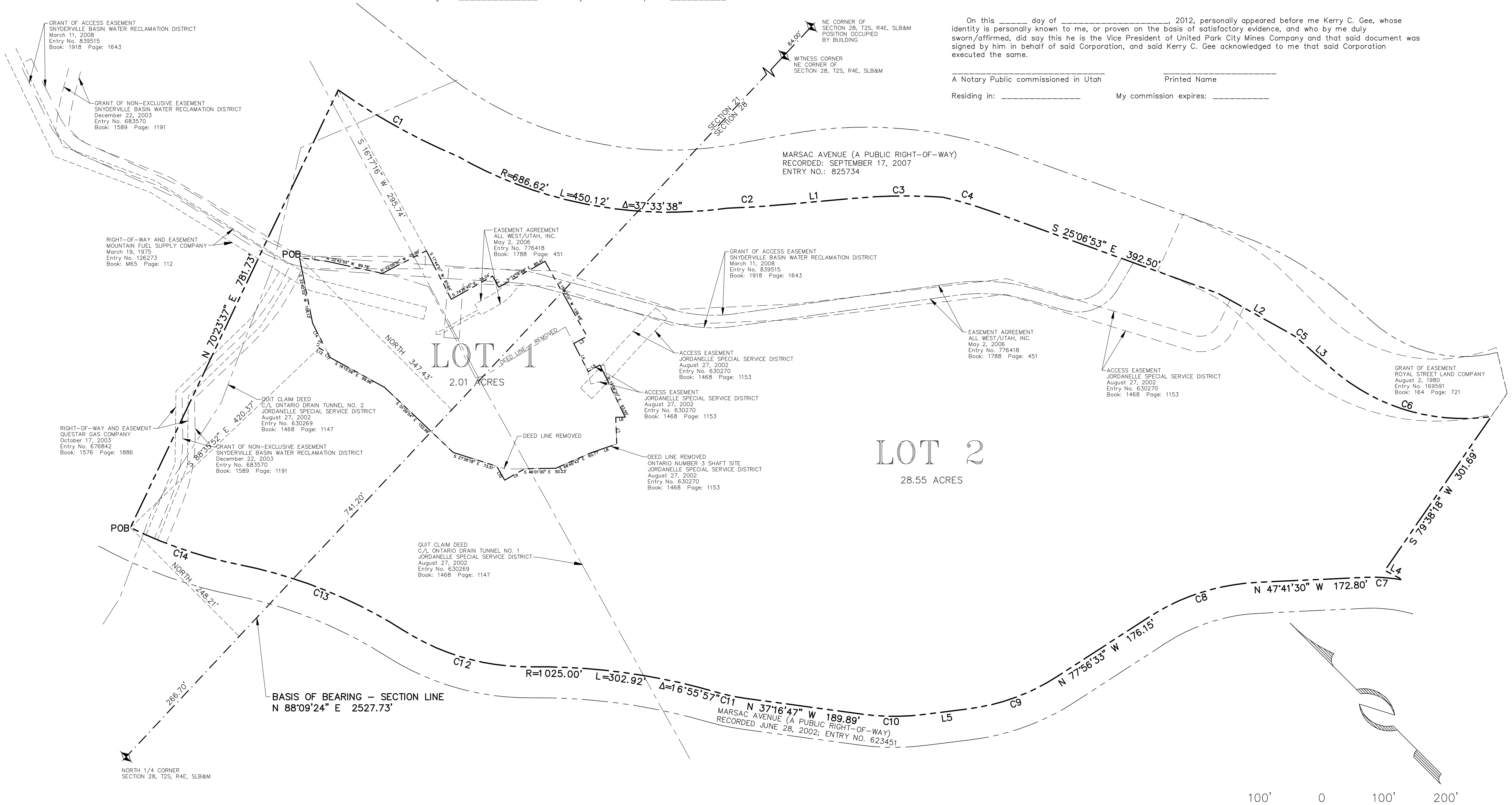
SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of the ONTARIO MINE BENCH SUBDIVISION. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

A parcel of land located in the southeast quarter of Section 21 and the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 88°09'24" East 266.70 feet along section line and North 248.21 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 70°23'37" East 781.73 feet to a point on a non tangent curve to the left having a radius of 1050.77 feet, of which the radius point bears North 80°04'40" East, said point also being on the westerly boundary of the Marsac Avenue Right–of–Way, recorded September 17, 2007 as Entry No. 825734 in the office of the Summit County Recorder; thence along the westerly boundary of the Marsac Avenue Right–of–Way the following eleven (11) courses: 1) southerly along the arc of said curve 221.81 feet through a central angle of 12°05'40" to a point on a non tangent curve to the left having a radius of 686.62 feet, of which the radius point bears North 74°37'10" East; thence 2) southeasterly along the arc of said curve 450.12 feet through a central angle of 37°33'38" to a point on a non tangent curve to the left having a radius of 1050.77 feet, of which the radius point bears North 43°41'43" East; thence 3) southeasterly along the arc of said curve 68.58 feet through a central angle of 03°44'21"; thence 4) South 50°02'39" East 142.82 feet to a point on a curve to the right having a radius of 860.00 feet, of which the radius point bears South 39°57'21" West; thence 5) along the arc of said curve 136.47 feet through a central angle of 09°05'32" to a point on a non tangent curve to the right having a radius of 586.62 feet, of which the radius point bears South 57°10'28" West; thence 6) southeasterly along the arc of said curve 78.91 feet through a central angle of 07°42'26"; thence 7) South 25°06'53" East 392.50 feet; thence 8) South 15°46'27" East 141.56 feet to a point on a non tangent curve to the right having a radius of 408.37 feet, of which the radius point bears South 84°11'45" West; thence 9) southerly along the arc of said curve 16.42 feet through a central angle of 02°18'15"; thence 10) South 03°30'00" East 63.08 feet to a point on a non tangent curve to the left having a radius of 320.00 feet, of which the radius point bears North 86°29'59" East; thence 11) southeasterly along the arc of said curve 276.53 feet through a central angle of 49°30'45"; thence South 79°38'18" West 301.69 feet (deed South 78°38'18" West); thence South 17°09'46" East 32.98 feet to a point on a non tangent curve to the left having a radius of 275.00 feet, of which the radius point bears South 55°22'52" West, said point also being on the easterly boundary of the Marsac Avenue Right–of–Way, recorded June 28, 2002, as Entry No. 623451 in the office of the Summit County Recorder; thence along the easterly boundary of the Marsac Avenue Right–of–Way the following thirteen (13) courses: 1) northwesterly along the arc of said curve 62.75 feet through a central angle of 13°04'22"; thence 2) North 47°41'30" West 172.80 feet to a point on a curve to the left having a radius of 351.56 feet, of which the radius point bears South 42°18'30" West; thence 3) along the arc of said curve 185.62 feet through a central angle of 30°15'03"; thence 4) North 77°56'33" West 176.15 feet to a point on a curve to the right having a radius of 340.00 feet, of which the radius point bears North 12°03'27" East; thence 5) along the arc of said curve 152.67 feet through a central angle of 25°43'36"; thence 6) North 52°12'57" West 74.75 feet to a point on a curve to the right having a radius of 375.00 feet, of which the radius point bears North 37°47'03" East; thence 7) along the arc of said curve 97.76 feet through a central angle of 14°56'10"; thence 8) North 37°16'47" West 189.89 feet to a point on a curve to the right having a radius of 325.00 feet, of which the radius point bears North 52°43'13" East; thence 9) along the arc of said curve 48.46 feet through a central angle of 08°32'36" to a point of reverse curve to the left having a radius of 1025.00 feet, of which the radius point bears South 61°15'49" West; thence 10) northwesterly along the arc of said curve 302.92 feet through a central angle of 16°55'57" to a point of reverse curve to the right having a radius of 375.00 feet, of which the radius point bears North 44°19'52" East; thence 11) northwesterly along the arc of said curve 216.83 feet through a central angle of 33°07'47" to a point of reverse curve to the left having a radius of 775.00 feet, of which the radius point bears South 77°27'40" West; thence 12) northwesterly along the arc of said curve 285.77 feet through a central angle of 21°07'36" to a point of reverse curve to the right having a radius of 725.00 feet, of which the radius point bears North 56°20'03" East; thence 13) northwesterly along the arc of said curve 187.79 feet through a central angle of 14°50'26" to the point of beginning.



BOUNDARY TABLE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 50°02'39" E	142.82
L2	S 15°46'27" E	141.56
L3	S 03°30'00" E	63.08
L4	S 17°09'46" E	32.98
L5	N 52°12'57" W	74.75

LOT 1 TABLE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 37°07'41" W	46.21
L2	N 15°43'15" E	20.66
L3	S 74°16'45" E	24.29
L4	N 17°56'16" E	50.76
L5	N 74°22'06" W	21.74
L6	S 46°15'46" E	15.23
L7	N 42°51'43" E	42.86
L8	S 64°09'40" E	45.23
L9	S 74°33'01" E	37.21
L10	S 15°26'59" W	25.84
L11	S 17°51'26" W	7.97
L12	S 14°44'25" E	16.25
L13	S 72°09'10" W	10.78
L14	S 17°51'26" W	34.01

BOUNDARY TABLE

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1050.77	221.81	12°05'40"
C2	1050.77	68.58	03°44'21"
C3	860.00	136.47	09°05'32"
C4	586.62	78.91	07°42'26"
C5	408.37	16.42	02°18'15"
C6	320.00	276.53	49°30'45"
C7	275.00	62.75	13°04'22"
C8	351.56	185.62	30°15'03"
C9	340.00	152.67	25°43'36"
C10	375.00	97.76	14°56'10"
C11	325.00	48.46	08°32'36"
C12	375.00	216.83	33°07'47"
C13	775.00	285.77	21°07'36"
C14	725.00	187.79	14°50'26"

ONTARIO MINE BENCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND
THE NORTHEAST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

5/22/12 JOB NO.: 1–5–10 FILE: X:\Empire\dwg\srv\plat2010\010510–subdivision.dwg

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______
DAY OF __________, 2012 A.D.
BY ______________
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2012 A.D.
BY ______________
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2012 A.D.
BY ______________
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF __________, 2012 A.D.
BY ______________
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D.
BY ______________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D.
BY ______________
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______________________
ENTRY NO. ___________ DATE _______ TIME _____
_________ FEE   ______________________ RECORDER

SURVEYOR'S CERTIFICATE

PROFESSIONAL LAND SURVEYOR
No. 154491
JOHN DEMKOWICZ
9-23-10
State of Utah

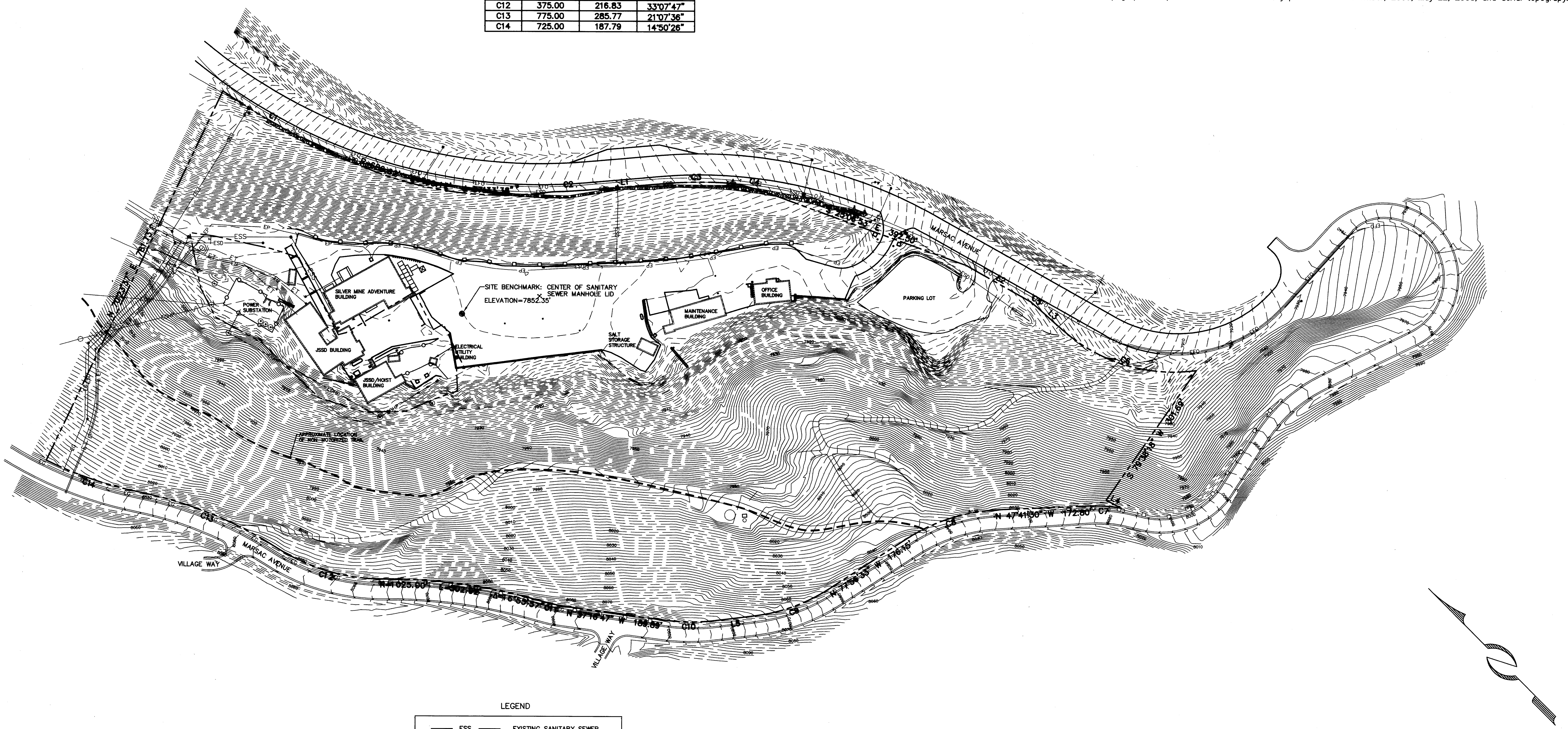
I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold certification no. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1050.77	221.81	12°05'40"
C2	1050.77	68.58	03°44'21"
C3	860.00	136.47	09°05'32"
C4	586.62	78.91	07°42'26"
C5	408.37	16.42	02°18'15"
C6	320.00	276.53	49°30'45"
C7	275.00	62.75	13°04'22"
C8	351.56	185.62	30°15'03"
C9	340.00	152.67	25°43'36"
C10	375.00	97.76	14°56'10"
C11	325.00	48.46	08°32'36"
C12	375.00	216.83	33°07'47"
C13	775.00	285.77	21°07'36"
C14	725.00	187.79	14°50'26"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 50°02'39" E	142.82
L2	S 15°46'27" E	141.56
L3	S 03°30'00" E	63.08
L4	S 17°09'46" E	32.98
L5	N 52°12'57" W	74.75

NOTES

1. Site Benchmark: Center of sanitary sewer manhole lid Elevation=7852.35'
2. This topographic map is based on a field survey performed in November, 2006, May 22, 2008, and aerial topograpy.



LEGEND

ESS	EXISTING SANITARY SEWER
ESD	EXISTING STORM DRAIN
EW	EXISTING WATER
EP	EXISTING POWER
EOHP	EXISTING OVERHEAD POWER
ET	EXISTING TELECOMMUNICATIONS
EG	EXISTING GAS
EFO	EXISTING FIBER OPTICS

(435) 649-9467

Alliance Engineering Inc

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
JOHN DEMKOWICZ
MARSHALL KING
BLAKE MYERS
MICHAEL DEMKOWICZ

DATE: 9/23/10

EXISTING CONDITIONS MAP
ONTARIO MINE BENCH
7700 MARSAC AVENUE

FOR: TALISKER
JOB NO.: 1-5-10
FILE: X:\Empire\dwg\srv\topo2010\010510.dwg

SHEET 1 OF 1

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

April 17, 2012

Canyons
Christie Babalis
VP and General Counsel
4000 Canyons Resort Dr.
Park City, UT 84098

Subject: Ontario Mine Bench Subdivision Plat
Ontario Mine Bench Condominiums Plat

Dear Ms. Babilis,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the revised plats submitted April 13, 2012. Please add the following notes to the plats:

Subdivision Plat

1. The structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that serves both Lots 1 and 2. At the time Lot 2 is redeveloped or new structures are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.

Condominium Plat

1. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

With these modifications we can sign the plat. Please contact me for a time for plat signing.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Cc: Alliance Engineering
Park City Planning Dept.
Plat Review File

2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit B202 shall be issued until this plat amendment is recorded.

4. All conditions of approval of the Deer Valley Resort 10th Amended and Restated Large Scale MPD and the Second Amended Courchevel Condominiums at Deer Valley shall continue to apply.

4. 7700 Marsac Avenue - Subdivision (Application #PL-10-01070)

Commissioner Strachan disclosed that he works with Christie Babalis, a representative for the applicant. Ms. Babalis is in-house Counsel for the Canyons and they work together on matters unrelated to this application. Their relationship would not affect his vote.

Planner Evans handed out an amended Staff report with highlighted areas.

Planner Evans reported that the applicant was requesting to subdivide an existing parcel of property into two lots to reflect ownership of property that was conveyed to a different owner. It was primarily a clean-up project and no new development was being proposed at this time. Planner Evans pointed out that the requested subdivision would result in a condominium plat, which was the next item on the agenda.

Planner Evans noted that the Staff report detailed the history of the project. The highlighted areas identified issues that came to the Staff's attention after the first Staff report was written. The first issue was to make sure the applicant was assessed properly by the State and the County to reflect the actual use of the property. The Staff understood that it was being assessed as a mining claim, which is not the current use of the property. The Staff report highlighted the existing uses. The Staff also learned that the master water line that services this property and others owned by the applicant were possibly not assessed the proper impact fees when the City began servicing that property after it was annexed. The Staff suggested that the applicant meet with the Water Department to make sure they had the proper assessments and that the proper impact fees have been paid to reflect the use of the property and how the water is being used. Planner Evans stated that the tax and water assessment issues were addressed as conditions of approval in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for final action.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to page 165 of the Staff report and the paragraph that talked about Park City Municipal having access to the Judge Tunnel water source. She wanted to know how the easement would be conveyed and whether it could be addressed in the conditions of approval.

Patrick Putt, representing the applicant, stated that the easement would be identified on the surface of the plat. Commissioner Hontz stated that she was looking for clarification that it would be platted. She was comfortable with the explanation and assumed that it was not necessary to reference it again in the conditions of approval.

Patrick Putt, representing the applicant, stated that they had reviewed the Staff report and were in agreement. They also supported the revisions to the Staff report and the conditions of approval that were highlighted and handed out this evening. Mr. Putt stated that the applicants would work with both the Water Department, the County and other necessary agencies to make sure they have clarity on the two issues outlined.

Mr. Putt offered slight refinements to some of the findings drafted in the Staff report for purposes of clarity. He read Finding #8, and stated that technically there is another means of access the Judge Tunnel. Their understanding was that the primary access being utilized is through the Mine Bench and down. He suggested that striking the language, "not otherwise accessible by other means" would help clarify that fact.

Mr. Putt read Finding #12 and suggested additional words to the language to read, "…with the exception of the <u>kitchen/</u>bakery, as determined by the Planning Director to be a legal non conforming used as is currently used for <u>as a resort support function."</u> He thought the added wording would help clarify that the use is very limited in its scope and that the particular function inside the building is not a broader commercial activity.

Mr. Putt reiterated that they were in agreement with Findings #16 and 17 as written in the revised Staff report.

Commissioner Hontz stated that she had questioned Finding #12, but she was satisfied with the revised language proposed by Mr. Putt.

Commissioner Strachan read the second sentence in Condition #5 and changed "their concerns" to "t<u>he City's</u> concerns" for better clarification. Commissioner Pettit suggested that they revise the entire sentence to read, "Prior to the recordation of the plat, the Water Department shall be satisfied that the proper impacts fees have been assessed". Director Eddington noted that the issue needs to be resolved and suggested that the sentence read, "Prior to the recordation of the plat, this issue shall discuss this issue with the Water Department and the <u>Building Department to</u> <u>resolve</u> concerns regarding proper impacts fees and insuring that they have been assessed and paid. He pointed out that the Water and Building Departments work together on this particular issue.

Assistant City Attorney McLean felt better language was to say that, "The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met". The Commissioner revised the condition as stated by the Assistant City Attorney.

Commissioner Hontz asked for the number of square feet in the bakery. Mr. Putt replied that the combined area of the bakery/kitchen/walk-in cooler and an associated office and prep area was approximately 1800 square feet. Commissioner Hontz referred to the ROS Code which states that Administrative Conditional Uses would limit the purview of the Planning Director to only 600 square feet. Director Eddington clarified that it was not an Administrative CUP. It was an existing non-conforming use that came in with the annexation. He noted that the square footage was actually larger than 1800 square feet when it came in as part of the Mine Bench kitchen facility.

Commissioner Hontz recommended that in the near future the Planning Commission revisit the allowed uses, conditional uses and administrative uses in the ROS zone. She was uncomfortable with the number of uses that could potentially exist on the site. Commissioner Strachan agreed that they needed to have that discussion at a different time.

Mr. Putt read the first sentence of Condition #4, Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to plat recordation; and the last sentence, "….or an extension of the public waste water system to allow any new structures to be connected separately and directly to the public waste water system shall be required. Since they have to satisfy the Reclamation District, he felt it was more appropriate to replace the word shall with "<u>may</u> be required" because there may be some other condition or mechanism to satisfy that requirement.

Commissioner Savage asked Mr. Putt to expand on the reason for replacing shall with may in the last sentence. Mr. Putt stated that if the Planning Commission determines that shall is more appropriate they were willing to leave the written language. He noted that Snyderville Basin may accept other possible design considerations or there may be policy changes that would allow the existing lateral situation to remain. He clarified that the intent and commitment by the applicant is to satisfy the substantive part of the condition, which is satisfaction to Snyderville Basin. The change in language would open up the opportunity to satisfy that in a number of ways and not necessarily through separate laterals.

Commissioner Savage was comfortable changing "shall" to "may" as requested. Commissioner Thomas concurred. Commissioner Pettit thought they should change the "will" in the first sentence to <u>shall be required</u> to more accurately reflect the intent. Mr. Putt was comfortable with that change.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on the 7700 Marsac Avenue Subdivision, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval with amendments to Finding of Fact 8 and 12, and amendments to Conditions of Approval 4 and 5.

Commissioner Strachan seconded the motion with clarification that it was subject to the revised Staff report dated June 13, 2012 that was distributed this evening.

Commissioner Pettit amended her motion to include that clarification.

VOTE: The motion passed unanimously.

Findings of Fact – 7700 Marsac - Subdivision

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.

2. The property was annexed into the City in 1999 under the June24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.

3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.

4. The subdivision is necessary to correct the noncompliance issue with the previous deed.

5. The subdivision will split the existing 30.56 acre parcel into two lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.

6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.

7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.

8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.

9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.

10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.

11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.

12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/ bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.

13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.

14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipate increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS zone.

15. There are no public trails located on the site.

16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.

17. Property tax assessment for this property may be incorrect based on old mining claim designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

<u>Conclusions of Law – 7700 Marsac Avenue - Subdivision</u>

1. There is good cause for this subdivision amendment.

2. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed subdivision plat.

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

<u>Conditions of Approval – 7700 Marsac Avenue - Subdivision</u>

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

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

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.

4. Satisfaction of the Snyderville Basin Reclamation District requirements shall be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structures(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System may be required.

5. Addition water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.

6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.

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

Planner Evans reviewed the request for approval of a 3 unit condominium. If approved, it would split ownership of an existing building, which is contained wholly within Lot 1 of the previous subdivision that was just approved. The request splits the ownership of the building to reflect the conveyance which was already done to Jordanelle Special Services District.

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

Chair Wintzer opened the public hearing.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned ("Owner") is an owner of the herein described tract of land (the "Land") and hereby causes the same to be divided into lots, subject to easements as set forth and as referenced on the Plat, hereafter to be known as ONTARIO MINE BENCH SUBDIVISION.

In witness whereof the undersigned has executed this certificate dedication and consent this _____ day of _______________, 2012.

JORDANELLE SPECIAL SERVICE DISTRICT

By: ______________________________

Title: ______________________________

ACKNOWLEDGMENT

State of ____________:
ss:
County of ___________:

This instrument was acknowledged before me this _____ day of ____________, 2012 by __________________ the _________________of JORDANELLE SPECIAL SERVICE DISTRICT and that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

______________________________ A Notary Public commissioned in Utah

____________________ Printed Name

Residing in: _____________ My commission expires: __________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned ("Owner") is an owner of the herein described tract of land (the "Land") and hereby causes the same to be divided into lots, subject to easements as set forth and as referenced on the Plat, hereafter to be known as ONTARIO MINE BENCH SUBDIVISION. The Owner also hereby grants to Park City Municipal Corporation ("Grantee") a non-exclusive, twenty-foot wide easement for Grantee's own use, and not as a public dedication, for the purpose of vehicular travel by Grantee across the surface of the Land ("City Easement"), said City Easement being in the same location as that certain access easement granted by the Owner to the Snyderville Basin Water Reclamation District by easement instrument recorded on March 3, 2008, as entry number 839515, in the offices of the Summit County Recorder, Summit County, Utah, as depicted on this plat, and being over the existing roadway on the Land. The Owner shall have the right to relocate the City Easement to the extent necessary to accommodate any of Owner's uses at the Mine Bench, provided that any relocation does not materially impair such purpose.

In witness whereof the undersigned has executed this certificate dedication and consent this _____ day of _______________, 2012.

UNITED PARK CITY MINES COMPANY
a Delaware Limited Liability Company

By: ______________________________

Title: ______________________________

ACKNOWLEDGMENT

STATE OF UTAH)
): ss.
COUNTY OF________)

On this _____ day of __________________, 2012, personally appeared before me Kerry C. Gee, whose identity is personally known to me, or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say this he is the Vice President of United Park City Mines Company and that said document was signed by him in behalf of said Corporation, and said Kerry C. Gee acknowledged to me that said Corporation executed the same.

______________________________ A Notary Public commissioned in Utah

____________________ Printed Name

Residing in: _____________ My commission expires: __________

REGISTERED LAND SURVEYOR
No. 154491
JOHN
DEMKOWICZ
State of Utah

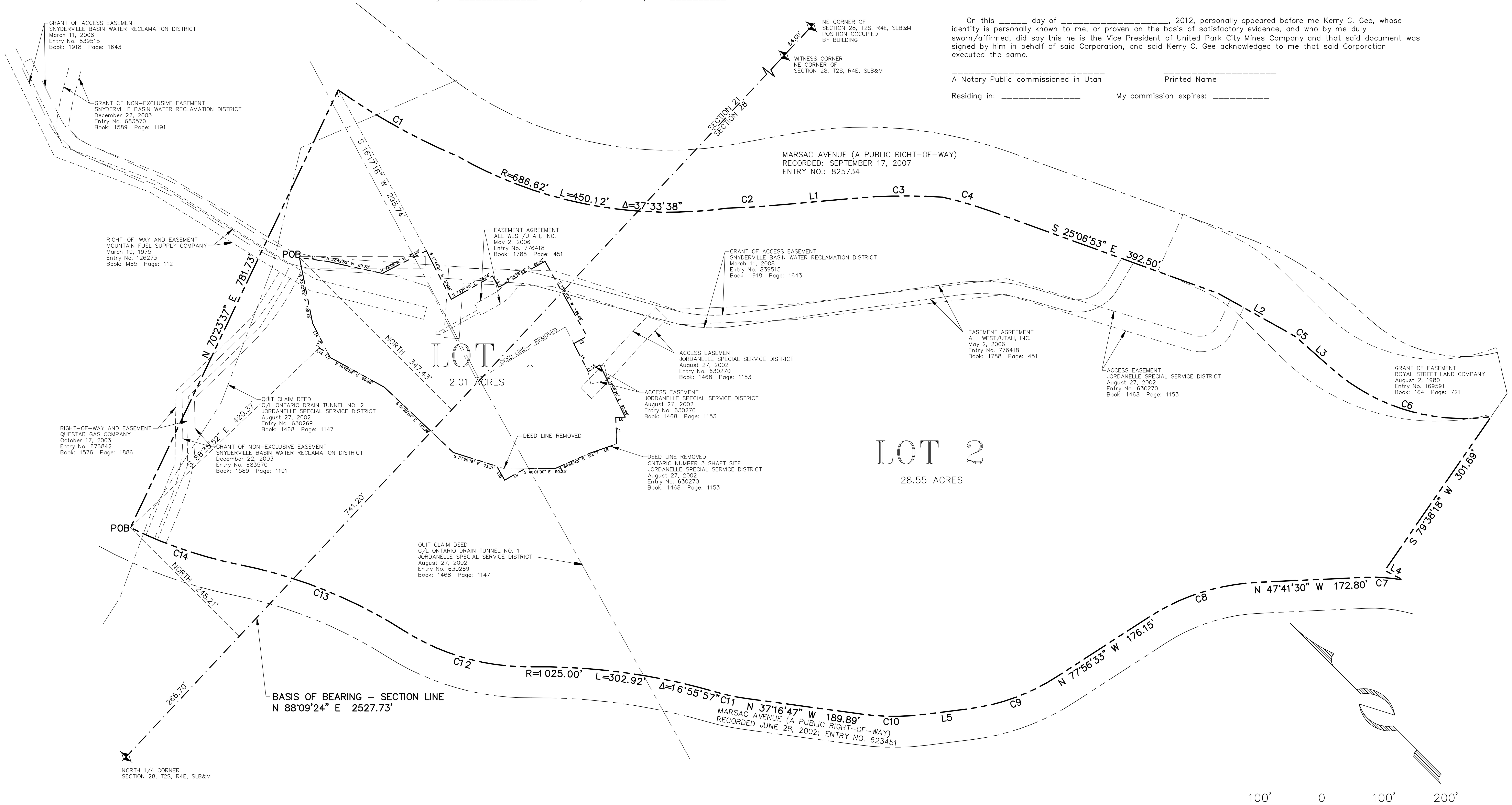
SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of the ONTARIO MINE BENCH SUBDIVISION. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

A parcel of land located in the southeast quarter of Section 21 and the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 88°09'24" East 266.70 feet along section line and North 248.21 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 70°23'37" East 781.73 feet to a point on a non tangent curve to the left having a radius of 1050.77 feet, of which the radius point bears North 80°04'40" East, said point also being on the westerly boundary of the Marsac Avenue Right-of-Way, recorded September 17, 2007 as Entry No. 825734 in the office of the Summit County Recorder; thence along the westerly boundary of the Marsac Avenue Right-of-Way the following eleven (11) courses: 1) southerly along the arc of said curve 221.81 feet through a central angle of 12°05'40" to a point on a non tangent curve to the left having a radius of 686.62 feet, of which the radius point bears North 74°37'10" East; thence 2) southeasterly along the arc of said curve 450.12 feet through a central angle of 37°33'38" to a point on a non tangent curve to the left having a radius of 1050.77 feet, of which the radius point bears North 43°41'43" East; thence 3) southeasterly along the arc of said curve 68.58 feet through a central angle of 03°44'21"; thence 4) South 50°02'39" East 142.82 feet to a point on a curve to the right having a radius of 860.00 feet, of which the radius point bears South 39°57'21" West; thence 5) along the arc of said curve 136.47 feet through a central angle of 09°05'32" to a point on a non tangent curve to the right having a radius of 586.62 feet, of which the radius point bears South 57°10'28" West; thence 6) southeasterly along the arc of said curve 78.91 feet through a central angle of 07°42'26"; thence 7) South 25°06'53" East 392.50 feet; thence 8) South 15°46'27" East 141.56 feet to a point on a non tangent curve to the right having a radius of 408.37 feet, of which the radius point bears South 84°11'45" West; thence 9) southerly along the arc of said curve 16.42 feet through a central angle of 02°18'15"; thence 10) South 03°30'00" East 63.08 feet to a point on a non tangent curve to the left having a radius of 320.00 feet, of which the radius point bears North 86°29'59" East; thence 11) southeasterly along the arc of said curve 276.53 feet through a central angle of 49°30'45"; thence South 79°38'18" West 301.69 feet (deed South 78°38'18" West); thence South 17°09'46" East 32.98 feet to a point on a non tangent curve to the left having a radius of 275.00 feet, of which the radius point bears South 55°22'52" West, said point also being on the easterly boundary of the Marsac Avenue Right-of-Way, recorded June 28, 2002, as Entry No. 623451 in the office of the Summit County Recorder; thence along the easterly boundary of the Marsac Avenue Right-of-Way the following thirteen (13) courses: 1) northwesterly along the arc of said curve 62.75 feet through a central angle of 13°04'22"; thence 2) North 47°41'30" West 172.80 feet to a point on a curve to the left having a radius of 351.56 feet, of which the radius point bears South 42°18'30" West; thence 3) along the arc of said curve 185.62 feet through a central angle of 30°15'03"; thence 4) North 77°56'33" West 176.15 feet to a point on a curve to the right having a radius of 340.00 feet, of which the radius point bears North 12°03'27" East; thence 5) along the arc of said curve 152.67 feet through a central angle of 25°43'36"; thence 6) North 52°12'57" West 74.75 feet to a point on a curve to the right having a radius of 375.00 feet, of which the radius point bears North 37°47'03" East; thence 7) along the arc of said curve 97.76 feet through a central angle of 14°56'10"; thence 8) North 37°16'47" West 189.89 feet to a point on a curve to the right having a radius of 325.00 feet, of which the radius point bears North 52°43'13" East; thence 9) along the arc of said curve 48.46 feet through a central angle of 08°32'36" to a point of reverse curve to the left having a radius of 1025.00 feet, of which the radius point bears South 61°15'49" West; thence 10) northwesterly along the arc of said curve 302.92 feet through a central angle of 16°55'57" to a point of reverse curve to the right having a radius of 375.00 feet, of which the radius point bears North 44°19'52" East; thence 11) northwesterly along the arc of said curve 216.83 feet through a central angle of 33°07'47" to a point of reverse curve to the left having a radius of 775.00 feet, of which the radius point bears South 77°27'40" West; thence 12) northwesterly along the arc of said curve 285.77 feet through a central angle of 21°07'36" to a point of reverse curve to the right having a radius of 725.00 feet, of which the radius point bears North 56°20'03" East; thence 13) northwesterly along the arc of said curve 187.79 feet through a central angle of 14°50'26" to the point of beginning.



BOUNDARY TABLE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 50°02'39" E	142.82
L2	S 15°46'27" E	141.56
L3	S 03°30'00" E	63.08
L4	S 17°09'46" E	32.98
L5	N 52°12'57" W	74.75

LOT 1 TABLE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 37°07'41" W	46.21
L2	N 15°43'15" E	20.66
L3	S 74°16'45" E	24.29
L4	N 17°56'16" E	50.76
L5	N 74°22'06" W	21.74
L6	S 46°15'46" E	15.23
L7	N 42°51'43" E	42.86
L8	S 64°09'40" E	45.23
L9	S 74°33'01" E	37.21
L10	S 15°26'59" W	25.84
L11	S 17°51'26" W	7.97
L12	S 14°44'25" E	16.25
L13	S 72°09'10" W	10.78
L14	S 17°51'26" W	34.01

BOUNDARY TABLE

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1050.77	221.81	12°05'40"
C2	1050.77	68.58	03°44'21"
C3	860.00	136.47	09°05'32"
C4	586.62	78.91	07°42'26"
C5	408.37	16.42	02°18'15"
C6	320.00	276.53	49°30'45"
C7	275.00	62.75	13°04'22"
C8	351.56	185.62	30°15'03"
C9	340.00	152.67	25°43'36"
C10	375.00	97.76	14°56'10"
C11	325.00	48.46	08°32'36"
C12	375.00	216.83	33°07'47"
C13	775.00	285.77	21°07'36"
C14	725.00	187.79	14°50'26"

ONTARIO MINE BENCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND
THE NORTHEAST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

5/22/12 JOB NO.: 1-5-10 FILE: X:\Empire\dwg\srv\plat2010\010510-subdivision.dwg

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______

DAY OF __________, 2012 A.D.

BY _______________
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2012 A.D.

BY _______________
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2012 A.D.

BY _______________
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF __________, 2012 A.D.

BY _______________
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D.

BY _______________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D.

BY _______________
MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _______________________

ENTRY NO. ___________ DATE _______ TIME _____

__________ FEE

______________________ RECORDER

SURVEYOR'S CERTIFICATE

PROFESSIONAL LAND SURVEYOR
No. 154491
JOHN DEMKOWICZ
9-23-10
State of Utah

I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold certification no. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1050.77	221.81	12°05'40"
C2	1050.77	68.58	03°44'21"
C3	860.00	136.47	09°05'32"
C4	586.62	78.91	07°42'26"
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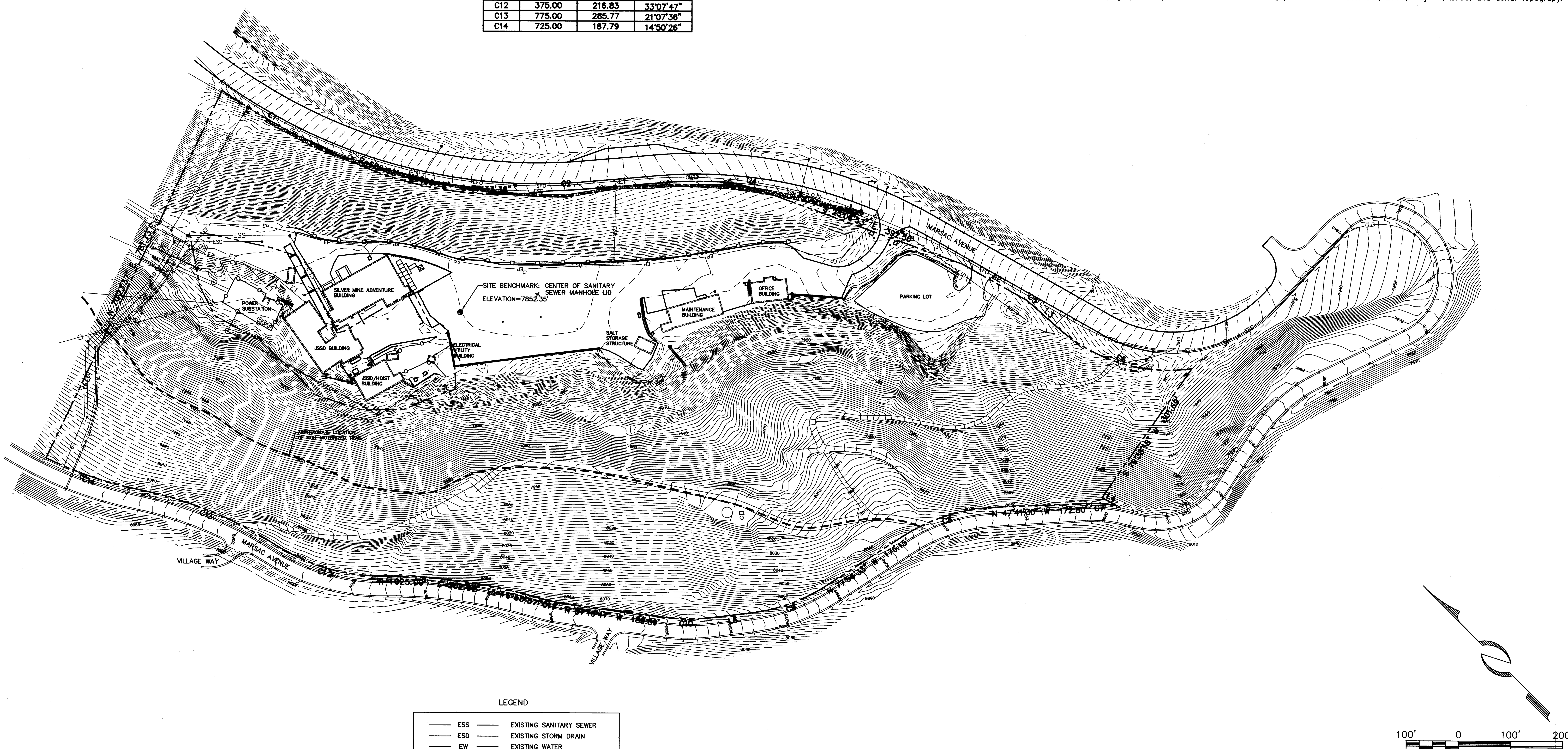
C10	375.00	97.76	14°56'10"
C11	325.00	48.46	08°32'36"
C12	375.00	216.83	33°07'47"
C13	775.00	285.77	21°07'36"
C14	725.00	187.79	14°50'26"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 50°02'39" E	142.82
L2	S 15°46'27" E	141.56
L3	S 03°30'00" E	63.08
L4	S 17°09'46" E	32.98
L5	N 52°12'57" W	74.75

NOTES

1. Site Benchmark: Center of sanitary sewer manhole lid
   Elevation=7852.35'
2. This topographic map is based on a field survey performed in November, 2006, May 22, 2008, and aerial topograpy.



LEGEND

ESS	EXISTING SANITARY SEWER
ESD	EXISTING STORM DRAIN
EW	EXISTING WATER
EP	EXISTING POWER
EOHP	EXISTING OVERHEAD POWER
ET	EXISTING TELECOMMUNICATIONS
EG	EXISTING GAS
EFO	EXISTING FIBER OPTICS

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

STAFF:
JOHN DEMKOWICZ
MARSHALL KING
BLAKE MYERS
MICHAEL DEMKOWICZ

DATE: 9/23/10

EXISTING CONDITIONS MAP
ONTARIO MINE BENCH
7700 MARSAC AVENUE

FOR: TALISKER
JOB NO.: 1-5-10
FILE: X:\Empire\dwg\srv\topo2010\010510.dwg

SHEET 1 OF 1

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

April 17, 2012

Canyons
Christie Babalis
VP and General Counsel
4000 Canyons Resort Dr.
Park City, UT 84098

Subject: Ontario Mine Bench Subdivision Plat
Ontario Mine Bench Condominiums Plat

Dear Ms. Babilis,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the revised plats submitted April 13, 2012. Please add the following notes to the plats:

Subdivision Plat

1. The structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that serves both Lots 1 and 2. At the time Lot 2 is redeveloped or new structures are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.

Condominium Plat

1. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

With these modifications we can sign the plat. Please contact me for a time for plat signing.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Cc: Alliance Engineering
Park City Planning Dept.
Plat Review File

2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit B202 shall be issued until this plat amendment is recorded.

4. All conditions of approval of the Deer Valley Resort 10th Amended and Restated Large Scale MPD and the Second Amended Courchevel Condominiums at Deer Valley shall continue to apply.

**4. 7700 Marsac Avenue - Subdivision
(Application #PL-10-01070)**

Commissioner Strachan disclosed that he works with Christie Babalis, a representative for the applicant. Ms. Babalis is in-house Counsel for the Canyons and they work together on matters unrelated to this application. Their relationship would not affect his vote.

Planner Evans handed out an amended Staff report with highlighted areas.

Planner Evans reported that the applicant was requesting to subdivide an existing parcel of property into two lots to reflect ownership of property that was conveyed to a different owner. It was primarily a clean-up project and no new development was being proposed at this time. Planner Evans pointed out that the requested subdivision would result in a condominium plat, which was the next item on the agenda.

Planner Evans noted that the Staff report detailed the history of the project. The highlighted areas identified issues that came to the Staff's attention after the first Staff report was written. The first issue was to make sure the applicant was assessed properly by the State and the County to reflect the actual use of the property. The Staff understood that it was being assessed as a mining claim, which is not the current use of the property. The Staff report highlighted the existing uses. The Staff also learned that the master water line that services this property and others owned by the applicant were possibly not assessed the proper impact fees when the City began servicing that property after it was annexed. The Staff suggested that the applicant meet with the Water Department to make sure they had the proper assessments and that the proper impact fees have been paid to reflect the use of the property and how the water is being used. Planner Evans stated that the tax and water assessment issues were addressed as conditions of approval in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for final action.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to page 165 of the Staff report and the paragraph that talked about Park City Municipal having access to the Judge Tunnel water source. She wanted to know how the easement would be conveyed and whether it could be addressed in the conditions of approval.

Patrick Putt, representing the applicant, stated that the easement would be identified on the surface of the plat. Commissioner Hontz stated that she was looking for clarification that it would be platted. She was comfortable with the explanation and assumed that it was not necessary to reference it again in the conditions of approval.

Patrick Putt, representing the applicant, stated that they had reviewed the Staff report and were in agreement. They also supported the revisions to the Staff report and the conditions of approval that were highlighted and handed out this evening. Mr. Putt stated that the applicants would work with both the Water Department, the County and other necessary agencies to make sure they have clarity on the two issues outlined.

Mr. Putt offered slight refinements to some of the findings drafted in the Staff report for purposes of clarity. He read Finding #8, and stated that technically there is another means of access the Judge Tunnel. Their understanding was that the primary access being utilized is through the Mine Bench and down. He suggested that striking the language, "not otherwise accessible by other means" would help clarify that fact.

Mr. Putt read Finding #12 and suggested additional words to the language to read, "…with the exception of the <u>kitchen/</u>bakery, as determined by the Planning Director to be a legal non conforming used as is currently used for <u>as a resort support function."</u> He thought the added wording would help clarify that the use is very limited in its scope and that the particular function inside the building is not a broader commercial activity.

Mr. Putt reiterated that they were in agreement with Findings #16 and 17 as written in the revised Staff report.

Commissioner Hontz stated that she had questioned Finding #12, but she was satisfied with the revised language proposed by Mr. Putt.

Commissioner Strachan read the second sentence in Condition #5 and changed "their concerns" to "t<u>he City's</u> concerns" for better clarification. Commissioner Pettit suggested that they revise the entire sentence to read, "Prior to the recordation of the plat, the Water Department shall be satisfied that the proper impacts fees have been assessed". Director Eddington noted that the issue needs to be resolved and suggested that the sentence read, "Prior to the recordation of the plat, this issue shall discuss this issue with the Water Department and the <u>Building Department to</u> <u>resolve</u> concerns regarding proper impacts fees and insuring that they have been assessed and paid. He pointed out that the Water and Building Departments work together on this particular issue.

Assistant City Attorney McLean felt better language was to say that, "The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met". The Commissioner revised the condition as stated by the Assistant City Attorney.

Commissioner Hontz asked for the number of square feet in the bakery. Mr. Putt replied that the combined area of the bakery/kitchen/walk-in cooler and an associated office and prep area was approximately 1800 square feet. Commissioner Hontz referred to the ROS Code which states that Administrative Conditional Uses would limit the purview of the Planning Director to only 600 square feet. Director Eddington clarified that it was not an Administrative CUP. It was an existing non-conforming use that came in with the annexation. He noted that the square footage was actually larger than 1800 square feet when it came in as part of the Mine Bench kitchen facility.

Commissioner Hontz recommended that in the near future the Planning Commission revisit the allowed uses, conditional uses and administrative uses in the ROS zone. She was uncomfortable with the number of uses that could potentially exist on the site. Commissioner Strachan agreed that they needed to have that discussion at a different time.

Mr. Putt read the first sentence of Condition #4, Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to plat recordation; and the last sentence, "….or an extension of the public waste water system to allow any new structures to be connected separately and directly to the public waste water system shall be required. Since they have to satisfy the Reclamation District, he felt it was more appropriate to replace the word shall with "<u>may</u> be required" because there may be some other condition or mechanism to satisfy that requirement.

Commissioner Savage asked Mr. Putt to expand on the reason for replacing shall with may in the last sentence. Mr. Putt stated that if the Planning Commission determines that shall is more appropriate they were willing to leave the written language. He noted that Snyderville Basin may accept other possible design considerations or there may be policy changes that would allow the existing lateral situation to remain. He clarified that the intent and commitment by the applicant is to satisfy the substantive part of the condition, which is satisfaction to Snyderville Basin. The change in language would open up the opportunity to satisfy that in a number of ways and not necessarily through separate laterals.

Commissioner Savage was comfortable changing "shall" to "may" as requested. Commissioner Thomas concurred. Commissioner Pettit thought they should change the "will" in the first sentence to <u>shall be required</u> to more accurately reflect the intent. Mr. Putt was comfortable with that change.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on the 7700 Marsac Avenue Subdivision, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval with amendments to Finding of Fact 8 and 12, and amendments to Conditions of Approval 4 and 5.

Commissioner Strachan seconded the motion with clarification that it was subject to the revised Staff report dated June 13, 2012 that was distributed this evening.

Commissioner Pettit amended her motion to include that clarification.

VOTE: The motion passed unanimously.

Findings of Fact – 7700 Marsac - Subdivision

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.

2. The property was annexed into the City in 1999 under the June24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.

3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.

4. The subdivision is necessary to correct the noncompliance issue with the previous deed.

5. The subdivision will split the existing 30.56 acre parcel into two lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.

6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.

7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.

8. The proposed plat will grant a twenty-foot (20’) wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.

9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.

10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.

11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.

12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/ bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.

13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.

14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipate increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS zone.

15. There are no public trails located on the site.

16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.

17. Property tax assessment for this property may be incorrect based on old mining claim designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

<u>Conclusions of Law – 7700 Marsac Avenue - Subdivision</u>

1. There is good cause for this subdivision amendment.

2. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed subdivision plat.

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

<u>Conditions of Approval – 7700 Marsac Avenue - Subdivision</u>

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

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

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.

4. Satisfaction of the Snyderville Basin Reclamation District requirements shall be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structures(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System may be required.

5. Addition water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.

6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.

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

Planner Evans reviewed the request for approval of a 3 unit condominium. If approved, it would split ownership of an existing building, which is contained wholly within Lot 1 of the previous subdivision that was just approved. The request splits the ownership of the building to reflect the conveyance which was already done to Jordanelle Special Services District.

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

Chair Wintzer opened the public hearing.

City Council
Staff Report

Application #: **PL-12-01488**
Subject: **80 Daly Avenue Subdivision**
Author: **Francisco Astorga, Planner**
Date: **August 9, 2012**
Type of Item: **Administrative – Plat Amendment**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider denying the 80 Daly Avenue Subdivision plat amendment based on the findings of fact and conclusions of law as found in the draft denial.

Description

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

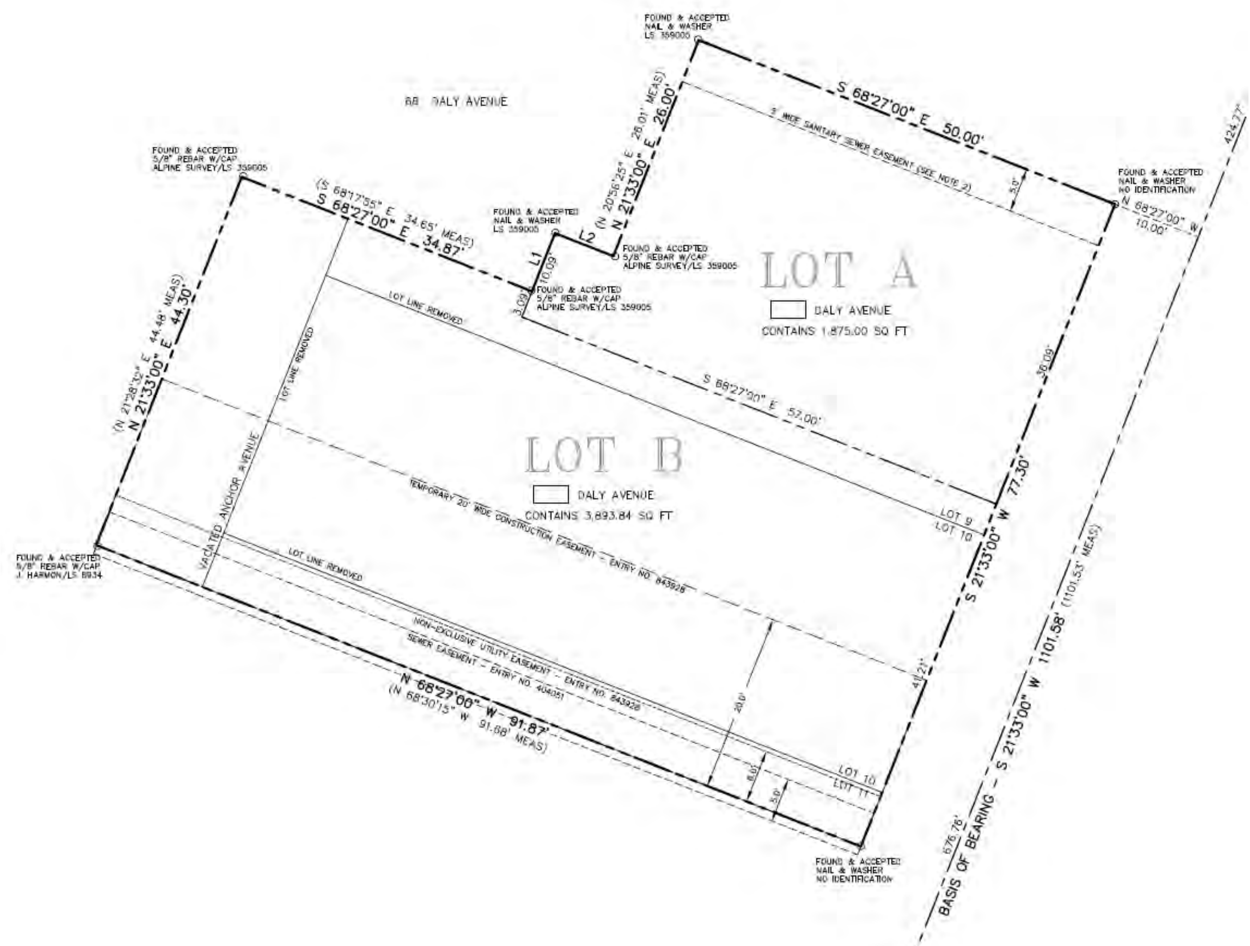
Proposal
This is a plat amendment request to combine part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The entire site is currently vacant.

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

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

Background
On February 28, 2012 the City received a completed application for the 80 Daly Avenue

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



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

On May 9, 2012 the Planning Commission reviewed the requested floor area analysis and discussed the additional mitigation for the impacts of the built structure on 68 Daly Avenue. The study facilitated a house size comparison of all the structures on Daly Avenue. In order to ensure compatibility in terms of house size Staff recommended limiting the gross floor area of proposed Lot B to 2,532 square feet, the average of the entire neighborhood and allowing the existing building parameters to govern Lot A, which essentially would have been about the same square footage. The Commission discussed the footprint calculation, the floor area cap, and the portion of a lot being platted. The Planning Commission clarified their concern of how a new structure on Lot A would impact 68 Daly Avenue from the standpoint of view shed and solar access. The Commission indicated that they needed to understand those impacts before making a recommendation to the City Council. It was requested that the applicant bring back a model to review the development potential. Staff was also directed to add lot areas and footprints to the Daly Avenue study. The item was continued to May 23, 2012. Staff was also directed not to include the portion of vacated Anchor Avenue into the footprint calculation. The applicant also mentioned that 1,300 square foot footprint would achieve a building size that works at approximately 3,300 of gross floor area.

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

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

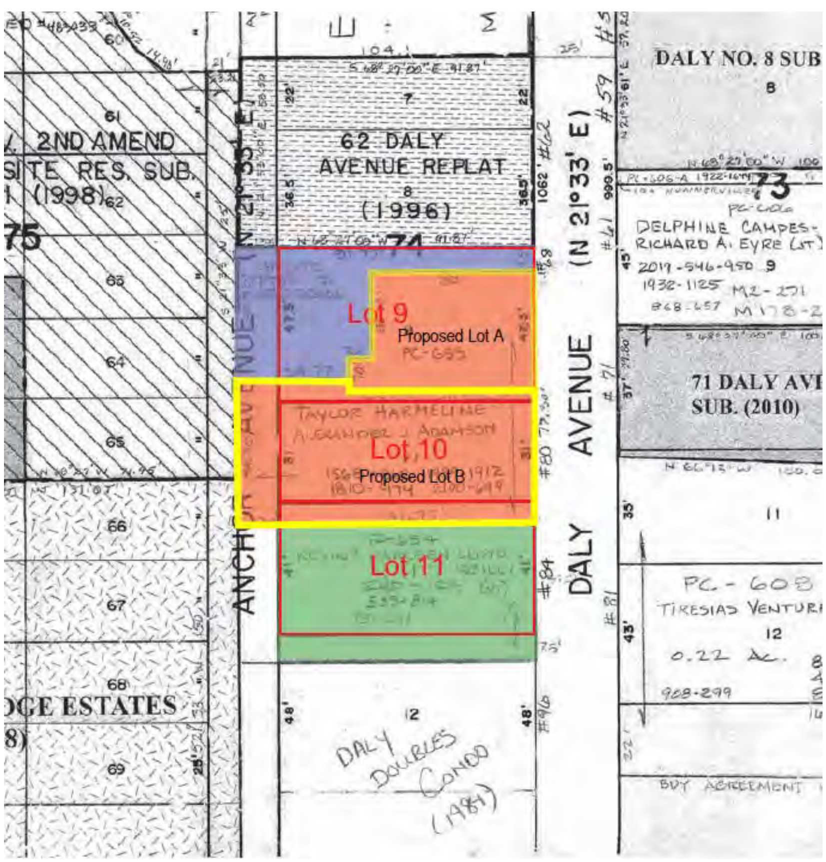
<u>Analysis</u>

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

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

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

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



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

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

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

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

<u>Building Encroachments</u>

The submitted certified survey indicates that 68 Daly Avenue, has several improvements encroaching onto this property. The submitted survey was prepared Alliance Engineering and has been certified by a licensed surveyor, which meets the City's requirements for plat amendment requests. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. These encroachments are not historic.

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

Temporary Easement

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

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

Maximum Footprint Size

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

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

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

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

Process

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

Department Review

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

Notice

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

Public Input

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

Alternatives

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

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

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

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

Recommendation
Staff recommends the City Council hold a public hearing and consider denying the 80 Daly Avenue Subdivision plat amendment based on the findings of fact and conclusions of law as found in the draft denial.

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

Attachment 3 – Minutes from July 25, 2012 Planning Commission meeting

Attachment 1 – Draft Final Action Letter Denying the Subdivision Plat

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

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

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

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

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

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

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

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

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

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

Findings of Fact:

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

5. Most of lot 11, is recognized as parcel no. PC-654, 84 Daly Avenue, which has a built structure. Parcel no. PC-654 also includes a 7.5 feet which is part of Lot 12
6. There are three (3) lots of record affected with the requested plat amendment, approximately half of lot 9, all of lot 10, and approx. the northerly six feet (6') of lot 11.
7. The City currently does not allow more than one (1) main structure to be built on one lot of record within the HR-1 District.
8. The Planning Commission found that the character of the neighborhood would not be compatible with the construction of two (2) structures on the historically platted configuration of Daly Avenue, specifically lot 9.
9. The applicant requests the ability to remove the existing lot lines under their ownership to reconfigure two (2) lots of record which would meet the minimum lot area, minimum width, and required street frontage.
10. If the requested plat amendment is approved the three (3) historically platted Daly Avenue, Old Town, Millsite Reservation of the Park City Survey lots could have a total of four (4) structures, instead of three (3).

Conclusions of Law:

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

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

PASSED AND ADOPTED this ____ day of _______, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

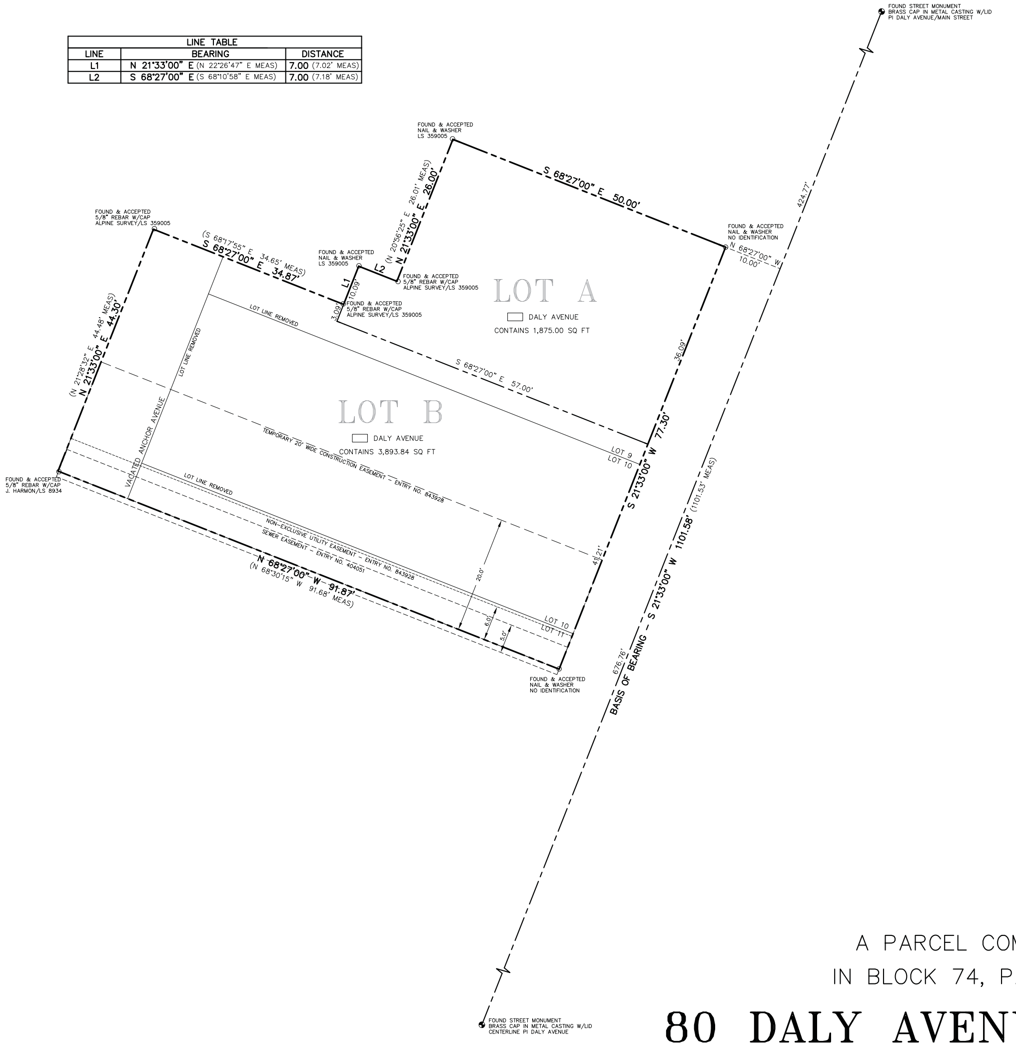
____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Exhibit A – Proposed Plat

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



SURVEYOR'S CERTIFICATE

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

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

BOUNDARY DESCRIPTION

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

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

_______________, 2012.

____
Taylor Harmeling, Owner

____
Alexander J. Adamson, Owner

ACKNOWLEDGMENT

State of ___________:
ss:
County of ___________:

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

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: _________________

My commission expires: _____________________

LEGEND

Address on DALY AVENUE

A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY

80 DALY AVENUE SUBDIVISION

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

10' 0 10' 20'

SHEET 1 OF 1

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

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______
DAY OF __________, 2012 A.D.
BY _______________
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2012 A.D.
BY _______________
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2012 A.D.
BY _______________
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF __________, 2012 A.D.
BY _______________
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D.
BY _______________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2012 A.D.
BY _______________
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________
ENTRY NO. __________DATE _______ TIME _____
__________ FEE _______________ RECORDER

Attachment 2 – July 25, 2012 Planning Commission Staff Report & sub-exhibits:

Planning Commission Staff Report

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

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

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

Description

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

Proposal

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

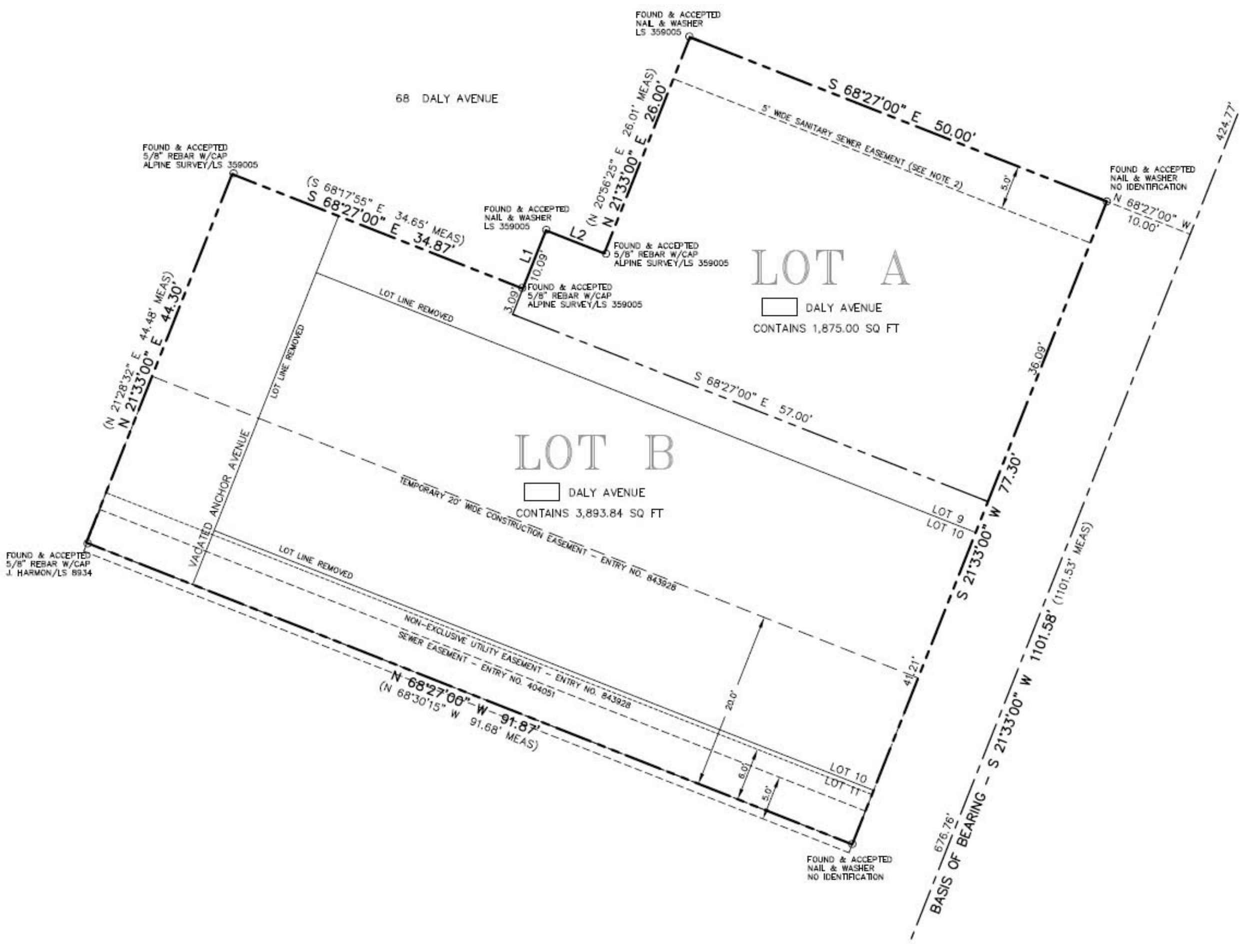
Purpose

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

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

Background

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



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

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

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

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

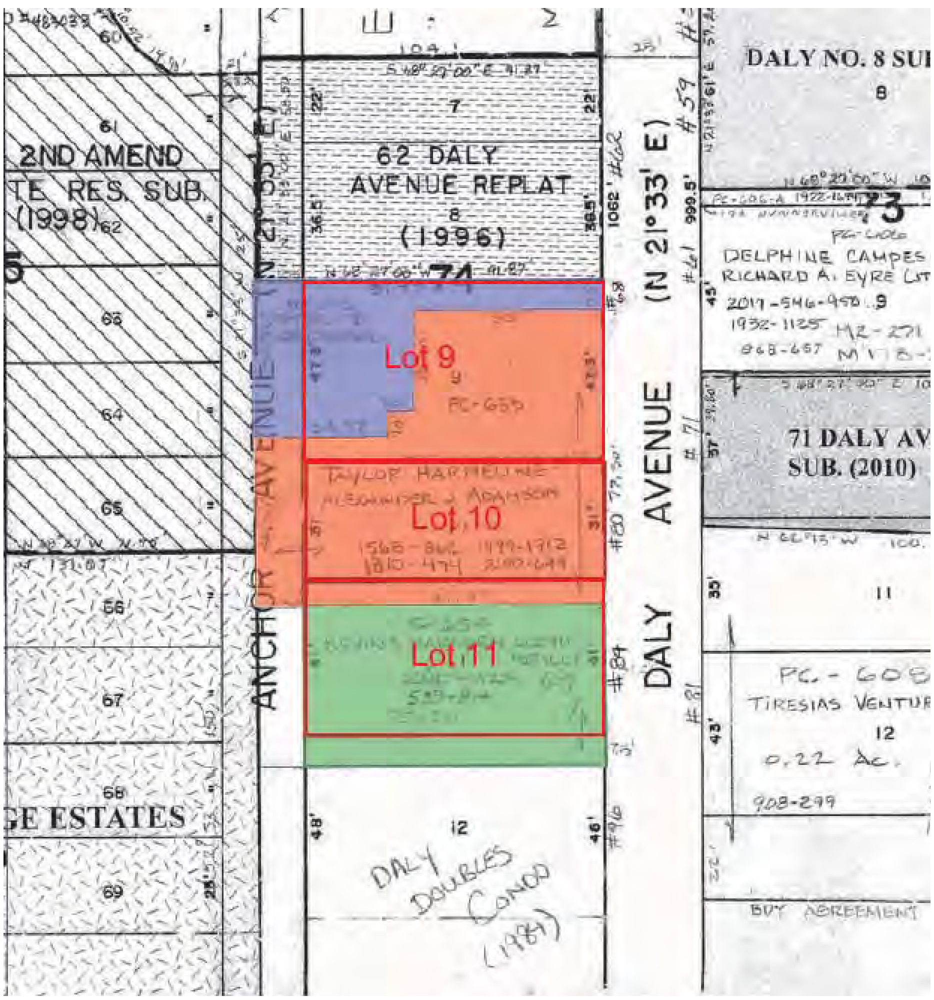
Analysis

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

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

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

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



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

<u>Building Encroachments</u>

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

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

Temporary Easement

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

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

Discussion regarding maximum footprint size

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 12-__

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

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

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

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

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

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

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

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

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

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

Findings of Fact:

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

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

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

Conclusions of Law:

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

Conditions of Approval:

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

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

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

PASSED AND ADOPTED this ____ day of _______, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

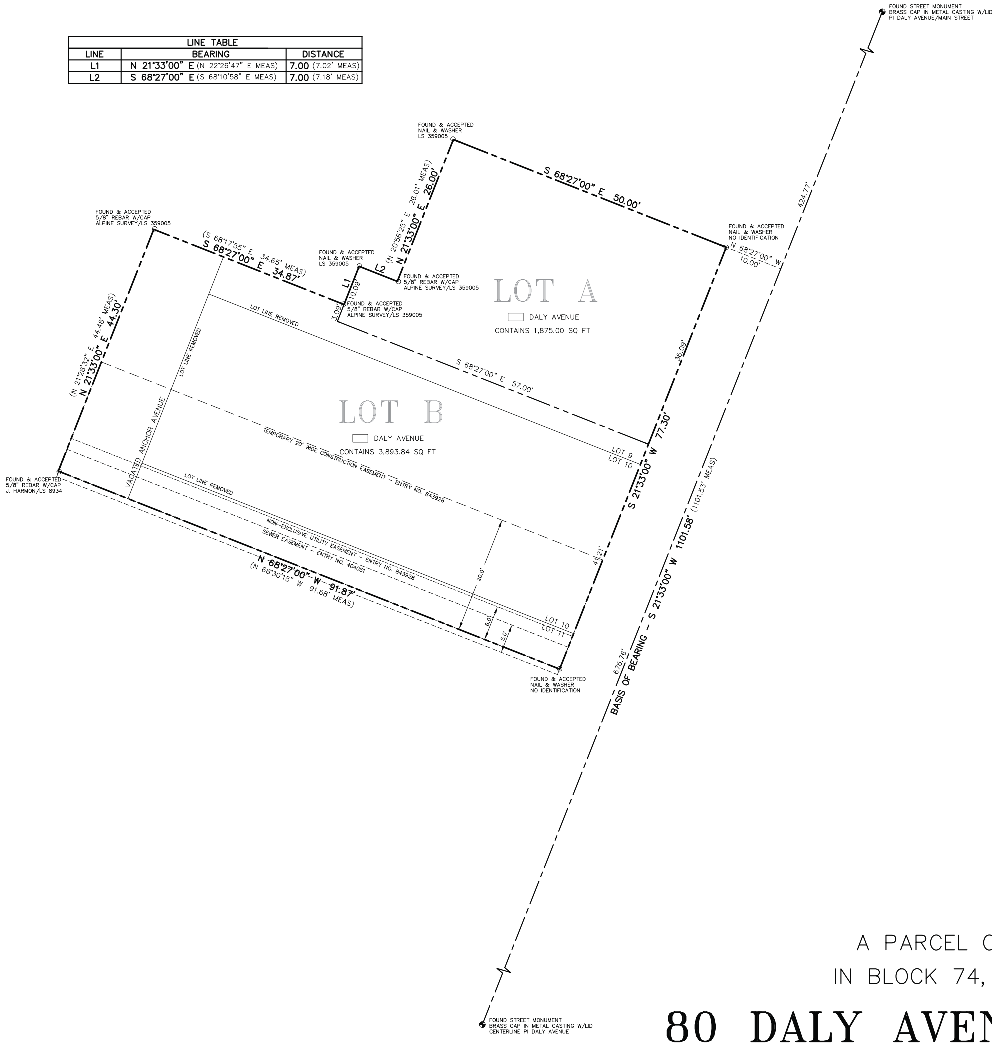
APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Attachment A – Proposed Plat

Attachment 1

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



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

SURVEYOR'S CERTIFICATE

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

BOUNDARY DESCRIPTION

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

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

________________, 2012.

____
Taylor Harmeling, Owner

____
Alexander J. Adamson, Owner

ACKNOWLEDGMENT

State of ___________:
ss:
County of ___________:

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

____
A Notary Public commissioned in Utah

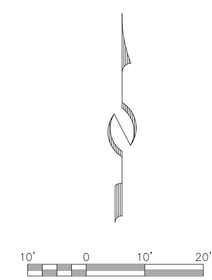
____
Printed Name

Residing in: __________________

My commission expires: _____________________

LEGEND

☐ Address on DALY AVENUE



A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY

80 DALY AVENUE SUBDIVISION

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

SHEET 1 OF 1

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

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______
DAY OF ___________, 2012 A.D.
BY ________________
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ___________, 2012 A.D.
BY ________________
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ___________, 2012 A.D.
BY ________________
PARK CITY ENGINEER

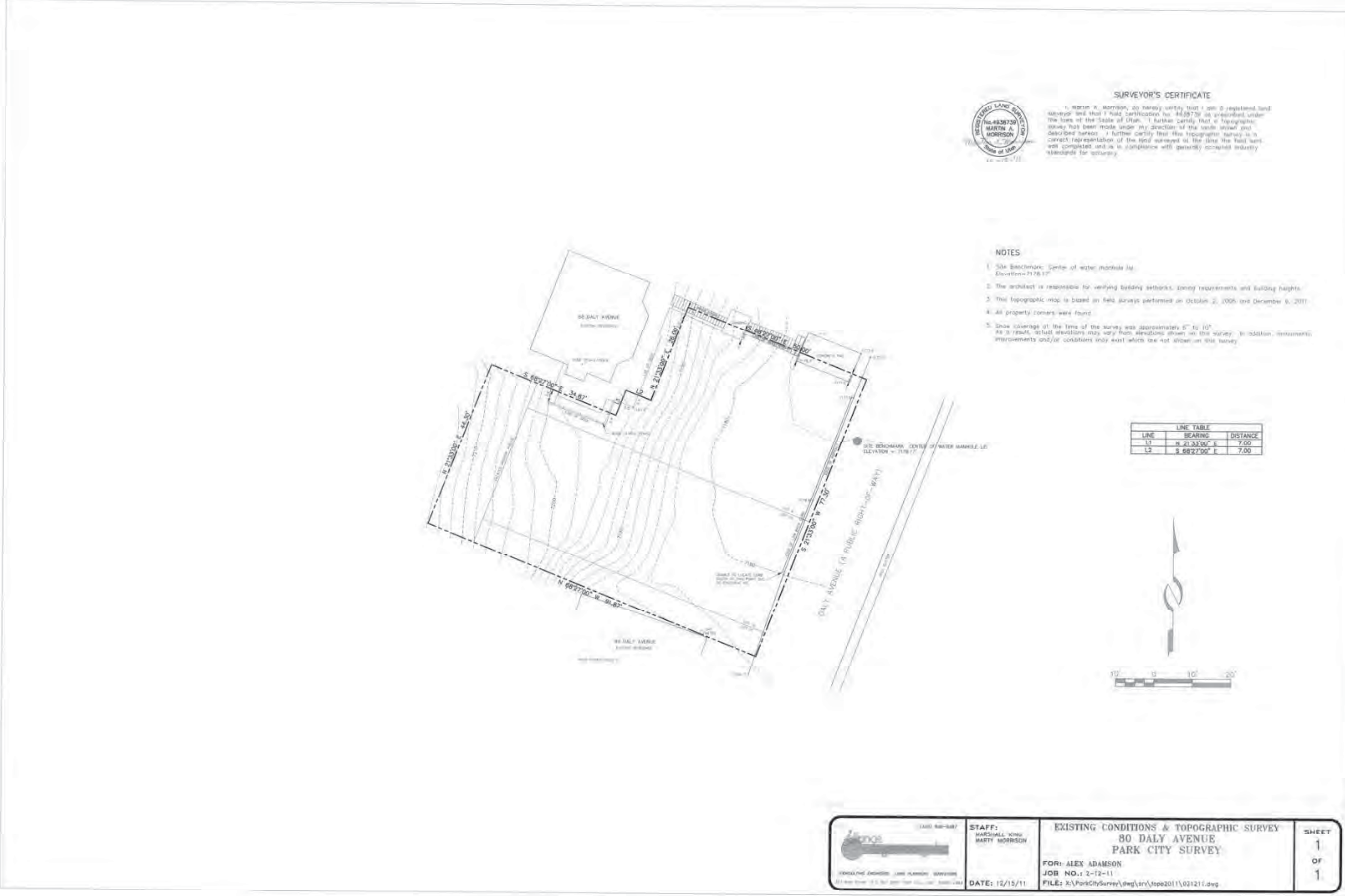
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF ___________, 2012 A.D.
BY ________________
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ___________, 2012 A.D.
BY ________________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ___________, 2012 A.D.
BY ________________
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________
ENTRY NO. ___________DATE ________ TIME _____
__________ ________________
FEE RECORDER

Exhibit B – Topographic Survey



00843928 B: 1928 P: 1614
Page 1 of 8
Alan Spriggs, Summit County Utah Recorder
05/08/2008 02:52:53 PM Fee $40.00
By US TITLE UTAH
Electronically Recorded by Simplifile

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

EASEMENT AGREEMENT

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

RECITALS

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

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

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

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

AGREEMENT

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

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

ACCOMMODATION
RECORDING ONLY
U.S. TITLE

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

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

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

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

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

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

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

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

"PARCEL 1 OWNER"

KING RIDGE RESOURCES, L.L.C.

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

STATE OF Idaho)
:ss.
COUNTY OF Madison)

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

[SEAL]

Notary Public [signature]

RON LARSON
NOTARY PUBLIC
STATE OF IDAHO

"PARCEL 2 OWNER"

Colette Singleton

By:
Name:
Title:

STATE OF Utah)
:ss.
COUNTY OF Summit)

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

[SEAL]

Notary Public

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

EXHIBIT A

TO

EASEMENT AGREEMENT

Legal Description of Property

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

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

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

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

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

tax ID
PC-687

EXHIBIT B

TO

EASEMENT AGREEMENT

Legal Description of Property

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

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

tax ID
PC-653

EXHIBIT C-1

TO

EASEMENT AGREEMENT

Legal Description of Property

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

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

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

EXHIBIT C-2

TO

EASEMENT AGREEMENT

Legal Description of Property

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

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

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

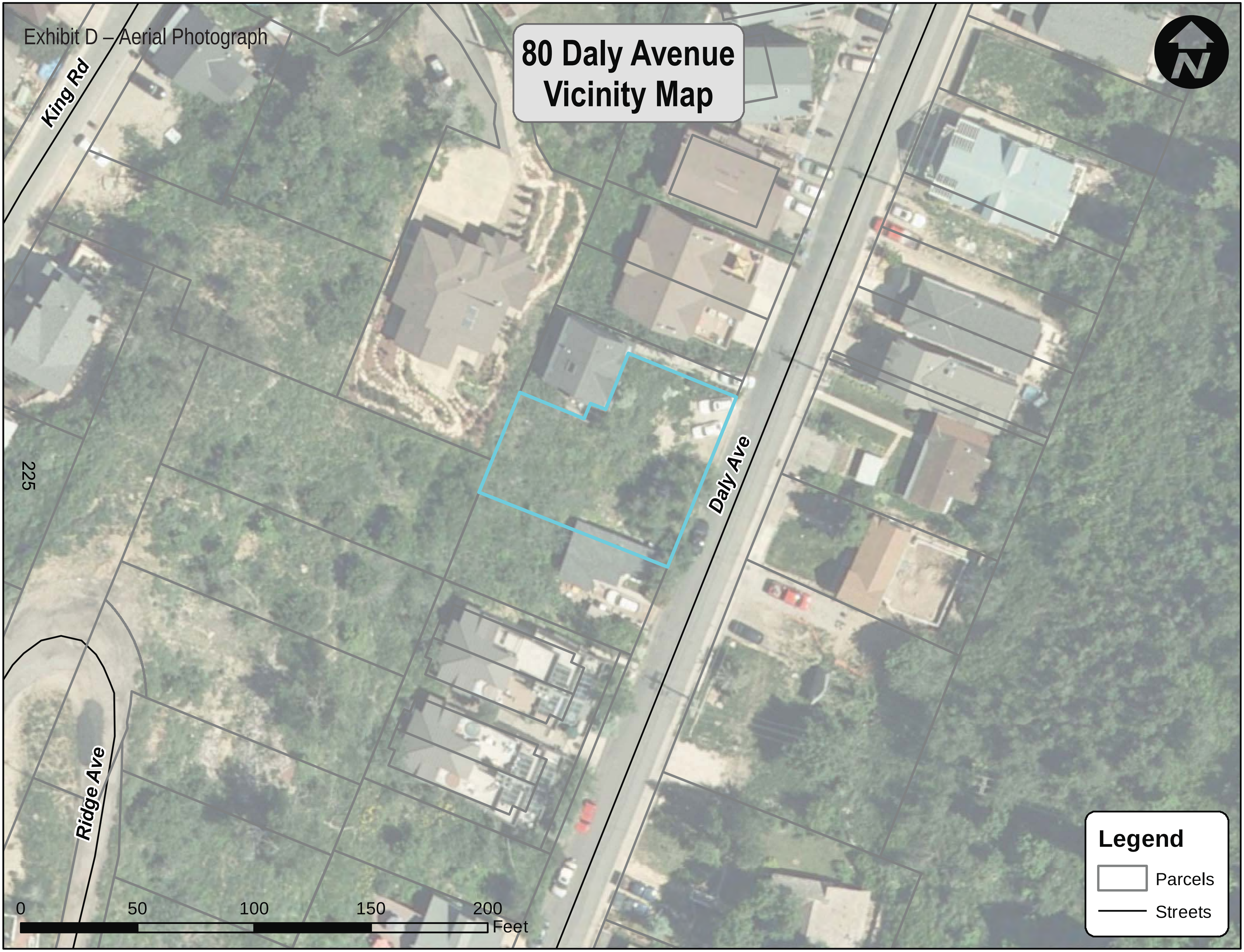


Exhibit D – Aerial Photograph
80 Daly Avenue
Vicinity Map
King Rd
Daly Ave
Ridge Ave
N
0
50
100
150
200
Feet
Legend
Parcels
Streets

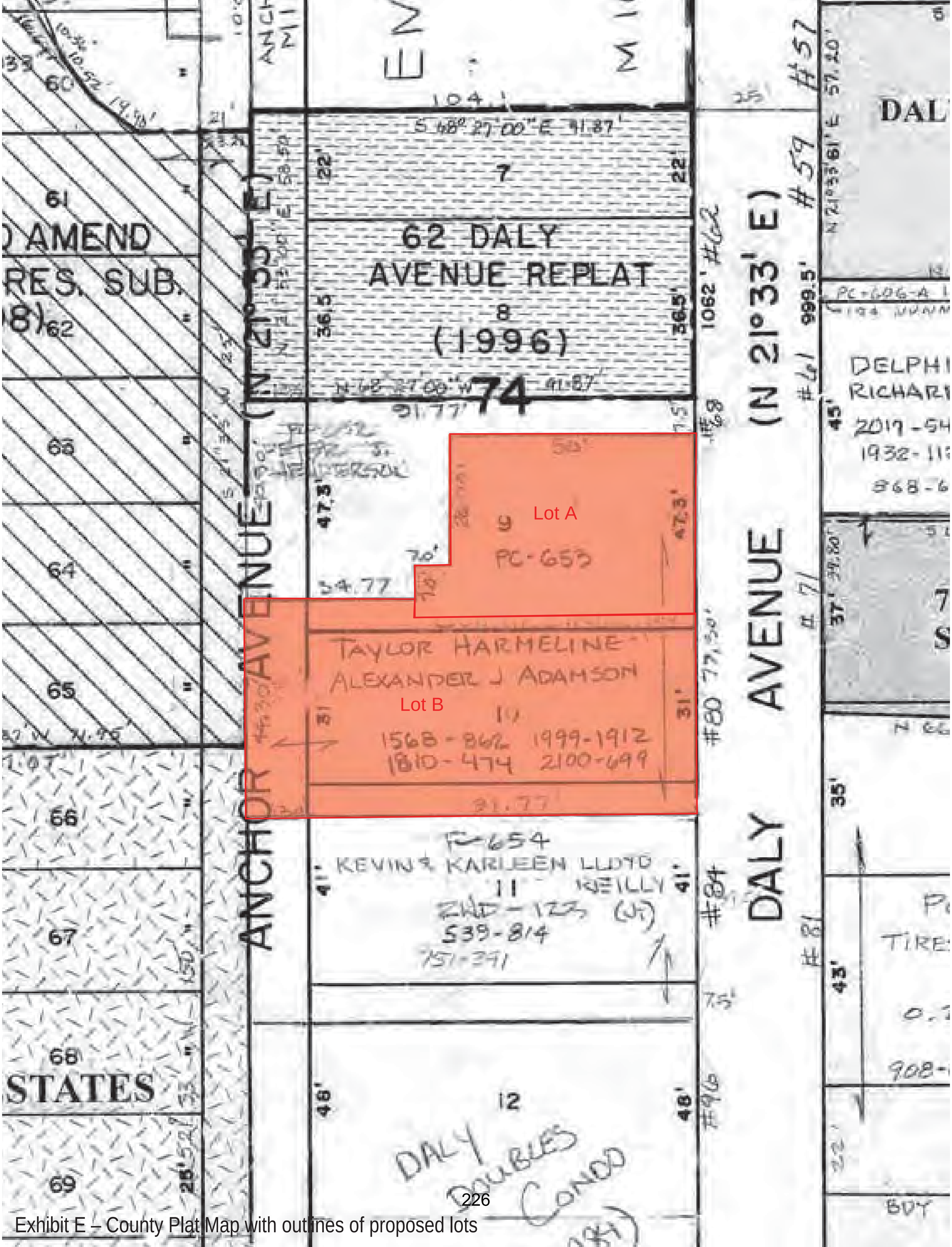


Exhibit E – County Plat Map with outlines of proposed lots

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

February 29, 2012

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

Subject: 80 Daly Avenue Subdivision
Plat Review

Dear Mr. Astorga,

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

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

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

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

   (2) Place the following note on the plat:

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

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

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

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

Please have the applicant contact me with any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

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

Exhibit G – Daly Avenue Study (May 2012)

Daly Avenue Study (May 2012)

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

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

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

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

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

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

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

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

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

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

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

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

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

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

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

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

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

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

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

Chair Wintzer opened the public hearing.

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

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

Ms. Riley asked if that would allow two dwellings.

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

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

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

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

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

Chair Wintzer closed the public hearing.

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

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

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

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

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

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

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

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

VOTE: The motion passed unanimously.

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

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

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

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

VOTE: The motion passed unanimously.

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

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

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

VOTE: The motion passed unanimously.

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

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

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

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Wintzer opened the public hearing.

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

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

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

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

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

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

Chair Wintzer closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: The motion passed unanimously.

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

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

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

City Council
Staff Report

PLANNING DEPARTMENT

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

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

Topic

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

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

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

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

Analysis

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

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

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

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

Discussion

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

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

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

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

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

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

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

Department Review

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

Notice

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

Public Input

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

Alternatives

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

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

Recommendation

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

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

Exhibit A: Draft Ordinance

Ordinance No. 08-

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

WHEREAS, the owners of the property located at 313 Daly Avenue have petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 26, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on April 23, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 17, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 313 Daly Avenue Subdivision Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 313 Daly Avenue Subdivision Plat, as shown in the attachment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 313 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 313 Daly Avenue is two tandem metes and bounds parcels of land (Parcel 1 and Parcel 2).
4. The proposed lot amendment combines the two existing metes and bounds parcels and creates two lots of record.

5. The Land Management Code requires a minimum lot width in the HR-1 District of 25'. The lot widths of the 313 Daly Avenue Subdivision Plat are 49.95 feet for lot A and 49.82 feet for lot B.
6. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the 313 Daly Avenue Subdivision Plat are 8636.6 square feet for lot A and 8241.1 square feet for lot B.
7. The proposed maximum gross floor area calculations are compatible with the Daly Avenue Study.
8. The average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue is approximately 91% of the average maximum footprint allowed.
9. Parcel 1 located in the front with access to Daly Avenue is flat and parcel 2 located in the back without any access to Daly Avenue and has steep slopes.
10. An existing historic home is located on the front parcel (parcel 1) of land.
11. The proposed lots create a snow storage easement 10 feet wide along the front property lines off Daly Avenue
12. A remnant parcel of land will not be created by this plat amendment.
13. Access to the lots is from Daly Avenue.
14. All findings within the Analysis section are incorporated within.
15. Access to parcel 2 is not currently available and is therefore unbuildable.

<u>Conclusions of Law:</u>
1. There is good cause for this Plat Amendment because it will create two lots of record from two metes and bounds parcels of land.
2. The Plat Amendment is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>
1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void. The applicant may apply for an extension to this time limit if needed.
3. The Planning Department must approve a Preservation Plan for the movement of the existing Historic home prior to plat recordation.
4. The existing Historic home must be moved onto one of the proposed lots prior to plat recordation.
5. The plat must include a note indicating that the building footprint is restricted to

the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the Daly Avenue Study average ratio, Lot 1 is restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 is restricted to a maximum gross floor area of 3,056 sq. ft.

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

PASSED AND ADOPTED this 15th day of May, 2008.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Attachment 1 – Existing Conditions & Topographic Survey
Attachment 2 - Proposed Plat Amendment

Attachment 2 - Proposed Plat Amendment

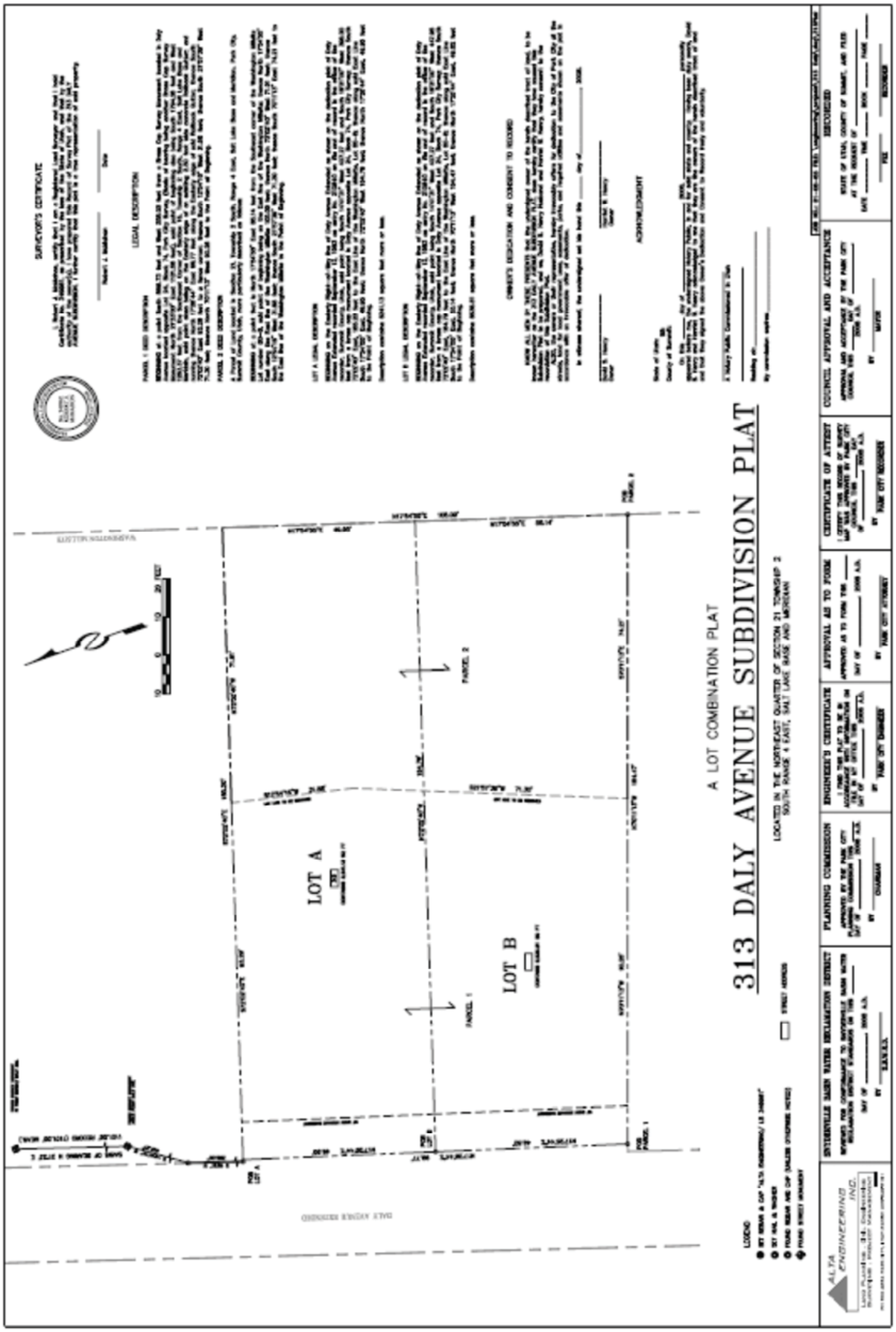


Exhibit B – Historic Building Inventory Sheet

ADDRESS: 309 Daly Avenue
PARCEL #: PC-636

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE
....It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-[12](A), are determined to be Significant for the purposes of this Chapter.

(A) STANDARDS OF REVIEW. In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

Criteria	Evaluation
(1) The Building, Structure or Site is associated with events or lives of Persons Significant to our past; and/or	**Yes, mining industry era.**
(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or	**Yes, the structure embodies the distinctive characteristics: 1 ½ -story, frame, modified hall-parlor (now a side passage), drop siding, full-width porch, porch elements.**
(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or	**Yes, the historical and architectural value of the structure contributes to the significance of the property and area.**
(4) The Building, Structure, or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance to the community; and/or	**Yes, c. 1905**
(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or	**Yes, the historic and architectural features are comparable to those on other significant sites in the surrounding area.**
(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.	**Typical mining era home in scale and massing.**

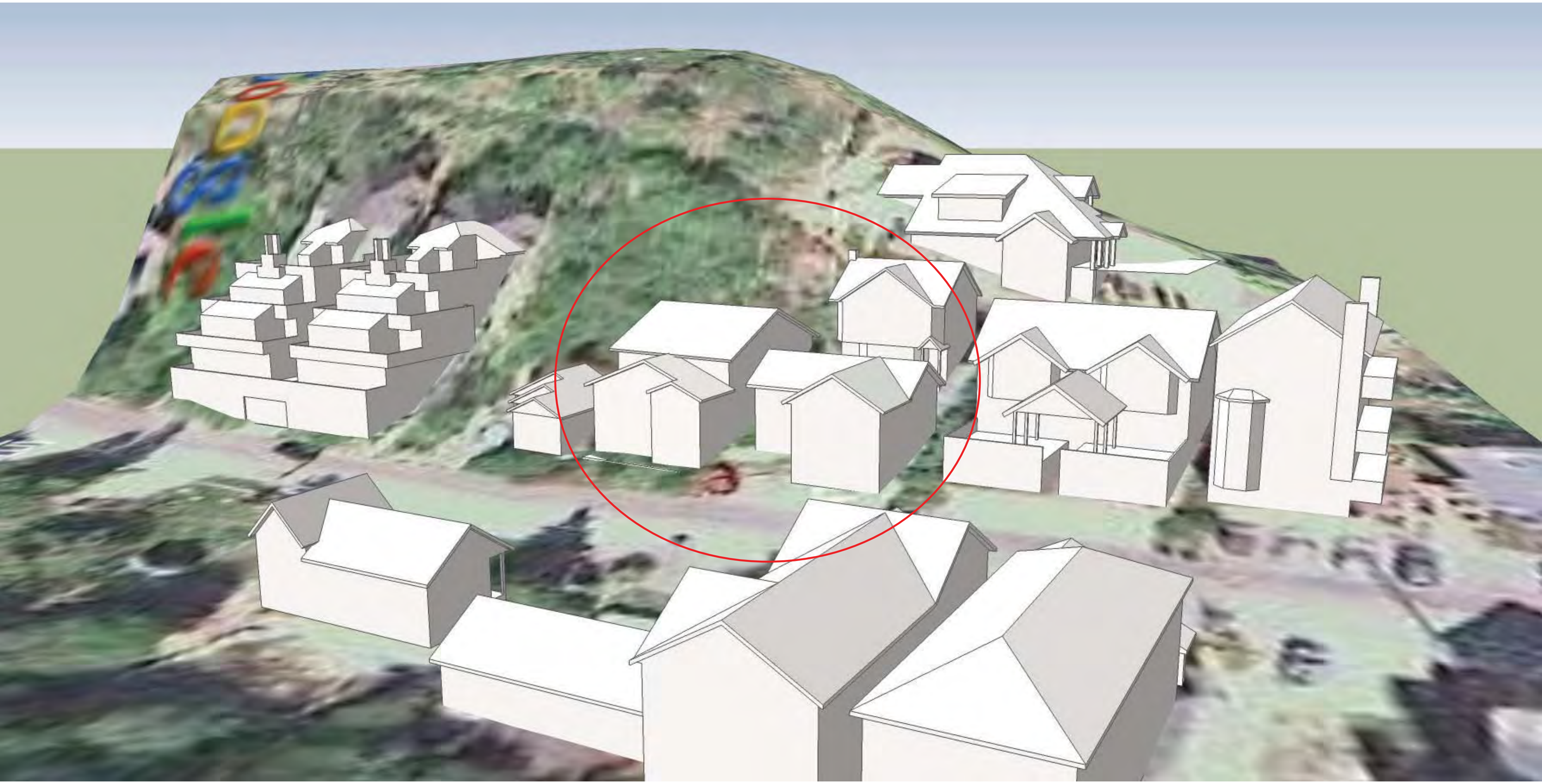
In addition to on-site visual analysis, the following were consulted in determining substantial compliance with the standards of review found in Title 15, Chapter 11, Section 12 Determination of Historical Significance.

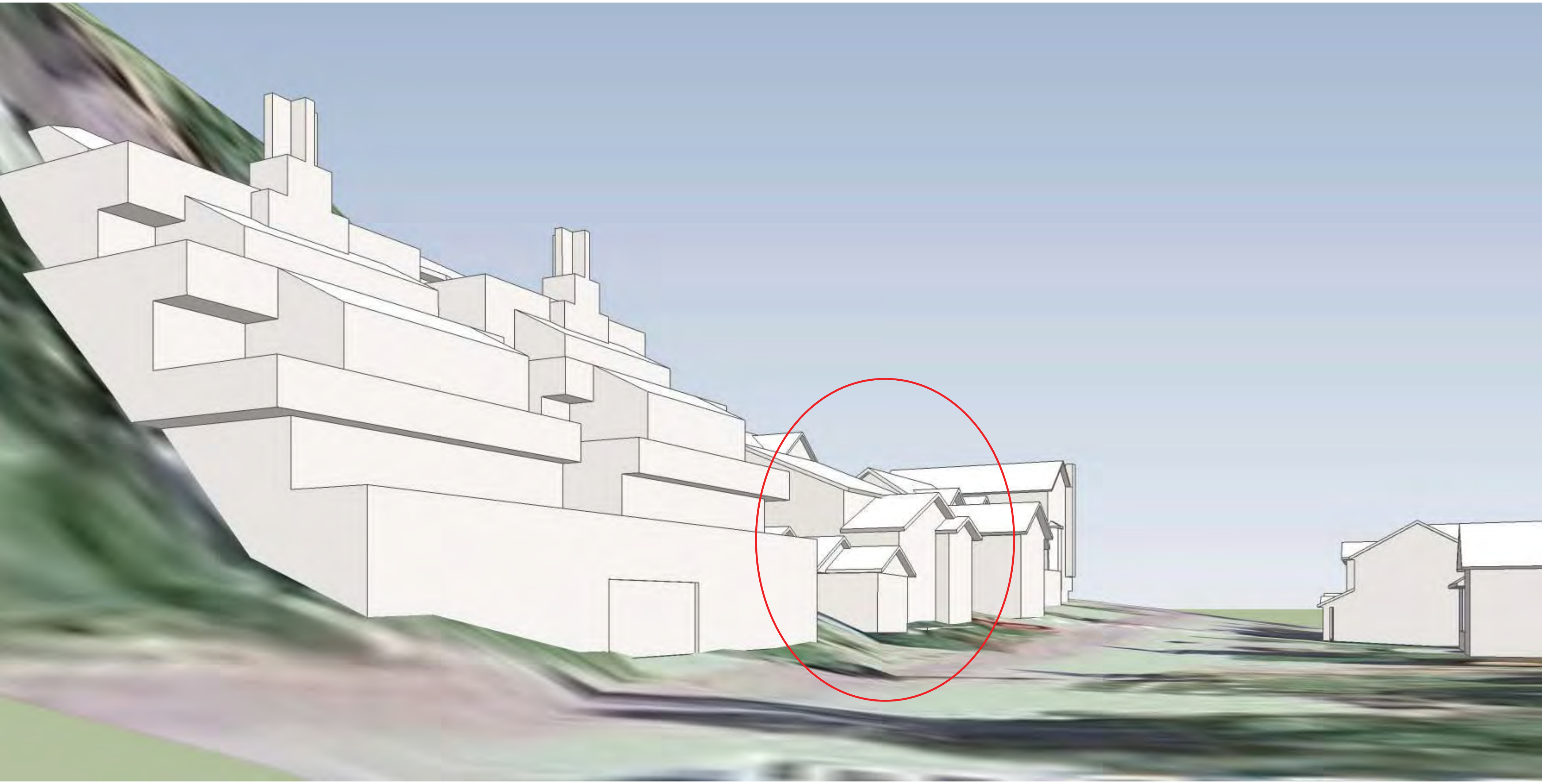
Tax Photo	Planning Office, in binder and @ SHPO
1982 Survey Evaluation	Qualified Contributory. No mention of accessory structures. Smaller one appears to have been moved from another location.
Permit Files	
SHPO[1]	Utah Historic Sites Database Record #57534. Listed at "313 Daly Avenue". No individual property file.
Tax Assessor	
PCHS&M[2]	
Other	Virtually unchanged from date of the tax photo. Seems a hall-parlor may have been modified to a side passage and a rear addition made a simple side-gable form into a saltbox form. Unclear if changes were very early or originally built this way.

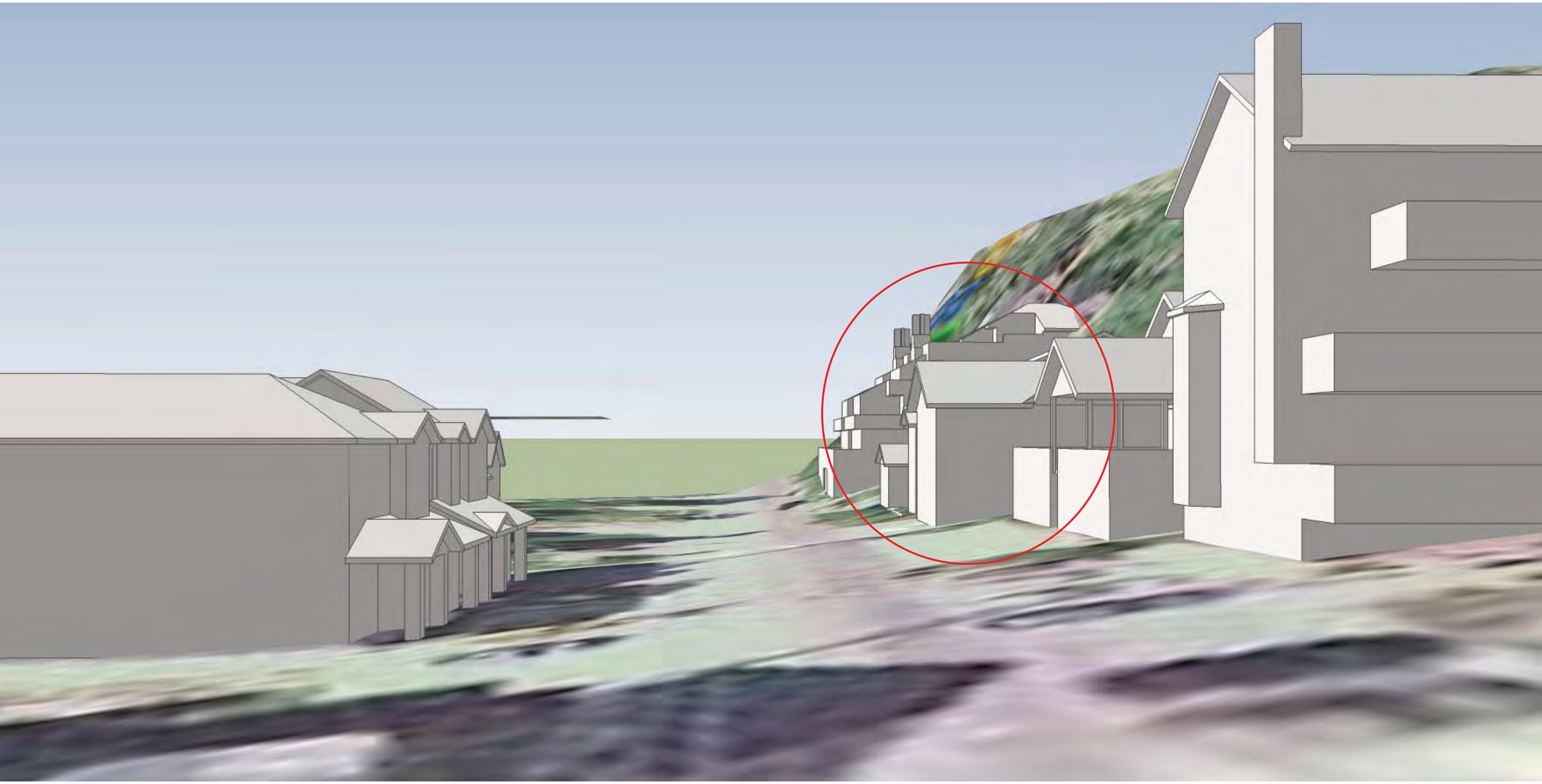
[1] State Historic Preservation Office
[2] Park City Historical Society and Museum

Prepared by Dina Williams-Blaes

Exhibit K - 3D Model

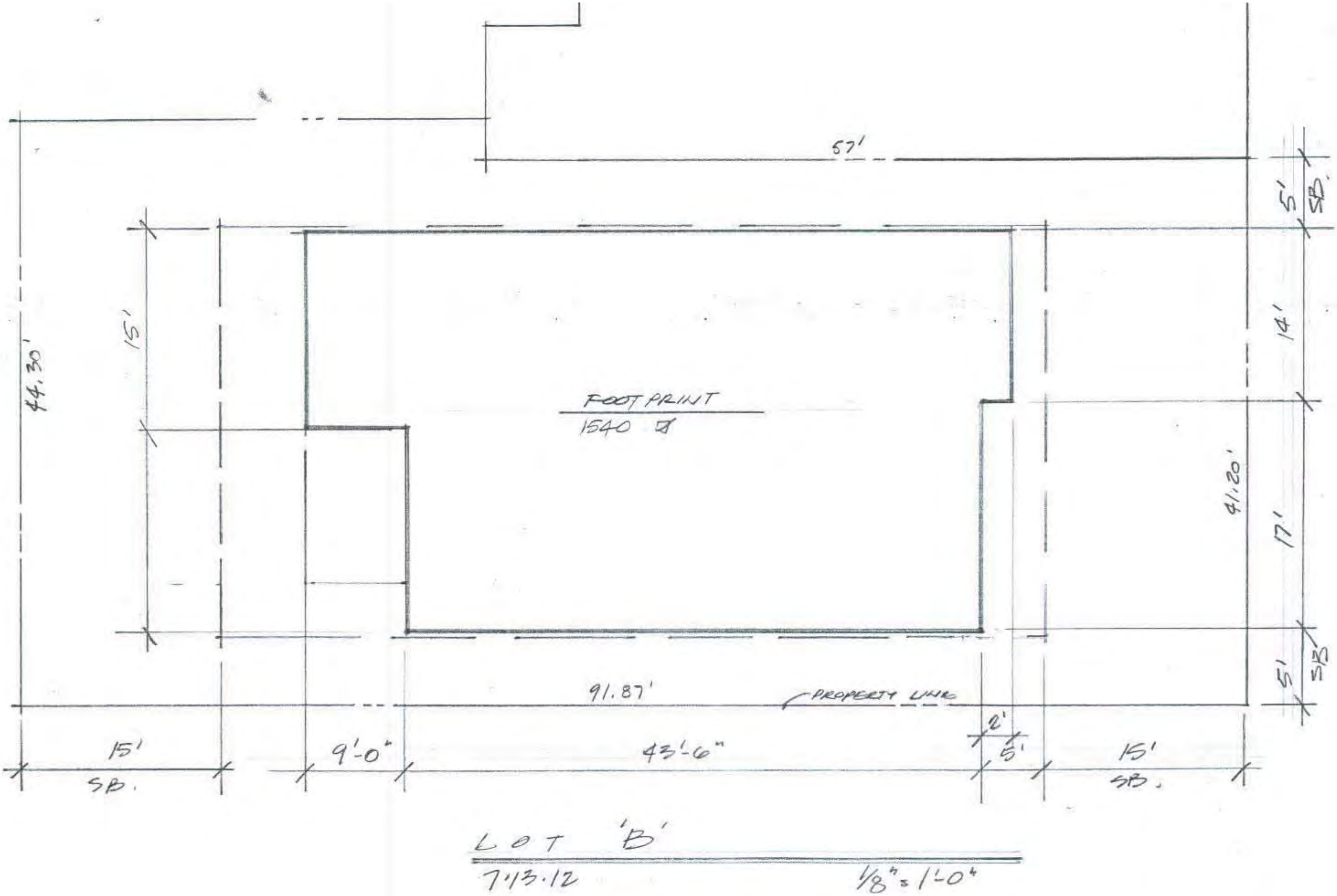


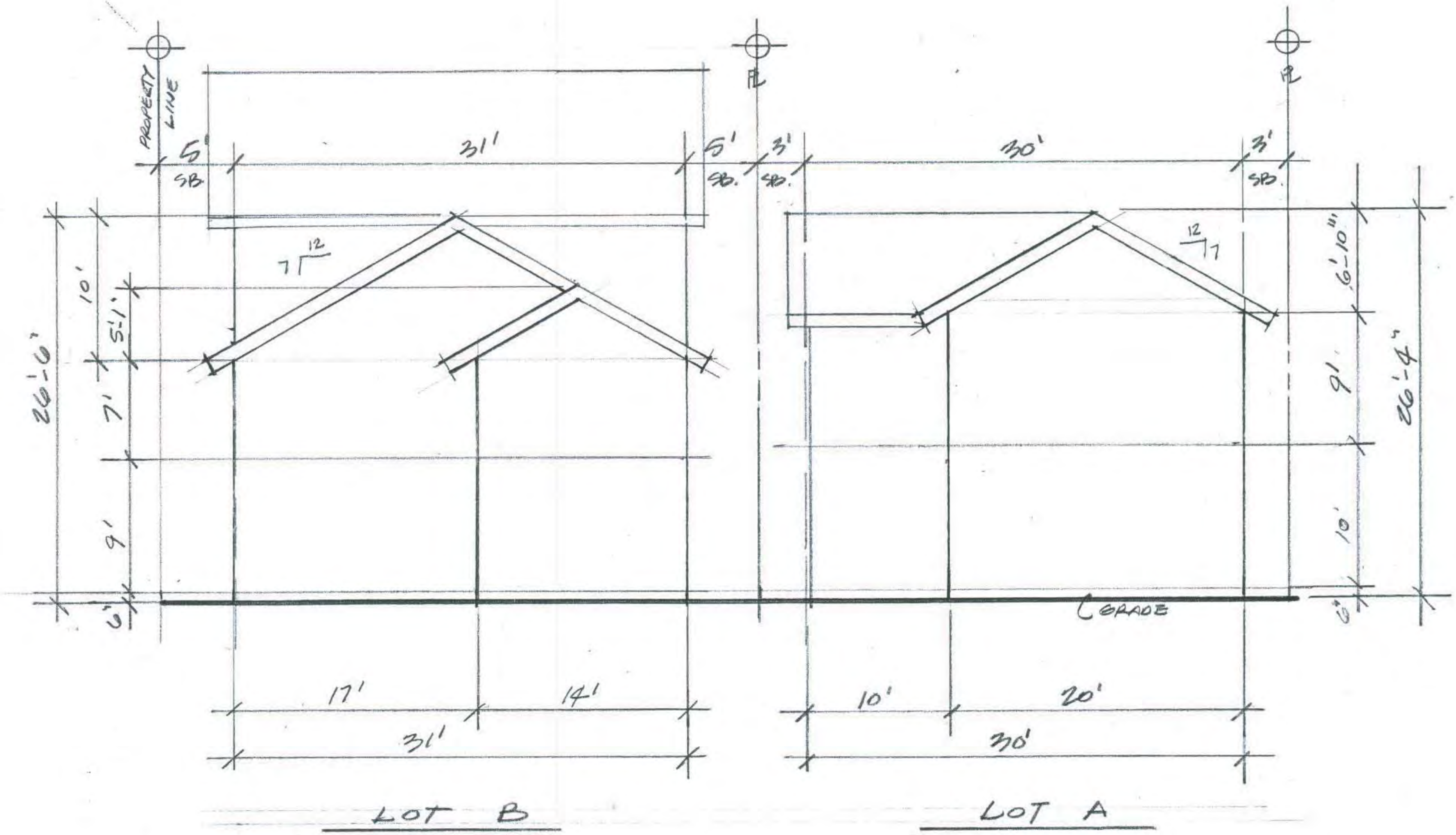





FGK-9764

Exhibit L - Conceptual site plan & massing elevations.


57'
5'
SB.
14'
15'
44.30'
FOOTPRINT
1540 ☐
41.20'
17'
5'
SB
91.87'
PROPERTY LINE
2'
15'
SB.
9'-0"
43'-6"
5'
15'
SB.
LOT 'B'
7.13.12
1/8" = 1'-0"



MASSING ELEVATIONS

80 DALY AVE.

2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding Subdivision Plats.

3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.

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

<u>Conditions of Approval – 1103/1105 Lowell Avenue</u>

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

2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All new construction will require modified 13-D sprinklers.

4. A 10-foot wide public snow storage easement will be required along the front of the property.

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

Planner Astorga noted that the Planning Commission previously reviewed this application for a plat amendment to combine two lots on April 11 and May 9, 2012. On May 9th, the Staff was directed to provide lot areas and footprints to the Daly Avenue comparison study. They were also directed to eliminate vacated Anchor Avenue from the footprint calculation. Planner Astorga stated that the revised study included all structures on Daly Avenue, separated by uses, the existing square footage according to Summit County Records, the lot size of each lot, and the calculated maximum footprint on each lot allowed per the LMC. Since it was impossible to physically measure every footprint, Planner Astorga informed the Planning Commission that the maximum footprint on the study was calculated from a formula using the square footage of each lot.

Planner Astorga reported that the applicant had provided a model as requested by the Planning Commission at the meeting on May 9th. The applicant also submitted an approximate footprint calculation for each of the proposed Lots A and B, as well as massing elevations.

Following the May 9th meeting, the item was continued several times to allow the Staff and the applicant the necessary time to obtain the requested information.

Planner Astorga reviewed an exhibit on page 52 of the Staff report, which was created to identify the owners of the Daly Avenue lots and the associated discrepancies. Planner Astorga commented on the remnant parcels. He noted that 60 Daly Avenue and the Daly Doubles Condominiums had been re-platted and were no longer an issue. Planner Astorga stated that if for any reason in the future the applicant, Mr. Anderson, or the property owner at that time, and Carlene Riley wish to remodel their structures, they would be required to go through the same re-platting process to consolidate the remnants and remove the lot lines to match the true ownership of the property. The Staff anticipates that the lots would meet the minimum requirements of the LMC; however, that analysis was not part of this application because they had not received the survey to verify the information.

Planner Astorga explained that lots like 68 Daly Avenue are called flag lots because of their unique situation regarding the minimum width. The City recognizes that lot as a buildable area because a building permit was issued in the late 1970's or early 1980's. Planner Astorga clarified that he would refer to it as a buildable area rather than a buildable lot, because the lot itself is identified as Lot 9.

Planner Astorga presented an image showing the plat amendment currently being reviewed. He noted that the Planning Commission previously requested that the applicant provide a model to show possible mitigation of impacts to Lot 68 for solar access and view mitigation.

Planner Astorga reviewed the history of plat amendments on Daly Avenue and how an average size was calculated to compare the house size to the footprints along Daly Avenue. He was very familiar with the project on 313 Daly Avenue, at which time the Staff recommended adding a limitation of the maximum house size per the study done at that time. That recommendation was supported by the City Council and the Planning Commission. Prior to that, records indicate that a limitation was placed in the HR-L District. Planner Astorga stated that approximately four months ago the Planning Commission and the City Council added another cap that was imposed by the property owner that limited the floor area to 2,000 square feet. The cap was included on the plat amendment. Planner Astorga believed the precedent had been set and they could move forward with it in this unique portion of the HR-1 District.

Planner Astorga reviewed the table on page 55 of the Staff report showing the ratio of the maximum house size to the allowed footprint for both Lower and Upper Daly Avenue. He noted that the numbers were supported by the analysis. He noted that the gross floor area of all structures on Daly Avenue was approximately 141% of the average maximum footprint allowed. Based on previous restrictions for Daly Avenue, the Staff recommended a cap of 200% for 80 Daly, which means that the proposed footprint would remain the same, but only two floors could be built. The proposed limitation would keep the house size more consistent with existing houses in the neighborhood, and still allow the applicant the flexibility to shift the structure one way or the other.

Planner Astorga clarified that the limitation would only apply to Lot B. The area of Lot A is 1875 square feet, which is the equivalent of a standard Old Town lot of 25' x 75'.

Commissioner Strachan requested clarification of the ratios identified in the table on Page 55. He asked if the house built on the footprint is 141% percent larger than the lot footprint. Planner Astorga answered yes.

Jonathan DeGray, representing the applicant, presented the massing model. The entire ownership of Lot B was represented as a 1,540 square foot footprint, including the Anchor Avenue portion. Eliminating Anchor Avenue from the calculation reduces the footprint from 1540 square feet to 1,384 square feet. Mr. DeGray noted that the applicant was still willing to exclude Anchor Avenue from the footprint. It was included in the massing model to show the worst case scenario.

Mr. DeGray remarked that Lot A was 1,875 square foot with an 844 square foot footprint. It is a two-story structure. He noted that the buildable portion of Lot A is the flat area to the front. There would be a 10-foot front yard and 10-foot rear yard setback, which would occupy a great extent of that steeper slope going up to the house behind. Mr. DeGray presented a photo taken from the front of Lot A looking at the building to the rear. He indicated the duplex to the right and stated that the garage elevation was the single story. The deck above with a window to the rear was the second story. The wall plates would be that height with a roof above. Mr. DeGray remarked that the roof of the proposed building would probably be into the sightline of the windows from the back, but no higher than 27’ because of the elevation change from the front of the property to the rear.

Mr. DeGray reported that the applicant’s position had not changed regarding the recommended building size. They would like to move forward with the reduced footprint at 1,384 square feet that excluded Anchor Avenue, and go through the Steep Slope CUP process to determine the appropriate square footage based on the setting. Mr. DeGray stated that 2768 square feet represents a building size that does not take into account the topography of the lot. A third to a half of the building would be buried and 2,768 square feet would be less usable than it would be if it were built somewhere else. Mr. DeGray felt there was unfairness in the evaluation that one number works and another number does not. He requested the ability to move forward with 1,384 square feet of footprint and let the Steep Slope CUP process play out.

Commissioner Strachan wanted to know how much smaller the proposed structure would be if the Planning Commission accepted the 200% ratio restriction. Mr. DeGray replied that the structure shown on Lot B at a 1540 square foot footprint represents a building that slightly exceeds 4,000 square feet with a garage. Commissioner Strachan asked for the ratio under the recommended 200% restriction. Mr. DeGray stated that under the 1500 square feet of footprint the ratio would be 2.7. He noted that 1384 square feet at 2.4 would be approximately 3300 square feet of structure. Mr. DeGray believed that under the Steep Slope CUP, a 3300 square feet house would work on the site and fit with the surrounding buildings, and still be sensitive to smaller non-historic structure to the south. He estimated that at least a third of the structure would be underground.

Chair Wintzer opened the public hearing.

Carlene Riley, a resident at 84 Daly Avenue, asked if they would cut off access to Pete Henderson’s property. Mr. DeGray replied that the applicant was proposing to allow easement agreements that maintain the access and the deck extensions.

Ms. Riley wanted to know how close they would build to her house. Mr. DeGray stated that it was a 40-foot wide lot which requires a 5' side yard setback. The Staff had recommended a 7-foot side yard on Ms. Riley's side and the applicant agreed to that.

Ms. Riley asked about the intended distance from the road. She noted that her home was only 7' back from the road. Mr. DeGray calculated 15' as the required setback based on the lot width. Ms. Riley was not happy about removing the trees.

Brent Gold, legal counsel representing Pete Henderson, the owner of Lot 68, stated that during the meeting on May 9th considerable objections were raised by several of the Commissioners regarding the impacts of this proposal on Lot A, which is the lot immediately in front of Mr. Henderson's property. Concern was also raised regarding the issue of what constitutes a lot of record and whether it was permissible to proceed with this request when the only lot of record is Lot 9. Mr. Gold recalled from the discussion that it was a problem. He referred to comments by Planner Astorga in describing the events that took place in connection with construction on a portion of Lot 68. Mr. Gold remarked that it was a different time, a different day and a different world. What they are dealing with today is Lot 9, which is the only lot of record. How to handle a lot of record is not addressed in the Code for the type of subdivision that occurred many years ago under an entirely different Code.

Mr. Gold reiterated that the issue was raised by the Planning Commission on May 9th, but it was not addressed in the current discussions. Mr. Gold also recalled from the discussion a suggestion for a possible variance based on undue hardship on the applicant. He did not believe that issue had been resolved to this point. Mr. Gold remarked that on May 9th, Commissioners Pettit and Hontz had raised objections to the height and the impact on Lot 68. He noted that Mr. DeGray had provided new information that would seemingly limit in all respects the height of the structure to two floors. However, the proposed ordinance cites limitations on Lot B, but there are no limitations reflecting the conditions of the height proposed. In addition, there was no limitation on the allowed square footage. Mr. Gold calculated what he believed was the accurate square footage and reviewed illustrations to address the height. He noted that the space above the roof line, which extends the entire distance of Lot A in front of Mr. Henderson's property, covers all but approximately 2-1/2 to 3 feet of the first floor and entirely covers all of the windows on the first floor. It appeared that the second floor was not obstructed by the roof. Mr. Gold stated that this was a problem due to the nature of the District and the concerns raised by former Commissioner Pettit and Commissioner Hontz. Mr. Gold requested clarification of the height. He noted that one document references a 26'-4" height limitation, and that limitation was not referenced in the ordinance. Mr. Gold believed the issue needed to be rectified.

Mr. Gold stated that in the survey provided by the applicant, the survey line shows the property boundary being used by the applicant for the top portion of the stairs appears to cover slightly more than half before it tapers down. The piece on the bottom was a concrete pad. Mr. Gold remarked that those improvements were built in 1981 and 1982. They were built according to a survey provided at the time the house was built. On May 9th, Commissioner Wintzer mentioned the re-monumentation in Park City in the early 1980's. That re-monumentation moved property lines anywhere from a few inches to several feet. His client emphatically claims ownership of that piece and an easement agreement would not suffice. Mr. Gold was prepared to provide all necessary verification to support his claim. Based on the assumption that his client owns that property, the applicant adjusted the property boundaries from the adjoining Lot B so they could get the 1875 square feet required under the Code. If that line moves a fraction, they would be under the required square footage. He pointed out that they could still move the lot line farther into Lot B, but that would change the entire configuration and the entire proposal.

Mr. Gold stated that the applicant makes the argument that Lots 10 and 11 are buildable lots, and that the current solution renders a better resolution of the problem. Mr. Gold felt the better resolution remained to be seen. He did not believe all the problems with Lot A had been remedied. It was the general consensus that the Planning Commission has the authority and power to impose conditions and restrictions that cause the resolution of all problems rather than creating greater problems in the future. He suggested that they were not finished with this plat amendment process.

Chair Wintzer closed the public hearing.

Wade Budge, legal counsel representing the applicant, responded to the issues raised by Mr. Gold. With respect to whether a variance might be appropriate, Mr. Budge pointed out that the proposal meets what is required to create a lot in this area, including the required square footage. If Mr. Gold's point is an inappropriate use, that could not be solved through a variance. A use variance is prohibited by Utah law and therefore it is not applicable. Mr. Budget believed the focus should be whether or not the applicant meets all the requirements from a size perspective. A certified survey and Mr. DeGray's drawings show that both of the proposed lots were sufficient size for the zoning district.

Mr. Budge agreed that a condition had not been proposed for Lot A. The reason is that the natural size of the lot creates its own restriction due to the setback and height restrictions of the zone. They had presented the worst case scenario and understood the maximum footprint. A condition was not needed, but they would not be opposed if it was required because they already know that 844 square feet is the maximum footprint.

Mr. Budge commented on the encroachment issue. He believed the neighbors needed to work out the issue among themselves and not involve the Planning Commission. He proposed modifying Condition #4 and handed out proposed language that he had drafted. The revised condition would read, "Prior to plat recordation, an encroachment agreement or an encroachment license must be either agreed to or granted to allow the existing encroachments from 68 Daly Avenue to continue as they presently exist." Mr. Budge believed the revised language avoids involving the Planning Commission on the issue and allows the applicant the ability to work with Mr. Henderson to come to an agreement. If they cannot come to an agreement, it would be presented to the City with a proposal that would allow Mr. Henderson to continue using what the applicant views as his property. Mr. Budge stated that if there was a true dispute over ownership, the burden would be on the neighbor to come forward with evidence of ownership. He clarified that the ultimate goal was to keep the encroachments in place and allow them to continue as they exist.

Mr. Budge responded to the issue of square footage and setting a maximum for Lot B. Their strong preference would be to defer that to the Steep Slope CUP process. The architect could come forth with an actual plan and under the CUP ordinance a number of criteria could be applied to determine whether the plan presented makes sense for the neighborhood. He pointed out that the Planning Commission makes the final decision on a CUP. If they forward a recommendation to the City Council specifying a size, the City Council would make the final decision and possibly set the size since they ultimately approve the plat. Mr. Budge stated that if the concern was making a future buyer aware of the size restriction, the applicant was willing to add a plat note stating that the actual size for Lot B would be determined through the Steep Slope CUP analysis process or a similar zoning process.

Mr. Gold requested time for a brief rebuttal. Mr. Gold remarked that there was a subtle difference between “must be agreed to” and “granted to allow”. It is the difference between unilateral and bilateral. If the two owners cannot agree, Mr. Budge’s client could dictate what the grant would be. His client was amenable to working out a solution with his neighbor, but it needs to be a bilateral process. If the Planning Commission approved the condition as proposed by Mr. Budge, it would be strictly unilateral.

Commissioner Savage asked if Mr. Gold had evidence that Mr. Henderson owns the property. Mr. Gold answered yes. Commissioner Savage wanted to know why the information had not been presented to the other side. Mr. Gold stated that the evidence was a survey that was done when the original house was destroyed by the tank that rolled down the hill.

Commissioner Savage asked Planner Astorga for the City’s position related to the lot. Planner Astorga stated that he had searched for all records related to the reconstruction of the structure and the staircase, and he did not find any plans or surveys in the City files. He was happy to accept any information Mr. Gold could provide on the matter. Commissioner Savage clarified that the City’s official position is that the property belongs to the applicant. Planner Astorga replied that this was correct, because the applicant had submitted a certified survey stamped by Alliance Engineering. Commissioner Savage believed the question was the record of property line. It appears that the City’s record of property line indicates that the steps were built on their property and the applicant was willing to grant an ongoing, perpetual right for 68 Daly to have access to that staircase.

Mr. Gold respected Commissioner Savage’s position; however, there were legal documents related to ownership of the property that goes beyond what is shown on City records.

Assistant City Attorney McLean clarified that the City relies on stamped surveys to form their position. If there is a dispute between property owners and each has a different survey, it is up to the property owners to litigate their dispute outside of the City forum. In this case the City has a licensed, stamped survey and they are required to rely upon that survey.

Commissioner Savage understood that for the purpose of the discussion this evening, the Planning Commission should assume that the property in question belongs to the applicant. Commissioner Hontz pointed out that the survey was stamped by the surveyor but it was never recorded at the County. Mr. DeGray stated that it would not be recorded until the plat was recorded.

Assistant City McLean stated that once a survey is stamped, the surveyor declares that they are certified based on their professional license and that the survey is accurate. Even when things are not recorded as a plat, the survey is filed with the County.
Commissioner Hontz disclosed that she lives on Upper Daly Avenue, which is not in the vicinity of this property, and it would not affect her comments or decision this evening.

Commissioner Hontz appreciated the work Planner Astorga and the Staff did on the Staff report, particularly since they tried to find a creative solution and a compromise. However, she respectfully disagreed with this particular solution. If they allow two units to be built at the proposed size, the whole community loses. Commissioner Hontz believed her comment from the May 9th meeting still stands today. If the Planning Commission allows what is proposed, they create harm by creating new impacts and issues related to snow storage, traffic, view shed, parking, etc. All harm would be caused directly from this application and not by anything that currently exists around it. Commissioner Hontz pointed out that in addition to exacerbating the existing problems, the proposal creates its own additional problems.

Commissioner Hontz referred to Conclusion #1, which asked if there was good cause. She appreciated the massing study because it demonstrated exactly what they would not want to see occur and how the impacts would be thrust upon this part of the neighborhood.

Commissioner Thomas concurred with Commissioner Hontz. In looking at the massing diagram, he believed one of the problems with the comparative analysis of density and massing was that the measurement was taken against buildings that were built historically; and those structures would not be allowed today. They would be averaging up in terms of size and massing with that approach and he did not believe that was the intent. Commissioner Thomas thought the Planning Commission was looking for commonality with the historic components of the community. Visual Aid 102 demonstrated massing that was dramatically out of scale with the adjacent historic home. Commissioner Thomas also struggled with the image on page 52 of the Staff report, which showed the scenario of ownership. He felt it was practical to have three units on three properties. A lot combination would add density and more negative impact to the neighborhood and adjacent property owners. Commissioner Thomas stated that he had issues with the application and he could not support it.

Commissioner Worel concurred with her fellow Commissioners. She also had an issue with the easement for the stairs. In her opinion, if the neighbors could agree on an easement it would have been done by now. Both sides were claiming ownership and she did not think the Planning Commission could approve the plat amendment without conclusively knowing who legally owns the property.

Commissioner Thomas stated that he would be able to support an application that had a smaller house in the center of Lot 10 that had a relationship with the house on Lot 11, and left the building pad alone in front of the other lot. He offered that alternative if the applicant was interested in that approach. It would allow him to build on his property and create a no-build zone on the adjacent property below the existing house. Commissioner Thomas believed the result would be a building configuration that is more consistent with Old Town.

Commissioner Strachan concurred. In his opinion, Lot 10 is the classic Old Town buildable lot. He recognized the unfortunate circumstance that at some point in the past Lot 9 was subdivided. He believed that when the subdivision occurred the property owner of all of Lot 9 assumed that he would make two buildable lots out of one. Commissioner Strachan agreed with Commission Thomas that a lot combination would increase the density. The increase is not envisioned by the current lot sizes and the history of applications on Daly Avenue that have come before the Planning Commission. He also agreed that the ownership issue needs to be resolved. He believed an approval could be conditioned on having an encroachment agreement; but that problem combined with the other problems already stated would not allow the Planning Commission to approve the application.
Commissioner Savage felt the application had gone through a rigorous Staff analysis and that the applicants had done their work sufficiently. Assuming that the survey is valid, he believed the applicant was entitled based on the Code and the precedent to create the realignment. Commissioner Savage thought it was an unfortunate situation for the neighbor behind, but when that neighbor built his house he was aware of the lot in front. Commissioner Savage felt strongly that when people purchase real estate they need to consider the rights of the surrounding property owners. Commissioner Savage supported the application as proposed and he would forward a positive recommendation to the City Council.

Chair Wintzer asked if the applicant wanted a vote this evening or if they preferred another continuation. Mr. DeGray stated that his client was not willing to make Lot 9 open space. Based on the comments this evening, he did not believe he had the ability to do what the Commissioners were asking. Mr. DeGray suggested that the Planning Commission should vote on the application this evening.

Assistant City Attorney McLean clarified that a negative recommendation would be based on their comments this evening. Findings of fact and conclusions of law would not be required because they were not recommending the plat amendment.

MOTION: Commissioner Thomas moved to forward a NEGATIVE recommendation to the City Council for the plat amendment for 80 Daly Avenue based on the comments expressed by the Planning Commission this evening. Commissioner Hontz seconded the motion.

VOTE: The motion passed 4-1. Commissioners Hontz, Thomas, Strachan and Worel voted in favor of the motion. Commissioner Savage was opposed.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

Approved by Planning Commission: ___________________________________