PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 29, 2010

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, July 15, 2010.

Closed Session
1:30 p.m. Property, personnel, and litigation

Work Session
4:30 p.m. Council questions/comments
4:45 p.m. Environmental update and prioritization P. 6 - 28
5:45 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JULY 1 AND JULY 15, 2010 P. 29 - 43

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

1. Consideration of Resolution designating September 6 – 10, 2010 as Blue Sky Week in Park City, Utah P. 44 - 45

2. Consideration of Resolution proclaiming July 29, 2010 as March of Dimes Day in Park City, Utah P. 46

3. Reconsideration of a service agreement with Questar Gas for design and construction services for the SR-248 and Comstock Pedestrian Tunnel Project not to exceed of $100,000, in a form approved by the City Attorney P. 47 - 49

4. Consideration of execution of the Impact Fee Assessment and User Fee Payment Agreement with Synderville Basin Water Reclamation District for payment of

$342,824 for the Quinn's Water Treatment Plant along with an agreement to pay monthly user fees, in a form approved by the City Attorney P. 50 - 64

5. Consideration to execute a Construction Agreement Amendment for Change Order 7 in a form approved by the City Attorney, with Allied Construction for the construction of the Quinn's Raw Waterline for a lump sum amount of $29,101 P. 65 - 72

6. Consideration of reappointment of John Halsey and Meg Steele to the Recreation Advisory Board for terms expiring June 30, 2013

7. Consideration of grant an easement (revision) to the Snyderville Basin Water Reclamation District (SBWRD) for the purpose of construction and maintenance of the sanitary sewer at the Creekside Subdivision P. 73 - 82

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

1. Consideration of an Ordinance approving a plat amendment for Ridge Overlook, located at 200 Ridge Avenue, Park City, Utah
    (a) Public hearing
    (b) **Motion to continue to a date uncertain**

2. Consideration of an Ordinance approving the 6808 Silver Lake Drive Plat Amendment, combining Lots 16 and 27 of the Amended Evergreen Subdivision Plat, Park City, Utah P. 83 - 91
    (a) Public hearing
    (b) Action

3. Consideration of a Resolution approving an amendment to the Park City General Plan changing the name of the Park Bonanza Planning Area to the Bonanza Park Planning Area P. 92 - 112
    (a) Public hearing
    (b) Action

4. Consideration of an Ordinance approving the Snow Country Condominiums Amendment to Record of Survey Plat, located at 1150 Deer Valley Drive, Park City, Utah P. 113 - 153
    (a) Public hearing
    (b) Action

5. Consideration of an Ordinance approving the 114 Hillside Replat, located within Lots 31 – 35 of Block 72 of the Park City Survey and portions of vacated Chambers Street, Park City, Summit County, Utah P. 154 - 163
    (a) Public hearing
    (b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Wireless internet service available in Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 5, 2010

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, August 5, 2010.

Posted: 07/26/10
See www.parkcity.org

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

July 2010

15 **Tom gone**
22 **No meeting**
29

August 2010

5 **Dana gone – no meeting**
12 Quarterly goals (work - 30 min)
Trail Program expansion per Mountain Trails Foundation - HD
Special Service Contract award – HD
Board training – (work – 1 hr)
Norfolk Ave Reconstruction
19 **No meeting**
20 Quarterly Managers Meeting
26 HMBA position papers (work – 30 min)

September 2010

2
9 **No meeting**
16
23
30

October 2010

7
14
21
28

Pending Items:

Review of two year special event policy
Open space maintenance
U S Postal Service gang boxes in Old Town - MC
Wild land interface issues

City Council
Staff Report

PARK CITY 1884

Subject:	**Mid-Year Environmental Update & Prioritization**
Author:	**Tyler Poulson & Diane Foster**
Department:	**Environmental Sustainability**
Date:	**July 29, 2010**
Type of Item:	**Informational / Administrative**

Summary Recommendations:
Staff recommends that City Council review the Environmental Update and provide policy direction and policy prioritization.

Topic/Description:
The purpose of this Work Session is to confirm City Council's environmental policy position and provide Council with the opportunity to direct a change in policy direction and/or prioritization.

Additionally, staff will provide informational updates on the following projects:

- ✓ Municipal Carbon Footprint & Revolving Loan Fund
- ✓ Recap on USU Energy Feasibility Study
- ✓ Local Food Initiative in Summit County
- ✓ Park City Environmental Heroes Award
- ✓ Save Our Snow Action Plan & Implementation
- ✓ Partnering with Summit County on Environmental Sustainability

In addition to providing an update on these items during Work Session, staff will initiate a conversation with Council to determine environmental policy priorities going forward and potential updates to the goals and objectives within the Strategic Plan.

Background:
In January 2009 Council approved the Environmental Strategic Plan shown in Exhibit A. Informational updates to that plan were provided to City Council in August 2009 and January 2010. Policy direction from Council since that time has been to focus on three primary issues:

1. Reducing Municipal and Community Carbon Emissions;
2. Reducing Municipal and Community Water Use;
3. Improving soil and water quality through proactive compliance with local, state, and federal environmental regulations.

Because it has been eighteen months since Council formally adopted the Environmental Strategic Plan and because two new members have joined City Council, it is an appropriate time to reconfirm the City's environmental strategic direction as well as to discuss several new policy questions with Council. A summary table (Figure 1) of policy questions and informational items in this Staff Report is included on the next page.

Summary of Policy Questions and Informational Updates:

Policy Questions		
Topic	**Staff Recommendation**	**Alternative(s) to Recommendation**
Internal Revolving Loan Fund	Establish a $127k revolving loan fund at PCMC for ongoing carbon reducing and cost-saving upgrades	a. Establish a revolving loan fund with an amount other than $127k. b. Do not establish a revolving loan fund.
Park City Environmental Heroes	Staff's recommendation is to form an award selection committee consisting of two locally elected officials and two Environmental Sustainability staff members. Staff will request direction on who will fill the selection committee and whether award will be presented one or two times each year.	a. Staff creates an Environmental Heroes Award, but with program details other than listed in this Staff Report. b. Staff does not pursue creation of a local Environmental Heroes Award.
Carbon-intensity of Electricity - Save Our Snow Action Plan	Staff would like Council to consider the addition of a new objective (1.4) for the Strategic Plan: *Objective 1.4: Address City Council's municipal and community carbon reduction as well as air quality goals by identifying economically viable methods of changing the carbon intensity of electricity utilized in our community.* Staff estimates that with four to eight hours of staff time per week, we could research alternative options and return to Council for discussion and potential next steps.	a. Staff does not pursue an investigation of this at this time.
Partner w/Summit County	Staff would like Council to consider the addition of a new objective (3.6) for the Strategic Plan: *Objective 3.6: Partner with the County and other local governments to increase programmatic efficiencies and improve regional success of environmental sustainability initiatives.* If approved, staff could return to Council for consideration of a formal working agreement (such as a Letter of Intent) with the County.	a. Staff continues dialogue with the County's Sustainability Coordinator, but no formal partnership is pursued.

Informational Updates	
Topic	**Summary of Update Details**
USU Energy Feasibility Study	Staff has reviewed the final draft of the feasibility study. Next steps on each individual topic are included in the Analysis and Discussion section of this Staff Report.
Electric Trolley Partnership Opportunity	Energy Dynamics Lab (EDL) has approached staff with a potential partnership opportunity for an electric trolley pilot in Park City using wireless Inductive Power Transfer (IPT) technology. Transit and Environmental Sustainability staff are gathering additional details and will return to facilitate a comprehensive discussion with Council. This discussion will include consideration the four related policy questions in the Alternative Fuel Options section for Council to consider.
Summit County Local Food	Summit County and Uinta Headwaters RC&D, a non-profit public charity designated by the USDA, have taken the lead in developing a local food initiative in the County. Staff is contributing a small amount of time to assist with these efforts.
Green Business Program - Save Our Snow Action Plan	Staff is working with a ParkCityGreen.org Marketing Coordinator from The Park City Foundation on design and potential implementation for a local green businesses program that would be managed through the Park City Green website.
Other Implementation – Save Our Snow Action Plan	In January 2011 staff would like to discuss with Council the possibility of addressing additional Save Our Snow Task Force recommendations. At that time, staff would like to discuss the potential to facilitate a community engagement process for implementation of additional recommendations. Given the time commitment associated with such an effort, and the likelihood that the project would be most successful if it had geographic reach that included Summit County and Wasatch County, staff would like Council direction prior to taking on an initiative of this magnitude.

Figure 1. Summary of Policy Questions and Informational Updates

Background on Informational Items

Municipal Carbon Footprint & Revolving Loan Fund

City Council formally committed to a carbon mitigation goal for municipal operations during a December 2009 Work Session. This goal has the target of being 12% below business-as-usual (BAU) forecasted emissions by 2012. In December Council was presented with action items to help meet this municipal goal. However, staff believes there will be future opportunities to attain additional carbon savings at a net financial benefit to the City. An internal revolving loan fund may be the most effective way to deliver these carbon reductions and financial savings. Details on the potential for this fund are provided in the Analysis section.

Recap on USU Energy Feasibility Study

Students from Utah State University (USU) and staff from the Energy Dynamics Lab (EDL) in Logan presented a renewable energy feasibility study for Park City during the March 18th City Council meeting (Exhibit B - minutes attached). Staff has received a complete draft of the study which is now posted on the web[1]. This Staff Report includes internal analysis of some of their recommendations and solicits additional direction from Council. The Staff Report also introduces a new potential partnership opportunity with EDL for electrification of the Main Street trolley and discusses the policy question of strategic partnerships.

Local Food Initiative in Summit County

As previously communicated to Council in a Manager's report, a collection of City and County government staff, local farmers & ranchers, and industry experts have organized into a Task Force to promote the production and consumption of locally produced food in Summit County. The group, titled the Summit County Food Coalition, recently completed a pre-pilot retail program for beef sold at The Market at Park City and is planning next steps for promoting local food.

Park City Environmental Heroes Award

Based on feedback from Council during 2010 Visioning, the Environmental Sustainability team has developed a framework for a local Environmental Heroes award sponsored by Park City Municipal. The award will recognize exceptional work being done by environmental leaders in the Park City area. The honor will also express City Hall's appreciation for those who improve the environmental sustainability of our community and further the goals of City Council and the Mayor.

Save Our Snow Action Plan & Implementation

Based on Council direction received during the Environmental Strategic Plan update in August 2009, staff initiated a community engagement process to develop energy and water conservation strategies for Park City. Over 90 community members attended the Save Our Snow Action Plan event this past November and 31 of these individuals became part of a Save Our Snow Task Force (SOSTF). The SOSTF evaluated and prioritized carbon reduction and water conservation strategies for the community. The recommendations of this Task Force have been formalized as a Save Our Snow Action Plan[2]. This Staff Report includes analysis of the Action Plan along with related policy considerations for City Council to advise on.

Partnering with Summit County on Environmental Sustainability

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[1] "Renewable Energy: A Path Forward for Park City":
http://www.parkcitygreen.org/Community/Community-Footprint/RenewableEnergyStudy-ParkCity.aspx

[2] "Save Our Snow Action Plan":
http://www.parkcitygreen.org/Community/Community-Footprint/SOS_Action_Plan.aspx

A variety of initiatives including the Save Our Snow Action Plan, Summit County Food Coalition, and both the municipal and community carbon footprint processes suggest potential benefits of a more formal partnership with Summit County on environmental sustainability issues. The Analysis section will detail the benefits, and potential structure, of such a partnership and ask if Council would like to consider a more formal Interlocal Agreement or Letter of Intent with the County in this realm.

Analysis & Discussion Items:

Municipal Carbon Footprint & Revolving Loan Fund

City Council has set a goal for municipal carbon emissions to be 12% below their forecasted BAU target by 2012 (see Figure 2). In order to accomplish this, a cross-departmental team created a municipal carbon mitigation action plan which was approved by Council as part of the 2012 goal. Staff will be tracking and reporting municipal emissions on an annual basis. The actual emissions for 2007, 2008, and 2009 are represented by asterisks in Figure 2. While a wide variety of factors contribute to yearly emissions fluctuations and identifying all of these is not possible, staff identified three significant trends which created most of the emissions decline between ’08 and ’09. First, emissions related to facility energy usage declined by 9.3% with most of the decline occurring in electricity usage. This fluctuation can be attributed to energy efficiency retrofits performed by Johnson Controls, changes in facility usage throughout the year (e.g., Marsac remodel), weather factors, and other more subtle permutations. Second, municipal water production for the community fell by 9.7% and this decline translated into less electricity used for treating and distributing water within municipal boundaries. Third, vehicle fuel consumption experienced a slight decline of 2.9% with mixed results spread across various City departments.

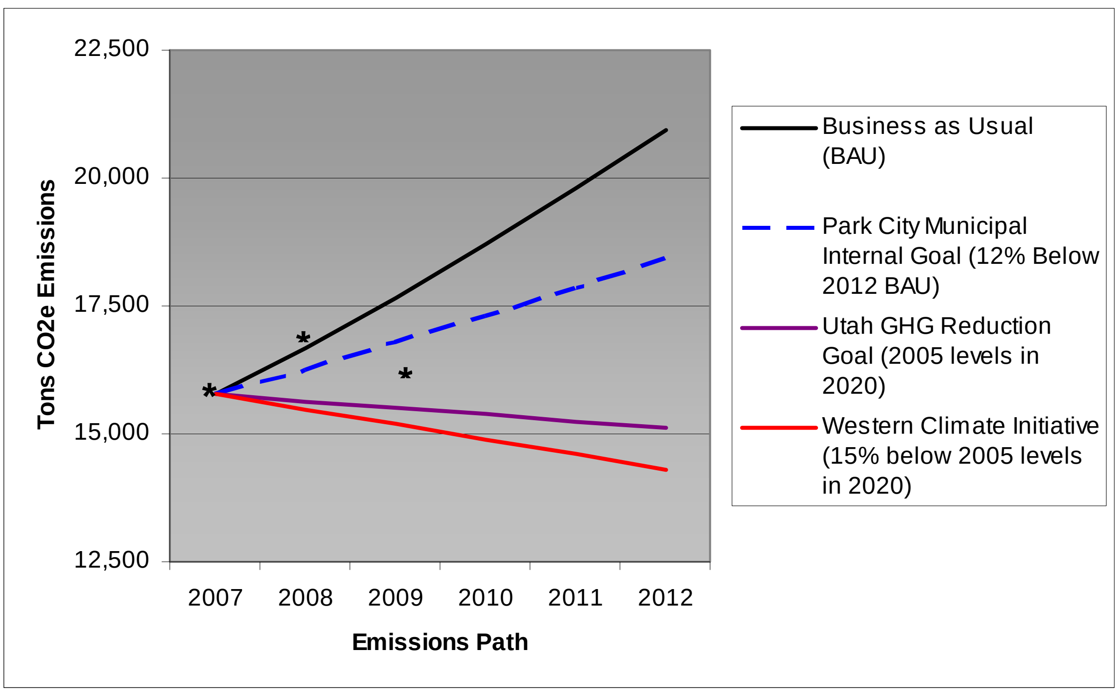

Figure 2. Park City Municipal Emissions Forecasts, 2007 – 2012; asterisks represent actual ’07, ’08 & ‘09 emissions

Based upon Council support for a municipal carbon mitigation goal (Exhibit C – minutes attached) and objectives 1.0 and 2.0 in the broader Environmental Strategic Plan (Exhibit A), staff continues to consider ways to further reduce carbon emissions at the municipal level. In addition to pursuing grant opportunities, staff believes an internal revolving loan fund for City projects could be the catalyst for a variety of future sustainable energy and conservation projects on a municipal level.

As demonstrated by universities, municipalities, and other various organizations, an internal revolving loan fund offers the potential to efficiently finance energy and water conservation projects and while delivering a long-term financial return. Such a fund at Park City Municipal would require upfront financing and staff is recommending that these funds come from the $127,000 surplus left over from the Johnson Controls project. This $127k was originally budgeted to finance energy and water conservation projects at the City, but was not used due to project decisions and savings realized during implementation of upgrades by Johnson Controls.

The need for an internal loan fund arises due the current disconnect between the costs and benefits of efficiency upgrades at the City. With the current model, specific departments are responsible for financing efficiency projects they identify; however, the financial benefits of these upgrades are accrued via utility/fuel bills which are paid on a city-wide level. Therefore, individual departments bear the burden of upfront costs, but do not reap the financial benefits conveyed by the upgrades. A revolving loan fund would overcome this disconnect and allow efficiency upgrades, with a net savings to the City, to be more aggressively pursued and financed. Complete details on the loan fund proposal are included in Exhibit D of this Staff Report. **Staff Recommendation: Move forward on creating a municipal revolving loan fund.**

Other than the idea of a revolving loan fund, staff continues to pursue a variety of grants to reduce our energy consumption and generate more on-site renewable energy. Park City Municipal was recently awarded federal funding via the Department of Energy's Energy Efficiency and Conservation Block Grants (EECBG). Staff requested funding for four clean energy and energy efficiency projects and was granted $217,300 by the Utah State Energy Program to pursue these projects. These funds will be allocated towards a solar array at City Hall, direct digital control systems for the HVAC components at Public Works and the bus garage, and audits/consulting to help identify additional carbon reduction projects at the City. These EECBG projects are expected to begin in the next 3 – 12 months and will be managed by Environmental Sustainability staff.

Policy question: Would Council like to reallocate the $127,000 surplus from the Johnson Controls Energy Efficiency Project to be utilized for a Municipal Carbon Reduction Revolving Loan Fund?

<u>Recap on USU Energy Feasibility Study</u>
Students from Utah State University (USU) and staff from the Energy Dynamics Lab (EDL) in Logan presented a renewable energy feasibility study for Park City during the March 18th City Council meeting. The complete study is now available on ParkCityGreen.org and will be added to the City's ParkCity.org site in the near future. Staff has been considering recommendations presented (overview in Figure 3) and an analysis of each technology/topic is included in this staff report. The topics covered by this study are closely aligned with objectives 1.0, 1.2, 2.3, 3.0, and 3.5 of the Environmental Strategic Plan (Exhibit A).

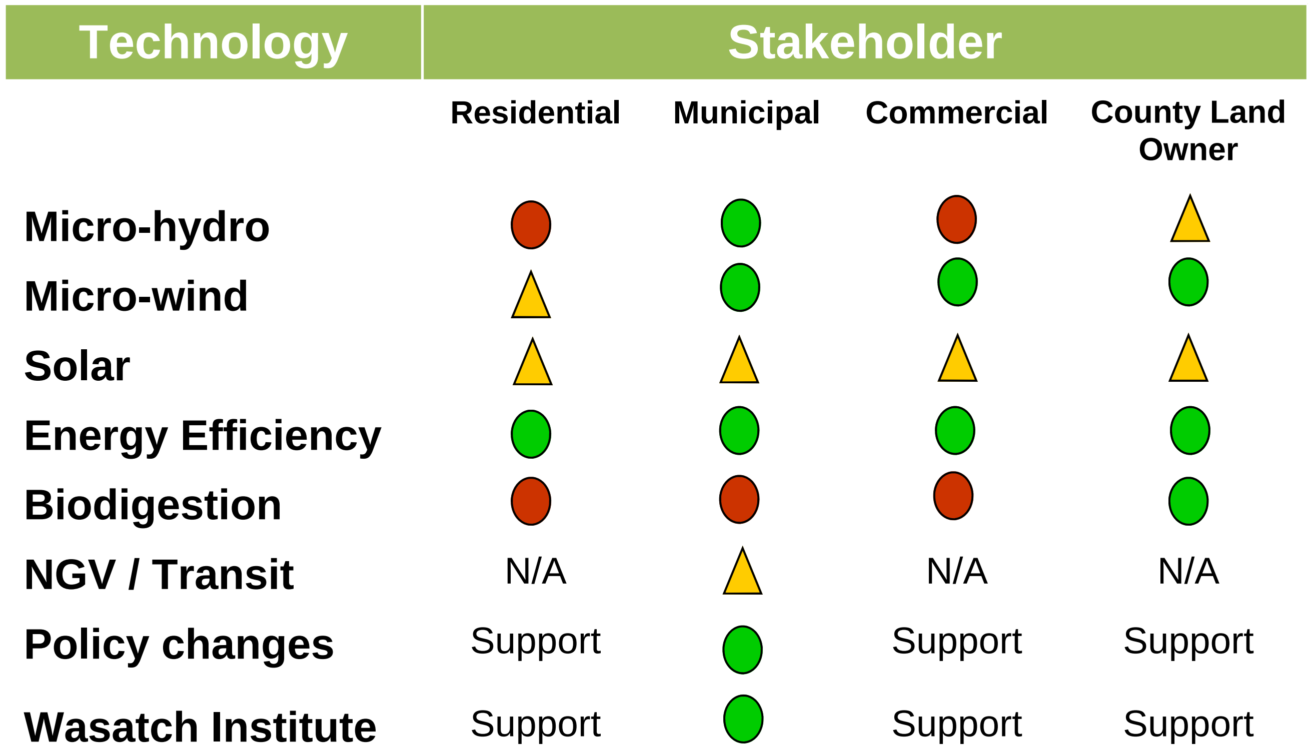

Figure 3. Feasibility Assessments and Preliminary Recommendations provided by USU and EDL for Park City

Micro-hydro: Original plans to integrate micro-hydro turbines for electricity generation at the Quinn's Water Treatment Plan have been delayed as the Water Department moves forward with the overall project. The primary reason for delay is that new micro-hydro technology is being piloted by Pleasant Grove that could ultimately lead to more productive turbines which could be installed at a lower cost. Sustainability and Water department staff are part of a "Blue Energy" coalition in Utah which includes municipalities interested in micro-hydro power. We will continue our involvement in Blue Energy as we wait for word on the pilot in Pleasant Grove. Improvements in micro-hydro technology could lead to broader applications at Park City Municipal, including turbines at Pressure Release Valve points and other areas of the water distribution infrastructure. Staff will provide Council with an update as more information becomes available.

Micro-wind: The USU/EDL presentation focused primarily on vertical-axis wind turbines for smaller scale energy generation. Assumptions in the presentation about average wind speeds in Park City were later found to be overly optimistic and this portion of the team's analysis underwent some revisions that were incorporated into the final report. Staff will continue to keep micro-wind technologies in mind and follow industry trends on their productivity and costs. Mayor Williams has been in contact with a micro-wind company and there may be potential for a future partnership if it is determined that the turbine and associated components can all be provided to the City at no cost. However, staff is not actively pursuing the installation of a micro-wind turbine at this time.

Solar PV & Thermal: Solar PV and solar thermal remain the most utilized small-scale renewable energy options in Park City. The USU/EDL team encouraged ongoing the application of these options and pointed to the recent decline in the cost-per-watt of installed PV as one encouraging trend. Additionally, there are a broad number of credits and rebates available to residential and commercial customers; these incentives have the potential to reduce payback times to below the warranteed lifetimes of many solar arrays. To date, Park City Municipal has integrated solar PV into the Ice Arena, Creekside Park project, and the Snow Creek affordable housing units. Additionally, Park City was recently awarded $155,000 in EECBG funding for a solar array at City Hall ($155k of the $217k EECBG grant is specifically for solar on City Hall). Staff will continue to assess the viability of solar for new projects (e.g., the Racquet Club) while also pursuing related grant opportunities. Based on Council's environmental goal number 5, "Continue to review and investigate best practices that have the potential for substantially improving the environment", staff will continue to keep current on newly emerging policy options (such as third party power purchase agreements and leasing options) for integrating more solar on a municipal level.

Energy Efficiency: USU and EDL applauded Park City Municipal for the $1.2 million energy audit and retrofit recently completed with Johnson Controls. On both a municipal and citywide level, the team indicated that energy efficiency remains the most sensible first step to lowering operating costs and reducing environmental impacts. Staff continues to assess new energy efficiency opportunities within the City (e.g., Revolving Loan Fund idea in this staff report) and has taken an active role in formulating efficiency improvements within the community by helping building the ParkCityGreen.org website and leading the Save Our Snow Task Force. Also, $25k of the $217k EECBG grant is specifically for the City to hire an energy consulting firm to help identify the next possible energy efficiency and/or clean energy upgrades for municipal facilities. Staff will be issuing a RFP for this grant-funded project and will return to Council for contract approval. It is important to note that this particular grant has no matching requirements.

Biodigestion: The study assessed the feasibility of using a biodigestion process that transforms waste products from Summit County dairies into renewable energy. This research was more applicable at the County level than within Park City's boundaries, but was included as a potential local option. Ultimately, the financial and environmental benefits of creating such a biodigestor were overshadowed by the logistics and costs associated with transporting waste from the farms to a central location for processing into energy. The team's recommendation was to avoid this concept for now and focus on other renewable energy options.

Alternative Fuel Options for Transit: USU's recommendation for Park City Municipal was to begin a pilot project with one Natural Gas Vehicle (NGV) bus while leveraging an existing, local natural gas fueling station for the pilot. We have been in contact with Kent Cashel in Transit regarding this recommendation and integrating the USU/EDL analysis into future bus acquisition decisions. Additionally, EDL has approached staff since the presentation to Council regarding the possibility of an electric trolley pilot for Park City. In this potential pilot, an electrified Main Street Trolley would be powered by Inductive Power Transfer (IPT). Charging stations would be placed at various points under the road on its route and electricity would be wirelessly transferred to the trolley. The technology is used elsewhere in the world, but this would likely be the first such application for a transit system in the U.S.

In accordance with Council's environmental objective number 1, "Reduce Municipal carbon & greenhouse gas emissions", Environmental Sustainability and Transit staff are working to assess the unique opportunity with EDL on IPT technology and will return to Council in the near-term with more information and a recommendation. Relative to piloting a NGV bus, staff believes the IPT technology might offer a higher-profile opportunity with greater potential for leveraging partnerships with EDL and others. The future policy questions that Council will need to consider in regards to this partnership are listed below. Staff will provide Council with more detail about a potential partnership before a decision is needed:

1. **Does Council want to partner with a University and, more specifically, an Energy Lab?**
2. **Does Council want to dedicate staff time to this type of partnership?**
3. **Does Council want to dedicate a certain amount of money to this type of partnership?**
4. **Does Council want to enter into a partnership where corporate sponsors will have a prominent role?**

Staff is gathering additional detail over the next few weeks. This information is needed to facilitate a comprehensive discussion with Council of the aforementioned policy questions. **Due to time limitations at the City Council Work Session on July 29, staff recommends returning in the next month for a policy discussion on our role and partnership with USU/EDL.**

Policy Changes: The implementation of new policies, both on a state and municipal level, has tremendous potential for advancing energy efficiency and clean energy locally. The USU/EDL team highlighted a variety of policy tools with relevance to this topic and encouraged ongoing participation from Park City in making progress on these. As highlighted in previous Manager's Reports to Council, Environmental Sustainability staff has been involved in policy discussions with other organizations on smart grid considerations and third party power purchase agreements (which were approved for local governments during the 2010 legislative session). Going forward, there will be opportunities for commenting on additional state-level considerations that have implications for our local environmental vision. Staff will continue to follow these developments and lend support in cases that align with Council's environmental priorities and goals.

Wasatch Institute: Motivated by the research and production of a renewable energy feasibility study for Park City, the USU/EDL team offered the idea of partnering with Park City on the creation of a local sustainable energy institute. The team views the Park City community as an appealing market for researching and piloting new energy ideas, while also being a city with a national profile and exposure to events and marketing opportunities. There has been limited discussion about the exact scope of such an institute and any potential role the City might play. If City Council finds the institute idea appealing, staff could remain in conversations with USU/EDL staff and report back if the concept continues to build momentum. Given staff's current workload and priorities, this discussion would likely have to be initiated and driven primarily by representatives from USU and EDL. Where this type of partnership is not in alignment with Council's strategic environmental goals, staff recommends remaining open to dialogue about this concept, but having the discussion driven primarily by USU/EDL.

<u>Local Food Initiative in Summit County</u>

Summit County and Uinta Headwaters RC&D, a non-profit public charity designated by the USDA, have taken the lead in developing a local food initiative in the County. Titled Summit County Food Coalition, this group completed a pre-pilot program in June. The pre-pilot organized the sale of over 1,300 pounds of locally produced, grass-fed beef at The Market at Park City on Snow Creek Drive.

The group recently began a more robust marketing campaign and is in the midst of creating plans for a larger pilot program. Goals of the coalition include supporting local farmers, providing the nutritional benefits of grass-fed beef, reducing the environmental impacts of transporting food, and encouraging local economic and social partnerships within Summit County. While the pre-pilot focused specifically on local beef, there is potential for the coalition's efforts to broaden and include a variety of other local foods. This project requires little staff time.

Park City Environmental Heroes Award
Council has expressed an interest in the creation of an Environmental Heroes Award. Staff's recommendation is to form a selection committee consisting of two Environmental Sustainability staff members and two locally elected officials to determine awardees one or two times each year. In addition to a recycled glass award, staff recommends honoring future awardees on the ParkCity.org website and at a City Council meeting. The cost for the individual awards is approximately $95 each. Additional details on the program would be determined by the aforementioned selection committee. **Staff would like Council feedback on the recommended frequency of the award.**

Save Our Snow Action Plan & Implementation
In accordance with Council direction and numerous objectives from the Environmental Strategic Plan (Exhibit A), staff launched a community engagement process to develop energy and water conservation strategies for Park City. Over 90 community members attended the Save Our Snow Action Plan event in November 2009 and 31 of these individuals became part of a Save Our Snow Task Force (SOSTF). The SOSTF evaluated and prioritized carbon reduction and water conservation strategies for the community. Outcomes from this process are summarized in the Summary of Considered Strategies in Exhibit E of this Staff Report. In addition to these quantified strategies, the community input process and Task Force identified a variety of other high priority carbon reduction and water conservation strategies. Ultimately, these were not quantified in the report due to a variety of reasons including that these items were already in progress or "owned" by an organization in the Park City community. Exhibit F lists these "Important, but not Quantified Strategies" for reference.

Changing the carbon intensity of electricity consumed in Park City
Among the priority items quantified, an objective to change the carbon emissions profile of Park City's electricity delivers perhaps the most significant environmental benefits. In 2008, over 97.5% of electricity generated in Utah was created by burning a variety of finite fossil fuels and 81.6% of the state's electricity generation originated by combusting coal[3]. In addition to contributing to global issues such as climate change and ocean acidification, this carbon-intensive electricity mix results in a myriad of other environmental, health, and social costs. In late 2008, various state agencies commissioned a report on the co-benefits of efficiency and renewables in Utah. The report[4] (note disclaimer on web link) was released by Synapse Energy Economics, Inc. in early 2010 and concluded that electricity generated in Utah via fossil fuel combustion results in the following externalities:

- Consumes about 73,800 acre feet, or 24 billion gallons, of fresh water per year;
- Results in 202 premature deaths per year;

[3] Source: Energy Information Administration (EIA). Retrieved June 17, 2010.
http://geology.utah.gov/emp/energydata/statistics/electricity5.0/pdf/T5.10a%20&%20F5.2.pdf

[4] Source: "Co-Benefits of Energy Efficiency and Renewable Energy in Utah". Synapses Energy Economics, Inc. Retrieved June 17, 2010.
http://geology.utah.gov/sep/renewable_energy/pdf/synapse_co-benefits.pdf

- Contributes to 154 hospital visits per year for respiratory injuries, and 175 asthma-related emergency room visits each year

The authors further concluded that:

> "We estimate that the health and water impacts from Utah fossil generation have a monetary value of between $1.7 and $2.0 billion dollars per year (2008$), or between $36 and $43 per megawatt-hour (MWh) of fossil generation in Utah, a value similar to the direct costs of conventional electricity generation…Synapse was not contracted to estimate damages or externalities associated with the emissions of greenhouse gasses, such as carbon dioxide (CO2). However, other research has evaluated the extent of potential damages occurring from climate change and estimated a range of costs attributable to climate change associated with each ton of CO2 emissions. If the externality cost of CO2 were included at a cost of $80 per ton of CO2, the externality cost of greenhouse gas emissions from power generation in Utah today would be approximately $3.4 billion (2008$)"

Given negative impacts such as these, and the general goals of the Save Our Snow Task Force, staff recommends that time be allocated to investigating options for lowering the carbon-intensity of electricity consumed locally. While municipal and community carbon reduction are stated and approved City Council environmental goals, **staff would like Council to consider the addition of a new objective under Goal number 1, "Preserve and enhance the ecological systems and diversity of the City and, in turn, the Region". Staff recommends that the new objective under this goal would read:**

Objective 1.4: Address City Council's municipal and community carbon reduction as well as air quality goals by identifying economically viable methods of changing the carbon intensity of electricity utilized in our community.

Staff estimates that with four to eight hours of staff time per week, we could research alternative options, along with their financial and environmental implications, and return to City Council near December or January for a discussion. While dramatic changes in carbon-intensity in the near-term are likely unrealistic, staff believes there may be opportunities to set the "trajectory" of our energy use choices on a less carbon-intensive path.

Green Business Program
In order to create a more environmentally-friendly local business environment and to further Council's environmental objective 1.2, "Reduce Park City's community carbon emissions", staff believes a "green" businesses program could be launched and managed through the ParkCityGreen.org website. Other communities, including Salt Lake City with their e2 outreach, have created similar business programs aimed at reducing energy and water consumption while also providing educational and economic benefits. Park City Foundation has hired a part-time marketing coordinator for ParkCityGreen.org who is working on this project along with support from Park City Municipal staff. Final program structure and a timeline for rolling out this initiative are still being discussed.

Other Save Our Snow Task Force Recommendations
Given the already significant workload that staff is facing over the next six months (the implementation of the EECBG/Utah State Energy Program grant being just part of that workload), if Council is in agreement with the recommended update to the Environmental Strategic Plan -- adding an objective related to carbon intensity -- staff recommends adding only

the aforementioned investigation and research on a Green Business Program for the time being. Additionally, staff will continue working with the Planning Department to ensure environmental considerations are included into the General Plan update process. Environmental input during this process is key to both implementing the Strategic Plan approved by City Council and incorporating citizen feedback collected during creation of the Save Our Snow Action Plan.

In January 2011 staff would like to discuss with Council the possibility of addressing additional SOSTF recommendations in the future. At that time, staff would like to discuss with Council the potential for City staff to facilitate a community engagement process for implementation of additional recommendations found in the Save Our Snow Action Plan. Given the time commitment that such an effort would require, and the likelihood that the project would be most successful if it had a geographic reach that included all of Summit County and Wasatch County, staff would like Council direction prior to taking on an initiative of this magnitude.

<u>Partnering with Summit County on Environmental Sustainability</u>
A variety of environmental topics extend beyond City boundaries and tie-in more efficiently at the county level. These include waste and recycling services, specific energy conservation programs such as property tax financing, and potential grant opportunities. Summit County recently hired a Sustainability Coordinator and staff has been meeting with her on a regular basis. Most recently, we collaborated as part of the Save Our Snow Action Plan; as mentioned, many of the plan's strategies indicate potential benefits from formal county involvement in carbon reduction initiatives.

Staff is looking for policy direction from City Council on whether to add a new objective to the Environmental Strategic Plan, Objective 3.6 would read "Partner with the County and other local governments to increase programmatic efficiencies and improve regional success of environmental sustainability initiatives". In accordance with this potential objective, staff recommends pursuing a more formal working agreement (such as a Letter of Intent) with the County on environmental issues. At a minimum, this agreement would solidify our partnership in advancing environmental sustainability in the region. Park City Municipal staff has experience with carbon calculations and planning for reductions in our municipal carbon footprint and these skills could help the County in their next environmental steps. Additionally, the arrangement could open the door to federal and non-profit grant opportunities which have often been pursued nationally at the county-level or via city-county partnerships. Finally, there are a variety of environmentally-related policies, programs, and initiatives which have been pursued at the county-level nationally with support from partner cities.

Staff envisions an array of new opportunities by formally partnering with the County on environmental goals. The partnership would likely be centered around sharing best practices and committing staff time to help meet our collective goals. If City Council is in favor of such an arrangement, staff will present Council with a formal agreement at a later date for consideration.
Staff Recommendation: Direct staff to work with Summit County to draft an Environmental Letter of Intent and to return to Council with the more formalized proposal.

<u>Staff Priorities Going Forward</u>
Input received from City Council during the July 29th Work Session will help define staff priorities going forward. One thing with potential to slow staff's progress on environmental sustainability issues is the ongoing regulatory issues with EPA. The Environmental Sustainability Manager has been heavily involved in EPA matters lately and it's unclear how long these obligations will

continue to consume 75%+ of her time. Having said that, staff still feels we can proceed with the recommendations as presented in this staff report. For reference, a summary table (Figure 1) of informational updates and policy questions for Council has been included on page 2 of this Staff Report.

Department Review:
All applicable departments have reviewed the details presented and their comments have been incorporated within this Staff Report.

Alternatives:

A. Approve:
Approve staff recommendations as summarized in the below Alternatives table (Figure 3).

B. Deny:
Reject the staff recommendations in Figure 3. Advise that the Environmental Sustainability department should continue with status quo operations and pursue no amendments to the Strategic Plan or new initiatives.

C. Modify:
Approve the staff recommendations, with some modifications provided by City Council, as summarized in Figure 3.

D. Continue the Item:
Request staff to return with additional details before providing a recommendation on any of the items listed in Figure 3.

Significant Impacts:
Impacts vary from direct financial implications (e.g., internal revolving loan fund) to staff time re-prioritizations.

Recommendation:
Staff recommends that City Council review the Environmental Update and provide policy direction and policy prioritization.

Attachments:
Exhibit A - Environmental Strategic Plan, as adopted January 2009
Exhibit B - USU/EDL Energy Feasibility Study - Work Session Notes/Commentary from Council
Exhibit C - Municipal Carbon Goal - Work Session Notes/Commentary from Council
Exhibit D - Revolving Loan Fund Details
Exhibit E - Summary of Considered Strategies Table from the Save Our Snow Task Force
Exhibit F - “Important, but not Quantified Strategies” from the Save our Snow Task Force

RESOLUTION __-09

RESOLUTION DECLARING PARK CITY'S VISION, GOALS, POLICIES AND ACTION PLAN IN PROMOTION OF ENVIRONMENTAL INITIATIVES FOR PARK CITY MUNICIPAL AND THE COMMUNITY

WHEREAS, Park City recognizes that a healthy natural environment is critical to well-being of our society.

WHEREAS, Park City aims to provide long-term environmental health for the Park City region through efficient use of resources, protection of the quality and diversity of the local environment upon which the community depends.

WHEREAS, Park City will continually improve the efficient use of all energy resources in order to ensure a future with a secure and sustainable energy supply.

WHEREAS, Park City encourage environmental stewardship and protection of Park City's natural environment through sharing of information and collaboration with the community, community groups, as well as local, state and federal agencies.

WHEREAS, Park City desires to incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation strategies and development proposals, and overall sustainable community design.

WHEREAS, Park City will continue to review and investigate best practices that have the potential of substantially improving the environment.

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

GOAL 1. Preserve and enhance the ecological systems and diversity of the City and, in turn, the Region		
ID	Action #	Description
Objective	1.0	Reduce Municipal carbon & greenhouse gas emissions.
Objective	1.1	Reduce Municipal water consumption.
Objective	1.2	Reduce Park City's *community* CO2 emissions.
Objective	1.3	Reduce Park City's *community* water consumption.
Objective	1.4	Minimize liability and proactively address potential environmental issues
Objective	1.5	Complete environmental regulatory commitments
GOAL 2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply		
Objective	2.0	Develop General Municipal Building Efficiency Measures
Objective	2.1	Develop Internal Municipal Policies that encourage conservation
Objective	2.2	Increase Park City's community-wide recycling rates.
Objective	2.3	Increase utilization and visibility of renewable energy in Park City
Objective	2.4	Explore city-supported environmental sustainability programs for residents

GOAL 3. Encouraging environmental stewardship and protection of Park City's natural environment through sharing of environmental information with the community and active, meaningful community participation		
Objective	3.0	Support local organizations that educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution
Objective	3.1	Support discussions for transit options between Park City and surrounding areas
Objective	3.2	Strengthen the State Residential Energy Code through strongly advocating for state and national policies that conserve energy, reduce carbon emissions and conserve water
Objective	3.3	Play an active role in environmental community education and outreach
Objective	3.4	Stay current on environmental initiatives, concepts & best practices
Objective	3.5	Encourage greater community participation in the creation of renewable energy projects in Park City
GOAL 4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans and development proposals.		
Objective	4.0	Reduce community-wide energy consumption & reduce community-wide energy costs
Objective	4.1	Increase utilization of alternative transportation
Objective	4.2	Maintain air quality at current levels
Objective	4.3	Improve visibility of night sky
Objective	4.4	Pursue a regulatory role to increase energy efficiency in new construction as well as remodels
GOAL 5. Continue to review and investigate best practices that have the potential of substantially improving the environment		
Objective	5.0	Ensure the Environmental Sustainability Plan keeps pace with technology, nation-wide trends and the community's collective interests

SECTION 3. EFFECTIVE DATE. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 22nd day of January 2009.

PARK CITY MUNICIPAL CORPORATION

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Mayor Dana Williams

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

Renewable Energy Feasibility Presentation at City Council - March 18, 2010

Diane Foster introduced members of the Energy Dynamics Laboratory team of Utah State University. She explained that the group conducted a feasibility study for the City to look at alternative technologies that may apply to municipalities, residents, and local businesses. Karen Wolfe of Utah State explained that the study represents a top level analysis of a handful of programs which vary in complexity. USTAR donated $60,000 to cover the cost of the study.

Curtis Allen explained that micro hydro is a system that produces 100 kilowatts or less of power and uses pre-existing infrastructure and water systems. It is an economical source of renewable energy that uses no fossil fuels. Micro wind turbines are quiet and can begin to produce power at five to six mph. He discussed solar applications, specifically day-lighting techniques. John Zeugschmidt explained how micro hydro works. He pointed out that Park City has unique features as there are already over 120 pressure reduction valves within the culinary system. Several of these PRVs could possibly be used as power generation locations and the state of Utah is very interested in micro hydro applications. One of the main challenges Park City faces is the lack of data on the existing PRV system and on the commercial and residential sides; Mr. Zeugschmidt noted environmental and water rights issues.

Mr. Allen interjected that eight sites were identified including Quinn's Junction Water Treatment Facility which would produce about 2100 gallons per minute and an estimated $51,125 per year. The other seven are PRV stations. Micro hydro project sites require a flow of 600 gallons per minute and 200 feet of head or vertical drop. The four PRV locations listed would not be ideal, based on current technology, but he explained developing technology which will handle alternating flows. The turbines are much smaller and easier to install which increases the number of feasible sites and a state micro hydro program is underway on the Wasatch Front. Curtis Allen added that the Quinn's Water Treatment Plant is a great resource because of its capacity at 2100 gallons per minute or 3,000,000 gallons a day. Micro wind turbines produce 25 kilowatts of power or less and have a horizontal axis or a vertical axis which is a newer technology. Mr. Zeugschmidt explained that Park City's average wind speed is seven to ten mph throughout the year which is ideal for the micro wind systems which only require five to six mph in order to generate electricity. He felt these types of applications should be highly considered and described payback schedules for residential and commercial scenarios.

Mr. Allen explained that the ValidWind system was developed by the Energy Dynamics Lab to measure wind patterns to decide where to place wind turbines. It is an affordable technology and no anemometers are used. He described the favorable conditions in Park City to support solar applications, however, the payback period is longer than with other technologies and he cited other challenges. However, equipment costs are dropping. Mr. Allen felt that day-lighting is a great way to use solar; some benefits are increased worker productivity, reduced energy costs, and a short payback period for new buildings. He warned that retro-fitting a building may be costly. Skylights are typically used for residential units. There are funding opportunities on federal, state and utility levels, and incentives for hydro wind and solar applications; Rocky Mountain Power's Blue Sky Program continues to benefit Park City.

Mr. Zeugschmidt emphasized that simple changes can make big differences and spoke about helpful information available to the public on the parkcitygreen.org website. Energystar.gov is another great resource and he spoke about a variety of improvements that Park City Mountain Resort has made from snow-making equipment to LED Christmas lights. Income level is not a factor with regard to environmental and fiscal responsibility.

Karen Wolfe relayed that a more detailed cost analysis will be available next week. She explained biodigestion which is the breakdown of carbon-based material to biogas which can be burned to produce heat and electricity or refined to fuel. Brown grease from restaurants can be combined with manure tripling the level of methane. Park City has over 100 restaurants and there are six dairies in the area, but the economics didn't pencil because of transportation costs to a single biodigester, infrastructure costs for dairies, and an extended payback of 25 years.

Tim Loftis reviewed converting the transit system to natural gas; currently 29 vehicles run on biodiesel. Natural gas vehicles have been increasing in popularity over the world but the US has been slow to catch up. Some of the best opportunities lie in large vehicles, particularly transit situations and there are over 11,000 NGVs on the road. Over 20% of new buses have been NGVs and using them over diesel can decrease carbon monoxide emissions by up to 89%. Mr. Loftis acknowledged the costs associated with conversions but pointed out the funding assistance available and the fuel savings compared to biodiesel. Utah has the best costs for natural gas across the country averaging about $.76. Mr. Loftis noted that buses have a life of about 12 years and he encouraged slowly initiating a pilot program in tandem with the replacement schedule. Once the fleet grows, a fueling station will become necessary at an estimated cost of $900,000 but federal tax incentives will bring this cost down to about $150,000. He encouraged starting a program with one bus and relayed that the return is about 19.7% in an eight year payback period.

Dan Kleiman presented funding options including finding a taxable partner, bonding, or joining a consortium like UAMPS. He explained that taxable partners reap the tax benefits of investing in renewable energy. The private partner typically sets up a special purpose entity, buys the power generating equipment, and leases it directly to the city. The city can operate the equipment, use all of the power generated and the value of the lease payments is less than the city would have had to pay through a standard bond issue.

He discussed different types of bond issues. The clean renewable energy bonds are locally issued bonds for a project that is approved by the federal government. The bonds pay zero interest and the investor receives tax credits from the federal government. Qualified energy conservation bonds are very similar except the state controls the project and the issuances are designed for municipalities of 100,000 or more. Property issued clean energy bonds are not currently legal in Utah as the legislation was defeated this year. With this approach, home owners borrow but the city issues a municipal bond and the property owners receive the revenue. Repayments appear as a line item on property taxes and runs with the property. Mr. Kleiman described UAMPS which focuses on power, but not necessarily renewable power. UAMPS doesn't address funding needs and tax benefits are unclear.

Karen Wolfe described innovative technologies including intuitive lighting and fiber optic day-lighting applications. Wes Smith spoke about the location of Utah State's campuses and pointed out that the Vernal facility is working on oil shell extraction and a clean coal project is underway in Price. He suggested that Park City be the University's renewable energy hub as the group already has a small office at the Swaner EcoCenter. Utah State is very interested in working in Park City and would like to use this area as a test bed facility.

Mark Thomas encouraged the City to support a new version of SB194 and to further study water resources for micro hydro. He also recommended pursuing a study for micro wind sites and working with USU to create a sustainable energy institute. Continued development of the parkcitygreen.org site and purchase of a single natural gas bus for a test period are additional suggestions.

Alex Butwinski commented on the quality of the presentation and the Mayor agreed. Mayor Williams spoke about accomplishing the intent of SB194 with taxable bonds, without the state. He suggested that this presentation be given to the Summit County Council of Governments and commented about government leading by example as the benefits are not always about the return. Municipal codes are being re-written to better accommodate these technologies and the community is very supportive of renewable energy efforts.

Cindy Matsumoto supported the idea of forming a partnership with Utah State. In response to a question from Ms. Matsumoto about converting to NGVs, Ms. Wolfe explained that caution is advised so that other biofuels and technologies are explored by Park City before committing to natural gas. However, Mr. Loftis emphasized that he feels natural gas is a very strong technology and there are many opportunities because of Utah's natural resources. Discussion ensued on fuel pricing. Mayor Williams felt it wise to explore micro hydro. Equivalent measurements in the data were explained as well as the performance of natural gas vehicles.

NOTE: USU/EDL Study is available at http://www.parkcitygreen.org/Community/Community-Footprint/RenewableEnergyStudy-ParkCity.aspx

Municipal Carbon Goal Presentation at City Council - December 17, 2009
Tyler Poulson explained that tonight the City's carbon reduction mitigation plan leading up to 2012 will be discussed. The change between 2007 and 2008 is a 7.9% increase mainly due to the Marsac Building migration and its impacts on building energy. The Water Department added a UV filtration system adding a significant electricity load to the system even though there was a net decrease in water usage by the community in 2008. The Streets Department used more vehicle fuel because of the demands of the huge 2008 snow year. As service levels increased in transit, so did fuel usage but ridership rose which represents a carbon offset.

Mr. Poulson clarified that the numbers reported for 2007 and 2008 for carbon emissions were quite a bit smaller and over the last couple of months staff reassessed the methodology and assumptions being used. The older reports reflect electricity emissions data based on electricity generated for the northwest region set by the EPA. It was ultimately decided to use Utah's electricity emissions factor which is over 100% larger which dramatically affects our numbers. He explained that staff tracks each building for energy and departments for fuel usage. The total change in cost for the two years is a $351,000 increase and $318,000 is attributed to vehicle fuel. An 18% increase in vehicle fuel prices were mostly related to diesel.

Staff used 2007 as a base line year because it was before the Marsac Building move and more representative of a normal year. It was also before the Johnson Control upgrades and 2007 was the initial year the carbon footprint was calculated. The baseline year was forecasted to 2012 on a business as usual basis (BAU). Mr. Poulson relayed a number of demanding water projects coming on line and the vehicle forecast was based upon department interviews. Buildings, employee commutes, and solid waste generation are estimated to increase by 3%. He referred to a table listing the quantifiable carbon reduction items between 2007 and 2012 and pointed out action items already implemented, future projects, and additional actions that would help reach the 12% BAU goal recommended by staff. These additional items were suggested by individual departments based on what is feasible and what could be quantified. Mr. Poulson emphasized that the vehicle fuel section has changed since the last presentation and rather than providing line item details, the numbers are aggregated since they rely so heavily on behavior and unknown information, and are simply set at a 5% goal.

The implementation cost of the carbon reduction items is expected to be around $99,000 plus staff time before 2012, the annual amount of carbon savings will be just over 1,100 tons of CO_2, and the dollar savings from energy saving will be $136,000 per year. The net payback is nine months on these items. Mr. Poulson indicated that if Council directs staff to pursue a 12% carbon goal, these amounts will be budgeted as part of the upcoming budget process. He pointed out that since 2007 the carbon reduction plan represents a net reduction of 1,711 tons of carbon below where we would be based on BAU forecasts. The Utah greenhouse gas reduction goal is much more aggressive but more technology based than action driven. He again advised that staff is recommending the 12% below 2012 BAU forecast based on adoption of most of the items listed in Exhibit C in the staff report, and there is some flexibility in terms of future actions. Mr. Poulson stated that staff is trying to be as realistic and transparent about the forecasts as possible and emphasized the importance of sustainable progress.

Joe Kernan felt the 12% plan is a good step and believed developing technology is a key component to success and the timing of employing new technology is important in a changing industry. Mayor Williams agreed. Jim Hier reported that the Uniform Building Code Commission subcommittee will be meeting in January to evaluate the International Environmental Controls Code and he encouraged City participation.

Mr. Poulson continued to explain that staff is recommending Option B, outlined in the staff report, because there is value in setting a target now and budgeting for this effort. Ms. Simpson relayed her appreciation of approaching carbon reduction mitigation realistically and transparently. Members supported staff's recommendation.

Revolving Loan Fund for Municipal Efficiency Upgrades
Park City Municipal Corporation

MISSION STATEMENT
The mission of this revolving loan fund is to efficiently finance projects and retrofits that deliver energy and water savings to Park City Municipal Corporation (PCMC) while enhancing the long-term viability of our organization. The fund will target financially prudent projects which advance the carbon mitigation goals of City Council and introduce innovative technologies to the City's operations.

PROGRAM SUMMARY
The current budgeting process segregates energy-saving expenditures from the savings they produce. For example, the funds to pay for a conservation retrofit will come from one portion of a department's budget, but the savings will be realized by an aggregate fund that pays for utilities. Essentially, the financial benefit an efficiency upgrade is not directly realized by the individual department even though they were responsible for upfront costs. A revolving loan fund would overcome this disconnect by pursuing, and directly financing, conservation measures that deliver net financial savings to the City. As the financial savings accumulate, these funds will be reallocated to other projects and perpetuate the revolving door of financial savings and environmental improvements for our City's operations.

The program will be initially funded by the $127k surplus left over from the Johnson Controls project. This money was originally budgeted to finance energy and water conservation projects for the City, but was not used due to savings during implementation and other project decisions made with Johnson Controls.

The loan fund at PCMC will be managed out of the Environmental Sustainability office along with guidance and support from a variety of other departments. The Budget department will review the financial costs and savings of various projects and act in an audit capacity to make sure the program is functioning as a self-sustaining endeavor. Members of Public Works and other departments will be invited to participate in the project selection process and other ongoing discussions regarding how funding should be utilized. Though Environmental Sustainability will ultimately own management of the fund, many others throughout the City will be involved to ensure informed decisions are made and priorities are accurately identified.

If approved by City Council, the program will begin planning next steps with the intention of allocating all, or a portion, of the funds to projects during FY 2010-2011.

ELIGIBLE PROJECTS
Projects will be chosen based on their capability to produce financial savings and positive environmental results. The revolving loan fund will be unique from other standard retrofit projects (e.g., CFL lighting, improved insulation, etc.) in its consideration of leading-edge technologies that can help the City build upon the substantial efficiency improvements already implemented by Johnson Controls.

The fact that PCMC completed a $1.2 million audit and retrofit of its buildings in 2009 poses a challenge to the fund in terms of uncovering new project ideas. However, this challenge will also engender a broad range of creativity and "out of the box" thinking to generate the next wave of conservation ideas that ensure Park City remains a leader in this field. At the same time, the fund will use prudent selection criteria to ensure tangible benefits are provided to the City and environment.

Energy usage is a significant annual expense to the City (see table below). This green revolving loan fund would operate under the assumption that opportunities for more efficient energy use exist and these opportunities can have a net financial benefit to the City's budget.

Direct Financial Costs of Energy Usage - Park City Municipal		
Emissions Source	**2007 Cost**	**2008 Cost**
Electricity Usage (Muni-wide)	$750,621.89	$748,835.92
Electricity Usage (Buildings, Parks, etc.)	*$410,723.19*	*$417,555.50*
Electricity Usage (Water only)	*$339,898.70*	*$331,280.42*
Natural Gas Usage (Muni-wide)	$202,839.35	$173,045.58
Propane Usage (Muni-wide)	$86,442.55	$108,112.88
Vehicle Fleet + Transit (Buses)	$881,106.85	$1,199,741.22
Total Energy + Fuel Costs	**$1,921,010.64**	**$2,229,735.60**

Below are some project ideas that we've listed as examples of what a revolving loan fund might fund – the savings estimates are rough figures based on info provided by vendors:

- "**Vacancy Sensor" Light Retrofits – Use More Natural Light & Less Energy**
  a. Upfront Cost = $36 / light switch
  b. Annual Energy Savings = 100 watts / switch X 6 less hours / work day = 144 kWh per year per light switch
  c. Annual Carbon Emissions Prevented = 304 lbs CO_2e / light switch
  d. Annual Financial Savings = $11.52 / light switch
  e. Forecasted Payback Period = 3.1 years
  f. Source: https://www.chooserenewables.com/xcart/product.php?productid=16196

- **Smart PowerStrips w/Occupancy Sensor for Workout Equipment**
  a. Upfront Cost = $100 / PowerStrip
  b. Annual Energy and/or Water Savings = TBD from Direct Measurements @ Racquet Club
  c. Annual Carbon Emissions Prevented = TBD
  d. Annual Financial Savings = TBD
  e. Forecasted Payback Period = TBD (5-year warranty)
  f. Source: http://www.conservationmart.com/p-315-watt-stopper-isole-plug-load-control-smart-power-strip-idp-3050.aspx

- **Energy-generating Workout Equipment (Team Dynamo Spinning)**
  a. Upfront Cost = $7,900
  b. Annual Energy Savings = 400 watts / hour X 2 hours / day = 292 kWh
  c. Annual Carbon Emissions Prevented = 617 lbs CO_2e
  d. Annual Financial Savings = $23.36
  e. Forecasted Payback Period = TBD - need to discount relative to standard equipment costs

- **Anti-idling Technology for Police Fleet**
  a. Upfront Cost = $4,400 / unit

b. Annual Energy Savings = 750 gallons of gasoline / unit
c. Annual Carbon Emissions Prevented = 14,550 lbs CO_2e / unit
d. Annual Financial Savings = $2,250 / unit
e. Forecasted Payback Period = 1.96 years

❖ **Other Potential Future Projects - Not Quantified Yet**
  - Advanced Energy Use Display and Management Systems
  - Financing the Hybrid Vehicle Cost Premium to Acquire more Efficient Vehicles
  - Water System Efficiency Upgrades – As Identified by Water Dept.
  - I.T.-related Efficiency Upgrades – As Identified by Technology Dept.
  - Solar-powered Trash Compactors
  - Other TBD Project Ideas from City Departments and Future Audits (e.g., "Next Big Thing" Energy Audit funded by EECBG funds – funding TBD)

VERIFICATION OF SAVINGS & REINVESTMENT PROCESS

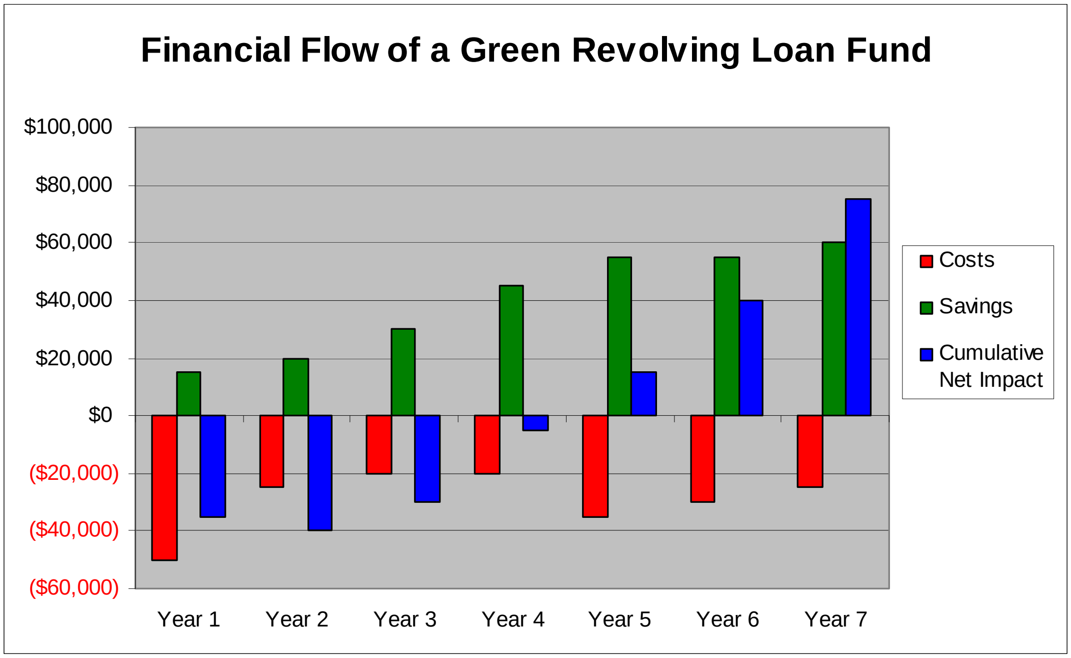
Before the loan fund invests in any particular project, the specific project's merits will be assessed versus a variety of criteria. These metrics will help quantify the benefits of a proposed project and also allow comparative analysis among available project options. The ultimate decision criteria will be somewhat flexible to allow for unique considerations and benefits within projects; however, funds should only be allocated to projects that have a forecasted payback over their lifetime in order to ensure the sustainability of the revolving loan fund.

Below is a list of key metrics that will be assessed before and during the life of projects. Additionally, the lifecycle environmental impacts of decisions (e.g., manufacturing, transportation, etc.) will be considered to ensure there is a net positive environmental benefit of the loan fund.

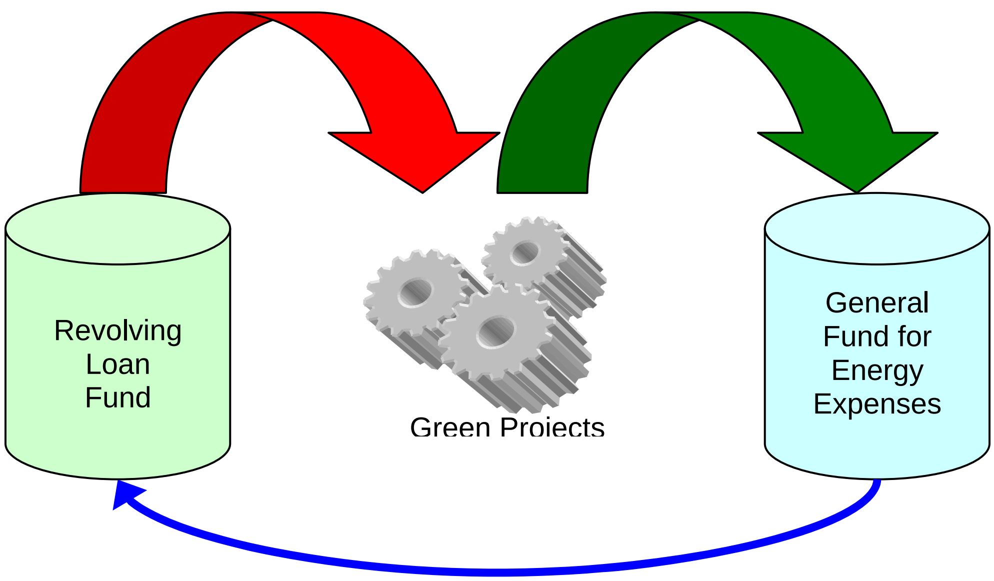
<u>Metrics Considered in Decision Process and Reported After Project Implementation</u>

- kWh of electricity saved
- Therms of natural gas saved
- Gallons of vehicle fuel, gasoline or bio-diesel, saved
- Thousands of gallons (kgal) of water saved
- Lbs of CO_2-equivalent (CO_2e) emissions prevented
- Financial savings resulting from energy and water conservation
  - Annual financial savings
  - Total financial savings over the expected lifetime of the project
  - Financial payback time for initial investment

The above mentioned metrics for projects will be calculated by the Environmental Sustainability department and calculation methodologies will be verified by the Budget department. In some cases, savings data will have to be estimated based on a mix of reasonable assumptions and direct observations. The below diagram illustrates a hypothetical cash-in, cash-out flow of the revolving fund:



As the diagram reflects, the revolving loan fund should deliver a net financial benefit to the general fund because energy savings continue to accumulate for the City even after the original cost of a specific project has been recovered.



SUMMARY

Many other organizations have proven the viability of revolving loan funds both within their communities and for internal conservation projects. The Johnson Controls surplus provides a unique opportunity for Park City to join municipalities, universities, and others in implementing this type of financing mechanism to deliver financial savings and environmental benefits for the City. Staff recommends that the $127k surplus from the Johnson Controls project be integrated into PCMC's new loan fund and that the fund begin operating during FY 2010-2011.

Exhibit E – Summary of Considered Strategies Table from the Save Our Snow Task Force

Summary of Considered Strategies

Priority	#	Goal	Objective	Proposed Strategy/Project/"The How"	Possible Owner/ Leader*	Impleme-ntation Cost (one-time)	Net Annual Cost Savings	Cost per Ton of CO2e Reduced Over Project Life (savings negative)	% Reduction of Business-as-usual Emissions in 2020 (as proposed, upper bound)	Absolute Reduction of Emissions in 2020, as proposed (tons CO2e)
H	1	Carbon Reduction	Increase Energy Efficiency	Energy use reduction in buildings – primary, 2nd homes & businesses •Programmable thermostat & phantom load reduction •Increase number of energy audits •Outreach to property management firms & HOAs •Explore possible funding model	NFP, NNFP, CA support: SC & PCMC	$4 million	$2 million	-$130	1.5%, 8.1%	12,000
M	2	Carbon Reduction & Water Conservation	Energy efficiency, increased renewable energy generation, & revenue generation	Improved building standards with a local permit-based fee program to incentivize green building (Aspen/Pitkin model of Renewable Energy Mitigation Program)	PCMC & SC support: CA	$0	$61,000	-$76	0.1%, 0.2%	770
M / L	3	Carbon Reduction	Increase Renewable Energy Generation	Local Renewable Energy Development which considers a community solar farm (St. George SunSmart Program)	any	$30,000	$2,000	-$20	0.003%, 6.2%	20
H	4	Carbon Reduction	Change carbon emissions profile of electricity consumed in Park City	•Utility-scale Renewable Energy Development •considers an investment in regional wind power •municipal power company / co-op •consider other/future possibilities (research)	SC & PCMC support: CA, NFP	$41 million	$3 million	-$19	6.2%, 31.1%	49,000
L	5	Carbon Reduction	Reduce/Offset Airline Trips	•Work with all resort-related business to increase the length of visitor stay •Create something that will help to reduce resident airline travel (teleconference facility?)	Other, business	$0	$92,000	-$5	2.6%, 4.8%	20,000
H / M	6	Carbon Reduction	Increase Recycling Rates & Increase amount of composting	•Expanding composting /community-wide composting •Possible mandatory recycling (residential / business) •Explore Pay-As-You Throw programs	SC & NFP; support PCMC	unknown	unknown	unknown	0.5%, 1.4%	3,600
				TOTAL		$45 million	$5 million		10.9%, 51.7%	85,500

*CA = Citizen Ambassador group; NFP = Non Profit group; NNFP = New Non Profit group; PCMC = Park City Municipal; SC = Summit County; support = supporting group.
Numbers in the table may not sum due to rounding

Important, but not Quantified Strategies

The community input process and Task Force identified a variety of other high priority carbon reduction and water conservation strategies. Ultimately, these were not quantified in this report due to a variety of reasons including that these items were already in progress or “owned” by an organization in the Park City community.

The Task Force decided to focus its efforts on important initiatives which needed quantification and external support. A list of the “Important, but not Quantified” strategies is included below for reference purposes:

- Alternative Transportation (Bus, Bike, Walk)
- Mass Transit Expansion (Especially Park City-SLC Bus Route)
- Overcoming HOA Limitations (Clotheslines, Solar Panels, etc.)
- Tree Planting
- Rainwater Collection, Greywater, and Water Reuse
- Water Budgeting to Promote Conservation
- Amending Landscape Ordinances to Promote Conservation

Ongoing Education and Outreach

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 1, 2010

Present: **Mayor Dana Williams; Council members Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kent Cashel, Transportation Manager

1. Council questions/comments. Liza Simpson thanked Kent Cashel for preparing a thorough report on a parking situation she had reported. Mayor Williams expressed kudos for everyone involved in the City's Employee Picnic as well as the dedication of the Roger Harlan Memorial Skate Park. He announced that another long-time local, Richard Siemons, had passed away during the week. He had attended Mel Fletcher's memorial in Oakley where many generations of Parkites celebrated Mel's life and his impact on town. He also attended Dolly Makoff's 80^{th} birthday and noted it was 36 years ago this year that Dolly's Bookstore became part of Main Street. Alex Butwinski had participated in the Park City Summit County Arts Council Board Meeting where various task force representatives provided updates.

2. A Drive for a Cure. Anne E. Cantwell and Emy Farrow-German, students from Connecticut explained they had been travelling across the United States to educate the public on the effects of Multiple Sclerosis and to raise funds for the Multiple Sclerosis Foundation. Ms. Cantwell explained that 200 patients were diagnosed each week with the disease, which affects 400,000 people in the United States and over 2,000,000 worldwide. Ms. Cantwell's father has MS and she described the progression of his symptoms. She also characterized the four types of the disease. They explained that all funds would be used by the National MS Society whose goals are education and funding for research.

3. PC-SLC Transit Service – Transportation Manager Kent Cashel and Summit County Public Works Director Kevin Callahan presented Council with an overview of findings from Phase 1 of the Park City to Salt Lake City transit study. Staff seeks direction from Council to embark on Phase 2 of the study, noting that final Staff recommendations, and a request for Council decision, would be part of the Short Range Transit Development plan update in 2011.

Kent Cashel explained that inter county commute patterns are strong and getting stronger; in addition, there is a strong growth pattern of employment going both directions along Interstate 80. There is also a high volume of recreation and tourism traffic, particularly on the weekend.

He informed Council the City and County had been investigating a Park City to Salt Lake City transit route since 2000. In 2000, the Short Range Transit Development Plan (SRTDP) explored this service, but chose to focus on the Old Town Transit Center development and enhancement of local services. Again in 2003, SRTDP's focus was development and integration of service along SR-224 to Kimball Junction. Finally, in 2006, the City conducted a survey of western Summit County residents to assess the level of demand for a Park City to Salt Lake City commuter service which indicated strong rider demand. As a result, Staff contracted with LSC Transportation Consultants, Inc., to summarize the survey results and conduct concept level planning. City Staff also began working with Utah Transit Authority planning staff to investigate Salt Lake City demand for this transit route. In 2007, UTA and Park City engaged a team of University of Utah urban planning students to conduct an in-depth study, which concluded that strong demand, both up and down the canyon, existed for a Park City to Salt Lake City route.

Mr. Cashel explained that a regional transit system on the Wasatch Back would serve as a link to the commuter rail and light rail spreading throughout the Wasatch Front. In addition, he stressed this was a key component in Park City's congestion management strategy to avoid expanding the footprints of our roads until absolutely necessary.

In the 2007 SRTDP, the focus was directed on development and expansion of capital facilities, a Kimball Junction transit center or transfer facility, passenger shelters and park and rids that would be required to support the region's expanding transit system. It also included a statement that Park City, Summit County, and UTA should work cooperatively to complete planning for a PC-SLC bus route. The entities entered into a Tri-Party Letter of Intent in 2008, which identified four deliverables for the first phase of the study: determine rider demand; determine routes and stops; determine necessary equipment and facilities; and determine economic feasibility of service before proceeding further.

Mr. Cashel reviewed the bus route, which would transport riders from the Old Town Transit Center to Jeremy Ranch and on to Salt Lake City where riders had opportunities to transfer to light rail, bus routes or commuter rail. Stops are planned at the OTTC, the Fresh Market, which is the busiest stop in town, the Canyons, the Kimball Junction transfer center, and the park and ride at Jeremy Ranch. In response to Mayor Williams' concern that the first two stops in town did not have long term parking access, Mr. Cashel concurred, and noted they would encourage the use of our transit system to access the bus stops and would synchronize schedules so the transfers were timely.

Mr. Cashel explained the study team reviewed a spectrum of service options, and determined that Enhanced Bus (EB) and Bus Rapid Transit (BRT) categories were appropriate for this service. The Enhanced Bus service uses commuter busses that are comfortable and offer an option to begin service at reduced costs. The Bus Rapid Transit service uses low floor buses, which use technology to allow quick loading and unloading, and fare collection. Queue jumping is also a component of bus rapid transit that saves time on the route. He reviewed tables in the Staff report that described anticipated ridership for the two levels of service as well as operating, capital costs and investment per rider for each of the service scenarios. Operating and maintenance costs range from $1,810,022 to $4,199,360 for the Expanded Bus and up to $5,242,822 to the Bus Rapid Transit Scenarios depending on frequency of service. Capital costs could range from one time expenditures of $3,275,000 to $6.7 to $80.4 Million, again depending on scenario and frequency of service. He stressed that the Federal Government funded the Capital Cost at 80%, and the figures would be lower. The cost sharing methodology had not been determined yet, but based on the assumption that the three entities would share equally, the City's share of operating costs could range from $603,343 to $1,747,433.

In response to Cindy Matsumoto's question about federal funding, Mr. Cashel explained transit was funded in five-year segments and we will know shortly what the commitment of the new funding authorization bill will be. He also explained his conservative approach to projected fare recovery and noted it would be refined if Council directed Staff to complete Phase II of the study.

Mr. Cashel identified several potential funding options: existing revenues that are not yet committed; reprogramming revenues by instituting reductions in current services; identification of new revenue sources, i.e., federal operating assistance, partnerships with major employers that are already providing some transit, and enacting an additional ¼ cent of transit sales tax. Staff feels it is financially viable and worth continuing to study.

The Tri-Party Agreement identified deliverables for Phase II, which includes cost sharing; cooperatively pursuing Federal and State financial assistance; development of plans to provide local funding to operate the service; and, identification of risk management and human resource challenges of a jointly operated service.

Mr. Cashel reiterated that Staff was seeking approval from Council to move forward and continue working on the Park City to Salt Lake City transit service. Should Council provide that direction, Staff would incorporate findings into the Short Range Transit Development Plan to be completed in 2011. Council members all agreed that Staff should move forward, with a caution that the methodology for cost sharing be reviewed carefully based on population and use.

Mayor Williams shared public input received from Jim Doilney who suggested that the transit center be located near a hub of high density living. Mr. Cashel explained from a transit perspective that the west side of SR-224 had better access.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 1, 2010

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:00 P.M. at the Marsac Municipal Building on Thursday, July 1, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Phyllis Robinson, Communications and Public Affairs Manager; Roger McClain, Water Project Manager, Katie Cattan, Senior Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Jonathan Weidenhamer reminded Council of open houses related to Treasure Hill discussions, which would be held at the High School on Tuesdays, July 6 and 13, from 6:00 P.M. to 8:00 P.M. Michael Kovacs distributed an artist's rendition of the Bonanza Tunnel that is part of the walkability projects.

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

There was no public input. .

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 17, 2010

Alex Butwinski pointed out correction in the work notes. Alex Butwinski, "<u>I move approval of the work session notes and minutes of the June 17, 2010 meeting as amended</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

V RESIGNATIONS AND APPOINTMENTS

1. Consideration of four new appointments to the Library Board:
   - Suzette Lamb Robarge for a term expiring July 1, 2011
   - Carolyn Creek-McCallister a term expiring July 1, 2013
   - Fonya Kovacs for a term expiring July 1, 2013
   - Elizabeth "Sam" Wilkerson for a term expiring July 1, 2013

Joe Kernan, "<u>I move approval of appointments to the Library Board as specified</u>". Cindy Matsumoto seconded. <u>Motion unanimously carried</u>.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

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

1. Consideration of fee waivers for affordable housing (Habitat for Humanity) - Phyllis Robinson, noted that two years ago Council had authorized donation land at 154 Marsac Avenue to Habitat to Humanity for construction of affordable housing. The project has now received all necessary regulatory approvals, and Staff was before Council to request fee waivers for building permits, and up to $5,000 per unit in impact fee waivers for roads, streets and police. Council has the authority to authorize the waivers under Sections 11-12-13 and 11-13-4(A) of the Municipal Code. Mayor Williams opened the discussion for public input. Hearing none, he closed the hearing. Liza Simpson, "I move approval of fee waivers for the affordable housing at 154 Marsac Avenue". Alex Butwinski seconded. Motion unanimously carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

2. Consideration of award of Economic Development Grants totaling $15,000 to Local Tourist - Economic Development Manager Jonathan Weidenhamer introduced Alan Mao and Tom Raudorf, founders of Local Tourist and grant applicants. Jonathan briefly reviewed grants that had been awarded through the Economic Development Grant program which began in 2005: 2005 – Center for Applied Media, $18,000; 2006 – Park City Institute for Public Policy, $10,000; Park 2007 - Silly Market, $7,000; 2009 – High West Distillery, $11,000 and Genius Supply Store, $9,000. With the exception of Park City Institute for Public Policy, all organizations are still operating in Park City. High West Distillery and Genius Supply Store are due to update Council on their businesses this summer.

Mr. Weidenhamer explained the Economic Development Grant Policy included six criteria by which must be met in order to be eligible for a grant. While reviewing the current application, the committee suggested it may be time to overhaul the criteria to more closely align them with the City's Economic Development Strategic Plan. Should Council wish to provide direction on that during their discussion, Staff was interested in hearing their comments.

Jonathan explained a majority of the review committee recommended a total award of $15,000 to be applied to two goals: $5,000 for local content and $10,000 for development of the trip planner account. Three members of the committee recommended that no funds be awarded.

Alan Mao, Local Tourist, provide Council an overview of their backgrounds, which included creating Ski West, an on-line wholesaler and tour operator of ski vacation rentals. They were an early mover into aggregating the inventory of local property management companies from presentation on-line, and also an early adopter of search engine marketing and search engine optimization techniques. Ski West was acquired by Overstock.com in 2005; they created Overstock.com Travel in 2007, and subsequently led efforts to sell Overstock.com Travel to Kinderhook Industries. They remained as part of the executive team, and the company, operating under the name Vacation Roost generated $40 million in ski resort and lodging sales, with $14 million go to the Park City market.

Following a shift in the market for vacation rentals, they began developing the concept of Local Tourist around their belief in advantages offered to the consumer by professional property managers. Interaction with visitors and renters is standardized and service levels are consistent which contributes to positive perceptions that visitors form about Park City. He stressed that property management company are businesses that report revenues and remit taxes which sustain the level of quality and public services that make Park City enjoyable to visit and live.

Mr. Mao explained that the power of aggregation allowed greater investment in vacation rental tools and their search technology offered a unified customer experience and allowed comparison between distinct rental units. He explained the true innovation of Local Tourist was the way they leveraged the concepts to deliver customer demand to local businesses. Whereas traditionally wholesalers, tour operators and other aggregators act as middlemen, Local Tourist passes demand directly through to local businesses after attracting consumer interest. This pass-through ensures that the customer speaks to the most knowledgeable person and removes the duplication that exists on the vendor level. As opposed to commissions in excess of 24% for securing a client charged by most wholesalers, Local Tourist will be charging fees ranging from $.60 to a few dollars for each referral depending on the type of interaction. Cost savings translate to more taxable revenue being collected by local companies, rather than commissions being paid to companies residing outside of Park City.

In the future, Mr. Mao anticipates representation of many more elements of vacation packages and their concept encourages cooperation between different elements of those packages. Local Tourist can spread the costs of acquisition to multiple businesses. They believe the method by which they qualify clients and users refines selections and Local Tourist referrals are actually more qualified than each business could have done individually.

Mr. Mao explained while Local Tourist was beyond the concept stage, they were still in a startup phase. They do not have full time employees and are a bootstrap organization. They have already committed the capital to prove their concept, but investment by the City would allow them to accelerate growth. Additionally, support and endorsement by the City will have a demonstrable impact on new vendor adoption.

Mr. Mao discussed the impact of content development and addressed the staff concern of incremental versus redistributed revenue. They believe quality content fosters quality traffic and attracts users to the site. Well written, topical, articles and content will attract and educate visitors about the Park City lifestyle. A great proportion of traffic generated by Local Tourist will be incremental in nature, but a segment of demand will be redistributed as well. They believe their non-transactional venue where rich content is the focus of the site will displace demand from other on-line segments, as well as traditional broadcast mediums. He noted they were currently working with the Historic Main Street Business Alliance with regard to their efforts to rebrand and create a destination portal focused on Main Street businesses.

Mr. Raudorf demonstrated how the Local Tourist site responded to searches dining by demonstrating searches for kid friendly restaurants in Park City, as well as searches for fine dining. Search results included articles written by a local content writer.

Mr. Mao stated another element for keeping users engaged with Local Tourist would be their trip planner account that acts as a central base of a visitor’s interest. In addition to creating an itinerary, including lodging, restaurant elements and activities, they could share the itineraries with friends and people traveling with them. Local Tourist would be able to make relevant suggestions as they learn about users’ interests and plans. Liza Simpson asked whether the trip planner account would pull information to create recommendations based on visitors’ itineraries. Mr. Mao explained they had not considered using other visitors' itineraries, but to make recommendations that were logically driven based on the customer's search.

Alex Butwinski asked if Local Tourist had an office in Park City and what would happen if Council did not provide the grant. Mr. Mao explained they are located in a home office in the Black Bear Lodge and they would remain in Park City. They want to use the City grant funds to accelerate their growth. When asked by Mr. Butwinski where else they would market Local Tourist, Mr. Mao emphasized they consider Park City their home, but would like to be successful enough to warrant growth in other markets.

Candace Erickson asked whether a guest at the Canyons would receive recommendations for restaurants at Redstone. Mr. Mao responded they would, but Local Tourist would also recommend restaurants in town. The logic that drives recommendations has not yet been determined. Mr. Erickson felt they were replicating the Chamber site and asked whether they would include all businesses or only those who advertized or agreed to provide a fee based on use. She felt they had done an incredible job creating the website, but was not convinced it would bring new people to Park City. She noted she lost interest if she was not going through to someone who could handle a transaction. Mr. Mao explained that users would be connected directly to the property managers after selecting elements of interest to them.

Joe Kernan questioned whether Local Tourist would generate overnight visitors, or just create a better experience for visitors. Mr. Mao explained they were not only competing against an incremental visitor, they were also looking at a shift in consumer behavior from a transactional website, to non-transactional websites that are information based. They see users coming from both of those arenas, but cannot say how many would have come before. Their goal is to make it easy for a visitor to make the decision to come to Park City.

Liza Simpson requested clarification there would be no VRBO (vacation rental by owner) properties on the site, and the lodging properties advertised would be working through management companies. Mr. Mao confirmed and stated they did not envision listing any VRBOs. Ms. Simpson explained her excitement about the trip planner and felt it was beneficial for people to get to know town better before they came. The trip planner would act a bit as a concierge and would trickle further out into the community as the website content got richer.

Council members were divided in their support of the request. Councilors Erickson and Butwinski did not believe it met Criteria Two and Three. Councilors Matsumoto and Kernan were amenable to offering a smaller grant than recommended by Staff. Councilor Simpson reaffirmed her support for the grant to Local Tourist which offered exciting ideas and new concepts. Cindy Matsumoto, "I move approval of an Economic Development Grant for Local Tourist in the amount of $5,000". Liza Simpson seconded. Motion carried.

Alex Butwinski	Nay
Candace Erickson	Nay
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

Following the vote, Jonathan Weidenhamer requested that Council provide direction regarding use of the grant money. He explained the use would be included in the contract, and it will be helpful when they return to report on their progress. Council members all agreed they wanted to award the full amount for local content development.

3. Consideration of award of Construction Agreement in a form approved by the City Attorney, with JB Gordon Construction for the construction of the Rail Trail Waterlines in the amount of $2,137,848. - Roger McClain, water project manager explained the Rail Trail Waterlines project was a continuation of the City's water capital projects. The pipe corridor extends from Quinn's Water Treatment Plant to Wyatt Earp Way and includes several segments: a 20-inch finished waterline, an 18-inch raw waterline, and 12-inch Judge Tunnel waterline.

Staff has worked with State Parks, Mountain Trails Foundation and the Bureau of Land Management to develop temporary construction access and trails will not be closed at any time. The minimal portion of Rail Trail will be restored and the entire section of rail trail from Richardson Flat Road to Wyatt Earp way will be repaved. All excavated soils within the project will be reintroduced to the site via grading operations. The site is located within the Park City Soils Ordinance and the construction plan requires importation of top soil and reseeding to meet ordinance requirements. Mr. McClain added that Staff met with project corridor stakeholders and held an open house, which seven people attended. JB Gordon was the lowest responsive bidder of the ten bids received. Horrocks Engineers reviewed the bids and recommended the award to JB Gordon Construction. Mr. McClain will be the City's project manager.

Alex Butwinski asked why there was a difference between the bid amount and the actual Staff recommendation. Mr. McClain explained that one of the additives was removed from the contract. The City worked with the water treatment plant's contractor and that cost will be placed in their contract.

Mayor Williams requested public input. Hearing none, he closed the discussion. Liza Simpson, "I move approval of the award of Construction Agreement in a form approved by the City Attorney, with JB Gordon Construction for the construction of the Rail Trail Waterlines in the amount of $2,137,848." . Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

4. Consideration of First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Horrocks Engineers for waterlines from Quinn's Water Treatment Plant to Wyatt Earp Way (Rail Trail Waterlines) in the amount of $53,292. - Roger McClain, Project Manager explained that Horrocks Engineers was selected to design the Waterlines from Quinn's Water Treatment Plant to Wyatt Earp Way (Rail Trail Waterlines). As design progressed, the preliminary alignment was field reviewed and issues were identified that raised concerns about the selected alignment. The First Amendment to the Professional Services Agreement captures additional costs for design, construction engineering services, and geotechnical engineering services. The additional services include: 1) Wyatt Earp (Rail Trail to Sidewinder) realignment; 2) re-grading in order to retain soils on site, rather than hauling for disposal; 3) use of ductile iron pipe which provides corrosion protection; and 4) construction access which eliminated need to cross bridges.

Mayor Williams requested public input and hearing none, closed the discussion. Cindy Matsumoto, "I move approval of the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Horrocks Engineers for waterlines from Quinn's

Water Treatment Plant to Wyatt Earp Way (Rail Trail Waterlines) in the amount of $53,292”. Joe Kernan seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

VII OLD BUSINESS

1. Consideration of Ratification of Findings of Fact, Conclusions of Law, and Conditions of Approval for the Appeals of North Silver Lake Lot 2B Conditional Use Permit. - Candace Erickson was recused and left the meeting. Senior Planner Katie reviewed minor edits to Finding of Fact 24, Conditions of Approval 15 and 17, and Order 1. These were corrected after the staff report was published. The appellants received notification and were in agreement. Mayor Williams requested public input. Hearing none, he closed the discussion. Alex Butwinski, “I move that Council ratify the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Appeals of North Silver Lake Lot 2B Conditional Use Permit”. Liza seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Recused
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

There was no additional discussion.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 2:00 P.M. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Diane Foster, Environmental Manager; Jason Christensen; Legal Intern; Michael Kovacs, Assistant City Manager; Kathy Lundborg, Water Manager; Jonathan Weidenhamer, Economic Development Manager and Thomas Eddington, Planning Manager.
Joe Kernan, “I move to close the meeting to discuss personnel, property and litigation”. Alex Butwinski seconded. Motion carried unanimously. The meeting opened at 4:45 P.M. Liza Simpson, “I move to open the meeting”. Joe Kernan seconded. Motion carried unanimously.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 15, 2010

Present: **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

Michael Kovacs, Assistant City Manager, Mark Harrington, City Attorney; Phyllis Robinson, Public Affairs Manager

Justin Kable, UDOT

1. Council questions/comments. Candace Erickson discussed Recreation Advisory Board business including improvements to the north end of City Park and the status of Mountainlands Community Housing Trust's projects. Cindy Matsumoto commented on the Library Board meeting and Alex Butwinski reported on the Public Art Advisory Board meeting and the late Planning Commission meeting. Liza Simpson thanked staff for its extensive clean-up efforts for the 4th of July and the Historic Preservation Board's expanded interest in preserving outbuildings. She congratulated the Library on its Community Reads Program. Michael Kovacs shared favorable sales tax numbers reflecting a strong winter quarter. Dana Williams discussed meeting with Utah State University representatives on renewable energy projects over the years and the prospect of Park City being chosen as a test site for an electric bus system capable of being charged in the street. Summit County Home Builders Association requested including one of the Snow Creek houses on the Home Tour. He thanked the public for participating in the Treasure open houses. In order to appropriately separate roles, he explained that the Planning Commission and planning staff are not involved in these sessions so that their reviews of the project are not compromised. Ms. Simpson added that an abbreviated version of the introduction given at the open houses was presented to the Planning Commission.

2. UDOT update – SR224. Phyllis Robinson introduced Justin Kable from UDOT. Mr. Kable, through a PowerPoint presentation, pointed out the project limits from Kearns Boulevard to Bear Hollow. Improvements include an asphalt overlay, new pedestrian ramps at select intersections and driveways, new striping, and possibly new traffic loops. He discussed scheduling work which will be primarily performed at night from 7 p.m. to 6 a.m. to minimize inconveniences. No construction is planned from July 22 to July 25 for the holiday and the anticipated completion date is August 4. He added that Fehr & Peers has been contracted to coordinate with Park City and Summit County staff and to reach out to affected businesses and property owners. Message signs on I-80 provide information on hours of work. Mr. Kernan extended his appreciation of working during the night which is a huge benefit and Alex Butwinski felt the message boards are very helpful. Liza Simpson encouraged Mr. Kable to work with the Special Events staff to coordinate work with summer concert schedules.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 15, 2010

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 15, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Michael Kovacs, Assistant City Manager; Mark Harrington, City Attorney; Francisco Astorga, Planner; Thomas Eddington, Planning Manager; Katie Cattan, Planner; and Matt Twombly, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that Rail-Central is among his recycling customers.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 24, 2010

Alex Butwinski, "I move approval of the work session notes and minutes of June 24th". 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")*

Ms. Simpson and Mr. Butwinski indicated their interest in removing Items 3 and 4 from the Consent Agenda. Joe Kernan, "I move we approve Items 1 and 2 of the Consent Agenda". Liza Simpson seconded. Motion unanimously carried.

1. Consideration of four appointments to the Public Art Advisory Board for terms expiring June 30, 2012: Greta Church, Bob Peek, Kai Bolger and Bob Kollar – Staff recommends approval.

2. Consideration of award of professional service provider contract for the Recreation Center Remodel project for Testing and Special Inspection, in a form approved by the City Attorney, to Consolidated Engineering Laboratories in an amount not to exceed $40,000 – Staff recommends approval.

3. Consideration of a lease of City property/right-of-way for Zona Rosa, located at 501 Main Street for street dining – See New Business.

4. Consideration of a lease of City property/right-of-way for the Red Banjo, located at 322 Main Street for street dining – See New Business.

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

3. Consideration of a lease of City property/right-of-way for Zona Rosa, located at 501 Main Street for street dining – This item was moved from the Consent Agenda. Francisco Astorga explained that the maximum encroachment into the street from the curb is 7 feet 9 inches and the sidewalk encroachment is 6 feet 3 inches, maintaining the 3 feet 8 inches of sidewalk, the minimum clearance recommended by staff. Due to the temporary nature of the request, a full Historic District Design Review is not required. He indicated that Council can amend the application to expand the clearance on the sidewalk. Joe Kernan raised concerns about the shape of the deck and Mr. Astorga explained that sight requirements at the intersection limit the project area. Thomas Eddington explained that he and the City Engineer determined an appropriate width based on the "*sight triangle*". Liza Simpson referred to the design standards for size, "*The encroachment of the proposed decks in the sidewalk shall not exceed one foot three inches".* Mr. Eddington relayed that the *standards* are really guidelines because every circumstance can not be anticipated. The Zona Rosa application warrants a unique situation as it sits on a corner with little frontage to install a viable deck.

Liza Simpson noted that corner lots may realize other benefits and the Zone Rosa already has an upstairs outdoor dining deck. She expressed her reluctance to give up sidewalk clearance. Alex Butwinski believed that Main Street sidewalks are already under-engineered for the level of use and allowing more than the 1 foot 3 inches is unacceptable. Joe Kernan expressed his appreciation of staff's support but there may be business locations where temporary decks do not work.

Mr. Eddington advised the different widths of sidewalk along Main Street. If Council feels comfortable with a lease agreement, he suggested staff working with the applicant through an administrative conditional use permit process to reduce the encroachment on the sidewalk. Ms. Erickson agreed with Ms. Simpson's position about giving up sidewalk space and with Mr. Butwinski about the high volume of pedestrians on Main Street sidewalks. People end up walking in the street because the sidewalks are packed. Cindy Matsumoto felt it helpful to know the width of Ciseros' sidewalk and if it is the same as Zona Rosa's, this application would be hard to deny. Ms. Erickson pointed out that the City didn't provide Ciseros with sidewalk space and Mr. Astorga noted the City providing only 1 foot 3 inches of sidewalk. She stated that she is hesitant to give up four to five feet of sidewalk. Joe Kernan believed that a minimum of six feet needs to remain for sidewalk width.

Mr. Eddington explained that 3 feet 8 inches is the Building Code minimum but felt five to six feet of sidewalk is a reasonable standard. The sight triangle really inhibits this establishment's ability to develop, and applying the 1 foot 3 inch guideline doesn't provide adequate room between tables required by the Building Code. This prompted the recommendation of encroaching into the sidewalk which was approved by the City Engineer. He suggested supporting applications that maintain five and a half to six feet of sidewalk through an administrative conditional use permit process. Liza Simpson calculated that the width of the sidewalk in front of Zona Rosa is eleven feet eleven inches. Alex Butwinski pointed out a conflict with the design and a parking meter and is reluctant to exceed the 1 foot 3 inch guideline. He encouraged making staff reports clearer in the future with regard to non-compliance with a standard. He didn't feel the proposed wire railing is appropriate for a historic building. Francisco Astorga explained that a more contemporary look compliments historic structures and the deck is temporary. Mr. Butwinski did not agree and is not in favor of anything over 1 foot 3 inches.

Ms. Erickson stated that she is willing to compromise somewhat now understanding that the sidewalk is eleven feet. She agreed that the parking meter is a problem and it is not prudent for the City to arbitrarily give up sidewalk. Tom Eddington suggested a design solution and Ms. Simpson estimated that it would leave over seven feet of sidewalk. Discussion ensued on ADA access and members agreed that the modification is acceptable. Mark Harrington clarified that the motion should be to approve with a modification to Exhibit A to push back the deck flush to the meter on the west. Liza Simpson, "<u>I move that we approve the lease of City property/right-of-way to Zona Rosa, 510 Main Street, with the modifications to Exhibit A, pushing the edge of the deck flush with the parking meter</u>". Joe Kernan seconded. <u>Motion unanimously carried</u>.

4. <u>Consideration of a lease of City property/right-of-way for the Red Banjo, located at 322 Main Street for street dining</u> – This item was moved from the Consent Agenda. Alex Butwinski expressed that this request has some of the same problems as Zona Rosa. Applications should better meet the guidelines by keeping the leased area to a 7 foot 9 inch width, the size of a parking space. Unmitigated items could be clearer in the staff report. He clarified his position that the deck should not extend further than the posts. Mr. Eddington understood Mr. Butwinski's suggestion of no more than 7 feet 9 inches from curb to final extension into the right-of-way. Mr. Butwinski pointed out that the original intended size was the width of a parking space and he urged not deviating from the concept. Francisco Astorga agreed with limiting the deck to the inside of the posts which is recommended in the staff report. Tom Eddington understood the maximums to be 1 foot 3 inches and 7 feet 9 inches. Liza Simpson, "<u>I move we approve a lease of City property/right-of-way for the Red Banjo, located at 322 Main Street for street dining as recommended by staff</u>". Joe Kernan seconded. <u>Motion unanimously carried</u>.

1. <u>Consideration of the 6808 Silver Lake Drive plat amendment</u> – The Mayor opened the public hearing; there was no input. Joe Kernan, "<u>I move we continue Item 1</u>

under New Business to July 29th". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the 321 McHenry Avenue Plat Amendment, located within Block 59 of the Park City Survey, Park City, Summit County, Utah – Katie Cattan explained that the request is to combine lots to create one lot of record of 4,610 square feet. The Planning Commission approved this plat amendment on June 23, 2010 and staff recommends approval. Mr. Butwinski asked if the plat amendment will increase allowable house size. Ms. Cattan explained that building over lots lines is not allowed so by combining lots, a house can be built. The lot combination results in one standard lot and the other lots are substandard. Discussion ensued on the history of the property and a property trade between the property owner and the City resulting in a guaranteed house size of 2,095 square feet. The Mayor opened the public hearing; there were no comments and the public hearing was closed. Alex Butwinski, "I move that we approve the 321 McHenry Avenue plat amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the Ordinance". Cindy Matsumoto seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the 1144 Woodside Avenue Plat located within Lot 20 and 21 in Block 5 of Snyder's Addition to the Park City Survey, Park City, Summit County, Utah – Planner Katie Cattan explained that the application combines two lots of record, both 25 feet x 75 feet creating one lot of record of 50 feet x 75 feet. The Planning Commission forwarded a unanimous positive recommendation on June 23, 2010. The Mayor opened the public hearing and hearing no comments from the audience, closed the hearing. Liza Simpson, "I move we approve an Ordinance approving the 1144 Woodside Avenue Plat located within Lot 20 and 21 in Block 5 of Snyder's Addition to the Park City Survey according to the conditions of approval, findings of fact and conclusions of law outlined". Candace Erickson seconded. Motion carried unanimously.

4. Consideration of the Rail Central Pedestrian Connection Bridge Design – Matt Twombly explained that the City has been working with Mark Fisher, property owner, on an encroachment agreement which deals with the bridge and the timing of the construction. WALC considered this area for a pedestrian bridge but it was decided that two bridges are needed. Elliott Work Group is proposing an 8 foot wide bridge and details are presented in the staff report.

Staff recommends approving the pedestrian connection design in accordance with the second amendment to the encroachment permit and also to authorize staff to design a second bridge in another location in the area. Mr. Twombly explained that the state prefers to review both bridges concurrently during the stream alteration permit process. It also gives the City and the developer an opportunity to work together on engineering. Liza Simpson, "I move that we approve the pedestrian connection bridge between the Rail-Trail Central Building and the Iron Horse mixed use building". Alex Butwinski seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Michael Kovacs, Assistant City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Environmental Manager; and Mark Harrington, City Attorney. Joe Kernan, "<u>I move to close the meeting to discuss property and litigation</u>". Liza Simpson seconded. <u>Motion carried unanimously</u>. The meeting opened at approximately 5:30 p.m. Joe Kernan, "<u>I move to open the meeting</u>". Liza Simpson seconded. <u>Motion unanimously carried</u>.

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

____
Janet M. Scott, City Recorder

City Council
Staff Report

Subject:	**“Blue Sky Week” Resolution**
Author:	**Tyler Poulson**
Department:	**Sustainability**
Date:	**July 29, 2010**
Type of Item:	**Administrative**

Summary Recommendation:
Staff recommends that City Council review the attached Blue Sky resolution (see Exhibit A) and adopt the resolution declaring September 6-10, 2010 as “Blue Sky Week” in Park City.

Background:
Rocky Mountain Power’s Blue Sky Renewable Energy Program is celebrating its 10th anniversary this fall. As part of the celebration, Rocky Mountain Power is leading a promotional campaign during the week of September 6th to encourage greater participation in the Blue Sky program among Park City residents. Staff has drafted this resolution as a demonstration of support for the Blue Sky Program and its ongoing investments in clean, renewable energy.

Park City Municipal currently purchases Blue Sky clean energy blocks for roughly 10% of its annual electricity consumption and 11% of Park City residents and businesses participate in the Blue Sky program. Funds contributed to Blue Sky are used to purchase Renewable Energy Credits (RECs), in addition to funding community-based renewable energy projects. The Park City area has been the direct recipient of Blue Sky funds for various renewable energy projects, including funds for the 5.4 kW solar PV array at the Park City Ice Arena.

Department Review:
The Sustainability and Legal departments have reviewed this Staff Report and their commentary has been included.

Significant Impacts:
Park City Municipal will partner with organizations, such as Rocky Mountain Power and Recycle Utah, to promote education and awareness of the Blue Sky renewable energy program. Staff from the Environmental Sustainability team will assist Rocky Mountain Power with planning “Blue Sky Week” and promoting increased participation in Blue Sky via our free communication channels such as ParkCityGreen.org. Additionally, Recycle Utah will be launching their annual “Windy Week” promotion for Blue Sky beginning on September 6th.

Exhibits (Included):
Exhibit A – Resolution No. __-10 declaring September 6-10, 2010 as “Blue Sky Week” in Park City

Exhibit A - Draft of “Blue Sky Week” Resolution

Resolution No. __-10

RESOLUTION DESIGNATING SEPTEMBER 6-10, 2010
AS “BLUE SKY WEEK” IN PARK CITY, UTAH

WHEREAS, the United States is facing a growing need for renewable energy generation and the resources required to develop renewable energy are in great demand; and

WHEREAS, local government, businesses and citizens of Park City possess a growing interest in working towards a clean, reliable and energy independent future; and

WHEREAS, Rocky Mountain Power’s Blue Sky Renewable Energy Program allows all Park City entities to help finance and develop renewable energy; and

WHEREAS, Park City, its citizens and businesses are enthusiastic supporters of the Blue Sky program as demonstrated by an 11% community participation rate in 2009; and

WHEREAS, Park City Municipal has taken several steps to reduce its carbon footprint including purchasing Blue Sky blocks for roughly 10% of municipal electricity consumption; and

WHEREAS, the greater Park City area has been the recipient of six Blue Sky-funded renewable energy projects since 2006, including a 5.4 kW solar array at the Park City Ice Arena; and

WHEREAS, Park City has an interest in ensuring the Blue Sky program continues to thrive and provide funding for renewable energy development and projects; and

WHEREAS, the Blue Sky program is celebrating the 10th anniversary of its founding; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Park City, Utah that the week of September 6-10, 2010 be declared as

BLUE SKY WEEK IN PARK CITY, UTAH

Encouraging the citizenry to support the promotion of clean energy practices which Blue Sky offers in Park City and recognizing the potential for ongoing progress with renewable energy resources.

This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 29th day of July, 2010.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

RESOLUTION PROCLAIMING JULY 29, 2010 AS MARCH OF DIMES DAY IN PARK CITY, UTAH

WHEREAS, premature birth is the number one killer of newborns in America; and

WHEREAS, nearly half a million babies are born prematurely every year, including over 6000 in Utah alone; and

WHEREAS, the county of Summit, Utah has an average of at least one premature baby born every week; and

WHEREAS, premature birth takes an enormous toll on Utah families and costs society billions of dollars every year; and

WHEREAS, most people are unaware of this common, serious, and costly problem; and

WHEREAS, on July 29, 2010 March of Dimes staff and volunteers are visiting the city of Park City, Utah to raise funds for and awareness of the problem of premature birth in our community; and

WHEREAS, the March of Dimes is leading a state and national effort to save babies from premature birth by funding research to find the causes, by supporting local programs that offer hope and help to families with a baby in intensive care, and by advocating for public policies that improve the health of mothers and babies;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Park City, Utah proclaim July 29, 2010 as

MARCH OF DIMES DAY IN PARK CITY, UTAH

And encourage all citizens to support March of Dimes efforts to fund research and programs to find the causes of premature births.

PASSED AND ADOPTED this 29th day of July, 2010.

City Council Staff Report

Subject: Questar Gas Pipeline Relocation Agreement for the Comstock Pedestrian Tunnel Project
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: July 29, 2010
Type of Item: Administrative

Summary Recommendations:
The Council should re-authorize the City Manager to execute the attached Pipeline Relocation Agreement with Questar Gas, in a form approved by the City Attorney, for high pressure gas line relocation related to the construction of the Comstock pedestrian tunnel in an estimated amount of $40,130 with a not to exceed cap of $100,000.

Topic/Description:
This contract with Questar Gas is for the relocation of the high pressure gas line where it conflicts with the SR-248 and Comstock Pedestrian Tunnel.

City Council authorized the City Manager to execute a pipeline agreement with Questar Gas in a form approved by the City Attorney during the May 27 City Council meeting. The contract amount was for $40,130. This cost was provided to the City by Questar Gas. During final negotiations on the contract, Questar Gas refused to sign the contract if the cost proposed was a "Not to Exceed" amount.

Park City's policy requires City Council approval for change orders exceeding 10% of the contract value. Questar Gas estimated the cost to be around $40,130 and still anticipate the final cost to be around $40,130, but did not want to commit to this as a maximum amount because of potential additional cost due to unknown subsurface conditions.

The resolution to this issue is to provide Questar Gas with a deposit of $40,130 with a "Not to Exceed" amount of $100,000. Questar is insisting on the $100,000 amount. Additionally, Questar Gas will provide Park City with an itemized statement of the actual final costs incurred for review. This resolution was acceptable to both parties.

The pedestrian tunnel crossing SR-248 is anticipated to be located immediately east of Comstock Drive. The project includes the tunnel, stairways to the tunnel, social engineering to encourage pedestrians to use the tunnel, and lighting and ramps to meet ADA requirements. Improvements also include the relocation/modification of an existing sewer, modifications to the storm drain system, design of retaining walls to meet grades on the stairways, ADA ramps and the coordination with dry utility companies for protection, upgrade or replacement of their facilities. Heating of the stairs and video cameras will also be incorporated into the project. Because the pedestrian tunnel crosses UDOT right-of-way, coordination with UDOT and obtaining their approval was imperative.

UDOT has been involved with this project since its inception in the walkable/bikeable neighborhood study completed in 2007. UDOT has worked with our design team and is ready to issue a permit to allow the construction to occur.

The funding for this project will be provided from Walkability Improvement Bond funds. The total budget for the design and construction is $3,050,000 plus an additional $72,000 for the social engineering efforts for a total project budget of $3,122,000. After the cost of the design and construction management contract ($286,101) and the cost of the construction contract ($1,051,509), $1,784,390 still remains in the budget for this utility relocation.

Background:
A trail master plan update and walkable/bikeable neighborhood study was prepared by Landmark Design for Park City and completed in early 2007. The purpose of the study was to provide planning and design guidance to improve walking and biking in urban Park City with the intent to establish a clear and detailed list of projects to improve safety, connectivity and efficiency. From the study, a safe passage across SR-248 was ranked as an essential project. A 15 million dollar "walkability bond" was passed by the public in 2007. City Council subsequently allocated funding during the 2008 budget to this project, based on recommendation of the public WALC committee.

Analysis:
Based on the current design, the high pressure gas line would pass through the middle of the pedestrian tunnel if left in its present location. At the start of construction, Questar will cut and remove the gas line to allow for the construction of the pedestrian tunnel. They will then "loop" the gas line over the tunnel and reconnect the ends of the gas line. Questar Gas is a sole source provider of gas to Park City. The high pressure gas line to be relocated is owned and operated by Questar Gas. The high pressure gas line is located within UDOT's Right-Of-Way. Since Park City is initiating the construction of the pedestrian tunnel, the cost for the high pressure gas line relocation is borne by Park City.

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

Alternatives:

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

B. Deny the Request:
If this request is denied, the construction of the pedestrian tunnel crossing SR 248 could not be accomplished because of the tunnels conflict with the existing high pressure gas line.

C. Continue the Item:
If the Council needs more information the item can be continued, but this would cause the same consequence as denying the request.

D. Do Nothing:
This option would not allow for the construction of the pedestrian tunnel crossing SR 248 until the existing high pressure gas line is relocated.

Significant Impacts:
The relocation of the high pressure gas line will be part of the overall construction for the tunnel. The tunnel construction will heavily impact the flow of traffic along State Route 248 and access into the school grounds. The State Route 248 impacts have been addressed during the design with UDOT and are addressed in the permit to be issued to Park City by UDOT. Staff has worked diligently with Park City School District in forming a Letter of Intent (LOI) to address impacts to access to the school campus throughout the project timeline. Park City School District approved this LOI during their May 6, 2010 Board meeting. It has been agreed to construct the portions of the tunnel located on school property and across State Route 248 while school kids are on summer vacation (middle of June to late August).

Consequences of not taking the recommended action:
The pedestrian tunnel across SR-248 is a high priority project as determined in the 2007 walkability/bikeable neighborhood study. Not commencing with this contract to relocate the high pressure gas line would delay the start of construction for these necessary facilities.

Recommendation:
The Council should re-authorize the City Manager to execute the attached Pipeline Relocation Agreement with Questar Gas, in a form approved by the City Attorney, for high pressure gas line relocation related to the construction of the Comstock pedestrian tunnel in an estimated amount of $40,130 with a not to exceed cap of $100,000.

City Council Staff Report

Author: Kathy Lundborg
Subject: QUINN'S WATER TREATMENT - SBWRD IMPACT FEE ASSESSMENT AND USER FEE PAYMENT AGREEMENT
Department: Public Works
Date: July 29, 2010
Type of Item: Administrative

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute the Impact Fee Assessment and User Fee Payment Agreement with Synderville Basin Water Reclamation District. The agreement includes payment of an assessed impact fee of $342,824 for the Quinn's Water Treatment Plant along with an agreement to pay monthly user fees.

Description:
Water Strategic Plan: Source Strategies & Polices

- Maximize the availability of Park City's water from the Rockport Importation project

Topic:
Execution of the SBWRD Impact Fee Assessment and User Fee Payment Agreement.

Background:

Construction of the Quinn's Water Treatment Plant has begun and is scheduled to be operational by fall of 2011. The Plant will become a critical component in the City's water supply and distribution system.

The water treatment plant and plumbing is designed for the ultimate size of 9 MGD; initially membrane equipment will be purchased and installed for 3 MGD. As the demand grows over time, additional membrane equipment will be added to the plant to incrementally upgrade to 9 MGD. Initially, the raw water sources for the water treatment plant will be from Rockport Reservoir and the Judge Tunnel, with potential future storage reservoirs being added in the future.

For additional reference, the attached Project Matrix shows all of the water projects for this construction season and the corresponding contracts and Professional Services Agreements (PSA's). With all of the construction contracts and PSA's being brought to

Council for Authorization, Staff hopes that the matrix would be useful in seeing the bid picture of water projects.

The SBWRD Impact Fee Assessment and User Fee Payment Agreement is required for the City to discharge any sanitary sewer or wasted process water from the Water Treatment Plant into the sewer system. The agreement outlines how the impact fees and user fees are calculated. The agreement also outlines the payment terms for the associated fees. A copy of the agreement is included with this staff report.

Analysis:

It is estimated that the Quinn's Water Treatment Plant will need to dispose of approximately 17,000 gallons of water per day (gpd) when operating at 3 MGD. A small portion of this water is sanitary sewer (i.e. toilets, sinks, etc). The majority of this water results from concentrating solids from daily maintenance to the treatment process (cleaning membranes, filtered solids, etc). This concentrated maintenance water cannot be discharged back into the raw water supply without additional treatment and solids disposal.

Several options that were evaluated for handling this wasted process water include discharging the water into the sewer system and treating the water on-site. Treating the wasted process water on-site would require dewatering equipment, solids disposal equipment, chemical feed equipment, trucking, and associated labor. Discharging the water into sewer system will not require additional equipment or labor costs, but will include an initial impact fee assessment and monthly user fees paid to SBWRD. Both options were evaluated based upon a life cycle cost. Attachment A includes a summary of the evaluated options. Based upon the evaluation it was determined that the lowest cost and the best option was to discharge the wasted process water into the sewer system.

It should be noted that the agreements with SBWRD limits the amount of concentrated metals that can discharge into the sewer system. These limits are based upon SBWRD's current Utah Pollutant Discharge Elimination System (UPDES) permit. These metals limitations will not restrict treatment and usage of Rockport Reservoir water, as Rockport Reservoir water does not contain high concentrations of metals. However, the metals limitations from SBWRD will restrict the amount of water that can currently be treated from the Judge Tunnel source. Treatment of Judge Tunnel water will concentrate the removed metals in the wasted process water. It is estimated that up to 900 gpm of Judge Tunnel water, at mid level metals concentrations, will be able to be treated at the WTP while meeting the discharge metals limitations.

It should also be noted that the City is currently in the UPDES permitting process for the Judge Tunnel, Spiro Tunnel and the Prospector Drain water. It is likely that a pretreatment facility and dewatering system may be required at the WTP in order to meet the water quality requirements of the pending UPDES. These treatment processes and dewatering facilities would result in significantly less water that would be discharged into the sewer system, thus reducing the impact and user fees. However, until the City's UPDES permit is finalized and the requirements are known, the additional treatment processes cannot be designed. Any additional treatment process, including potential dewatering systems will be addressed with any infrastructure and improvements required to comply with the future UPDES permit.

Based upon the unknown requirements of the pending UPDES permit and the cost savings it is recommended that the wasted process water be discharged into the sewer system. It is also recommended that the disposal options for this process water be re-evaluated when the UPDES permit process is finalized.

It should be noted that, the SBWRD agreement allows for the impact fee to be re-evaluated in the event that these additional treatment processes and dewatering facilities are constructed. The construction of these facilities would likely result in less water being discharged into the sewer system resulting in a reduction to the impact and usage fee.

Therefore, staff recommends Council to authorize the City Manager to execute the Impact Fee Assessment and User Fee Payment Agreement with SBWRD. The agreement includes payment of an assessed impact fee of $342,824 along with monthly user fees of approximately $2,400 month.

Department Review:

This staff report has been reviewed by Public Works, Legal, and City Manager.

Alternatives:

A. Approve the Request:

Staff recommends Council authorize the City Manager to execute the Impact Fee Assessment and User Fee Payment Agreement, in a form reviewed by the City Attorney, with Synderville Basin Water Reclamation District. The agreement includes payment of an assessed impact fee of $342,824 along with monthly user fees of approximately $2,400 month.

B. Deny the Request:

Council could deny Staff's request. The schedule for the water treatment plant would be delayed as alternate disposal methods are evaluated and designed. The long term cost of the Water Treatment Plant would increase.

C. Continue the Item:

Council could continue the request. Continuing the request would delay the completion of the time-critical project.

D. Do Nothing:
Staff does not recommend this alternative. Doing nothing would also delay the completion of the time-critical project.

Significant Impacts:

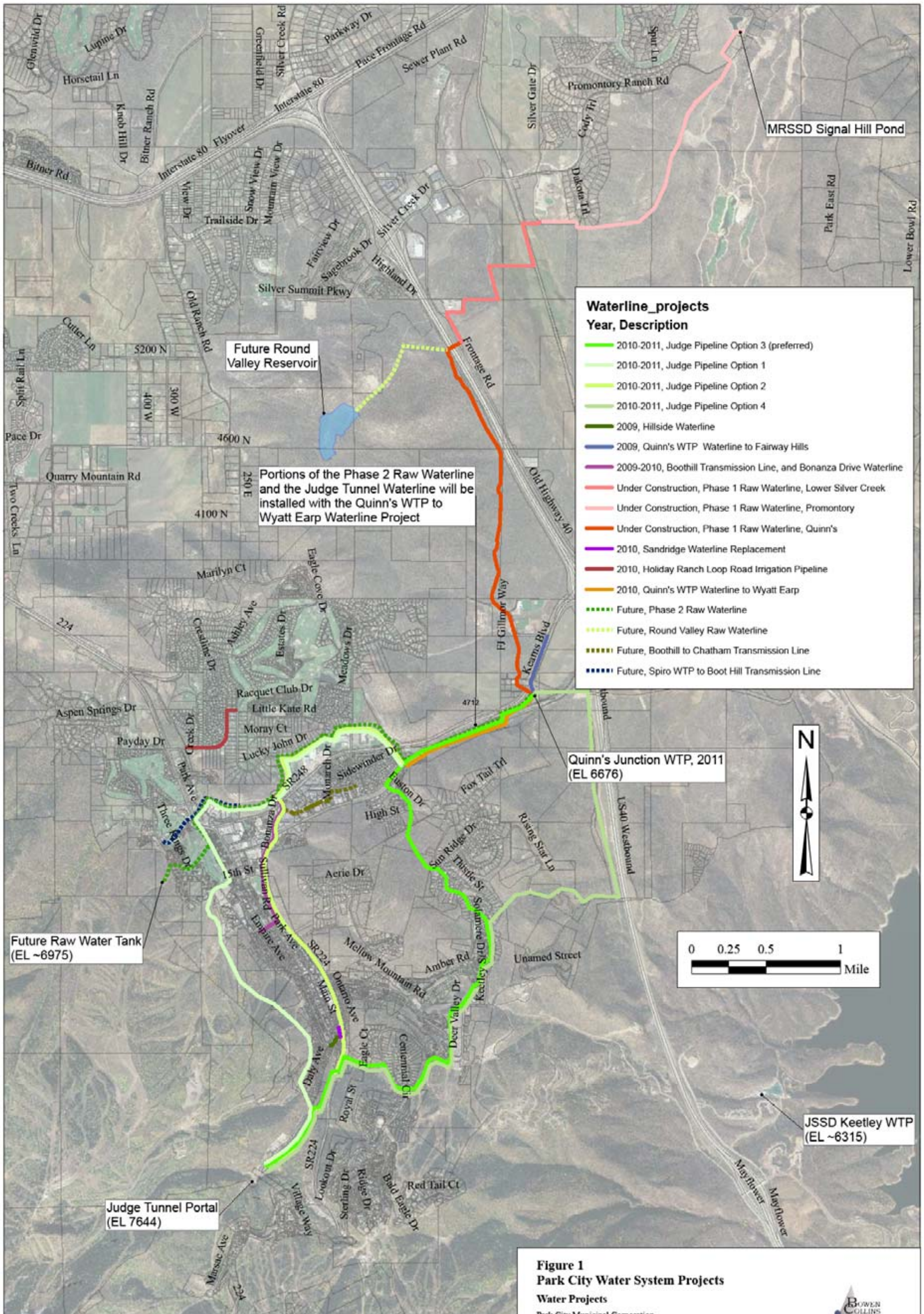
The fee associated with this agreement is included in the project in the approved FY2010 and the proposed FY2011 CIP budget.

If Council does not authorize the execution of the Agreement with SBWRD, the completion of the Water Treatment Plant will be delayed.

Recommendation:
Staff recommends Council to authorize the City Manager to execute the Impact Fee Assessment and User Fee Payment Agreement with Synderville Basin Water Reclamation District. The agreement includes payment of an assessed impact fee of $342,824 for the Quinn's Water Treatment Plant along with an agreement to pay monthly user fees.

Water Project Matrix 2010

Project PCWIP	**Task**	**Contractor/ Consultant**	**Contract/ Agreement Authorized by Council?**	**Amount**
Promontory	a. Design b. Construction Mgmt/Inspection c. Construction (2009/2010)	a. Stantec b. MRWSSD c. Counterpoint	Y Y Y	$460,610 (plus $338,260) Hourly rate ($75/hr) $1,439,950
Quinn's	a. Design b. Construction Mgmt/Inspection c. Construction (2009/2010)	c. Stantec d. BCA c. Allied Construction	Y Y Y	$460,610 (plus $338,260) $89,792 $2,183,495
Lower Silver Creek	a. Design b. Construction Mgmt/Inspection c. Construction (2010)	a. Stantec b. Stantec c. BD Bush	Y Y Y	$460,610 (plus $338,260) $113,746 $1,933,821
Phase 2, 3, 4	a. Preliminary Design Construction begins 2011	a. Stantec	Y	$460,610 (plus $338,260)
Quinn's WTP to Wyatt Earp Finished Waterline	a. Design b. Construction Mgmt/Inspection c. Construction (2010)	a. Horrocks b. Horrocks c. Not chosen	N N N	$228,352 *$2,200,000 (estimate)*
Judge Tunnel Waterline	a. Design b. Construction Mgmt/Inspection c. Construction (2010/2011)	a. BCA b. BCA c. Not chosen	N N N	$444,321 $255,448 *$5,000,000 (estimate)*
HR Loop Rd Irrigation Waterline	a. Predesign, Design b. Construction Mgmt/Inspection c. Construction (2009/2010)	a. Jack Johnson, Alliance b. City Staff	NA	$10,000 *$300,000 (estimate for water portion)*
Water Treatment Plant	a. Design b. Construction Mgmt/Inspection c. Construction (2010/2011)	a. Carollo b. MWH Americas, Inc. c. Alder Construction	Y N	$1,244,000 $375,129 *$13,336,000*
Boothill Transmission Line Phase 2 and 3	a. Design b. Construction Mgmt/Inspection c. Construction (2009/2010)	a. BCA b. City Staff (ph2), Stanley (ph3) c. Granite Construction(2009)	Y Y Y	$72,600 $29,410 (phase 3) $500,000 *$766,000 (2010 estimate)*
Hillside Waterline (Completed)	a. Design b. Construction Mgmt/Inspection c. Construction (2009)	a. BCA b. Ward Engineering c. Granite Construction	Y Y Y	$22,300 $101,840
Fairway Hills Finished Waterline (Completed)	a. Design b. Construction Mgmt/Inspection c. Construction (2009)	a. BCA b. Alliance c. Counterpoint	Y Y Y	$35,230 $39,115 $302,661



Project Location Map

IMPACT FEE ASSESSMENT AND USER FEE PAYMENT AGREEMENT

This AGREEMENT made and entered into this ______ day of _______________, 2010, by and between PARK CITY MUNICIPAL CORPORATION (CITY), and SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, a local district of the State of Utah (DISTRICT) referred to herein as "the Parties",

This AGREEMENT is made with reference to the following facts:

The CITY has submitted plans and other information to the DISTRICT for construction of a new membrane filter Water Treatment Plant to be located at 3800 Richardson Flat Road, hereinafter referred to as the "PROJECT".

The Water Treatment Plant will be constructed in 3 phases with the following finished water capacities:

Phase 1	-	3 million gallons per day (MGD)
Phase 2	-	6 MGD
Phase 3	-	9 MGD

- Phase 1 will include construction of site improvements, buildings, tanks, piping, etc. for a capacity of 6 MGD; however, membrane filters will be installed for only the initial 3 MGD capacity.
- Phase 2 will include installation of additional membrane filters which will increase the capacity of the plant to 6 MGD. Additional buildings and site improvements may not be necessary for Phase 2; therefore a building permit may not be required.
- Phase 3 will require construction of a raw water pretreatment facility and installation of additional membrane filters, pumps, etc. which will increase the capacity of the plant to 9 MGD. A building permit will likely be required for this phase.

The CITY has applied to connect the PROJECT to the public wastewater system owned and operated by the DISTRICT, and to discharge all waste products from the water treatment process to the DISTRICT'S system.

The PROJECT will operate under an Industrial Pretreatment Permit issued by the DISTRICT, which Permit is incorporated by reference as a part of this AGREEMENT.

The CITY'S Consulting Engineer, as part of the facility design, has estimated the waste products discharge volume from the PROJECT to the DISTRICT facilities while operating at capacity as follows:

Phase 1 -

Sanitary and miscellaneous housekeeping		500 gal/day
Solids processing		12,420 gal/day
Membrane Cleaning		4,120 gal/day
	Total	17,040 gal/day

Phase 2 -

Sanitary and miscellaneous housekeeping		500 gal/day
Solids processing		24,840 gal/day
Membrane Cleaning		7,210 gal/day
	Total	32,550 gal/day

The DISTRICT is empowered and authorized by law to adopt resolutions establishing impact fees and user fees for services provided by the DISTRICT.

NOW THEREFORE, in consideration of the services to be provided by the DISTRICT and the mutual covenants and conditions set forth herein, the Parties hereby agree as follow:

1. ASSESSMENT AND PAYMENT OF IMPACT FEES.

The CITY will pay the impact fees required by the DISTRICT for the PROJECT on the basis of the current impact fee enactment of the District which is currently in effect and assessed and imposed by the DISTRICT at the date of this Agreement as calculated herein. As a condition of approval of the waste discharge proposed by the CITY to the DISTRICT system, the DISTRICT will defer collection of impact fees for future Phases of the PROJECT. Assessment of impact fees by the DISTRICT and payment by the CITY of the impact fees assessed by the DISTRICT shall be as set forth below.

a) The DISTRICT Impact Fees for Phases 1 and 2 of PROJECT are calculated and assessed to the CITY as follows:

Phase 1 - (Initial 3 MGD Capacity)

17,040 gal/day ÷ 320 gal/day/RE[(1)] = 53.25 RE's

53.25 RE's × $6,438/RE[(2)] = **$342,824**

Phase 2 - (Additional 3 MGD Capacity)

32,550 gal/day ÷ 320 gal/day/RE = 101.72 RE's

101.72 RE's – 53.25 RE's = 48.47 RE's Additional

48.47 RE's × $6,438/RE [(2)] = **$312,050 plus interest**

[(1)] 1 Residential Equivalent (RE) is equal to 320 gallons per day
[(2)] 2010 DISTRICT Impact Fee is $6,438/RE

b) The CITY will pay the DISTRICT Impact Fee for Phase 1 prior to commencement of connection to the DISTRICT system or issuance of a Building permit by Park City Building Department.

c) The DISTRICT agrees to allow the CITY to defer payment of the DISTRICT Impact Fee for Phase 2 until such time as the CITY increases capacity of Treatment Plant to 6 MGD by the addition of membrane filters or other means. In consideration of the deferment, the CITY agrees to pay the DISTRICT interest on the deferred amount from the time of the original Impact Fee assessment to the time the deferred payment is made. The interest rate shall be equivalent to the rate earned by the DISTRICT on its PTIF account held by the State Treasurer's Office during the deferment period. The CITY shall notify the DISTRICT and pay Phase 2 Impact Fee plus interest prior to implementing the capacity increase which will create waste discharges in excess of the discharge from the Phase 1 facilities.

d) The DISTRICT Impact Fee for Phase 3 will be evaluated and assessed when the CITY submits plans and other information to the DISTICT for Phase 3 construction prior to issuance of a building permit or, if a building permit is not required or issued, prior to waste discharges for Phase 3.

e) The CITY will also pay the DISTRICT a 1% Administration Fee of **$3,428** For Phase 1 and **$3,121** plus interest for Phase 2 as required by the DISTRICT policy at the time the Impact Fees for the future phases are paid.

2. MEASUREMENT AND ADJUSTMENT OF FEES

a) The CITY will install a flow meter on the waste discharge line from the water treatment process which will measure all liquid waste discharges from the solids removal process and the membrane cleaning process to the DISTRICT system. The CITY will submit daily discharge flow meter data and daily finished water production volumes to the DISTRICT on a monthly basis.

b) The DISTRICT reserves the right to review the CITY flow meter calibration and maintenance records and to have independent calibration tests on the flow meter performed, at the DISTRICT'S discretion and with notice to the CITY. Flow meter(s) shall be maintained to report accurately or flow records may be adjusted by the DISTRICT based on results of independent calibration tests.

c) Sanitary waste discharges and other miscellaneous housekeeping flows will not be part of the measured flow volumes. Therefore, the Parties agree that the assumed 500 gal/day discharge for sanitary and miscellaneous waste will be added to the measured monthly flow for the total discharge from the PROJECT.

d) At the end of two (2) years of operation following completion of Phase 1, flow meter records and finished water production volumes will be jointly evaluated and compared against the design estimates used by the Parties in the preparation of this Agreement which were provided by the CITY'S Consulting Engineer and form the basis for the Impact Fee calculation. The evaluation shall consider the ratio of the facility design capacity to the actual finished water production during the evaluation period. If the measured values vary from the estimated values by more than 10%, the Impact Fee calculation shall be adjusted and either a refund of Impact Fees by the DISTRICT to the CITY will become due and payable or an additional payment of Impact Fees by the CITY to the DISTRICT will be paid by the CITY. Payments due to either party under the terms of this subsection shall be disbursed not more than 30 days after the conclusion of the joint record flow determination by the Parties.

e) If at any time after execution of this agreement the CITY makes equipment or other changes to the solids handling process which result in a permanent reduction or elimination of the solids processing or membrane cleaning portions of the waste stream discharged to the DISTRICT'S system, the DISTRICT agrees to reevaluate the Impact Fees assessed.

3. <u>USER FEES PAYABLE</u>

a) Monthly User Fees charged by the DISTRICT and payable by the CITY will be based on the actual monthly flow meter reads provided by the CITY including the 500 gal/day allowance for sanitary and miscellaneous housekeeping flows.

b) User fees will be paid based on user fees in effect on the date flows are discharged to the District system.

4. This Agreement constitutes the entire understanding and agreement between the parties, and supersede any previous agreement, representation, or understanding between the parties relating to the subject matter hereof.

5. The provisions of this Agreement are not severable, and should any provision hereof be deemed void, unenforceable or invalid, such provision shall affect the remainder of this agreement, and shall provide grounds for dissolution of the Agreement at the option of the parties in the exclusive discretion of each of them.

6. Any waiver by any party hereto of any breach of any kind or character what so ever by the other party, whether such waiver be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement on the part of the other party.

7. This Agreement may not be modified except by an instrument in writing signed by the parties hereto.

8. This Agreement shall be interpreted, construed and enforced according to the laws of the State of Utah.

9. In the event of default on the part of any party to this Agreement, that party shall be liable for all costs and expenses incurred by the other party in enforcing the provisions of this Agreement, whether or not legal action is instituted.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT as of the day and year first above written.

PARK CITY MUNICIPAL CORPORATION

____

Mayor

ATTEST:

____

City Recorder

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

____

Chair, Board of Trustees

ATTEST:

____

Clerk

Bowen Collins & Associates, Inc.
Consulting Engineers

TECHNICAL MEMORANDUM

TO: Kathy Lundborg
Park City Municipal Corporation

COPIES: File

FROM: Jeff Beckman
Bowen Collins & Associates

DATE: Revised July 12, 2010

SUBJECT: Quinn's WTP Waste Stream Disposal

The purpose of this memorandum is to briefly evaluate the disposal options for the waste stream that will be produced at the Quinn's Junction Water Treatment Plant (WTP). The waste stream includes filtered solids, clean-in-place rinse water and sanitary wastewater discharge. The volume of the waste stream has an estimated volume of 17,000 gallons per day when the WTP is operating a 3.0 mgd.

Two disposal options were evaluated as part of this memorandum. The first option is to dispose of the waste stream to the sanitary sewer system which is owned and operated by the Syderville Basin Water Reclamation District (SBWRD). The second option is to dewater the waste stream on-site and then dispose of the dewatered solids at the county landfill. The following paragraphs briefly describe each of these options.

Discharge to the Sewer System

The current design assumes that the waste solids will be discharged to the sanitary sewer system. To discharge to the sewer system, the SBWRD will charge an impact fee based upon the maximum monthly discharge volume and a monthly user fee based upon the actual measured volume of water discharged. SBWRD has estimated the following impact fee and monthly user fees based upon the estimated discharge volumes and the solids content in the discharge. The estimated fees are as follows:

Impact Fee: $342,824
Monthly Fee $2,400 per month (maximum, varies with measured volume)

On-Site Dewatering

The second option evaluated includes dewatering the waste stream on-site and then disposing of the dewater solids at the county landfill or other acceptable locations. Several modifications to the existing design would be necessary to dewater the waste solids on site. These modifications would include:

- Polymer feed equipment
- Solids holding tanks (due to slow continuous discharge from plate settlers)
- Additional Piping
- Dewatering Units – (filter press, screw press, centrifuge, etc.) – Two units are necessary due to the critical component to the treatment process.
- Dewatered cake handling equipment (conveyor, hauling trucks, bins, etc).

The dewatering units would dewater the waste stream to approximately 14% solids by weight. The solids would then need to be hauled to the land fill or another disposal location. It should noted, that the space is very limited within the designed membrane building. Locating the necessary dewatering equipment within the building, while maintaining sufficient room for daily operation and maintenance will be very difficult. The estimated capital and monthly operational costs for dewatering the waste stream on-site and to dispose of the solids are summarized below. Attached Table 1 includes a summary of the assumptions used in the estimated costs.

Estimated Capital Cost: $370,000
Estimated Monthly Operation Costs: $3,800 per month

Recommendation

Based upon cost alone, it is recommended that the solids be discharged to the SBWRD sewer system. In addition to the cost savings, the following list identifies additional advantages for discharging into the sewer system:

- Lower cost (capital and monthly)
- Do not have to deal with disposal of dewater sludge
- Limited room in membrane building
- More reliable system. Does not rely on another piece of equipment for operation of the plant
- Safety (less man hours on site and no trucking).

Table 1
Conceptual On-Site Dewatering Cost
Quinn's Junction Water Treatment Pant

Capital Costs			
Solids Holding Tank	$	25,000.00	
Polymer System	$	30,000.00	
Additional Piping	$	15,000.00	
Skid Dewatering Unit (Press, Centrifuge, etc)	$	300,000.00	(two units)
	$	**370,000.00**	
Monthly Costs			
Man Power Costs			
Number of People		1	
Hours per Day		3.5	hr
Days per Month		22	
Hourly Rate	$	30.00	
	$	2,310.00	
Hauling Costs			
Solids Production		514	Dry lb/day
Pecent D.S. per weight		14%	
Wet Solids		3671	wet lb/day
Bulk Denisty		50	lb/ft3
Volume		73	ft3
		2.7	CY/day
		81.6	CY/month
Truck Trips Per Month		8.2	
Hauling Costs	$	150	per trip
Monthly Hauling Cost	$	1,223.81	
Polymer Costs			
Dry Solids Production		0.257	ton/day
Polymer Dosage Rate		15	lb/ton of DS
100% Active Polymer Required		3.855	lb/day
Liquid Active Concentration		40%	
Neat Polymer Required Day		9.6375	lb/day
Neat Polymer Required Year		289	lb/month
Liquid Polymer Cost	$	1.00	per lb of Neat
Monthly Liquid Polymer Cost	$	289	
Total Monthly Cost	**$**	**3,822.93**	

City Council Staff Report

Author: Clint McAffee
Subject: QUINN'S RAW WATERLINE CONSTRUCTION CONTRACT AMENDMENT 1
Date: July 29th, 2010
Type of Item: Administrative

PUBLIC WORKS

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute a Construction Agreement Amendment for Change Order 7 in a form approved by the City Attorney, with Allied Construction for the construction of the Quinn's Raw Waterline for a lump sum amount of $29,101.43.

Description:
Water Strategic Plan Topic: Infrastructure, Strategy/Policy: Implement Capital Facilities Plan

Topic:
Park City Raw Water Infrastructure Project for the Quinn's Phase of the raw water line from Promontory to Quinn's Junction Water Treatment Plant. The three segments of this raw waterline are as follows: Promontory Phase, Lower Silver Creek Phase, and Quinn's Phase.

Background:
In the summer of 2009, Council authorized the City Manager to execute the Construction Agreement in the amount of $2,183,495 with Allied Construction to construct the Quinn's segment of the raw water line that runs from the Signal Hill Pond to the Quinn's Junction Water Treatment Plant site. The Quinn's segment consists of 13,500 feet of 22" (inside diameter) and runs from the Highway 40 crossing to the Treatment Plant Site (see attached map).

Also included in this phase, is the construction of approximately 6,200 lineal feet of multi-use trail which will connect Silver Summit to the Phase II IHC trail system and further on to the Park City Recreation Complex.

Analysis:
During the construction of the Quinn's segment several changes were approved in the form of Change Orders 1 through 6 to address changes per direction from the City and changes due to unforeseen field conditions. Change Orders 1 through 6, which are summarized below, total 9.2% of the original contract amount. If approved, Change Order 7 will result in an amended contract amount of 110.6% of the original approved

amount and requires City Council approval. Park City Municipal Corporation's Contracting and Purchasing Policy states that accumulated Change Orders which would increase the previously approved contract amount by more than 10% (on contracts over $200,000) require City Council approval.

Change Orders 1 through 7 are summarized below.

Change Order	Date	Amount	Cumulative Percent Change
1	2/1/2010	$ 6,582.38	0.3%
2	2/22/2010	$4,209.28	0.5%
3	3/8/2010	$76,569.93	4.0%
4	3/24/2010	$99,884.52	8.6%
5	4/28/2010	$14,104.00	9.2%
6	6/24/2010	$0	9.2%
7	Pending Approval	$29,101.43	10.6%

Change Order 1 – This Change Order included credits as well as increased costs to the City. Increased costs including upgrading various ductile iron pipe fittings fabricated in China to pipe fittings fabricated in the United States. Park City's construction specifications require that all ductile iron pipe and fittings are to be manufactured in the United States. This requirement was not identified in the bid documents. Credits included eliminating minor piping on several valve vaults and eliminating some limits of disturbance fencing.

Change Order 2 – This Change Order included the time and materials for installing markers along the pipeline alignment. These markers are above grade and are located at every valve box and at approximately 500 foot intervals along the pipe line.

Change Order 3 – This Change Order included piping the Pace Homer Ditch that is located up-gradient of the Quinn's Junction Water Treatment Plant. These improvements included approximately 1,050 linear feet of 36-inch diameter pipeline, manholes, and other appurtenances. Historically, the ditch in this area has experienced flow restrictions due to vegetation overgrowth and beaver dams. Due to these flow restrictions, at times water has overtopped the existing canal banks flooding the future Water Treatment Plant site. The improvements eliminated these flow restrictions and will prevent water from overtopping the banks and running into the Treatment Plant site.

To ensure that we got competitive pricing, we solicited quotations from three contractors that were already under contract with the City. Our intent was to identify the preferred contractor, based upon the quotations. We added this work to the preferred contractor's existing contract through a change order.

The quotations are summarized below. Allied Construction was the lowest of the three bids and was selected to perform the work.

Allied Construction - $76,596.93
BD Bush Construction - $122,152.00
Counterpoint Construction - $131,000.00

Change Order 4 – This Change Order included excess rock excavation quantities encountered along the pipeline alignment that was not in the original contract. The contractor's bid included 2,000 linear feet of rock excavation based on the engineers estimate and the actual rock quantity encountered was 4,043 linear feet. A geotechnical study was completed prior to design but several isolated sections of rock were not discovered during the study.

Change Order 5 – This Change Order included excess rock excavation quantities encountered along the Pace Homer Ditch enclosure (see Change Order 3). A geotechnical study was not completed in this area. The geotechnical reports for the Quinn's Junction Water Treatment Plant and the Raw Water Line Project were reviewed and considered representative of the area. The Treatment Plant report indicated no rock. However, a small area of rock was encountered which resulted in Change Order 5.

Change Order 6 – This Change Order extended the completion date of the contract. The contractor requested the extension due to the extremely wet spring and the muddy conditions that it created. This Change Order did not change the contract amount.

Change Order 7 (Pending Council Approval) – This Change Order is based on Project Quotations 7, 8, and 9 from Allied Construction. Below is a summary of each Quotation.

> Project Quotation 7 – This includes additional erosion control measures requested by the City and additional 10-inch piping for the Pace Homer Ditch make up water line from the Quinn's Junction Water Treatment Plant. This also includes stabilization material required for construction of the multi-use trail which will connect Silver Summit to the Phase II IHC trail system and further on to the Park City Recreation Complex.
>
> Project Quotation 8 – This includes a modification of the pipeline at the connection point between the Lower Silver Creek segment and the Quinn's segment. A 28-inch by 24-inch reducer is shown on the construction drawings and it has been decided that this reducer will interfere with pigging (a routine pipe cleaning operation). This cost increase is to remove the reducer and replace it with an 8-foot length of 28-inch pipe.
>
> Project Quotation 9 – This includes asphalt replacement on FJ Gilmor Way and Ability Way. The contractor's bid included approximately 1,400 square feet of asphalt based on the engineers estimate and the actual asphalt quantity is approximately 3,000 square feet. This increase is due to a small deviation from

the original pipe line alignment and the City requesting additional pavement replacement.

Department Review:

This staff report has been reviewed by Public Works, Legal, and City Manager.

Alternatives:

A. Approve the Request:

Council could authorize the City Manager to execute a Construction Agreement Amendment in a form approved by the City Attorney, with Allied Construction for the construction of the Quinn's Raw Waterline for a lump sum amount of $29,101.43. The amended contract amount will be $2,413,946 or 110.6% of the original approved amount of $2,183,495.

B. Deny the Request:

Council could deny Staff's request. Denying the request would delay the much-needed additional capacity.

C. Continue the Item:

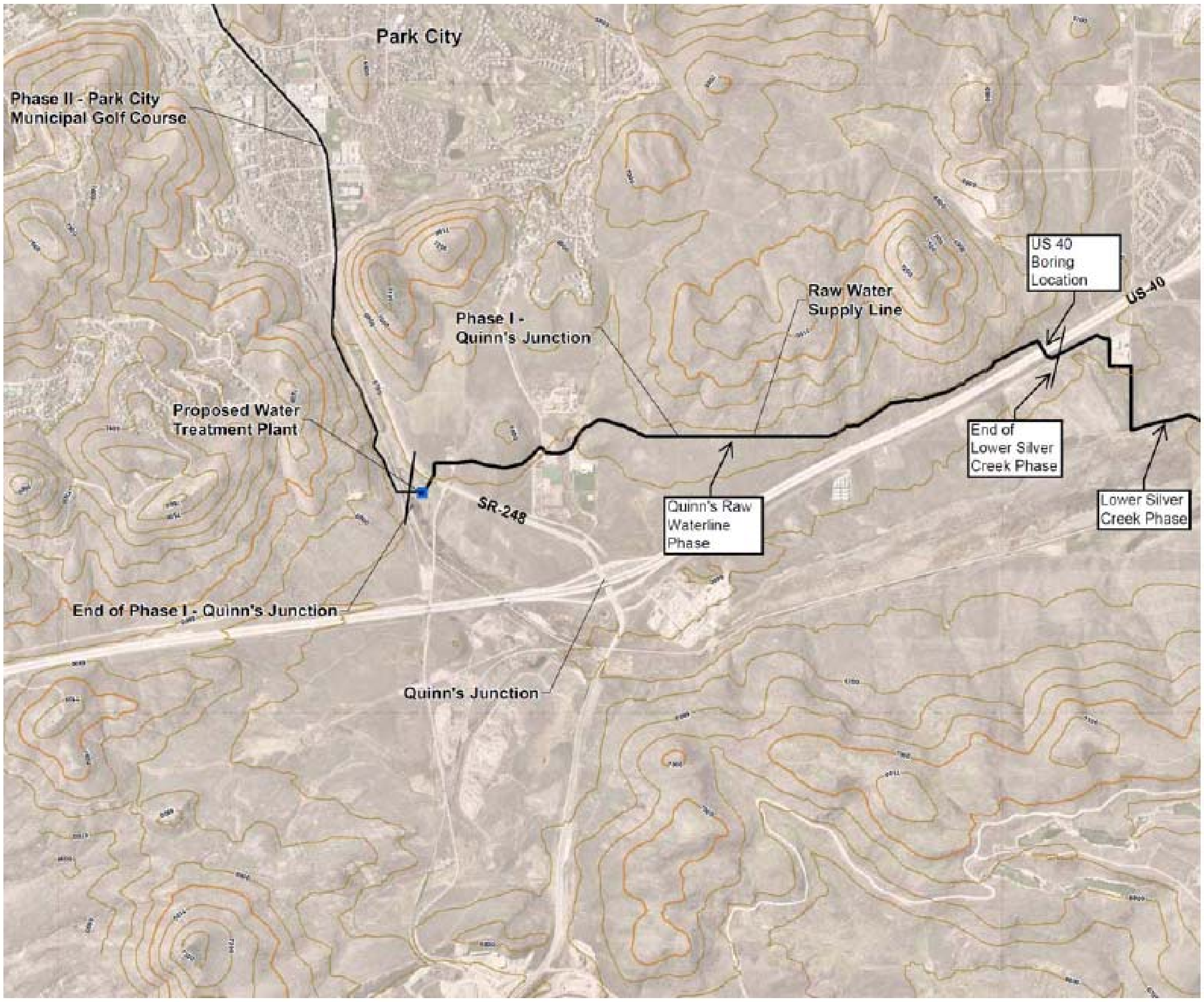
Council could continue the request. Continuing the request would delay the much-needed additional capacity.

D. Do Nothing:

Staff does not recommend this alternative. Doing nothing would also delay the much-needed additional capacity.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Construction Agreement Amendment in a form approved by the City Attorney, with Allied Construction for the construction of the Quinn's Raw Waterline for a lump sum amount of $29,101.43. The amended contract amount will be $2,413,946 or 110.6% of the original approved amount of $2,183,495.



Project Location Map

FIRST ADDENDUM TO PARK CITY MUNICIPAL CORPORATION CONSTRUCTION AGREEMENT

THIS FIRST ADDENDUM is made and entered into in duplicate this ____ day of ________________, 2010, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), and Allied Construction, ("Contractor") to amend the Construction Agreement signed and executed by the Parties on July 30, 2009.

WITNESSETH:

WHEREAS, the parties entered into a Construction Agreement on July 30, 2009 (hereinafter "Original Agreement"); and

WHEREAS, both parties to the Original Agreement desire to amend the Original Agreement to include additional scope, fees and time to complete additional work to those described in the Scope of Services in the Original Agreement; and

WHEREAS, the parties desire to amend the Original Agreement to provide sufficient time for such performance.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. **INCREASE of $29,101.43.** Park City shall pay Contractor for services in an amount not to exceed $2,413,946.41, which is an increase to the Original Agreement for additional scope of work. The amended Scope of Services is attached hereto as Exhibit A.

2. **OTHER TERMS**. All other terms and conditions of the Original Agreement shall continue in full force and effect and shall not be affected by this First Addendum.

3. **ENTIRE AGREEMENT**. This First Addendum is a written instrument pursuant to Paragraph 28 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first herein above written.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

____
Thomas B. Bakaly, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Tom Daley, City Attorney

CONTRACTOR
Allied Construction, Inc
2720 N Mule Ranch Circle
Corrine, Utah 84307

____
Signator, Title

STATE OF UTAH)
) ss.
COUNTY OF ________________)

On this ____ day of ___________________, 2010, personally appeared before me _________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he/she is the _________________________ (title) of ________________________, Inc. by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said Corporation executed the same.

____
Notary Public:

Exhibit A

CHANGE ORDER

Change Order No. 07

Date: July 29, 2010

Agreement Date: July 30, 2009

NAME OF PROJECT: Phase 1 Raw Water Supply Line - Quinn's Junction

OWNER: Park City Municipal Corporation

CONTRACTOR: Allied Construction

- Project Quotation 7 - $11,206.61 - This includes additional erosion control measures requested by the City and additional 10-inch piping for the Pace Homer Ditch make up water line from the Quinn's Junction Water Treatment Plant. This also includes stabilization material required for construction of the multi-use trail which will connect Silver Summit to the Phase II IHC trail system and further on to the Park City Recreation Complex.

- Project Quotation 8 - $5,866.05 - This includes a modification of the pipeline at the connection point between the Lower Silver Creek segment and the Quinn's segment. A 28-inch by 24-inch reducer is shown on the construction drawings and it has been decided that this reducer will interfere with pigging (a routine pipe cleaning operation). This cost increase is to remove the reducer and replace it with an 8-foot length of 28-inch pipe.

- Project Quotation 9 - $12,028.77 - This includes asphalt replacement on FJ Gilmor Way and Ability Way. The contractor's bid included approximately 1,400 square feet of asphalt based on the engineers estimate and the actual asphalt quantity is approximately 3,000 square feet. This increase is due to a small deviation from the original pipe line alignment and the City requesting additional pavement replacement.

Change to CONTRACT PRICE: $29,101.43

Original CONTRACT PRICE: 2,183,494.87

Current CONTRACT PRICE adjusted by previous CHANGE ORDER $2,384,844.98

The CONTRACT PRICE due to this CHANGE ORDER will be increased (decreased) by: $29,101.43

The new CONTRACT PRICE including this CHANGE ORDER will be $2,413,946.41

The new CONTRACT TIME: The CONTRACT TIME will be increased by 48 calendar days.

The date for completion of all work will be August 11, 2010.

Approvals Required:
To be effective this Order must be approved by the Federal agency if it changes the scope or objective of the PROJECT, or as may otherwise be required by the SUPPLEMENTARY CONDITIONS to the GENERAL CONDITIONS.

Requested by: ____ (OWNER)

Recommended by: ____ (ENGINEER)

Accepted by: ____ (CONTRACTOR)

Federal Agency Approval (where applicable)____

City Council Staff Report

Subject: Grant of Easement – Creekside Subdivision
Author: Matthew A. Twombly
Department: Sustainability
Date: July 29, 2010
Type of Item: Grant of Easement

Summary Recommendations:
Staff recommends that the City Council grant a revised easement to the Snyderville Basin Water Reclamation District (SBWRD) for the purpose of construction and maintenance of the sanitary sewer at the Creekside Subdivision.

Topic/Description:
Grant of Easement – Creekside Subdivision

Background:
On March 17, 2007 Council approved the Creekside Subdivision plat (attached as Exhibit B), a two lot subdivision. At the time of the plat the private drive was configured much like a cul-de-sac, and the City was unsure of how the lot would be developed and how the utilities might service Lot 2. The easement dedicated to SBWRD was aligned with the roadway and the utility lines installed.

On October 11, 2007 during the RAB Visioning, Council directed staff, RAB and the Neighborhood Parks Committee to proceed with park improvements on the Holiday Ranch Loop site (dirt jump park) as conditioned in the CUP for the park to maintain the dirt jumps, provide restroom and parking facilities in conformance with the Land Management Code and to enhance the remainder of the parcel with Park amenities.

On August 20, 2009 Council awarded the construction contract for the Creekside Park project. City staff and Evergreen Engineering have been working with SBWRD on the reconfiguration of the easement because the park improvements do not allow for access as originally planned.

Analysis:
The new easement is attached as Exhibit A and a map with a better visual analysis of the easement is attached as Exhibit D. In the revision to the easement approximately 0.25 acres of the 20' wide easement will be abandoned. The original easement continuing past the last manhole and across the dirt jump park will be removed and the City property no longer encumbered. Staff has attached the Abandonment of Easement as Exhibit C. The revised easement alignment also extends across the lot line onto the Fire District lot 1 at their parking lot entrance. This has been reviewed and approved by their Board.

The Park is currently under construction and it should be substantially complete in the next few weeks. Remaining to be completed are tile, fixtures, furnishings for the restroom, the solar panels, landscaping, dirt jump park fencing and other miscellaneous work.

Department Review:
City Manager, Legal, and Sustainability, have reviewed this report and all comments have been incorporated into the report.

Alternatives:

A. **Approve the request, and authorize the Mayor to execute the Grant of Easement: The revised easement abandons approximately 0.25 acres of property and allows for the required access by SBWRD to construct and maintain their wastewater collection system. (Staff recommendation)**
B. Deny: Denying the request could jeopardize the certificate of occupancy for the Creekside Park facilities.
C. Modify: Modifying the request will likely have the same effect as continuance.
D. Continue the Item: Council may need additional time to discuss this item. Staff would need to return to Council at a later date. This could delay the certificate of occupancy on the park.
E. Do Nothing: Doing nothing will delay the project.

Significant Impacts:
Approximately 0.25 acres will no longer be encumbered with an easement.

Consequences of not taking the recommended action:
Delaying a decision or denial will likely jeopardize the City receiving a certificate of occupancy for the Creekside Park facilities.

Recommendation:
Staff recommends that the City Council grant an easement (revision) to the Snyderville Basin Water Reclamation District (SBWRD) for the purpose of construction and maintenance of the sanitary sewer at the Creekside Subdivision.

Attachments:
Exhibit A – Grant of Easement
Exhibit B - Creekside Subdivision Plat
Exhibit C – Abandonment of Easement
Exhibit D - Map of Easement

When recorded return to:
Snyderville Basin Water Reclamation District
2800 Homestead Road, Park City, Utah 84098

GRANT OF EASEMENT
FOR CONSTRUCTION AND MAINTENANCE OF WASTEWATER COLLECTION AND TRANSPORTATION PIPELINE(S) AND APPURTENANCES

Park City Municipal Corporation (owner of Creekside Subdivsion Lot 2 and Park City Fire Service District (owner of Creekside Subdivision Lot 1), Grantors, do hereby convey and warrant to the Snyderville Basin Water Reclamation District, a local District of the state of Utah, (the District) Grantee, of Summit County, Utah, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a permanent non-exclusive easement and right-of-way for the purpose of constructing, operating and maintaining one or more underground pipelines and appurtenances in the easement granted herein for the collection and transportation of wastewater as permitted by the District in the exclusive discretion of the District, over, across, through and under the premises of the Grantors situated in Summit County, Utah which are more specifically described as follows:

BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND 171.09 FEET NORTH 90°00'00" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE SOUTH 10°42'05" WEST 58.04 FEET; THENCE SOUTH 22°30'00" WEST 96.96 FEET; THENCE SOUTH 01°32'59" WEST 209.30 FEET; THENCE NORTH 88°27'01" WEST 20.00; THENCE NORTH 01°32'59" EAST 54.70 FEET; THENCE NORTH 88°27'01" WEST 20.00 FEET; THENCE NORTH 01°32'59" EAST 20.00; THENCE SOUTH 88°27'01" EAST 20.00 FEET; THENCE NORTH 01°32'59" EAST 138.30 FEET; THENCE NORTH 22°30'00" EAST 98.59 FEET; THENCE NORTH 10°42'05" EAST 52.19 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 90°00'00" EAST 20.35 FEET TO THE POINT OF BEGINNING.
CONTAINS: 7,680.73 SQUARE FEET OR 0.18 ACRES.
(WITHIN PARCELS CRKSD-1-X AND CRKSD-2-X)

Also granting to the Snyderville Basin Water Reclamation District a perpetual right of ingress and egress to and from and along said right-of-way and with the right to operate, maintain, repair, replace, augment and/or remove the pipelines and appurtenances deemed necessary by the District for the collection and transportation of wastewater; also the right to trim, clear or remove, at any time from said right-of-way any tree, brush, structure or obstruction of any character whatsoever, which in the sole judgement of the Grantee may endanger the safety of or interfere with the operation of Grantee's facilities. The Grantors and their successors in interest hereby forever relinquish the right to allow or construct any surface or underground improvement which would interfere with the operation, replacement or repair of the pipelines

EXHIBIT A

constructed and maintained under the provisions of this easement and covenant and agree that no underground or surface improvement, trees or structures will be constructed under or over the surface of the easement granted herein, without the express written consent in advance of the Grantee, which would interfere with the exercise of the rights of the Grantee to operate, maintain, repair or replace the sewer pipeline constructed by or for the Grantee.

The easement granted herein is subject to the condition that the Grantee shall indemnify and hold harmless, the Grantors, their heirs and successors against any and all liability caused by the acts of the Grantee, its contractors or agents, during the construction, operation or maintenance of the sewer pipeline provided for in this easement; the Grantors' right to indemnification or to be held harmless by the Grantee under the terms of this paragraph are expressly conditioned upon prompt and immediate notice to the Grantee of any claim or demand which would cause a claim against the Grantee and upon the Grantees right to defend any claim against the Grantors which would cause a claim of indemnification against the Grantors. This provision shall not be interpreted or construed to waive the rights of the Grantee to the affirmative defenses to claims provided under the Utah Governmental Immunity Act.

WITNESS the hand of said Grantor this _____ day of ________________, 200___.

PARK CITY MUNICIPAL CORPORATION

By: ______________________________

Name: ______________________________

Title: ______________________________

STATE OF UTAH)
COUNTY OF SUMMIT)

On the ______ day of __________________, 20 __, personally appeared before me ______________________ the signor of the foregoing instrument, who did personally acknowledge to me that the foregoing easement was executed by the Grantor.

____
NOTARY PUBLIC
RESIDING AT: ____________________

My Commission Expires:

____

WITNESS the hand of said Grantor this _____ day of _______________, 200___.

PARK CITY FIRE SERVICE DISTRICT

By: ______________________________________

Name: ____________________________________

Title: _____________________________________

STATE OF UTAH)
COUNTY OF SUMMIT)

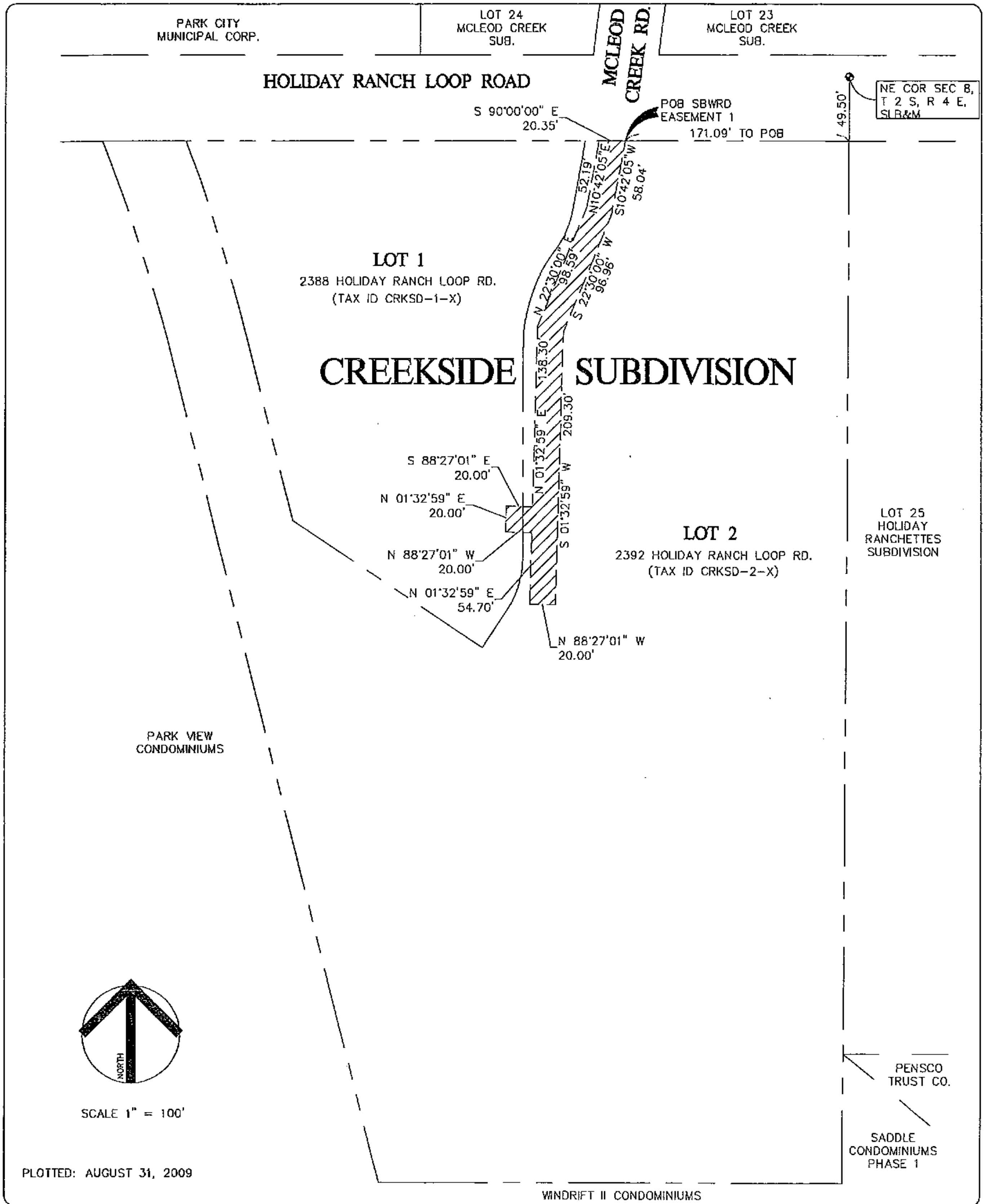
On the ______ day of ___________________, 20 __, personally appeared before me ______________________ the signor of the foregoing instrument, who did personally acknowledge to me that the foregoing easement was executed by the Grantor.

____
NOTARY PUBLIC
RESIDING AT:_______________________

My Commission Expires:

____

Revised and Readopted 5/10



SEWER EASEMENT NO. 1 - REVISED
CREEKSIDE SUBDIVISION

PCFD | CREEK-SS-BASE1-REVISED | 052

DESIGNED BY: ADM
DRAWN BY: ADM
CHECKED BY: ADM

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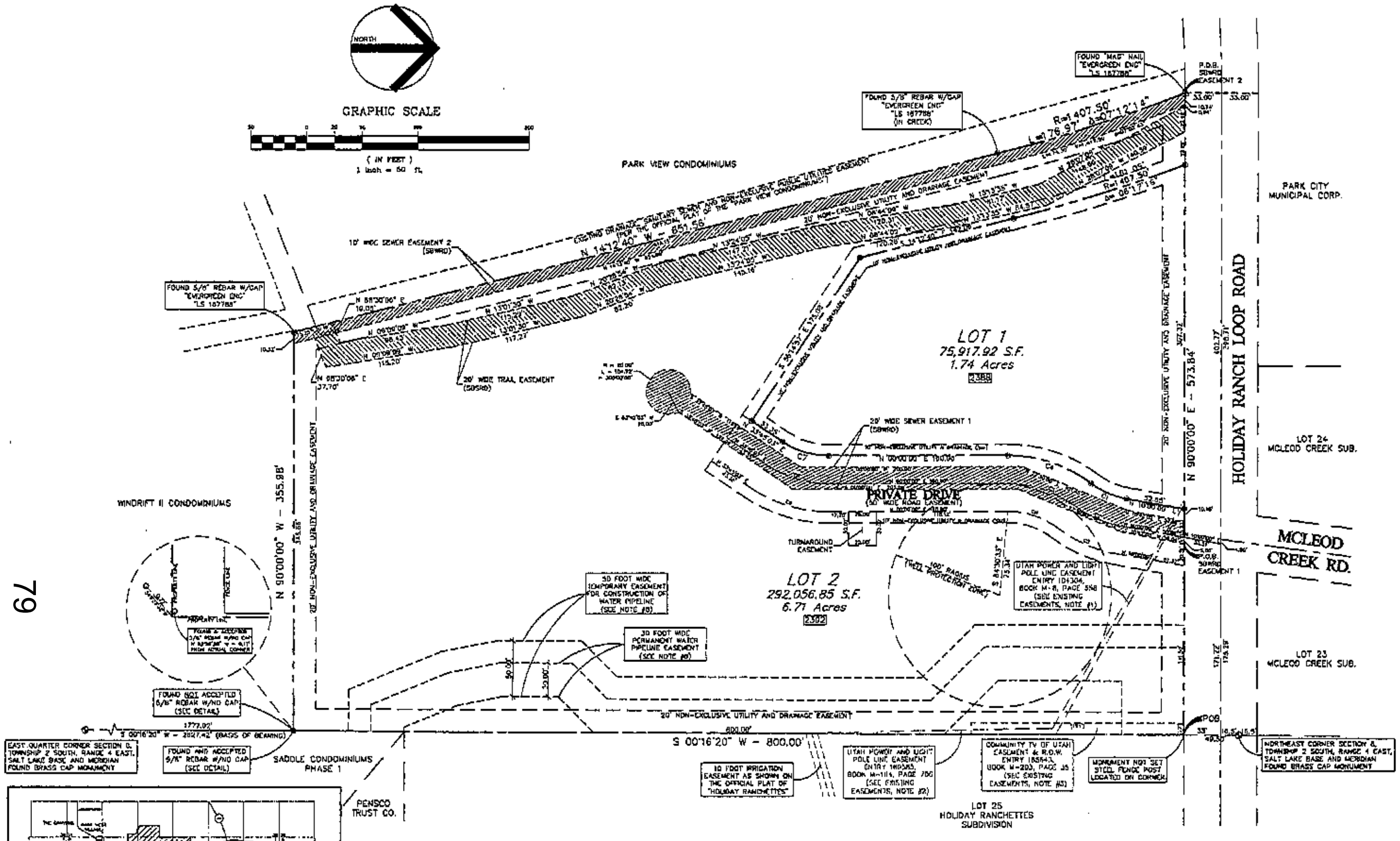
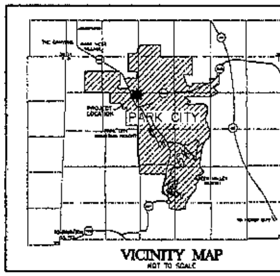
Evergreen Engineering, Inc.

CREEKSIDE SUBDIVISION

– A 2 LOT SUBDIVISION –

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH





LEGAL DESCRIPTION

BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE CONTINUING ALONG SAID SECTION LINE SOUTH 00°16'20" WEST A DISTANCE OF 800.00 FEET; THENCE LEAVING SAID SECTION LINE, NORTH 90°00'00" WEST A DISTANCE OF 355.98 FEET; THENCE NORTH 14°12'40" WEST A DISTANCE OF 851.58 FEET TO THE POINT OF A 1407.50 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 176.97 FEET THROUGH A CENTRAL ANGLE OF 7°12'14" TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF EXISTING HOLIDAY RANCH LOOP ROAD; THENCE NORTH 90°00'00" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 573.84 FEET TO THE POINT OF BEGINNING.

CONTAINS: 367,974.77 SQUARE FEET OR 8.45 ACRES.

EXISTING EASEMENTS

1. POLE LINE EASEMENT GRANTED TO UTAH POWER & LIGHT COMPANY, A CORPORATION, FOR THE ERECTION AND CONTINUED MAINTENANCE OF THE ELECTRIC TRANSMISSION AND TELEPHONE CIRCUITS OF THE GRANTEE ALONG A LINE AS FOLLOWS:
BEGINNING AT THE SOUTH BOUNDARY LINE OF GRANTORS' LAND AT A POINT 850 FEET SOUTH, MORE OR LESS, FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN THENCE NORTH 0°16' EAST 685 FEET, MORE OR LESS, THENCE NORTH 60°51' WEST 283 FEET, MORE OR LESS, TO THE NORTH BOUNDARY FENCE OF SAID LAND AND BEING IN THE NORTHEAST 1/4 OF SAID SECTION 8.
SAID EASEMENT DATED DECEMBER 3, 1965, AND RECORDED NOVEMBER 21, 1966 AS ENTRY NO. 104304 IN BOOK M-8 AT PAGE 556, RECORDS OF SUMMIT COUNTY, UTAH.

2. EASEMENT GRANTED TO UTAH POWER AND LIGHT COMPANY, A CORPORATION, FOR THE ERECTION AND CONTINUED MAINTENANCE OF THE ELECTRIC TRANSMISSION AND DISTRIBUTION CIRCUITS OF THE GRANTEE ALONG THE FOLLOWING DESCRIBED CENTERLINE:
BEGINNING AT THE SOUTH BOUNDARY LINE OF THE GRANTOR'S LAND AT A POINT 850 FEET SOUTH, MORE OR LESS, FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°16' EAST 440 FEET, MORE OR LESS, THENCE NORTH 0°57' WEST 242 FEET, MORE OR LESS, THENCE NORTH 60°03' WEST, 283 FEET, MORE OR LESS, TO THE NORTH BOUNDARY FENCE OF SAID LAND AND BEING IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 8.
SAID EASEMENT DATED MARCH 17, 1980, AND RECORDED AUGUST 20, 1980 AS ENTRY NO. 169565 IN BOOK M-164 AT PAGE 706, RECORDS OF SUMMIT COUNTY, UTAH.

3. EASEMENT AND RIGHT OF WAY GRANTED TO COMMUNITY TV OF UTAH, INC. FOR THE PURPOSE OF PERMITTING GRANTEE TO INSTALL AND MAINTAIN A COAXIAL CABLE ON, ABOVE AND OVER THE FOLLOWING DESCRIBED PROPERTY.
BEGINNING AT A POINT WHICH BEARS SOUTH 0°16'20" WEST 49.5 FEET FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SAID POINT OF BEGINNING BEING AN INTERSECTION OF THE EASTERLY SECTION LINE OF SAID SECTION 8, & THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD (66 FEET WIDE), AND RUNNING THENCE SOUTH 00°16'20" WEST, ALONG SAID SECTION LINE 191.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00°16'20" EAST 191.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID HOLIDAY RANCH LOOP ROAD (66 FEET WIDE); THENCE EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 10.00 FEET TO THE POINT OF BEGINNING.
SAID EASEMENT DATED SEPTEMBER 17, 1981 AND RECORDED NOVEMBER 13, 1981 AS ENTRY NO. 185643 IN BOOK M-203 AT PAGE 35, RECORDS OF SUMMIT COUNTY UTAH.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT: PARK CITY MUNICIPAL CORPORATION, THE OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY CAUSES THE SAME TO BE SUBDIVIDED INTO LOTS AND PUBLIC STREETS, AS SET FORTH ON THE PLAT HEREON, HEREAFTER TO BE KNOWN AS "CREEKSIDE SUBDIVISION", DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL CITY STREETS AND TRAIL EASEMENTS. THE OWNER HEREBY DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE SERVICE DISTRICT, AND SUMMIT COUNTY, A NON-EXCLUSIVE EASEMENT OVER THE ROAD RIGHT OF WAY, PARKING LOTS, DRIVEWAYS AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, INGRESS, EGRESS, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID SUBDIVISION AND ADJOINING PROPERTIES. WE DO HEREBY CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDATION OF THIS SURVEY PLAT.

Dana Williams

PARK CITY CORPORATION, BY: DANA WILLIAMS, MAYOR

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

ON THIS 19 DAY OF March, 2007, BEFORE ME, THE UNDERSIGNED NOTARY, PERSONALLY APPEARED DANA WILLIAMS, PERSONALLY KNOWN TO ME/PROVED TO ME THROUGH IDENTIFICATION DOCUMENTS ALLOWED BY LAW, TO BE THE PERSON(S) WHOSE NAME(S) IS SIGNED ON THE PRECEDING OR ATTACHED DOCUMENT, AND ACKNOWLEDGED THAT HE/SHE SIGNED IT VOLUNTARILY FOR ITS STATED PURPOSE AS MAYOR FOR PARK CITY MUNICIPAL CORPORATION, A UTAH MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF UTAH.

Sharon C Bauman

NOTARY PUBLIC

SHARON C. BAUMAN
State of Utah

20' WIDE SEWER EASEMENT 1 (SBWRD)

BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND 171.09 FEET NORTH 90°00'00" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE SOUTH 10°42'05" WEST 38.04 FEET; THENCE SOUTH 22°30'00" WEST 99.54 FEET; THENCE SOUTH 00°00'00" EAST 202.09 FEET; THENCE SOUTH 35°45'03" WEST 124.28 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 65°45'03" WEST; THENCE 104.72 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 300°00'00"; THENCE NORTH 35°45'03" EAST 118.49 FEET; THENCE NORTH 00°00'00" EAST 200.00 FEET; THENCE NORTH 22°30'00" EAST 101.45 FEET; THENCE NORTH 10°42'05" EAST 52.19 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 90°00'00" EAST 20.35 FEET TO THE POINT OF BEGINNING.

CONTAINS: 10,778.05 SQUARE FEET OR 0.25 ACRES.

10' WIDE SEWER EASEMENT 2 (SBWRD)

BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND 573.84 FEET NORTH 90°00'00" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH 90°00'00" EAST 10.74 FEET TO A POINT ON A 1,417.50 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 68°44'37" WEST; THENCE 174.30 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°02'43"; THENCE SOUTH 14°12'40" EAST 864.00 FEET; THENCE NORTH 90°00'00" WEST 10.32 FEET; THENCE NORTH 14°12'40" WEST 851.58 FEET TO A POINT ON A 1407.50 FOOT RADIUS CURVE TO THE LEFT; THENCE 176.97 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°12'14 TO THE POINT OF BEGINNING.

CONTAINS: 8,284.50 SQUARE FEET OR 0.19 ACRES.

SURVEYORS CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 167788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON.

I FURTHER CERTIFY THAT THIS RECORD OF SURVEY PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

Gregory R. Wolbach — GREGORY R. WOLBACH

Feb. 26, 2007 — DATE

STATE OF UTAH — GREGORY R. WOLBACH — NO. 167788 — PROFESSIONAL LAND SURVEYOR

NOTES

1. BASIS OF BEARING: S 00°16'20" W 2,627.42' BETWEEN A FOUND BRASS CAP MONUMENT AT THE NORTHEAST CORNER AND A FOUND BRASS CAP MONUMENT AT THE EAST QUARTER CORNER OF SECTION 8, T. 2 S., R. 4 E., S.L.B. & M.
2. PROPERTY CORNERS: FOUND OR SET AS SHOWN HEREON.
3. LOCATED WITHIN: THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
4. A 20 FOOT WIDE NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED WITHIN THIS SUBDIVISION ALONG THE EXTERIOR BOUNDARY.
5. A 10 FOOT WIDE NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED WITHIN THIS SUBDIVISION ALONG ALL LOT LINES.
6. EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENTS ARE SHOWN HEREON.
7. TITLE REPORT PREPARED BY PARK CITY TITLE COMPANY ON NOVEMBER 9, 2006, FILE NUMBER 16898 REFERENCES A POLE LINE EASEMENT GRANTED TO UTAH POWER AND LIGHT COMPANY, DATED SEPTEMBER 4, 1947 AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER ON JANUARY 15, 1948 AS ENTRY NUMBER 77036 IN BOOK Z AT PAGE 90. THIS EASEMENT IS NOT RELATED TO THE PROPERTY DESCRIBED HEREON.
8. A 30 FOOT WIDE PERMANENT WATER PIPELINE EASEMENT AND A 30 FOOT WIDE TEMPORARY EASEMENT FOR CONSTRUCTION OF WATER PIPELINES WAS NOT REFERRED TO IN THE SUPPLIED TITLE REPORT AS DESCRIBED HEREON. THESE EASEMENTS WERE SCALED FROM DRAWINGS TITLED "CONTRACT DOCUMENTS-VOLUME II, CONSTRUCTION DRAWINGS FOR BOOT HILL VALVE VAULT AND PIPELINES, PARK CITY, UT", "CONSTRUCTION ISSUE, SEPTEMBER 2004, PROJECT NUMBER 186200484" PREPARED BY STANTEC AND SUPPLIED TO THIS OFFICE BY PARK CITY MUNICIPAL CORPORATION, PUBLIC WORKS DEPARTMENT.
9. AT THE TIME OF ANY RESURFACING OF THE PRIVATE DRIVE, THE PROPERTY OWNER(S) SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY THE SBWRD IS REQUIRED.
10. ANY DEVELOPMENT ON EITHER LOT SHALL RECOGNIZE THE WETLANDS AND SENSITIVE LANDS OVERLAY REGULATIONS.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	34.99'	75.00'	26°43'37"
C2	46.65'	100.00'	26°43'37"
C3	58.31'	125.00'	26°43'37"
C4	80.13'	125.00'	36°43'37"
C5	64.10'	100.00'	36°43'37"
C6	48.08'	75.00'	36°43'37"
C7	44.18'	75.00'	33°45'03"
C8	58.91'	100.00'	33°45'03"
C9	73.63'	125.00'	33°45'03"

LEGEND

- ● SET/TO BE SET 5/8" REBAR & PLASTIC CAP MARKED "EVERGREEN ENG" "LS 167788"
- ○ FOUND 5/8" REBAR ONLY, NO CAP
- 0000 STREET ADDRESS HOLIDAY RANCH LOOP ROAD

SHEET C.102

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
50 Shadow Ridge Drive * Level B1 * Suite 200
P.O. Box 2861 * Park City * Utah * 84060
Phone: 435-649-4667 * Fax: 435-649-9219
Email: office@evergreen-eng.com

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 28 DAY OF MARCH A.D. 2007

CHAIRMAN

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS 26TH DAY OF MARCH A.D. 2007.

CITY ENGINEER

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS 18 DAY OF MAY A.D. 2006, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

Dana Williams — MAYOR

CITY RECORDER

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 29th DAY OF March A.D. 2007.

CITY ATTORNEY

SNYDERVILLE BASIN W.R.D.

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 12th DAY OF March AD 2007.

BY: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

809048 RECORDED

Nº. 809048.
STATE OF Utah.
COUNTY OF Summit.
RECORDED AND FILED AT THE REQUEST OF: Park City Municipal Corporation
Date: 4-3-07
Time 4:38 p.m.
Fee: 0
COUNTY RECORDER

EXHIBIT B

After Recording, Mail To:
Snyderville Basin Water Reclamation District
2800 Homestead Road
Park City, Utah 84098

ABANDONMENT OF EASEMENT

The Snyderville Basin Water Reclamation District, a special district of the state of Utah, ("the District") as the owner of that certain easement recorded the 3rd day of April, 2007, as Entry #808901, Book 1856, Page 1937, in the Office of the Summit County Recorder,("the Record Easement") hereby abandons and releases the "20' wide SBWRD Easement No.1" portion of the Record Easement (due to design changes of the wastewater system) to the owner of the property subject to the Record Easement, all of the interest of the District created by and under the "20' wide SBWRD Easement No.1" portion of the Record Easement .The "10' Wide SBWRD Easement No. 2", which is also contained in the Record Easement is not abandoned or otherwise affected with this document)

The 20' wide SBWRD Easement #1 being more specifically described as follows:
BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND 171.09 FEET NORTH 90°00'00" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE SOUTH 10°42'05" WEST 58.04 FEET; THENCE SOUTH 22°30'00" WEST 99.54 FEET; THENCE SOUTH 00°00'00" EAST 202.09 FEET; THENCE SOUTH 33°45'03" WEST 124.26 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 63°45'03" WEST; THENCE 104.72 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 300°00'00"; THENCE NORTH 33°45'03" EAST 118.19 FEET; THENCE NORTH 00°00'00" EAST 200.00 FEET; THENCE NORTH 22°30'00" EAST 101.45 FEET; THENCE NORTH 10°42'05" EAST 52.19 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 90°00'00" EAST 20.35 FEET TO THE POINT OF BEGINNING.

CONTAINS: 10,778.05 SQUARE FEET OR 0.25 ACRES.
(WITHIN PARCEL CRKSD-2-X)

(The 10' Wide SBWRD Easement No. 2, which is also contained in the Record Easement is not abandoned or otherwise affected with this document)

EXHIBIT C

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

ATTEST:

By________________________________

General Manager

____

Clerk

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On the ____ day of_____________, 20___, personally appeared before me _________________, General Manager of Snyderville Basin Water Reclamation District, who acknowledged to me that the foregoing instrument was signed in behalf of Snyderville Basin Water Reclamation District, by authority of its Board of Trustees, and he duly acknowledged to me that he executed the same.

____

NOTARY PUBLIC
Residing at: ____________________

My Commission Expires:

____

Revised and Readopted 5/10


Park City Fire Service District
(Station #31)
2388
2392
New Easement
Park City Corporation
Existing Easement
(to be abandoned)
0 25 50 75 100
Feet
N

EXHIBIT D

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject:	**6808 Silver Lake Drive**
Author:	**Kirsten Whetstone**
Date:	**July 29, 2010**
Type of Item:	**Administrative – Plat Amendment**
Project Number:	**PL-10-00955**

Summary Recommendation

Staff recommends the City Council hold a public hearing and consider approving the Lots 16 and 17, Amended Plat of Evergreen plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant:	Morton Phillips, owner's representative
Location:	6808 Silver Lake Drive
Zoning:	Residential Development (RD)
Adjacent Land Uses:	Residential and Deer Valley Resort ski runs and trails
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On May 5, 2010, the applicant submitted a complete application for a plat amendment to combine Lots 16 and 17 of the Amended Plat of Evergreen Subdivision (Exhibit A). The Amended Plat of Evergreen Subdivision was recorded at Summit County on May 17, 1988. Lots 16 and 17 are located on the uphill side of Silver Lake Drive adjacent to Deer Valley Resort's Last Chance Ski Trail. The property is located within the Deer Valley Master Planned Development.

There is an existing house on the property. The house was constructed in 1994 and straddles the common lot line between Lots 16 and 17. At the time of construction, plat amendments combining lots was not required. This plat amendment is a request to remove the common lot line between Lots 16 and 17 and create one lot of record for the existing house at 6808 Silver Lake Drive.

Approval and recordation at Summit County of the plat amendment is a condition precedent to issuance of a final certificate of occupancy for the current construction proposal to enclose an existing covered deck.

On July 14, 2010, the Planning Commission voted to forward to the City Council a positive recommendation to approve the plat amendment as described in this staff report.

Analysis
Staff finds good cause for this plat amendment as the amended plat would create a legal lot of record for an existing house and bring the structure into compliance with lot setbacks.

	Permitted	Existing
Front setback	10’ (per plat note exception from 20’ required by LMC)	30’
Rear setback	15’	27’
Side setbacks	12’ (see LMC Section 15-2.13-6 for setbacks for combined lots)	17’ (west), 110’ (east), 18’ (southeast)
Lot size	Per subdivision plat, no minimum, no maximum	Lot 16- 12,556.68 sf Lot 17- 13,279.76 sf
House size	7,500 sf maximum per lot 11,250 sf for combined lots (150%)	10,123 sf (excluding 600 sf for garage, includes entire basement)
Parking	two spaces	three spaces within garage, additional on driveway

The house at 6808 Silver Lake Drive is a legal non-conforming structure as the building crosses the common lot line. The survey of the property indicates an encroachment by 4’ of a concrete and stone retaining wall for approximately 18 linear feet within the Silver Lake Drive right-of-way. The wall varies in height from 5 to 10 feet (Exhibit B). The proposed plat amendment is consistent with the Deer Valley Master Planned Development in that no additional density is created as the number of units/lots is decreased by one. Total floor area for a lot combination in the RD zone, for a lot with a maximum house size, is 11,250 sf. The existing house contains 10,123 sf, excluding 600 sf for the garage. The proposed lot size of 25,836.44 is consistent with the range of lot sizes in the neighborhood. Lots in the Amended Plat of Evergreen range in area from 10,124 sf to 54,394 sf.

Process
Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review
This project has gone through an interdepartmental review. Issues raised include the encroachment of the existing retaining wall and the maximum house size for

combined lots in the RD zone. These issues are addressed with conditions of approval.

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

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

Alternatives
- The City Council may approve the Lots 16 and 17, Amended Plat of Evergreen plat amendment as conditioned or amended; or
- The City Council may deny the plat amendment and direct staff to make findings for this decision; or
- The City Council may continue discussion on the plat amendment to a date certain and request additional information.

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

Consequences of not taking the Suggested Recommendation
The lot lines would remain as they are today and the addition could not be constructed across the common lot line. The house would remain a non-complying structure.

Recommendation
Staff recommends the Planning Commission hold a public hearing and consider approving the Lots 16 and 17, Amended Plat of Evergreen plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits
Ordinance
Exhibit A- Proposed Plat
Exhibit B- Photos

Draft Ordinance No. 10-

AN ORDINANCE APPROVING THE 6808 SILVER LAKE DRIVE PLAT AMENDMENT, COMBINING LOTS 16 AND 17 OF THE AMENDED EVERGREEN SUBDIVISION PLAT, PARK CITY, UTAH

WHEREAS, the owners of the property located at 6808 Silver Lake Drive have petitioned the City Council for approval of the Lots 16 and 17, Amended Plat of Evergreen; 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 14, 2010, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on July 14, 2010, forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council on July 29, 2010, held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment as conditioned, thereby creating a legal lot of record for an existing house.

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 Lots 16 and 17, Amended Plat of Evergreen plat amendment, 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 in the Residential Development (RD) zone and is subject to Section 15-2.13 of the Land Management Code and the Deer Valley Master Planned Development.
2. The RD zone is characterized by single family permanent and second home and resort development condominiums and hotels.
3. The property is located at 6808 Silver Lake Drive in the Silver Lake part of Deer Valley. The property is located next to ski runs of the Deer Valley Resort.

4. The property consists of Lots 16 and 17 of the amended plat of Evergreen subdivision. The amended plat was recorded at Summit County on May 17, 1988. A plat amendment to combine these lots into one lot of record is required before final building permits or certificates of occupancy for new construction can be issued.
5. There is a non- historic concrete wall with rock veneer (5' to 10' in height) in the front yard that encroaches approximately 4' into the Silver Lake Drive right of way for a distance of approximately 18 feet.
6. Maximum house size is 11,250 sf for a combination of 2 lots. The existing house contains 10,123 sf of floor area, excluding 600 sf for the garage. This includes the entire basement area. The proposed deck enclosure adds 150 sf of floor area.
7. There is no minimum or maximum lot size associated with the Amended Plat of Evergreen subdivision. The combined lot resulting from this plat amendment is 25,836.44 square feet in area.
8. Lots in the Amended Plat of Evergreen range in area from 10,124 sf to 54,394 sf.
9. The plat amendment does not increase the density allowed by the Deer Valley Master Planned Development.
10. The applicant stipulates to the conditions of approval.
11. The discussion in the Analysis section is incorporated herein.

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

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law; the Land Management Code; requirements for utility, snow storage, and encroachment agreements; and any conditions of approval, prior to recordation of the plat.
2. The applicant will submit the plat to the City for recordation at the County within one year of the date of City Council approval. If recordation has not occurred within one year's time, this approval for the subdivision will be void, unless the City Council grants an extension of the approval.
3. Execution and recordation of an encroachment agreement for the existing wall segment is a condition precedent to recordation of the plat amendment.

4. A note shall be included on the plat prior to plat recordation stating that the maximum house size for this lot is 11,250 sf, excluding 600 sf for the garage.
5. A note shall be included on the plat prior to recordation stating that the conditions of approval and plat notes of the Deer Valley MPD and Amended Plat of Evergreen continue to apply to this lot.

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

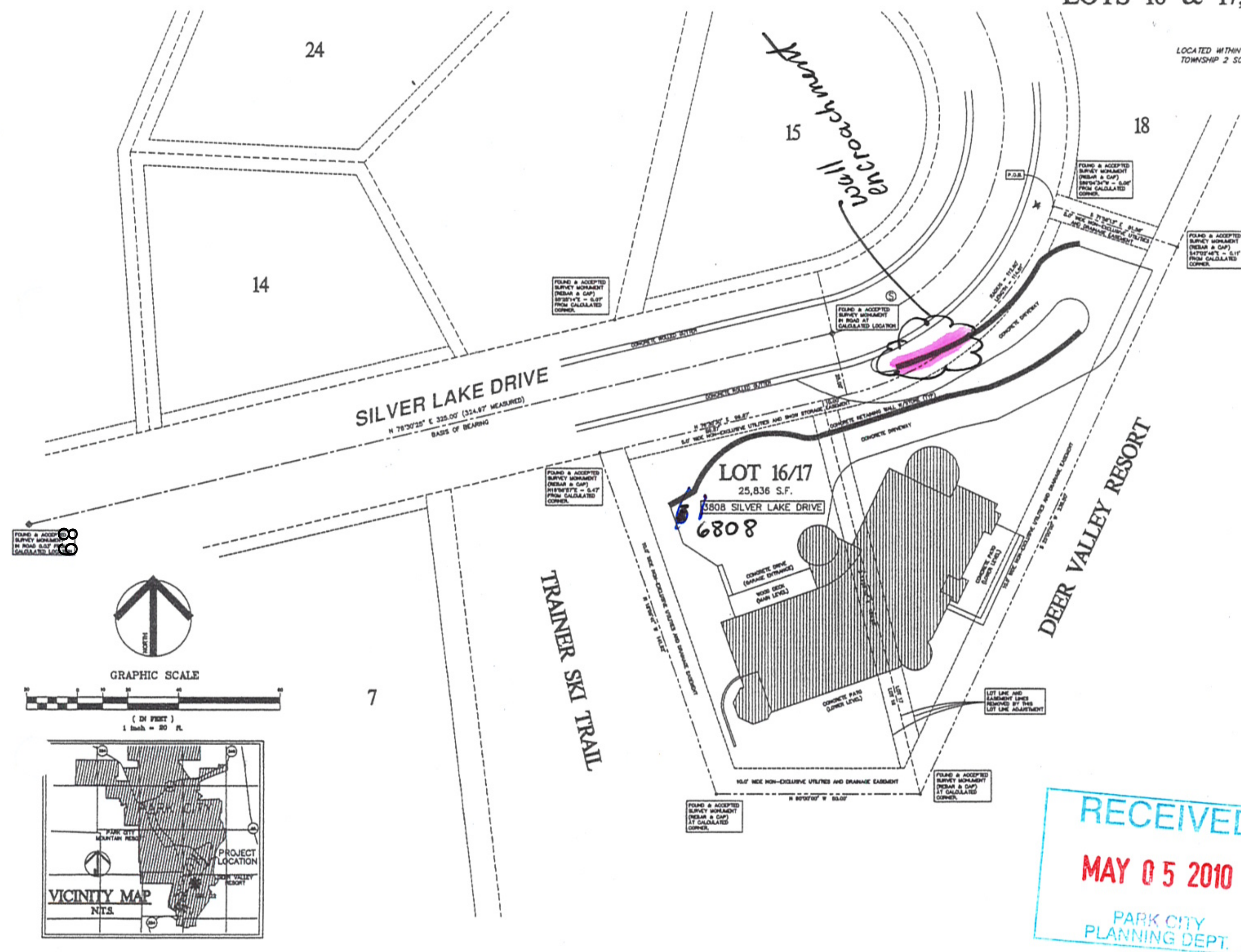
PASSED AND ADOPTED this 29th day of July, 2010.

LOTS 16 & 17, AMENDED PLAT OF EVERGREEN

LOT LINE ADJUSTMENT

– 3808 SILVER LAKE DRIVE –

LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



LEGAL DESCRIPTION

ALL OF LOTS 16 AND 17, AMENDED PLAT OF EVERGREEN, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD, SUMMIT COUNTY RECORDERS OFFICE.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE WEST CORNER COMMON TO LOTS 17 AND 18, AMENDED PLAT OF EVERGREEN, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NUMBER 290308, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SILVER LAKE DRIVE, A PUBLIC RIGHT OF WAY; THENCE SOUTH 71°58'13" EAST ALONG THE COMMON LINE OF SAID LOTS 17 AND 18, A DISTANCE OF 51.58 FEET TO THE EAST CORNER COMMON TO SAID LOTS 17 AND 18; THENCE SOUTH 25°00'00" WEST ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 236.50 FEET TO THE SOUTH CORNER COMMON TO SAID LOT 17 AND LOT 16, AMENDED PLAT OF EVERGREEN; THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 16; THENCE NORTH 18°56'41" WEST ALONG THE WEST LINE OF SAID LOT 16, A DISTANCE OF 141.92 FEET TO THE NORTHWEST CORNER OF SAID LOT 16, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID SILVER LAKE DRIVE; THENCE NORTH 76°30'30" EAST ALONG SAID RIGHT OF WAY, A DISTANCE OF 99.87 FEET TO THE POINT OF A 112.50 FOOT RADIUS CURVE TO THE LEFT; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 114.81 FEET ALONG THE ARC OF SAID CURVE TO THE POINT OF BEGINNING.

CONTAINS: 25,836 SQUARE FEET, MORE OR LESS

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS SURVEY PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

STATE OF UTAH
GREGORY R. WOLBACH
NO. 187788
PROFESSIONAL LAND SURVEYOR

GREGORY R. WOLBACH ______ DATE: ______

NARRATIVE

1. BASIS OF BEARING: NORTH 76°30'25" EAST BETWEEN FOUND AND ACCEPTED ROAD (SURVEY) MONUMENTS IN SILVER LAKE DRIVE, AS SHOWN HEREON.
2. PROPERTY CORNERS: FOUND REBAR WITH CAP AS SHOWN AND MARKED HEREON.
3. LOCATED WITHIN: THE SOUTHWEST QUARTER OF SECTION 15 & THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
4. THIS PLAT REPRESENTS AN AMENDMENT OF LOTS 16 AND 17, "AMENDED PLAT OF EVERGREEN" ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NUMBER 290308.
5. THIS PLAT REMOVES THE LOT LINE COMMON TO LOTS 16 & 17, THUS COMBINING THE TWO LOTS INTO A SINGLE LOT TO BE KNOWN AS "EVERGREEN LOTS 16 & 17, SECOND AMENDED".
6. COVENANTS CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS OR ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS PLAT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
7. THE FOLLOWING DOCUMENTS WERE USED FOR THIS SURVEY:
   - (A) "AMENDED PLAT OF EVERGREEN", RECORDED ON MAY 17, 1988, AS ENTRY NO. 290308.
   - (B) "AN AMENDMENT TO THE AMENDED PLAT OF EVERGREEN", RECORDED ON JUNE 30, 1995, AS ENTRY NO. 432561.
   - (C) "RECORD OF SURVEY, LOTS 16 & 17 EVERGREEN SUBDIVISION", BY PARK CITY SURVEY, RECORDED OCTOBER 15, 1993, AS SURVEY NUMBER S-1386.
   - (D) TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY, EFFECTIVE DATE MARCH 15, 2010, FILE NUMBER 19035 (AUTHORIZED BY PARK CITY TITLE CO.)
   - (E) CONDITIONS OF RESTRICTIVE COVENANTS CONCERNING THE EVERGREEN SUBDIVISION, RECORDED APRIL 8, 1987, AS ENTRY NO. 269684.
   - (F) ADDENDUM TO RESTRICTIVE COVENANT CONCERNING THE EVERGREEN SUBDIVISION, RECORDED NOVEMBER 6, 1987, AS ENTRY NO. 279247.
   - (G) DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EVERGREEN SUBDIVISION, RECORDED APRIL 9, 1987, AS ENTRY NO. 269733.
8. 10.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL SUBDIVISION BOUNDARY LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
9. 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL SIDE AND REAR LOT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
10. 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND SNOW STORAGE EASEMENT ALONG ALL FRONT LOT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO HEREAFTER KNOWN AS "AMENDED PLAT OF EVERGREEN, LOT 16/17" CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS SURVEY PLAT.

______
ROBERT MATSCHULLAT

ACKNOWLEDGMENT

STATE OF UTAH } ROBERT MATSCHULLAT
COUNTY OF SUMMIT }

ON THE ______ DAY OF ______, 2010, PERSONALLY APPEARED BEFORE ME ROBERT MATSCHULLAT, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS AUTHORIZED TO SIGN AND EXECUTE THE FOREGOING INSTRUMENT.

______
NOTARY PUBLIC
COUNTY, UTAH

MY COMMISSION EXPIRES: ______
RESIDING IN ______

RECEIVED
MAY 05 2010
PARK CITY PLANNING DEPT.

SHEET 1 OF 1

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1670 Bonanza Drive * Suite 104
P.O. Box 2861 * Park City * Utah * 84060
Phone: 435.649.4687 * Fax: 435.649.6219
E-mail: office@evergreen-eng.com

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS ______ DAY OF ______ A.D. 2010.

CITY ENGINEER

SNYDERVILLE BASIN W.R.D.

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ______ AD 2010.

BY: ______
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ______ DAY OF ______ A.D. 2010.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS ______ DAY OF ______ A.D. 2010.

CITY ATTORNEY

CITY COUNCIL APPROVAL

PRESENTED TO THE PARK CITY COUNCIL THIS ______ DAY OF ______ A.D. 2010 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR

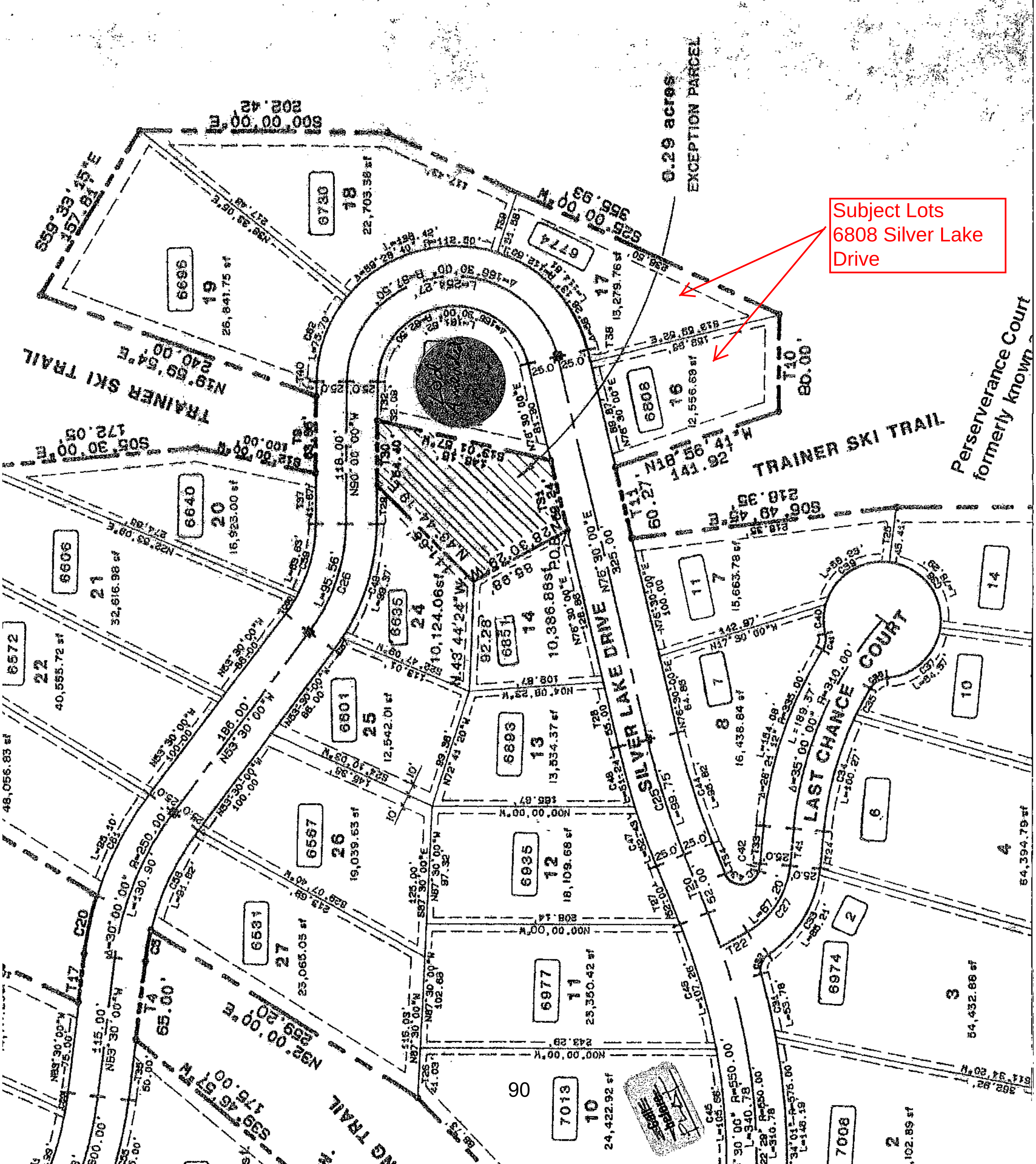
CITY RECORDER

RECORDED

N°. ______
STATE OF ______
COUNTY OF ______
RECORDED AND FILED AT THE REQUEST OF: ______

COUNTY RECORDER

Exhibit B


Subject Lots
6808 Silver Lake
Drive
0.29 acres
EXCEPTION PARCEL
TRAINER SKI TRAIL
TRAINER SKI TRAIL
SILVER LAKE DRIVE
LAST CHANCE COURT
Perserverance Court
formerly known

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject:	**Bonanza Park District**
Author:	**Francisco Astorga**
Project Number:	**PL-10-00996**
Date:	**July 29, 2010**
Type of Item:	**Legislative – General Plan Amendment**

Summary Recommendations

Staff recommends that the City Council review the attached resolution adopting the "Bonanza Park" District name change (from the existing "Park Bonanza") amendment to the Park City General Plan and consider adopting the resolution.

Description

Applicant:	Planning Staff
Location:	Bonanza Drive to the east, Park Avenue to the west, Kearns Boulevard to the north, and Deer Valley Drive to the south, The district includes those properties along both sides of Bonanza from Iron Horse Drive to Kearns.
Zoning:	General Commercial (GC) District and Light Industrial (LI) District with Frontage Protection Zone (FPZ) along Kearns Blvd.
Land Uses:	Resort commissary and parking, shops, restaurants, public works buildings, storage areas, small art, consignment shops, banks, real estate offices, movie theatre, and grocery store.
Reason for Review:	General Plan Amendments require Planning Commission review and City Council approval

Background

In August 2007, the City Council adopted a resolution approving amendments and revisions to the elements of the Park City General Plan and created the Park Bonanza Planning Area. The purpose of the 2007 amendments was to provide more detailed policy direction for the protection and development of properties within the Park Bonanza neighborhood.

The Planning Commission reviewed this General Plan Amendment during their June 23, 2010 meeting and forwarded a positive recommendation to the City Council.

Analysis

The purpose of this General Plan Amendment is to simply change the name of the district to Bonanza Park. Staff finds good cause for this General Plan Amendment as the proposed name provides a more accurate name of the neighborhood and is similar to the direction that property owners in that District are moving in terms of district identification.

Department Review
This project has gone through an interdepartmental review. No further issues were noted during this process.

Notice
Legal notice was placed in the Park Record for the Planning Commission hearing and the City Council hearing.

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

Alternatives

- The City Council may approve the General Plan Amendment as conditioned or amended; or
- The City Council may deny the General Plan Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the General Plan 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 District would remain as the Park Bonanza Planning District.

Recommendation
Staff recommends that the City Council review the attached resolution adopting the “Bonanza Park” District name change (from the existing “Park Bonanza”) amendment to the Park City General Plan and consider adopting the resolution.

Exhibits
Exhibit A – Proposed Resolution
Exhibit B – Proposed General Plan Amendment
Exhibit C – June 23, 2010 Planning Commission minutes

Exhibit A

Resolution No. __-10

A RESOLUTION APPROVING AN AMENDMENT TO THE PARK CITY GENERAL PLAN CHANGING THE NAME OF THE PARK BONANZA PLANNING AREA TO THE BONANZA PARK PLANNING AREA.

WHEREAS, the Park City General Plan was adopted by the City Council in 1985 and amended in 1997, 1999, 2000, 2001, 2002 and 2007;

WHEREAS, the Bonanza Park District is the oldest commercial district in Park City outside of the Historic Main Street area;

WHEREAS, the boundaries of the Bonanza Park District are Bonanza Drive to the east, Park Avenue to the west and Kearns Boulevard to the north and Deer Valley Drive to the south;

WHEREAS, the Bonanza Park District includes those properties along both sides of Bonanza Drive from Iron Horse Drive to Kearns;

WHEREAS, the area identified in the General Plan as the Park Bonanza Planning area will be identified as the Bonanza Park Planning Area.

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

The amendments and revisions to the Bonanza Park Planning Area are adopted in its entirety.

This Resolution shall become effective upon adoption by the City Council of Park City.

PASSED AND ADOPTED this 29th day of July, 2010.

Exhibit B – Proposed General Plan Amendment

Bonanza Park Planning District Park City General Plan - Supplement

Deleted: Park Bonanza

Table of Contents

1.0 Background

The Park City General Plan is a policy document that forms the basis of the zoning and development regulations within the Park City limits and provides land use planning direction for those areas within the Park City Annexation Declaration area. The current General Plan has been under on-going updates on most of the elements of the plan since the 1997 General Plan was adopted.

The area encompassed by the designation of the Bonanza Park district has been cursorily considered in the General Plan within descriptions of other planning areas and in the separate Transportation element of the General Plan. Very little specific direction exists for the Bonanza Park District Planning Area.

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The purpose of this document is to provide more detailed policy direction for the protection and development of properties within the district consistent with the overall General Plan, Land Management Codes, and policies and direction of the Park City Council. The adoption of the Bonanza Park Planning District Supplement to the Park City General Plan adds the policy direction to the specific elements of the General Plan. Until the overall General Plan is edited or revised, this document will append to the General Plan.

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General District Description

The Bonanza Park District is the oldest commercial district outside of the historic Main Street area. As a planning area, the boundaries of the district are Bonanza Drive to the East, Park Avenue to the west and Kearns Boulevard to the north and Deer Valley Drive to the south. The district includes those properties along both sides of Bonanza from Iron Horse Drive to Kearns.

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The area is currently a broad mix of land uses from resort commissary and parking, to shops and restaurants, banking, public works buildings and the former lumber yard. Other uses include storage area, small art and consignment shops, banks and real estate offices. The one, in town, movie theater is within the area as well as one of the two main grocery stores. The area is currently zoned General Commercial (GC) and Light Industrial (LI).

The area includes housing along Kearns Boulevard and within the Rail Central project. Portions of the area are referred to the North of Main Area (NoMa) by a large percentage of the business and property owners in the area. NoMa functions as a joint marketing vehicle and forum for NoMa members to discuss business development.

District Issues

Because the Bonanza Park District includes such a broad array of uses and provides services to the community at large, the District is an important part of the commercial life of Park City. The District is under pressure from competing commercial projects outside of the city, exemplified by the closure of the lumber yard last year. Movie theaters and restaurants in themed mall atmospheres have developed near the junction of the interstate and the state highways that form the entry corridor to Park City.

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Local restaurants and shopping continues to be an active part of the district, despite commercial competition from the junction areas. The cost of rental space in the district is less than the Main Street area, and parking is generally available.

The District is central to the daily flow of traffic to the resort areas and to the Main Street area. Four of the City's six stop lights are located on the District Boundaries. Many intersections and driveways affect the flow of traffic in the District and to the resort areas and Main Street.

Several of the buildings and developments have undergone redevelopment in the past 5 years, including the Rail Central Project, the theater complex, and the Centura Emporium project. These projects represent significant efforts by the private sector to provide community level services in this area.

2.0 District Objectives

The overall objective for the Bonanza Park District is shown below:

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> **The District will primarily continue to serve the needs of the residents and visitors to Park City, consistent with changing consumer demands for services, restaurants, shopping and housing. Local businesses will be strongly encouraged. National brands will not be prominent in design or placement. The District is intended to act synergistically with Main Street, by providing a different lifestyle and commercial environment. Differences will be evident in architecture, urban design, and mix of commercial and residential uses in the District. The more detailed objectives for the area are found in the individual Plan Elements that follow.**

Development or re-development is not required by this General Plan amendment in this District. The intent of this plan is to establish the framework that accomplished the overall objectives of the City and guides land use decisions that affect private property proposals.

Because of the nature of the district as a combination of land uses, changes to the district are nearly inevitable. Changes can either occur by individual parcel, collections of properties or from outside forces, such as increased development elsewhere requiring roads to be widened in the district.

The goals and measures to achieve the overall planning objective for the district is to identity those elements that should be incorporated in development plans to guide change in a positive direction.

> **For Bonanza Park District a positive direction is defined as increased pedestrianization, maintenance of the attractiveness of local and small business and restaurants, protection of existing housing areas, improved opportunities for a range of new housing, and coordinated direction for re-development proposals. Bicycle and vehicular circulation will be improved. Open spaces will provide for public areas, circulation, activities and community connectivness, with active, passive, natural and urban open areas. Mountain views will be maintained.**

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Facilitation of the overall success for the District is achieved by coordination of land use and transportation plans, definition and incorporation of uses that contribute to the overall success of the District. Facilitation includes consideration for modification of the current City zoning regulations, consistent with the intent of this section and the overall Park City General Plan. Facilitation also includes identifying the opportunities to contribute to the overall quality of life for all of Park City. Housing, shops and services that can be served by the existing transit system, parking areas that can serve the demands of the district plus provide supplemental parking for the resorts and Main Street are examples of the current range of opportunities presented within the district. Facilitation includes the possible identification of projects where City resources can be contributed to assist with overall benefits to the Park City community.

3.0 Amendments and Revisions to General Plan Elements

The Park City General Plan is comprised of elements related to the management of land uses, future development and growth management. The Bonanza Park District Planning Area Supplement is intended to be appended to the overall General Plan and modify the General Plan as outlined in the following sections.

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3.1 GENERAL PLAN ELEMENT I. INTRODUCTION

No changes required

3.2 GENERAL PLAN ELEMENT II. PARK CITY DIRECTION

No changes required. The planning direction for the Bonanza Park District is consistent with the stated goals.

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3.3 GENERAL PLAN ELEMENT III. COMMUNITY CHARACTER

3.3.1 The Bonanza Park District is included within the Developing Area Policies section of this Element. The current planning direction for the District is consistent with the current Developing Area Policies.

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3.4 GENERAL PLAN ELEMENT IV. OPEN SPACE

Open space in this area is established through the provisions in the Land Management Code for the General Commercial (GC) and Light Industrial (LI) zones. Under basic zoning, the open space on a parcel is determined by the setbacks from the property line. Properties along Park Avenue, Kearns Boulevard and Deer Valley Drive are subject to the provisions of the Frontage Protection Zone, which requires additional Front Yard setbacks and a Conditional Use Permit approval for development within 100 feet of the Right of Way along these streets. Bonanza Drive is not currently subject to the Frontage Protection Zone requirements. In addition to the aesthetic importance of Open Space in this area, Open Space along roads provides a critical function for snow storage for snow storage and for adequate room for sidewalks, bus zones and walkways.

Additional Open Space is required for larger projects that are approved under the Master Development Plan (MPD) section of the Land Management Code rather than simply as an Allowed or Conditional Use within the zone.

3.4.1 Open Space requirements would remain as in the current code to maintain equity between all GC and LI zoned properties whether in the District or in other Planning Areas. Plazas, decks at or near ground surfaces, outdoor seating areas, outdoor displays of public art areas; areas for outdoor music and similar uses are appropriate for consideration as Open Space. These spaces must be open to the public for use. Areas of plazas, decks and outdoor seating areas that are part of restaurant, bar or other similar uses are not considered to meet the Open Space requirements.

3.4.2 The Frontage Protection Zone (FPZ) requirements of a 30-foot setback from Park Avenue, Kearns Boulevard and Deer Valley Drive would be maintained. The FPZ setback of 30 feet should be maintained along both sides of Bonanza Drive to allow for improved sidewalks and snow storage areas. At grade plazas and decks are appropriate within the 30foot setback as long as snow storage and walkways meet the intent of the other element of the Planning Area. Decks may be up to one foot above grade within the setback area, but grading, and / or berms, may not be used to increase the height of the deck above the elevation of the existing roadway and adjacent properties.

3.4.3 Parking that is completely below grade, except for Open Space plaza spaces on the exposed level, not exceeding existing grade level, could be considered between the 30 foot setback area and the zone required setback and can be considered to be appropriate within the Planning Area in an MPD and without entrances and exits on Park Avenue, Kearns or Deer Valley Drive.

3.4.4 Within MPD's setbacks between buildings can be reduced to the minimum Fire Code requirements and Open Space combined in the most appropriate area. Snow storage must be considered in determining the appropriate amount and location of setbacks and Open Space.

3.4.5 For redevelopment of housing areas, Open Space requirements should not be less than the existing project. Required Open Space could be located within an MPD in the most appropriate location to support all the intentions of the Planning Area.

3.5 GENERAL PLAN ELEMENT V. LAND USE

The mix of commercial uses, tenants, retailers and restaurants is critical to meeting the goals and objectives for the district. The mix of uses may change over the course of a project and over the course of time as development proceeds. For this reason, the mix of potential uses and tenants within a proposed project is to be reviewed on a project by project basis by the Planning Commission. The criteria for review is established by the goals and objective of this planning area, combined with the overall General Plan, and policies and goals of the City Council.

3.5.1 The objective is to create an atmosphere different from traditional shopping centers, with a mix of local and other shops attractive to residents and visitors to Park City.

The current array of land uses within the GC and LI zoning districts continue to be appropriate uses within the Bonanza Park District. Projects will be encouraged to comply with sustainable design practices noted in Section 3.8.1 and 3.8.2 of the General Plan.

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Base upon the most available, recent data, a 2007 private sector study of commercial inventories[1] reports approximately 469,000 square feet of retail, office, restaurant, industrial, and institutional space within the Bonanza Park District – west of Bonanza Drive. This square footage does not include the area of the Park City Public Works Building or Park City Mountain Resort Munchkin site. The portion of the Bonanza Park District east of Bonanza Drive adds an additional approximately 106,000 square feet for a total of approximately 575,000 square feet of these uses. A breakdown of the commercial land use categories in the district is shown in the chart following.

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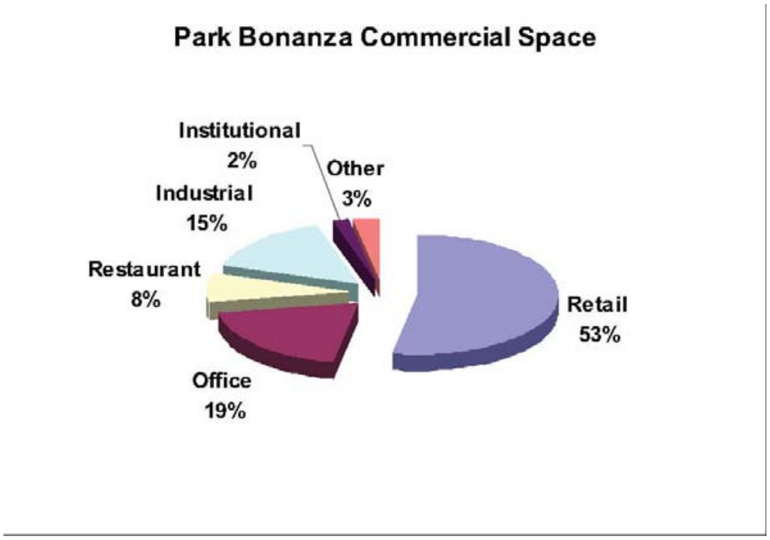

The Bonanza Park District commercial square footage includes large retail tenants:

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Albertson's 57,800 square feet Sports Authority (Gart's) 25,000 square feet Rite Aid 35,218 square feet

By comparison, Jan's Mountain Outfitters is approximately 12,500 square feet. Commercial buildings with several individual tenants such as the Emporium

[1] James Barth (2007) *Commercial Inventory for Park City and the Snyderville Basin*. Commerce CRG

Supplement8

(19,000 total square feet) and Park City Plaza (18,192 total square feet) produce a raw average of approximately 2,000 square feet per tenant.

3.5.2 Future retail and commercial buildings and uses should be generally consistent with the current buildings and tenant size mixes. Big-box retail uses should be discouraged due to potential traffic impacts and the negative effect on other elements of this plan, including open space and walkability.

The district currently has a mix of larger and smaller examples of "big" boxes" (previously noted examples are the Rite aid – 35,218 square feet and Albertsons (57,800 square feet). In the context of this General Plan Supplement, big box retail uses as single tenant spaces over approximately 15,000 square feet are to be reviewed with all of the guidelines in this Supplement for impacts primarily within the Bonanza Park District and adjacent transportation systems. Larger big box project with retail and commercial single users (approximately 15,000 square feet to approximately 25,000 square feet) should be reviewed carefully within the guidelines of the Supplement and overall General Plan for impacts on the overall town. Big box commercial and retail uses between approximately 25,000 square feet and approximately 50,000 square feet (except as replacement for existing buildings) should be considered for impacts on the entire town, but with awareness and consideration of possible more regional impacts on transportation, housing and open space. Proposed projects over 50,000 / 60,000 square feet, will be less likely to meet the guidelines of this section to be "consistent with current buildings and tenant size mix" and would be strongly discouraged. Mixes of uses, and tenant sizes within commercial projects is encouraged. Projects will need to demonstrate compliance with the objectives of this Element and other Elements of the General Plan. The mix will be determined at the MPD stage.

Deleted: Park Bonanza

3.5.3 Future retail and commercial buildings and uses should be generally consistent with the current buildings and tenant size mixes. Big-box retail uses should be discouraged due to potential traffic impacts and the negative effect on other elements of this plan, including open space and walkability.

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Deleted: Park Bonanza

space. Proposed projects over 50,000 / 60,000 square feet, will be less likely to meet the guidelines of this section to be "consistent with current buildings and tenant size mix" and would be strongly discouraged. Mixes of uses, and tenant sizes within commercial projects is encouraged. Projects will need to demonstrate compliance with the objectives of this Element and other Elements of the General Plan. The mix will be determined at the MPD stage.

3.5.4 The combining of existing smaller tenant spaces to into big box spaces in existing projects or after project completion is further discouraged and will be subject to additional reviews by the Planning Commission under the terms of the General Plan and Land Management Code and especially for impacts due to potentially higher parking demands, changes to employee housing requirements and traffic and transportation impacts.

3.5.5 Existing and proposed housing areas should be protected from intrusions of commercial development, through increased commercial setbacks, significant landscaping and routing of traffic and deliveries away from these areas. Reviews of development and redevelopment proposals shall minimize shadow incursions into residential areas. Lighting should also not intrude into residential areas.

3.5.6 The design of proposed projects should carefully consider the location, geometry and access of loading and unloading areas. Loading and unloading of delivery vehicles should not restrict travel lane or pedestrian routes.

3.5.7 Some variation of building heights is allowed under the Master Development Plan (MPD) provisions of the Land Management Code. The Land Management Code does not specify the heights of buildings that could be conceptually approved under an MPD. Buildings at or below height allowed by the General Commercial and Light Industrial zones (currently up to 35 feet) are most consistent with building heights throughout Park City, with the exception of Main Street and some resort areas adjacent to mountainsides. Small increases in height from the zone height (less than 5 feet) can be considered if the height increase is not applied over the entire building and other considerations of this plan and the Land Management Code are applied. Large increases in building height (over 5 feet) can be considered in compliance with General Plan, if the height increases result in additional open space areas, protection of sun exposures and minimization of shade on pubic open space and walkway areas.

3.5.8 Additional height is generally more appropriate on the easterly, internal, areas of the planning district. Large height increases are not appropriate along the perimeter of the district, especially along the northern perimeter and adjacent to residential areas. Height increases must result in variations of height within a project and within the Planning District.

3.5.9 Potential height increased should consider the protection of mountain views, when viewed from Kearns Boulevard, Bonanza Drive and Homestake Drive. The goal of the view protection is to minimize any reduction of the current views from these roads. This goal is further achieved by locating any height increases within the more central areas of the Planning District and minimizing height along the perimeter.

3.5.10 The amount of parking in the district, as required under the existing Land Management Code, appears to be appropriate – that is, there are only a few situations where too much parking (Payless Drugs and Park City Plaza) is found, and some areas where parking and circulation is less than adequate (Iron Horse Drive, Rail Central). Within the Bonanza Park District, it is appropriate to consider "off-site" parking, within the Bonanza Park District if it results in an improved project form and improved walkability. Parking can also be combined in properly located parking garage(s). Combinations of parking from various uses should not result in a reduction of the Land Management Code required parking unless it can be definitely shown that a fewer number of parking spaces is appropriate.

Deleted: Park Bonanza

Deleted: Park Bonanza

3.5.11 The potential for rezoning the existing residential areas from General Commercial to one of the Land Management Code Residential zones would provide additional control over the preservation of housing uses, but could limit potential re-development opportunities for the properties in the future. Property owners and Homeowner associations should take the lead regarding rezoning proposals. The Planning Commission would weigh acceptance of the rezone proposals and City Council using the direction of the Bonanza Park District plan, the overall General Plan and City policies.

Deleted: Park Bonanza

3.5.12 A range of housing is appropriate within the district. Housing would be reviewed under the Housing element of the General Plan. The objectives are to accommodate some of the employee housing demand generated by local employers, provide for housing opportunities to populate the district with primary residents (as opposed to visitors), and to provide housing opportunities, such as apartments over commercial areas, that are not found in other areas of the city. Housing should be considered in the context of other elements of the General Plan, including the effects on transportation and Open Space. Market rate housing should not cause the degradation of other elements of the General Plan.

3.5.13 Resort type housing units such as time-share and interval ownership products are acceptable but also should not be a dominant element in a project or cause negative effects on transportation, open space or primary resident housing (i.e., changing a condominium project with primary residents as tenants and owners to an interval ownership project. Hotel type uses are consistent with the goals and objectives of the General Plan and should be encouraged, subject to the other elements of the General Plan.

3.6 GENERAL PLAN ELEMENT VI. GROWTH MANAGEMENT

The Growth Management Element describes the planned capacity of Park City for developments and provides planning direction for the potential annexation areas as well as neighborhoods within the City limits. The Bonanza Park District plays a key role in the long-term growth management strategy. First, redevelopment of the district will allow for current and future needs of Park City residents and tourists to be served within the current developed areas, moving some of the potential demand from undeveloped areas, such as Quinn's Junction. Second, by facilitating re-development the City can allow for some additional uses in the area without significant increases in traffic demands. Third, by encouraging a range of housing opportunities in the district, a reduction in demand for this use outside the City is possible. This focus of housing in the City limits reduces the need to extend City Services, such as transit, to outlying areas in order to minimize traffic demands.

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3.6.1 It should be recognized that the district cannot be the target of all required employee housing projects that will come forward in the future. However, encouraging employee, affordable and attainable housing in this area allows for a population located patronizing the local shops of the area. Other housing types and prices are needed to encourage the young professional, local empty-nesters and artists to the area. Such housing, shops, and development mixes are flexible experiments. Projects should be allowed to proceed if they can show compliance with all the district objectives and criteria.

3.6.2 Certain areas of the Planning District are underutilized in terms of types of use and the size of the uses within each parcel. Examples include the former Anderson Lumber site, and the Munchkin parking and commissary site for Park City Mountain Resort. Other areas are overused from their original intent due to lack of parking, inadequate circulation and land uses that are no longer adequately sized for the use. Examples of this situation occur along Woodside Road and Munchkin Road.

3.6.3 It is the intent of this plan for the Bonanza Park District that redevelopment embraces change and a reorganization and distribution of land use to meet the other goals of the plan. Maximizing the development potential of each parcel, without direct consideration on the effect on transportation, adjacent land uses and the overall intent to exchange the viability of the entire City is not the intent of this plan.

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3.6.4 Growth of some land uses in this district can be very important in limiting sprawl of outlying areas by encouraging infill in the Bonanza Park District. Each proposal to develop in the district must be evaluated against all the elements in the Plan including this portion of the Growth Management Element.

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3.7 GENERAL PLAN ELEMENT VII TRANSPORTATION

The Bonanza Park District forms the hub of the major transportation corridors within Park City. It is the only Planning Area surrounded by existing transit routes on all sides. It is also on of the few areas with major frontage on the two main routes in and out of town – Highway U-224 (Park Avenue) and Highway U-248 (Kearns Boulevard). With this situation, a careful balance of change, growth and design are required to meet the transportation requirements for the future and reduce the current set of conflicts in the area.

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Conditional Use Permits, including Master Planned Developments require that traffic considerations be reviewed when considering approval of a project (Land Management Code 15-1-10 (E)). As an overall policy of the Park City General Plan, the City should continue to develop procedures and processes to evaluate the traffic and transportation impacts of a proposed project adjacent to the project location and on the overall City transportation framework.

The major traffic congestion area is Bonanza Drive. Bonanza functions as both a through route for to and from Deer Valley and Main Street and well as access to the land uses in the Bonanza Park District. The five driveways on the West side of Bonanza and three driveways on the east side of Bonanza cause much of the congestion. Changes in the area land use will change traffic patterns and timing. Re-development and intensification of uses has the high potential to create additional traffic. It is the intent of this element of the plan to accommodate change and some growth but not at the expense of increased traffic.

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3.7.1 A transportation study, completed under the direction of the City, is required as soon as possible. The study should not be an attempt to only quantify future changes in traffic; rather, the focus of the study should be on feasible mechanisms to achieve the goals of all elements of the Bonanza Park District. Trip generation studies and estimates of Level of Service can be used as underpinnings of the transportation study.

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3.7.2 Changes in land uses outside of the district will have more of an effect on this district than the changes inside the district. Traffic impacts from land use decisions at Quinn's Junction may force Bonanza Drive toward expansion to four lanes. Shifting land uses to Quinn's Junction, south or eastward will increase congestion on U248 in and out of town and could reduce the positive effect of redevelopment in the Bonanza Park district. For this reason, planning along Bonanza Drive should consider the undesirable effect of a forced widening of Bonanza due to eastward sprawl, but the acquisition of any potential right of way needs not promoted.

Deleted: Park Bonanza

3.7.3 All Master Planned Development proposals, annexation requests, and "big box" retail proposals (as defined in section 3.5.2) shall include a transportation and traffic impact study and a transportation mitigation plan that adequately addresses the objectives of the other overall Park City General Plan, the Bonanza Park Amendments to the General Plan, with the intent that a proposed project not adversely impacts the City's road and pedestrian network.

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3.7.4 The location of the district, central to resort and Main Street transportation flows, creates a potential opportunity to locate an inter-modal transportation center and parking area closer to activity areas in the town, rather than more remote locations being considered at Quinn's or Kimball Junctions. With frontage on both U 248 and Bonanza Drive, direct transit access is possible to the resorts and Main Street. Any facility of this type should be the result of detailed transportation information and study of capture rates and reductions of vehicles or vehicle miles traveled. An inter-modal facility accessed from Park Avenue or Deer Valley Drive is discouraged due to current traffic and turning movements. An intermodal facility in this district allows for shared parking uses, possible remote parking support for the resorts and Main Street. For this reason, City participation may be necessary to consider project potential, users, costs and impacts Careful coordination is necessary between street design, transit and intersections and signalization.

3.7.5 Through traffic from Deer Valley Drive to Park Avenue and Deer Valley Drive to Kearns should be discouraged, to prevent disruption of potential neighborhood walking circulation patterns.

3.7.6 Every effort should be made to reduce intersections with the roads surrounding the project area. Minor roads and driveways should be combined and directed to acceptable intersection locations. Individual drives and parking accesses should be discouraged and considered for elimination during re-development planning. The desired objective is to smooth the traffic flow along Bonanza and reducing the need for expansion of Bonanza due to developments within the Bonanza Park District.

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3.7.7 Development within Bonanza Park should be planned so as not to cause Bonanza Drive to be widened. Traffic signals along Bonanza are strongly discouraged.

Deleted: Park Bonanza

3.7.8 It is possible that that an additional signal may be warranted in the future between Park Avenue and Bonanza on Kearns Boulevard. This signal must be electronically coordinated and synchronized with the existing signal system. To the degree possible, north exiting traffic from Bonanza Park should be routed through this intersection.

Deleted: Park Bonanza

3.7.9 Round-abouts have been considered over the past 10 years as a solution to intersection difficulties along Bonanza Drive. Redevelopment planning can allow for the round-abouts to be considered seriously. The round-abouts have the potential to reduce intersection conflicts and eliminate the need for additional signalization and driving /turn lanes. They will have the result of slowing circulation on Bonanza Drive. The use of round-abouts should not promote the widening of Bonanza except at the round-about. Adequate geometry is essential to accomplishing successful roundabouts in the planning area and will require close cooperation with adjacent property owners and the City.

3.7.10 School bus and transit routes along Kearns Boulevard and Bonanza Drive affect traffic flow due to the lack of turnouts and loading areas. Bus turnouts and protected loading areas should be coordinated with the school district and Park City Transit and incorporated into land plans along these roads.

3.7.11 Inadequate space for bicycles exists along Bonanza Drive. Adequate space should be provided or a separate bicycle route planned on internal connector streets in the District.

3.7.12 Pedestrian circulation and walkability within the District are key elements to accomplish the overall goals for the district. Sidewalks are required along the entire perimeter of the district. Sign plans, walking routes, snow removal and parking must take in to consideration and illustrate how pedestrian and bicycles are promoted and accommodated in designs.

3.7.13 Bonanza Drive presents a significant obstacle to the termination of the Rail Trail and the connection of the Rail Trail to the remainder of the Park City trail system. The City and adjacent property owners need to cooperate to resolve this conflict. Tunnels under Kearns should be considered if roadway and utility conflicts could be resolved.

3.7.14 The potential for aerial lift transportation between parking areas and the resorts has been presented as part of private party land use planning in the district. This type of transportation system, or a similar surface guideway system can be considered for future implementation. Considerations of building clearances and alignment will require careful coordination between landowners and the City.

3.8 GENERAL PLAN ELEMENT VIII ENVIRONMENTAL

Redevelopment of the District as planned has the potential to reduce land use sprawl, reduce the potential for remote junction commercial development and over-extension of transit services to remote locations.

3.8.1 Sustainable designs for projects sites and buildings are strongly encouraged. Use of formal rating systems (such as LEED ™) is not required but can be used to substantiate a sustainable project design.

3.8.2 The City Council should consider providing incentives such as building permit fee reductions or priority reviews during the building permit review process for projects that use a documented sustainable design process.

3.9 GENERAL PLAN ELEMENT IX HOUSING

The redevelopment of the Bonanza Park District presents some positive opportunities to meet housing demand in an in-fill process and reduce (however slight) the demand to develop outlying properties. This is especially true for meeting employee housing demands and the desire for resort-urban lifestyles for young professionals and empty-nesters.

Deleted: Park Bonanza

3.9.1 Care must be taken to balance the housing types, prices and locations of these types of housing to avoid prejudicing an area with a certain type of housing. Proposals should also reference section 3.5.11 of this Bonanza Park General Plan Supplement.

Deleted: Park Bonanza

3.9.2 Additional housing in the area should not be encouraged to the extent that the other elements in the General Plan are negatively affected, particularly the Transportation Element.

4. A soils mitigation plan shall be submitted and approved by the building department before construction and/or excavation may commence.

5. At the closure of the job, the soil shall be tested and approved by the building department before the certificate of compliance to the Soils Ordinance shall be re-issued.

6. Any modifications to signs, lighting, or landscaping shall be reviewed under separate application.

6. General Plan - Amendment to change the title of the Park Bonanza District to "Bonanza Park District" **(Application # PL-10-00996)**

Planning Director Eddington stated that the City has been working with various neighborhoods, including the Park Bonanza area, as part of the General Plan update. The proposed amendment would change the current name in the supplement to the General Plan from Park Bonanza to Bonanza Park.

Director Eddington explained that a number of property owners agreed on the name change and would like to do banners or some type of branding to identify the area as Bonanza Park. The Staff agreed to look at the name change with regard to the existing General Plan, because it could be a year or two before the new General Plan is completed.

For the sake of consistency and identification, the Staff recommended that the Planning Commission adopt the amendment for the name change.

Commissioner Savage asked if public input was required. Director Eddington stated that the Staff had met with property owners and others over the past few months on this issue. Commissioner Savage asked about noticing requirements. Director Eddington pointed out that it was noticed for public hearing on the agenda this evening. It has also been made public at other General Plan meetings.

Vice-Chair Peek opened the public hearing.

There was no comment.

Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Savage made a motion to forward a POSITIVE recommendation to the City Council to adopt the amendment to the Park City General Plan to change the name "Park Bonanza" to "Bonanza Park" District. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

City Council
Staff Report

Subject:	**Snow Country Condominiums**
Author:	**Francisco Astorga**
Project Number:	**PL-09-00768**
Date:	**July 29, 2010**
Type of Item:	**Administrative – Amendment to Record of Survey**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the Snow Country Condominiums Amendment to Record of Survey Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	Snow Country Condominiums HOA represented by Brandon Bertagnole and Chris Haynes
Location:	1150 Deer Valley Drive
Zoning:	General Commercial (GC) with Frontage Protection Zone (FPZ) Overlay
Adjacent Land Uses:	Commercial and Open Space
Reason for Review:	Amendments to Record of Survey Plats require Planning Commission review and City Council approval

Background
On August 14, 2009 the City received a completed application for the Snow Country Condominiums Amendment to Record of Survey Plat. Snow Country Condos is located at 1150 Deer Valley Drive between Park Avenue and the Bonanza/Deer Valley Drive intersection. It is a 71-unit condominium complex. The plat was recorded with the County in 1976 (Exhibit C). The proposed amendment converts 556 square feet of common area into a private area. The proposed amendment will also clarify a discrepancy between the built area and the recorded plat in the area located on the northwest corner of the site. The HOA is the applicant requesting the amendment to the record of survey. The HOA submitted a letter indicating that they held vote relating to the conversion and received over 66.6% of votes in favor of converting the unit.

The plat shows an area within one of the buildings that is platted common and labeled “laundry”. According to the applicant, the laundry facility has not been in operation for at least six (6) years. The HOA has submitted an application to amend the Record of Survey to change the common laundry to a private one (1) bedroom dwelling unit (Exhibit D). The subject area has exactly the same layout as a one (1) bedroom lower level unit. The applicant has represented that the room is plumbed and wired and will not require any structural or exterior modifications. The HOA has indicated that the once the area is platted private, the HOA would rent out the unit to an on-site property manager.

This application was first heard during the October 28, 2009 Planning Commission work session and regular meeting. At that meeting the Commission recommended to the applicant to consider other options for complying with the Code as the parking on the site was recognized as non-compliant. The application was continued to the December 09, 2009 meeting.

During the December 9, 2009 meeting the Planning Commission opened the public hearing and continued the item to a date uncertain since the applicant did not put forward any other options at the time to address the non-compliant parking. The only comments made were from a Snow Country Condominium resident opposing to the applicant's request.

In December 2009, the applicant submitted a Conditional Use Permit (CUP) application for the construction of two (2) parking spaces within the Frontage Protection Zone. During the April 28, 2010 meeting the Planning Commission reviewed the Conditional Use Permit and the Amendment to the Record of Survey applications concurrently. During this meeting the Commission requested to review the snow storage plan, landscape plan, and also compliance with the contaminated soils ordinance. Due to the recognition of not needed any more on-site parking this application has been withdrawn by the applicant.

The Planning Commission reviewed this Amendment to Record of Survey Plat application during their July 14, 2010 regular meeting. The Commission forwarded a positive recommendation to the City Council to approve the proposed plat amendments as presented by staff.

Analysis

Purpose of the GC District

The purpose of the General Commercial District is to:

A. allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
B. allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
C. protect views along the City's entry corridors,
D. encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
E. allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural

details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

F. encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
G. encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

The proposed amendment to the Record of Survey plat creates one (1) additional dwelling unit in the existing multi-unit dwelling. There are currently 71 units on site. Staff has reviewed the proposed amendment to the Record of Survey plat and has found it compliance with the Land Management Code (LMC) requirements. The Planning Director and City Engineer have inspected the site and both have found compliance with appropriate landscaping, snow storage, and parking areas.

<u>Landscaping - LMC § 15-3-3(D)(3)</u>
Each parking area must have an interior landscaped area equivalent to twenty percent (20%) of the total parking area, including drive aisles. […]

The parking area is approximately 24,179 square feet. There is approximately 5,788 square feet of interior landscaping which equates to twenty-four percent (24%) of the total parking area (Exhibit E –Interior Landscaping Areas & 2007 Landscape Plan).

<u>Snow Storage - LMC § 15-3-3(E)</u>
Where parking availability will be affected by weather conditions, the owner must provide adequate non-hard surfaced and landscaped snow storage areas. Said snow storage areas must be on-site and equivalent to fifteen percent (15%) of the total hard-surfaced areas; including, parking spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface lot in a usable, readily accessible location. Landscaping of these areas shall accommodate snow removal and storage on-site.

LMC § 15-3-3(D)(6) states that snow storage areas my be included in the interior or perimeter landscaped areas if they are landscaped to accommodate snow storage.

There is approximately 12,544 square feet of area that can be utilized as snow storage (Exhibit F). Given the parking area is 24,179 SF, this equates to 52% of the total hardscaped area. The City Engineer has inspected the site and has found this area as readily accessible locations for snow storage. The layout of the parking area with the adjacent landscaping/snow storage area is very typical to other parking areas found in Park City.

<u>Soils Ordinance compliance</u>
A certificate of compliance was issued for this site in October 2008. Park City's Environmental Coordinator has received documentation that validates that fact and the related assessment leading up to the issuance of the certificate of compliance.

Parking
In previous Planning Commission meetings and their corresponding staff reports (October 28, 2010, December 9, 2009, and April 28, 2010) staff identified the site as legal non-compliant and also that the requested conversion would increase the degree of non-compliance due to the lack of parking. Given the updated and researched information presented to the Planning Commission during the July 14, 2010 regular meeting and also listed below, staff still identifies the site as legal non-compliant, but finds that the conversion of the common laundry area to a private unit request does not increase the degree of non-compliance relating to parking. Staff recognizes that this new determination was opposite to what was determined in the past.

The existing complex was approved by the City in 1976 which at the time required one (1) parking space per dwelling unit, which was a minimum of 71 spaces. The plat has a note identifying two (2) areas on site accommodating 74 parking spaces, 50 along the front of the buildings and 24 along the east of the buildings. It is not known why the three (3) extra parking spaces were included on the plat. The plat note only indicates the general area of the parking spaces and the corresponding number of spaces. The plat note did not specify the exact placement or dimensions of the parking spaces.

There currently exist a total of 81 parking spaces, which have been accommodated by the HOA in the same parking area that called for 74 parking spaces on the plat. The 81 parking spaces are currently managed as 72 spaces (one for each unit totaling 71 spaces, and one extra parking space that was allocated for the laundry room), four (4) spaces for rental by the HOA to unit owners, and five (5) spaces for visitors.

The City acknowledges that there have been overflow parking issues from Snow Country Condos into City Park. The City recognizes that through enforcement efforts of both the City and Snow Country Condos management, this is no longer the case.

The applicant has submitted a parking analysis for Snow Country Condominiums (Exhibit G) which indicates that during the summer season the parking lot usage averages approximately 37% and in the winter season the parking lot usage averages approximately 74%. Staff agrees that the provided numbers are an accurate range. Staff does not recommend adding additional parking to a site that has sufficient parking area.

The current LMC requires that a condominium unit not greater than 650 square feet to have one (1) parking space. There is already an assigned parking space for the laundry area; therefore converting it into a dwelling unit would not require any additional parking spaces.

According to the number of existing units and their corresponding floor areas and also the proposed unit and its corresponding floor area the LMC mandates a total of 90 parking spaces. The site currently has 81 parking spaces. The site is considered legal non-compliant because although it does not comply with the current parking standard it did comply with the Code at the time it was built.

Chapter 15-9 of the LMC regulates non-conforming uses and non-complying structures. While non-complying structures may continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the LMC. Applications are reviewed to ensure that they are reducing the degree of non-compliance. Section 15-9-6(A) indicates the following:

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

Currently the site accommodates a total of 81 parking spaces. The site accommodates seven (7) additional parking spaces from the original plat approval that shows a total of 74. Due to the fact that the site has more parking (81 parking spaces) than what was contemplated in 1976 (74 parking spaces) staff finds that the proposed amendment to the record of survey does not increase the discrepancy between the existing condition and the development standards prescribed by the LMC. Staff finds because there are seven (7) additional parking spaces than what was indicated on the plat the degree of existing non-compliance has not been increased. Staff recognizes that these findings were not included in previous discussions and reports prepared for the Commission.

Staff finds good cause for this amendment to Record of Survey Plat for Snow Country Condominiums as the request does not increase the degree of non-compliance. Neither the public nor any person will be materially injured by the proposed amendment. The proposal does not does not adversely affect the health, safety and welfare of the citizens of Park City. With 81 total spaces; the configuration will remain the same with 72 spaces dedicated to each of the 72 units and four (4) spaces for rental by the HOA, and five (5) spaces for visitors.

<u>Building Code Compliance for Accessibility</u>
If this application is approved the applicant will be able to move forward and apply for a building permit. At that stage the Park City Building Department will be able to work with the applicant to come up with an accessibility compliance plan. The applicant has met with the Building Official to inquire as to the appropriate requirements that the Building Department will suggest to come up with their accessibility compliance plan.

<u>Mylar/built environment discrepancy</u>
The proposed amendment will also modify the record of survey plat reflecting the area located on the northwest corner of the site to match what has been built. The applicant requests to redraw the line to show what has been built. Staff is unable to confirm the exact date of deviation from the approved plat and the reason why the northwest corner was built in such manner. An Aerial photograph confirms that the site was in its current

state in 2003 (Exhibit H). The deviation includes the area that separates the parking area from the area utilized for landscaping on the northwest corner of the property as indicated on the Exhibit H. The amendment takes place over common area and it is a simply request to clean up the plat.

Process
The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review
This project has gone through an interdepartmental review. All items have been addressed throughout this staff report.

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

Public Input
Staff has received positive and negative written public input from Snow Country Condominium owners. The comments have been attached as Exhibit I.

Alternatives

- The City Council may approve the Snow Country Condominiums Amendment to Record of Survey Plat as conditioned or amended; or
- The City Council may deny the Snow Country Condominiums Amendment to Record of Survey Plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Snow Country Condominiums Amendment to Record of Survey Plat.
- 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 laundry area would remain as is and no improvements could take place.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the Snow Country Condominiums Amendment to Record of Survey Plat 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 Amendment to Record of Survey Plat
Exhibit B – Aerial & Vicinity Map
Exhibit C – Original Record of Survey Plat
Exhibit D – Official letter request
Exhibit E – Interior Landscaping Areas & 2007 Landscape Plan
Exhibit F – Snow Storage Areas
Exhibit G – Snow Country Parking Analysis
Exhibit H – 2003 Aerial Photograph
Exhibit I – Public Input

Exhibit A – Draft Ordinance No. 10-

AN ORDINANCE APPROVING THE SNOW COUNTRY CONDOMINIUMS AMENDMENT TO RECORD OF SURVEY PLAT LOCATED AT 1150 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1150 Deer Valley Drive have petitioned the City Council for approval of the Snow Country Condominiums Amendment to Record of Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 28, 2009, December 9, 2010, April 28, 2010, and July 14, 2010, to receive input on the Snow Country Condominiums Amendment to Record of Survey Plat;

WHEREAS, the Planning Commission, on July 14, 2010, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Snow Country Condominiums Amendment to Record of Survey Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Snow Country Condominiums Amendment to Record of Survey Plat as shown in Attachment 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 1150 Deer Valley Drive.
2. The property is located within the General Commercial (GC) District.
3. There are currently 71 units on site.
4. The existing Record of Survey Plat shows an area within one of the buildings that is platted common and labeled “laundry”.
5. The applicant requests to amend 556 square feet from common (laundry) area to private area.
6. The proposed amendment adds one (1) additional dwelling unit in the existing multi-unit dwelling.
7. The parking area is approximately 24,179 square feet.

8. There is approximately 5,788 square feet of interior landscaping which equates to twenty-four percent (24%) of the total parking area.
9. There is approximately 12,544 square feet of area that can be utilized as snow storage.
10. The City Engineer has inspected the site and has found the same areas identified as interior landscaping as readily accessible locations for snow storage.
11. The layout of the parking area with the adjacent landscaping/snow storage area is very typical to other parking areas found in Park City.
12. A certificate of compliance was issued for this site in October 2008, relating to the soils ordinance.
13. The existing complex was approved by the City in 1976 which at the time required one (1) parking space per dwelling unit, which was a minimum of 71 spaces.
14. The plat has a note identifying two (2) areas on site accommodating 74 parking spaces, 50 along the front of the buildings and 24 along the east of the buildings.
15. There currently exist a total of 81 parking spaces.
16. The applicant has submitted a parking analysis which indicates that during the summer season the parking lot usage averages approximately 37% and in the winter season the parking lot usage averages approximately 74%.
17. The current LMC requires that a condominium unit not greater than 650 square feet to have one (1) parking space.
18. According to the number of existing units and their corresponding floor areas and also the proposed unit and its corresponding floor area the LMC mandates a total of 90 parking spaces.
19. The site is considered legal non-compliant because it does not comply with the current parking standard.
20. The site accommodates seven (7) additional parking spaces from the original plat approval that shows a total of 74.
21. The site has more parking (81 parking spaces) than what was approved in 1976 (74 parking spaces)
22. The proposed plat amendment to the record of survey plat does not increase the discrepancy between the existing condition and the development standards prescribed by the LMC.
23. The request does not increase the degree of non-compliance.
24. With 81 total spaces; the configuration will remain the same with 72 spaces dedicated to each of the 72 units and four (4) spaces for rental by the HOA, and five (5) spaces for visitors.
25. The applicant has met with the Building Official to inquire as to the appropriate requirements that the Building Department will suggest to come up with their accessibility compliance plan.
26. The proposed amendment will also modify the record of survey plat reflecting the area located on the northwest corner of the site to match what has been built.

<u>Conclusions of Law:</u>

1. There is good cause for this amendment to Record of Survey Plat

2. The amendment to Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amendment to Record of Survey Plat.
4. Approval of the amendment to Record of Survey 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 amendment to the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amendment to the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

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

PASSED AND ADOPTED this ___ day of _______, 2010.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

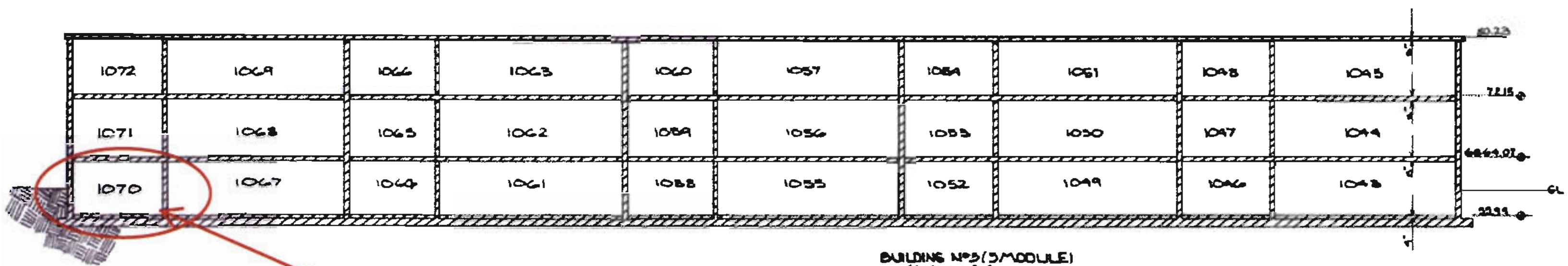
____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Attachment A – Proposed Amendment to Record of Survey Plat

Attachment A - Proposed Amendment to Record of Survey Plat



NOTE — ALL CROSS-HATCHED AREAS TO BE COMMON OWNERSHIP AREAS NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP

Unit 1070 will be created pursuant to this proposed plat amendment. The existing laundry area will become a unit.

I CERTIFY THAT THE BUILDING DIMENSIONS OF THE "TYPICAL BAYS" OF BUILDING #1 WITH 3 BAYS, BUILDING 2 WITH 4 BAYS, AND BUILDING 3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT.

May 7, 1976
DATE

JAMES G. WEST
LICENSE Nº 3082

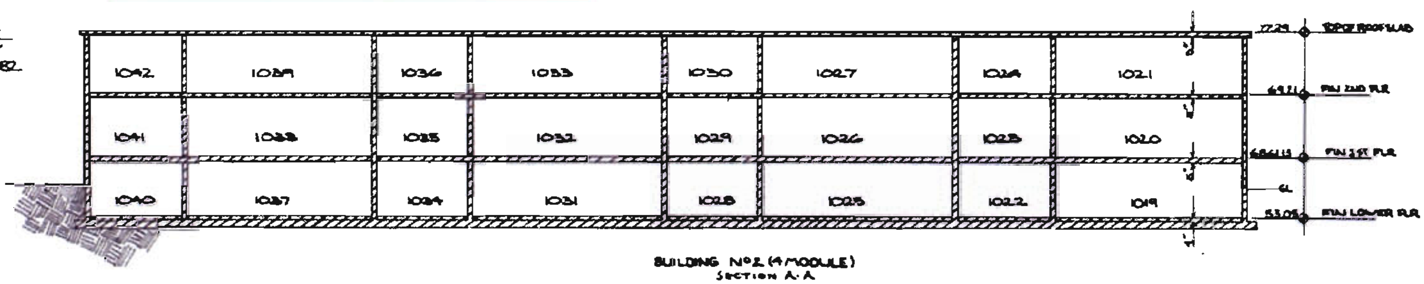


EXHIBIT "A" RECORD OF SURVEY MAP OF

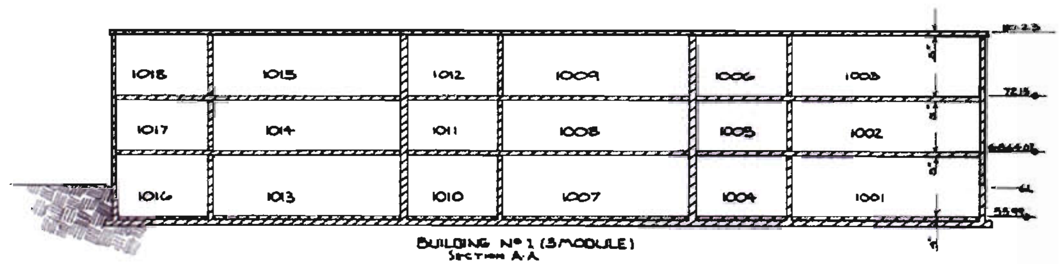
SNOW COUNTRY CONDOMINIUMS
"A UTAH CONDOMINIUM PROJECT"

LOCATED IN THE SW¼ OF SEC 9 TOWNSHIP 2 SOUTH RANGE 4 EAST S.L.C. BASE & MERIDIAN

PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE P.O. BOX 1661
PARK CITY, UTAH 84060

RECORDED (ENTRY) NO. ______
STATE OF UTAH, COUNTY OF SUMMIT;
RECORDED & FILED AT THE REQUEST OF ______
______ BY: ______
DATE ______ TIME ______
BOOK ______ PAGE ______
FEE ______ SUMMIT COUNTY RECORDER

SHEET 2 OF 5



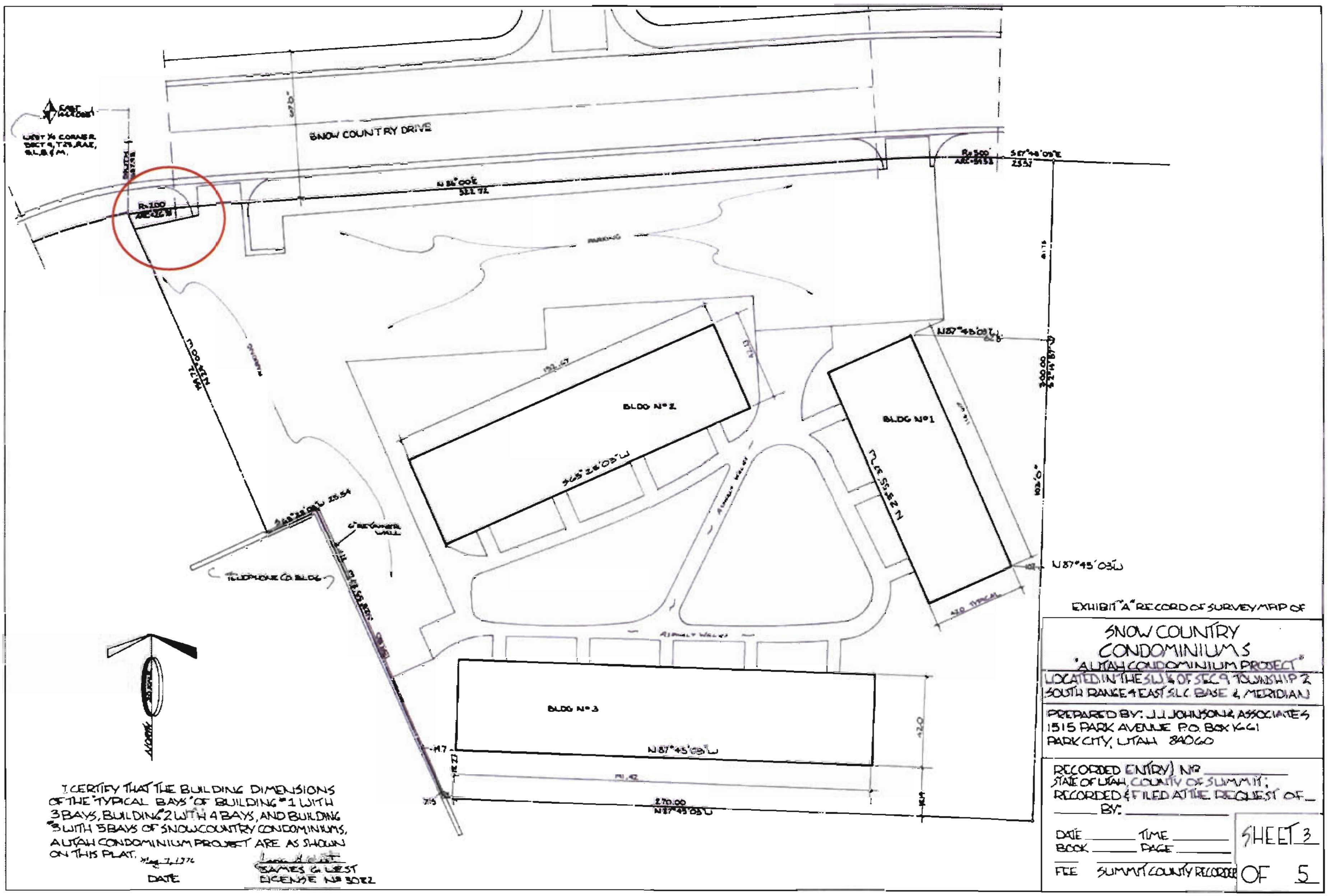

SNOW COUNTRY DRIVE
N 86°00'E 322.72
PARKING
BLDG Nº 1
BLDG Nº 2
BLDG Nº 3
S65°28'03"W
N87°45'03"W
N 87°45'03"W
270.00
N87°45'03"W
ASPHALT WALKS
6" RETAINING WALL
TELEPHONE CO. BLDG.
EXHIBIT "A" RECORD OF SURVEY MAP OF
SNOW COUNTRY CONDOMINIUMS
"A UTAH CONDOMINIUM PROJECT"
LOCATED IN THE SW ¼ OF SEC 9, TOWNSHIP 2 SOUTH RANGE 4 EAST S.L.C. BASE & MERIDIAN
PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE P.O. BOX 661
PARK CITY, UTAH 84060
RECORDED ENTRY NO. ____
STATE OF UTAH, COUNTY OF SUMMIT; RECORDED & FILED AT THE REQUEST OF ____
BY: ____
DATE ____ TIME ____
BOOK ____ PAGE ____
FEE ____ SUMMIT COUNTY RECORDER
SHEET 3
OF 5
I CERTIFY THAT THE BUILDING DIMENSIONS OF THE "TYPICAL BAYS" OF BUILDING #1 WITH 3 BAYS, BUILDING #2 WITH 4 BAYS, AND BUILDING #3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT.
DATE
JAMES G. LEST
LICENSE Nº 3082

Exhibit B


Snow Country Condominiums (2009 Aerial)
1150 Deer Valley Drive
N
1 inch = 50 feet

OWNER'S CERTIFICATE OF CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT WE, RAY I JOHNSON, PRESIDENT AND MERLE H. HUSETH, VICE PRESIDENT, TREASURER, OF GREATER PARK CITY COMPANY, A UTAH CORPORATION, WHO ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND SNOW COUNTRY CONDOMINIUMS, A UTAH CONDOMINIUMS PROJECT, LOCATED ON SAID TRACT OF LAND, DO HEREBY MAKE THIS CERTICATE FOR AND ON BEHALF OF SAID CORPORATION BY AUTHORITY OF DULY PASSED RESOLUTION BY ITS BOARD OF DIRECTORS OF SAID CORPORATION, THAT SAID CORPORATION HAS CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF 5 SHEETS TO BE PREPARED AND SAID CORPORATION HAS CONSENTED AND DOES HEREBY CONSENT TO RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 24th DAY OF June ; A.D. 1976

GREATER PARK CITY COMPANY
A UTAH CORPORATION

RAY I JOHNSON - PRESIDENT

MERLE H. HUSETH
VICE PRESIDENT
TREASURER

PARK CITY APPROVAL

ON THIS 19 DAY OF Aug, 1976, THE CITY OF PARK CITY, A BODY POLITIC AND CORPORATE OF THE STATE OF UTAH AND THE MUNICIPALITY IN WHICH THE SNOW COUNTRY CONDOMINIUMS ARE LOCATED, HEREBY GIVES FINAL APPROVAL TO SAID PROJECT, TO THE DECLARATION RECORDED CONCURRENTLY HEREWITH, TO THE RECORD SURVEY MAP CONSISTING OF FIVE SHEETS NUMBERED 1-5 AND TO THE ATTRIBUTES OF SAID PROJECT WHICH ARE MENTIONED IN SECTION 57-8-35 (3) OF THE UTAH CONDOMINIUM OWNERSHIP ACT AS AMENDED AND EXPANDED BY THE LAWS OF UTAH, 1975, CHAPTER 173, SECTION 18.

PARK CITY
BY
MAYOR

ATTEST:
RECORDER

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT

BE IT REMEMBERED THAT ON THIS 24th DAY OF June A.D. 1976, PERSONALLY APPEARED BEFORE THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, RAY I JOHNSON, PRESIDENT, AND MERLE H. HUSETH, VICE PRESIDENT, TREASURER OF GREATER PARK CITY COMPANY, A UTAH CORPORATION WHO BEING BY ME DULY SWORN DID SAY THAT THEY ARE THE PRESIDENT AND VICE PRESIDENT, TREASURER OF SAID CORPORATION AND THAT THE WITHIN AND FOREGOING OWNER'S CERTIFICATE OF CONSENT TO RECORD WAS SIGNED FOR AND IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BY-LAWS AND A RESOLUTION DULY PASSED BY ITS BOARD OF DIRECTORS, AND RAY I JOHNSON AND MERLE H. HUSETH DULY ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

RESIDING IN Wasatch COUNTY, UTAH
MY COMMISSION EXPIRES 6-1-77
DATE

SURVEYORS CERTIFICATE

I JAMES G WEST, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE Nº 3082, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT EAST 1444.03 FEET & SOUTH 1637.98 FEET FROM THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SAID POINT BEING ON A CURVE TO THE RIGHT, THE RADIAL POINT OF WHICH IS SOUTH 11°40'50" EAST 200.00 FEET; AND RUNNING THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 26.81 FEET TO A POINT OF TANGENCY; THENCE NORTH 86°00' EAST 522.72 FEET TO A POINT OF A 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE 54.53 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°45'03" EAST 23.51 FEET; THENCE SOUTH 2°14'57" WEST 300.00 FEET; THENCE NORTH 87°45'03" WEST 270.00 FEET; THENCE NORTH 23°55'37" WEST 139.80 FEET; THENCE SOUTH 65°28'03" WEST 25.54 FEET, THENCE NORTH 24°00' WEST 159.72 FEET TO THE POINT OF BEGINNING. AREA BEING APPROXIMATLY 2.295 ACRES.

I FURTHER CERTIFY THAT THE ABOVE DESCRIPTION DESCRIBES THE LAND SURFACE UPON WHICH HAS BEEN CONSTRUCTED "SNOW COUNTRY CONDOMINIUMS" IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT. I FURTHER CERTIFY THAT THE REFERANCE MARKERS AS SHOWN ON THIS PLAT ARE LOCATED AS SHOWN, AND ARE SUFFICIENT TO READILY RETRACE OR RE-ESTABLISH THIS SURVEY.

DATE May 7, 1976

JAMES G WEST
LICENSE Nº 3082

EXHIBIT "A" RECORD OF SURVEY MAP OF

SNOW COUNTRY CONDOMINIUMS

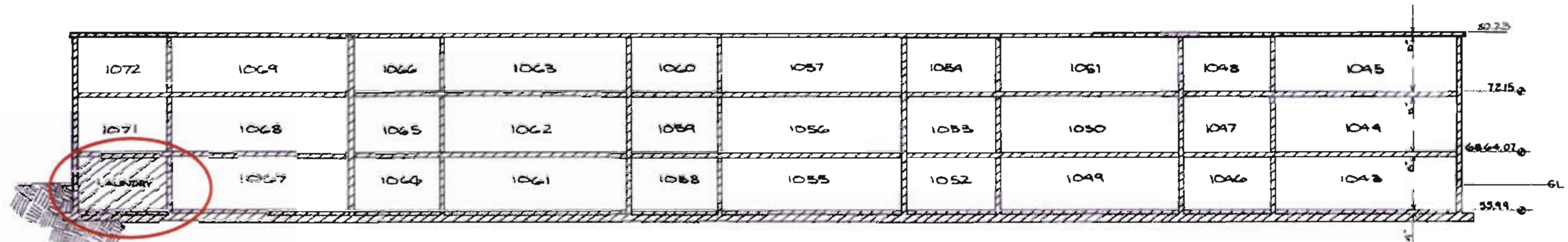
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE S.W. ¼ OF SEC 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SLC BASE & MERIDIAN.

PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVE. PARK CITY, UTAH

SHEET 1 OF 5

RECORDED ENTRY Nº 133157 STATE OF UTAH, COUNTY OF SUMMIT; RECORDED & FILED AT THE REQUEST OF Summit Co Title
BY:
DATE 8-26-76 TIME 1:05 BOOK — PAGE —
$ 29.00 FEE
Wanda Y. Spriggs
SUMMIT COUNTY RECORDER



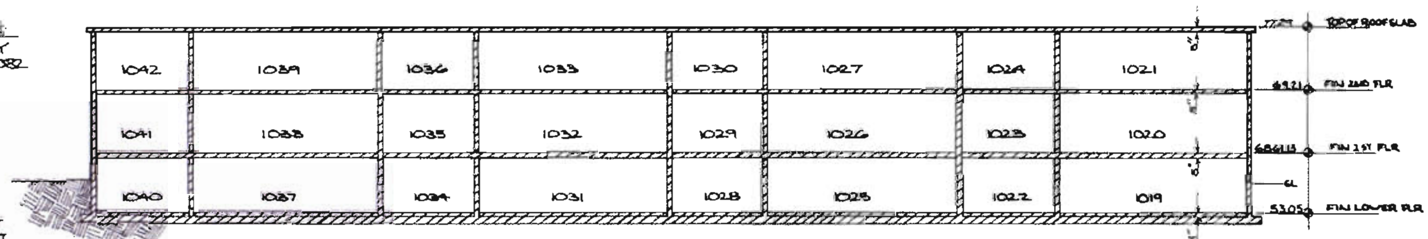
BUILDING N°3 (3 MODULE)
SECTION A-A

NOTE — ALL CROSS-HATCHED AREAS TO BE COMMON OWNERSHIP AREAS NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP

I CERTIFY THAT THE BUILDING DIMENSIONS OF THE "TYPICAL BAYS" OF BUILDING #1 WITH 3 BAYS, BUILDING 2 WITH 4 BAYS, AND BUILDING 3 WITH 8 BAYS OF SNOW COUNTRY CONDOMINIUMS A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT.

May 7, 1976
DATE

JAMES G. WEST
LICENSE N° 3082



BUILDING N°2 (4 MODULE)
SECTION A-A

EXHIBIT "A" RECORD OF SURVEY MAP OF

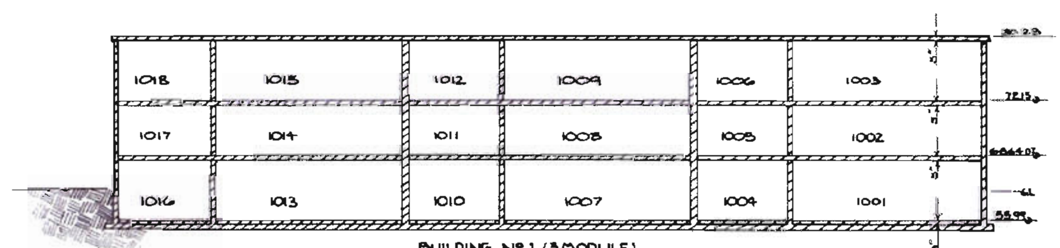
SNOW COUNTRY CONDOMINIUMS
"A UTAH CONDOMINIUM PROJECT"

LOCATED IN THE SW¼ OF SEC 9 TOWNSHIP 2 SOUTH RANGE 4 EAST S.L. BASE & MERIDIAN

PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE P.O. BOX 1661
PARK CITY, UTAH 84060

RECORDED (ENTRY) N° 133157
STATE OF UTAH, COUNTY OF SUMMIT;
RECORDED & FILED AT THE REQUEST OF Summit & Title
BY:
DATE 8-6-76 TIME 1:05
BOOK — PAGE —
FEE SUMMIT COUNTY RECORDER

SHEET 2 OF 5



BUILDING N° 1 (3 MODULE)
SECTION A-A

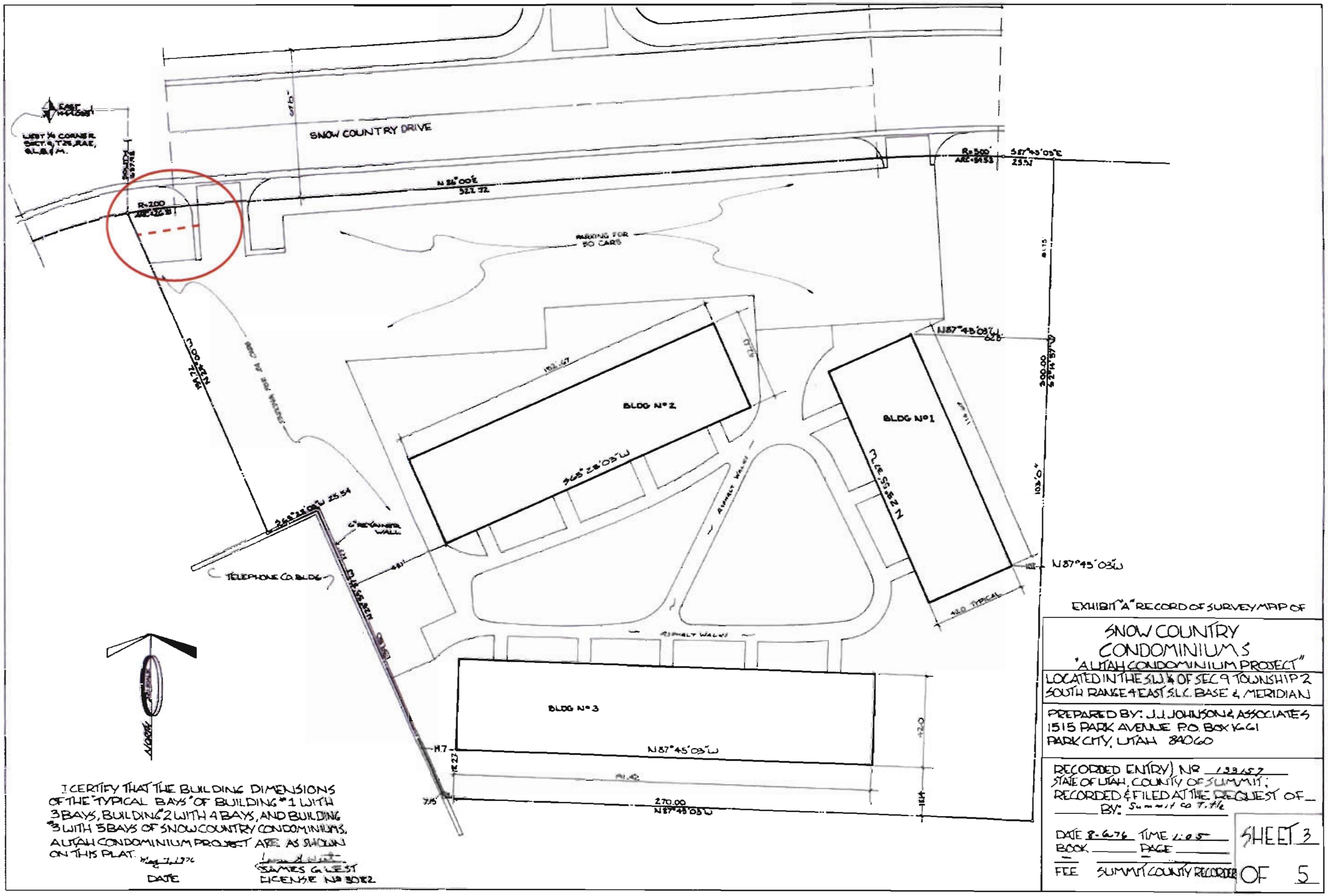
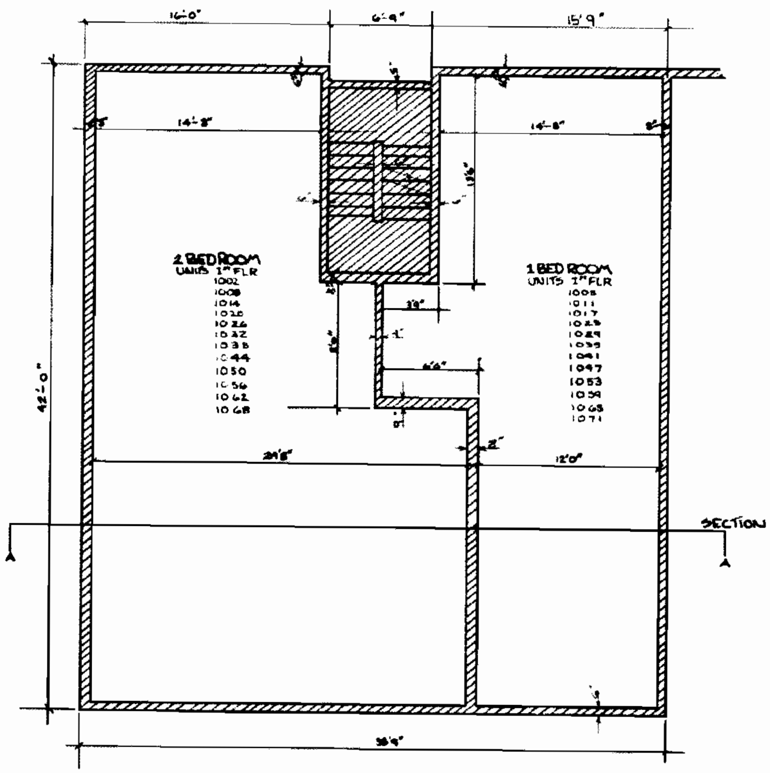


EXHIBIT "A" RECORD OF SURVEY/MAP OF
SNOW COUNTRY CONDOMINIUMS
"A UTAH CONDOMINIUM PROJECT"
LOCATED IN THE S.W.¼ OF SEC 9 TOWNSHIP 2 SOUTH RANGE 4 EAST S.L.C. BASE & MERIDIAN
PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE P.O. BOX 1661
PARK CITY, UTAH 84060
SHEET 3 OF 5
FEE SUMMIT COUNTY RECORDER
I CERTIFY THAT THE BUILDING DIMENSIONS OF THE "TYPICAL BAYS" OF BUILDING #1 WITH 3 BAYS, BUILDING 2 WITH 4 BAYS, AND BUILDING #3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT.
DATE
JAMES G. WEST
LICENSE NO 3082
SNOW COUNTRY DRIVE
PARKING FOR 50 CARS
BLDG NO 1
BLDG NO 2
BLDG NO 3
ASPHALT WALK
TELEPHONE CO. BLDG
6" RETAINER WALL
NORTH
N 86°00'E 322.72
N87°45'03"W
N87°45'03"W
S65°28'03"W
270.00
103.0'
42.0 TYPICAL

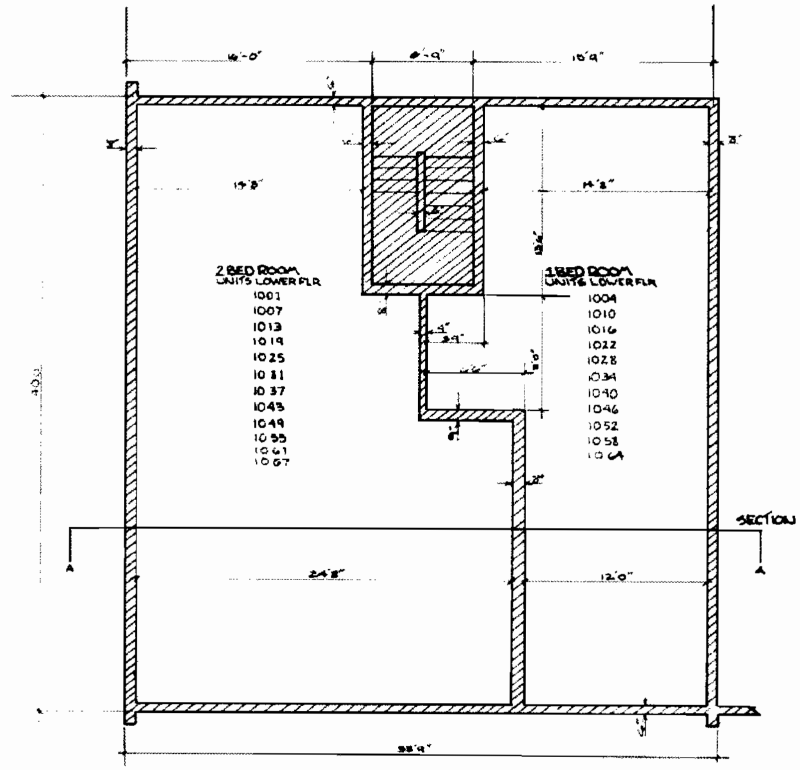


TYPICAL BAY (FIRST FLOOR)

SCALE 1/4" = 1'-0"
DIMENSIONS TYPICAL 1ST & 2ND FLOORS

NOTE: ALL CROSS HATCHED AREAS TO BE COMMON OWNERSHIP. AREAS NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP

ALL DIMENSIONS ARE TO THE FINISHED SURFACE



TYPICAL BAY (LOWER FLOOR)
1/4" = 1'-0

NOTE: ALL CROSS HATCHED AREAS TO BE COMMON OWNERSHIP. AREAS NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP

ALL DIMENSIONS ARE TO THE FINISHED SURFACE

I CERTIFY THAT THE BUILDING DIMENSIONS OF THE "TYPICAL BAYS" OF BUILDING #1 WITH 3 BAYS, BUILDING 2 WITH 4 BAYS AND BUILDING 3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT

May 7, 1976
DATE

JAMES G. WEST
LICENSE Nº3082

EXHIBIT "A" RECORD OF SURVEY MAP OF

SNOW COUNTRY CONDOMINIUMS

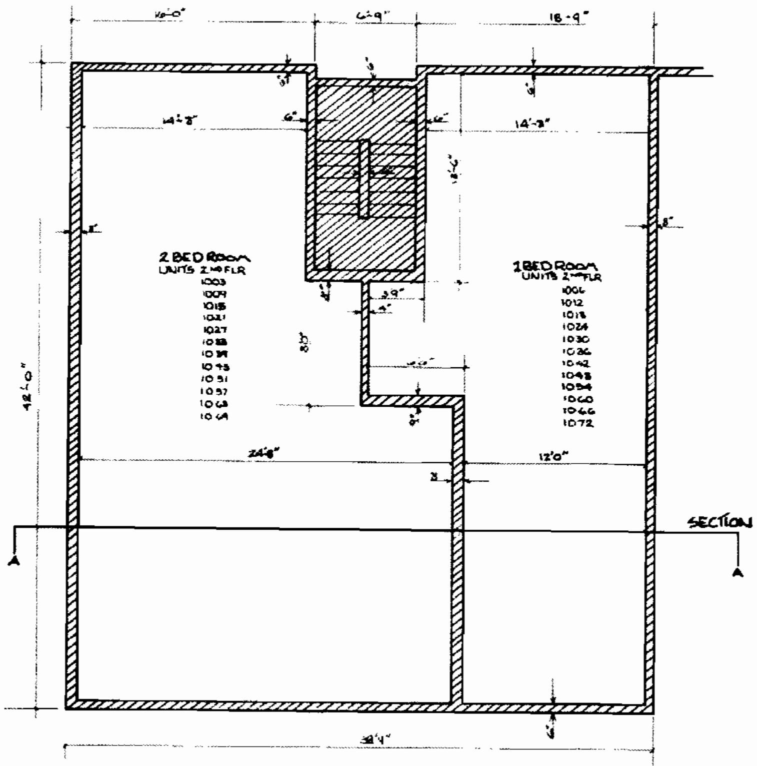
"A UTAH CONDOMINIUM PROJECT" LOCATED IN THE SW 1/4 OF SEC 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST S.L.C. BASE & MERIDIAN

PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE P.O. BOX 1661
PARK CITY, UTAH 84060

RECORDED (ENTRY) NO 133157
STATE OF UTAH, COUNTY OF SUMMIT;
RECORDED & FILED AT THE REQUEST OF
BY: Summit Co Title

DATE 8.26.76 TIME 1:05
BOOK — PAGE —
FEE SUMMIT COUNTY RECORDER

SHEET 4 OF 5

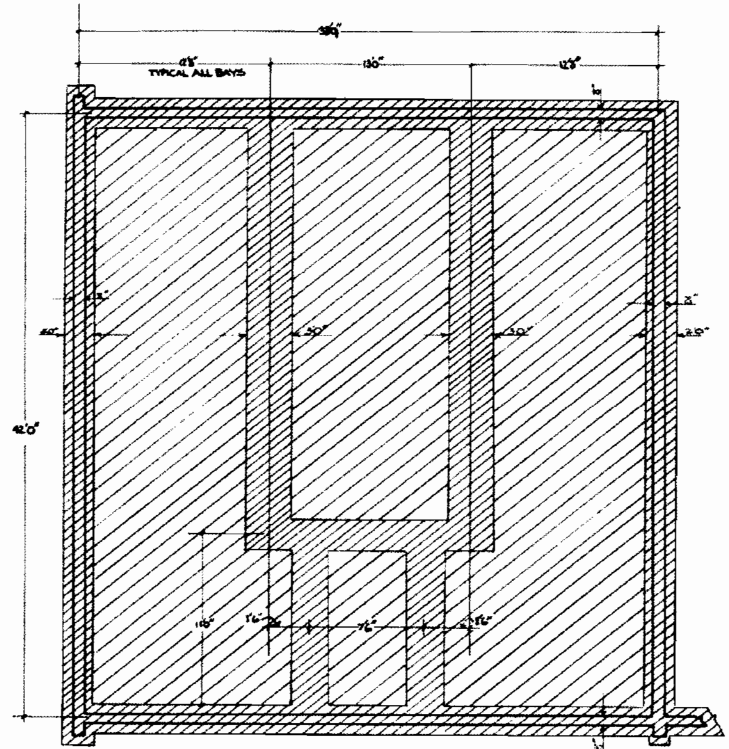


TYPICAL BAY (SECOND FLOOR)

SCALE 1/4"=1'-0"

NOTE: ALL CROSS-HATCHED AREAS TO BE COMMON OWNERSHIP. AREAS NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP.

ALL DIMENSIONS ARE TO THE FINISHED SURFACE.



FOOTING ~ FOUNDATION PLAN

I CERTIFY THAT THE BUILDING DIMENSIONS OF THE "TYPICAL BAYS" OF BUILDING #1 WITH 3 BAYS, BUILDING 2 WITH 4 BAYS, AND BUILDING 3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT.

May 7, 1976
DATE

JAMES G. WEST
LICENSE No 3082

EXHIBIT "A" RECORD OF SURVEY MAP OF

SNOW COUNTRY CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE S.W.¼ OF SEC. 9 TOWNSHIP 2 SOUTH RANGE 4 EAST S.L. BASE & MERIDIAN

PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE P.O. BOX 1661
PARK CITY, UTAH 84060

RECORDED (ENTRY) No 133157
STATE OF UTAH, COUNTY OF SUMMIT; RECORDED & FILED AT THE REQUEST OF ___ BY: Summit Co Title
DATE 8-6-76 TIME 1:05
BOOK – PAGE –
FEE SUMMIT COUNTY RECORDER

SHEET 5 OF 5

Exhibit D - Official letter request

June 21, 2010

Park City Planning Comm.
435 Marsac Avenue
Park City, Utah 84060

Francisco Astorga and Tom Eddington,

The community and HOA Board of Snow Country Condominiums would like to formally request the laundry room on the plat map to be changed to private. This area has not been used as a laundry room for at least the past 6 years, possibly even longer.

Snow Country Condominiums has 71 units in the complex. Of the 71 units only 4 have voted against privatizing the laundry room. In consideration of the positive support from our community, the HOA Board of Snow Country is requesting a plat adjustment changing the label on the current plat from laundry room to private.

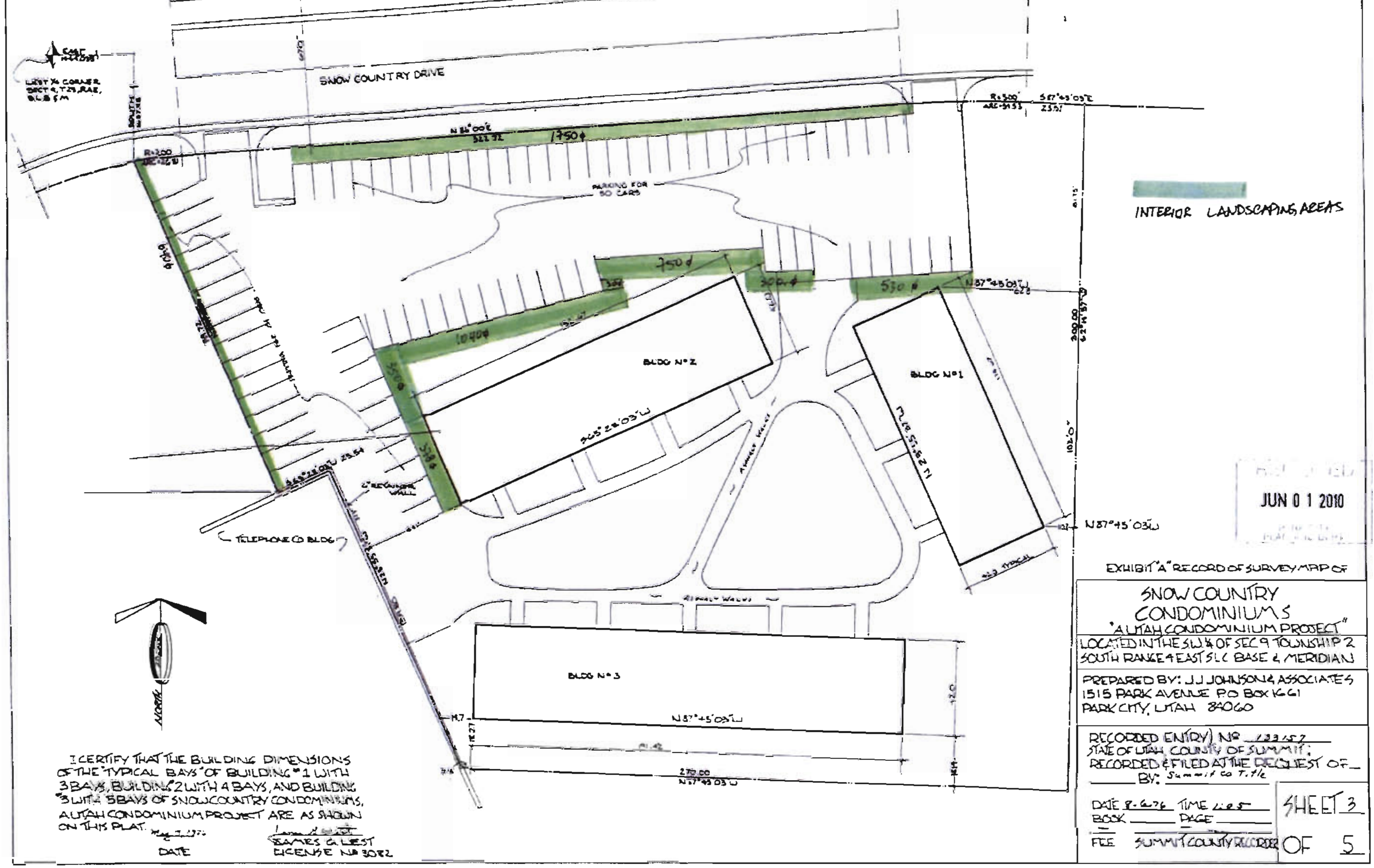
Sincerely,

Snow Country HOA

Brandon Bertagnole,
Chris Haynes
Dave Kenton
David Rudd
Jim McMahon

JUN 21 2010

Exhibit E - Interior Landscaping Areas



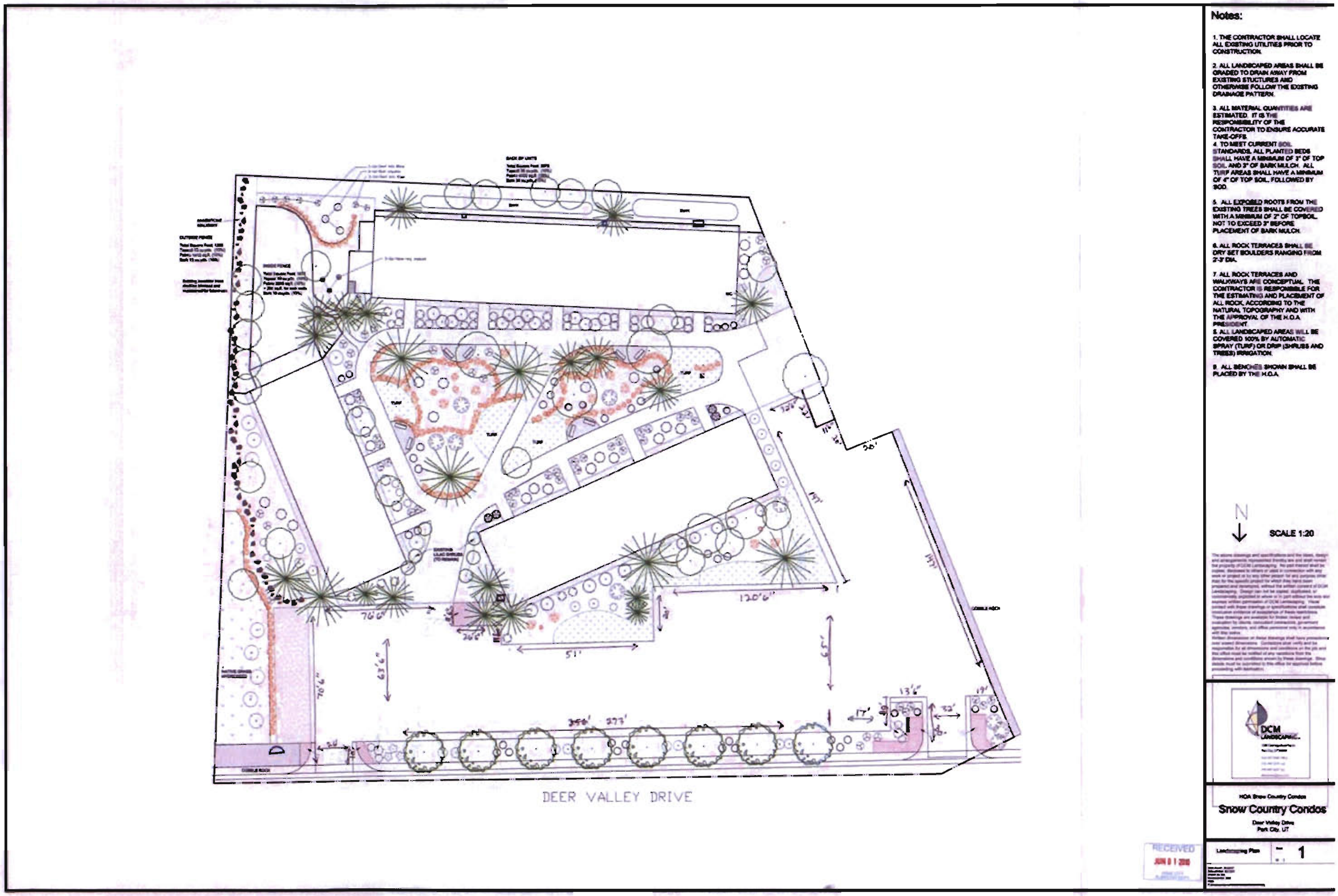

Notes:
1. THE CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
2. ALL LANDSCAPED AREAS SHALL BE GRADED TO DRAIN AWAY FROM EXISTING STUCTURES AND OTHERWISE FOLLOW THE EXISTING DRAINAGE PATTERN.
3. ALL MATERIAL QUANTITIES ARE ESTIMATED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE ACCURATE TAKE-OFFS.
4. TO MEET CURRENT SOIL STANDARDS, ALL PLANTED BEDS SHALL HAVE A MINIMUM OF 3" OF TOP SOIL AND 3" OF BARK MULCH. ALL TURF AREAS SHALL HAVE A MINIMUM OF 4" OF TOP SOIL, FOLLOWED BY SOD.
5. ALL EXPOSED ROOTS FROM THE EXISTING TREES SHALL BE COVERED WITH A MINIMUM OF 2" OF TOPSOIL, NOT TO EXCEED 3" BEFORE PLACEMENT OF BARK MULCH.
6. ALL ROCK TERRACES SHALL BE DRY SET BOULDERS RANGING FROM 2'-3' DIA.
7. ALL ROCK TERRACES AND WALKWAYS ARE CONCEPTUAL. THE CONTRACTOR IS RESPONSIBLE FOR THE ESTIMATING AND PLACEMENT OF ALL ROCK, ACCORDING TO THE NATURAL TOPOGRAPHY AND WITH THE APPROVAL OF THE H.O.A PRESIDENT.
8. ALL LANDSCAPED AREAS WILL BE COVERED 100% BY AUTOMATIC SPRAY (TURF) OR DRIP (SHRUBS AND TREES) IRRIGATION.
9. ALL BENCHES SHOWN SHALL BE PLACED BY THE H.O.A.
N
SCALE 1:20
DEER VALLEY DRIVE
Snow Country Condos
Landscaping Plan
1
RECEIVED

Exhibit F - Snow Storage Areas

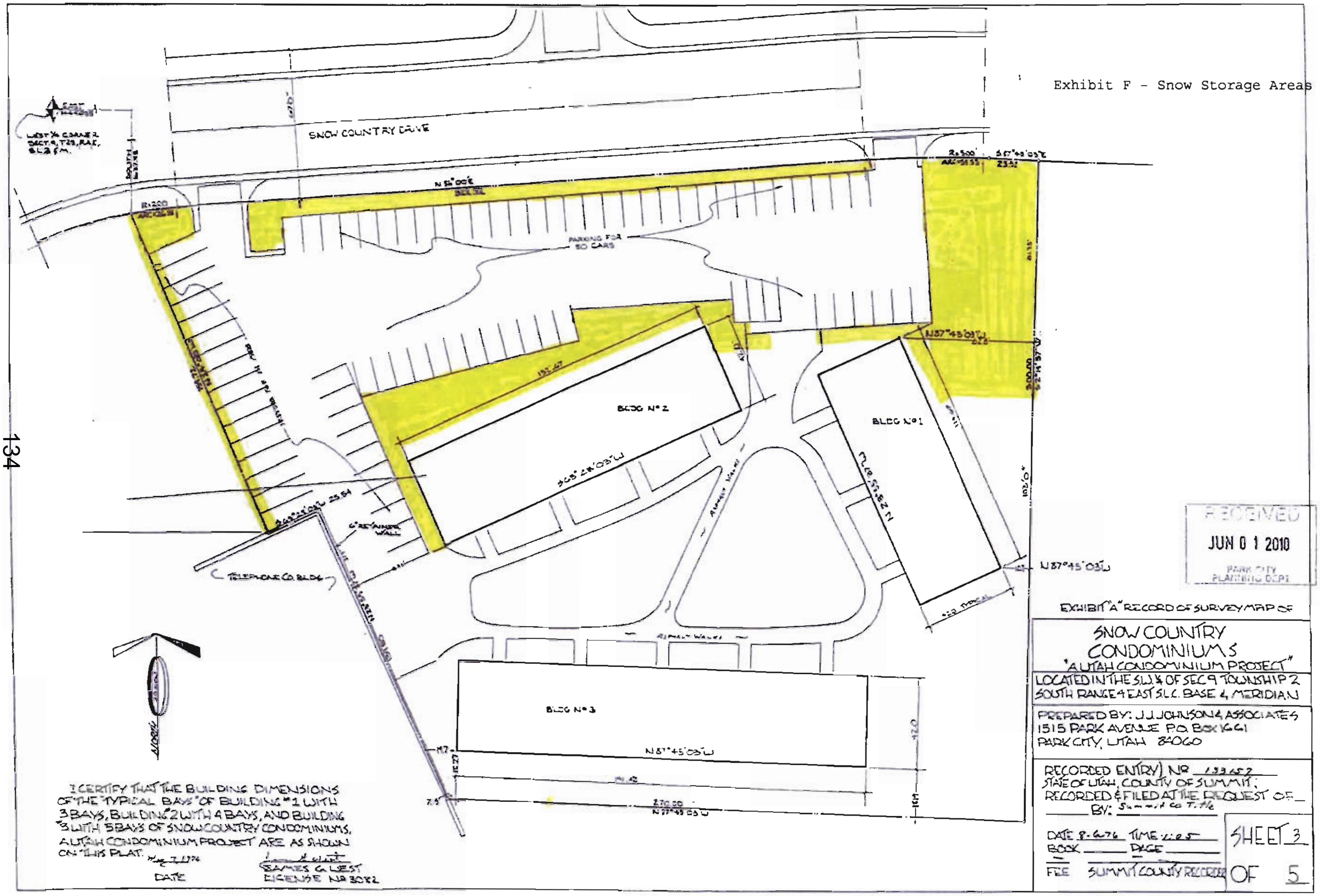


Exhibit G - Snow Country Parking Analysis

June 17, 2010

Park City Planning Commission
445 Marsac Avenue,
Park City, Utah 84060

Francisco Astorga and Tom Eddington,

The Snow Country Home Owners Association would like to submit to the commission a parking analysis for Snow Country Condominiums.

During the summer season the Snow Country parking lot usage averages approximately 37%. If you were to drive by tomorrow you would see many empty parking spaces.

During the winter season the Snow Country parking lot usage averages approximately 74%. If you were to drive by during Sundance you would still see at least 25% of the parking spaces unused.

Our current number of parking spaces exceeds the number required in the original plat by 14%.

Sincerely,

Snow Country HOA Board

Brandon Bertagnole
Chris Haynes
Dave Kenton
David Rudd
Jon McMahon


Snow Country Condominiums (2003 Aerial)
1150 Deer Valley Drive
N
1 inch = 50 feet

July 7, 2010 Exhibit I - Public Input

Park City Planning Commission
Attention Francisco Astorga

In recent years the Snow Country Condominium ownership and the elect board members have made an aggressive effort to change the image of our condominium complex. Through long hours, numerous ownership meetings and many tough assessments for all owners our condo community is finally becoming a recognizable positive asset for Park City. We understand there is still more to be done and the approval we seek tonight is another step in that positive direction.

As a current board member for 3 years I bought into Snow Country probably at one of its lowest times. I quickly learned after my fifth purchase that I needed to get involved and offer any assistance I could to protect not only my investment but to encourage growth, reinvestment and to preserve that reinvestment of progress for the entire community and all ownership.

At this time the current board was ready for change, insight and most importantly communication to all owners. We were in a time of need and a time of change. I am happy to report that these changes have taken place and continue to take place today! Further, the support of all ownership minus one or two have been 100% supportive of the board and continued progress.

As an investor from the East coast (New York City/New Jersey) I understand the time, the process and paperwork needed for the request and approval we seek tonight. It is long over due that a positive decision be rendered to continue our progress towards a better Snow Country Condominium complex.

As you are aware we are seeking approval for our laundry room unit that has not been in service for many years now, specifically, to take the original one bedroom foot print and bring it back to its original status as a one bedroom unit. The cost and inefficiency the laundry room unit proved in the past is why we looked into this change.

The board is aware of some misleading information and potentially slanderous attacks that has been fed to your commission. Despite full disclosure, open agenda meetings and countless emails of financials and receipts; yet this person's stubbornness still prevails (Neil Krasnick). Even though he would directly benefit in numerous ways, this person just wants to be spiteful purely from ineptness, anger and his own personal mean societal agenda beyond the walls of our community.

This conversion back to its original one bedroom status is for the security of our entire community. To bring an on site manger quarters into our community. It will not only serve as a security/management "head quarters" but also relieve all owners of costly expenses that are currently being subbed out at a premium cost for all ownership.

As all my colleagues on the board could attest we have invested allot of time and money on behalf of our ownership to get this approved. We have complied with all filings along with the measurable needed for approval. Please do not discourage our progress for the sake of all owners and for the continued growth of our community. Our ownership votes speak volumes as 69 of the 71 were in favor for this conversion!

On behalf of the entire board, I thank you in advance for your support on this endeavor and will make myself available for any questions or concerns you may have about this project or any other concerning the Snow Country condominium complex.

Regards,

Jon McMahon
Unlimited Properties LLC
Founding Member
unlimitprops@aol.com

JUL 1 2 2010

July 3, 2010

To: Park City Planning Commission

Unfortunately business has taken me out of town, and I'm unable to attend this Planning Commission Meeting. At our last planning commission meeting, the commission's biggest concern was snow storage. I own a snow plow company in Park City, and have been in business since 1974. Snow Country Condos was one of my accounts until I was elected to the HOA board. I have also held snow plow contracts with many of our neighboring properties, including; 7-11, the phone company, Jan's, Cole Sport, the old First Security bank, the old Frontier bank, and Chase bank property. At Snow Country condos have more snow storage than any of these other properties. As you can see by our snow storage map we have well over the 15% required by the city code.

We have been trying to obtain a building permit and change the use of our HOA laundry room for almost 20 months now. Because this space was labeled a laundry room on our original plat, we are trying to go through a plat amendment process as directed by the Park City Planning & Building depts. We have worked with the planning dept, and the city attorney to make sure we are doing everything right. We held an HOA vote in favor of converting this laundry room into a residential unit. There are 71 owners in our complex, out of all the people that voted only 2 people voted to keep it a laundry room. This space is the exact floor plan of the two 1 bedroom units above it. The space has the same electrical and plumbing as the 1 bedroom units above it. Essentially it is a 1 Bedroom unit that had the kitchen / living room, turned into a laundry. The space always had an office with a sofa sleeper and bathroom locked off from the laundry area. Danny Dukette our old maintenance person used to sleep there on snow plow nights.

Unfortunately we have one owner Neil Krasnik, who wants this space to remain a laundry room. In an effort to prevent the HOA from turning the laundry room into a residential unit, he has given the planning commission false information. He has spent countless hours at the planning department costing the city valuable time. He has personally cost our HOA tens of thousands of dollars in attorney fees, lost rents, maintenance costs etc. We are currently paying 20k a year for a part time security guard. The rental value of a residential unit would be 12k a year. Our HOA is spending several thousand additional dollars in extra maintenance costs. Most of these expenses could be eliminated by an onsite maintenance / caretaker person. I have estimated a savings of 20k to 35k a year by just converting the use of our laundry room into housing for an onsite maintenance person.

JUL 12 2010

I'm asking that the planning commission approve this tonight, and send it to the city council for final approval. Changing the use of this space will make Snow Country Condos better, safer, and more affordable for our HOA. Our HOA has made a lot of improvements in the recent past. The money saved can be used to further improve our property. Our complex is at the gateway of Park City, improving our property is good for Snow Country condos and the city.

Sincerely,
Brandon Bertagnole
HOA President
Snow Country Condominiums

Kathryn Knight
Snow Country Condos, #1002
Park City, UT 84060
801/898-1495

Francisco Astorga
Park City Planning Commission
Park City, UT 84060

RE: Snow Country Condos Plat Use Change from Laundry to Priv. Residence

Dear Mr. Astorga,

I have been a Snow Country owner since 2004. I have served on the Snow Country Board and watched as the complex has been reclaimed from a state of disrepair to a lovely, responsible community of residents.

The Committee may remember that at its lowest point the Snow County Condominiums were the sight of a large police sting operation to capture the largest drug ring that Park City has seen. As non-criminal residents, we realized that our parking lot experienced overcrowding and overuse (along with many of our units) and greater traffic than our CC&Rs or the law allows. We recognized the need to reclaim our community from those who would misuse or abuse the greater common areas, our resident rules, and the law.

We have implemented policies to strictly control and monitor parking as well as unit use to bring our complex back into compliance. We have resurfaced our parking lot which was in a state of disrepair. We have contained our dumpster (a true eyesore) to comply with the city's request (thank you) and completely re-landscaped our property to comply with the EPA's request for capping all land that does not meet current EPA acceptable levels for toxic elements (lead, arsenic, etc.) Additionally, we have re-done our interior common stairwells (also in a bad state of disrepair), and repainted exterior areas to create a more pleasing aesthetic appearance.

Our community has come a long way in its transformation from housing drug runners to creating a more pleasing gateway to downtown Park City. There is still a ways to go before our community will look like it belongs in downtown Park City. Our residents have had to endure some difficult assessments to comply with City and Federal requirements however all have been improvements in the long run to our complex as a whole. Many residents have not understood that a great portion of our past assessments were required to comply with City and Federal mandates.

The laundry unit in question was in a state of disrepair for years and the subject of vandalism as well as a gateway for cockroaches to the building in which it is located. At the time that other heavy assessments were necessary to comply with City and Federal

JUL 1 2 2010

requirements as well as repairing our overused parking lot, it was determined that investing in further new laundry facilities would be tantamount to throwing good money toward a bad investment. While many were unhappy with this discontinuation of the unit as a laundry they understood the decision to stop the madness and reclaim the community. Many units were upgraded within the complex and residents adapted to the current living circumstance. At a formal annual meeting all owners but two (2) voted for the change of use of the laundry unit to a regular condominium a year ago.

It is my understanding that the City is concerned with parking which is no longer an issue with our newly enforced use requirements (our lot usage is around 40% in the summer and about 70% in the winter based on my own observations). Our snow storage which is along the NE corner of the property has never been more accessible or larger in capacity though some continue to only remember the one winter Park City had such record snow levels that everyone had to plow and truck away snow including Snow Country.

I am confident that the City will recognize the efforts on behalf of the owners to beautify and upgrade the Snow Country Condominiums. We appreciate the City's efforts in helping us to be a responsible asset to the Park City community and in helping to create an appealing and integrated appearance to our lovely town.

Sincerely,

Kathryn Knight
Snow Country Condo owner #1002

David and Leslie Rudd
1794 Fort Douglas Circle
Salt Lake City, UT 84103
Telephone: (801) 450-0667

July 13, 2010

Via Email

Francisco Astorga
Park City Planning Commission
Park City, UT 84060

Re: Request for Plat Use Change for Snow Country Condominiums

Dear Mr. Astorga:

My wife, Leslie, and I have been owners in Snow Country since 2005. We own two condominium, Units 1019 and 1021. I currently serve on the Snow Country Board and have done my best to support the transformation of Snow Country from a crime-ridden, overcrowded eyesore to a respectable and responsible condominium community.

As a board and a community, we have implemented policies to strictly control and monitor overcrowding and parking, since overcrowding and parking used to be very difficult problems. We have made several significant improvements to our community. We have resurfaced our parking lot and replaced our curb and gutter, all of which were in a horrible state of disrepair. We have re-landscaped our entire property. We have reroofed and painted all of our buildings, and remodeled the interior common stairwells. We have contained our dumpster. We have done our very best to make Snow Country a more appealing gateway to downtown Park City.

All of these updates and repairs have resulted in some significant assessments to our owners. However, by and large, our owners are committed to making Snow Country a top-notch condominium community in Park City. Although none of us like assessments, we are doing our best to minimize them. One way the HOA determined was feasible to reduce further assessments was to convert the former laundry room to a private residence. The entire HOA voted on this issue. All but two owners voted in favor of the conversion. One of those two owners, unfortunately, has been very vocal and has created a misperception that the community does not fully support the action voted upon. However, I can assure you that the community does, in fact, support the conversion of the laundry room into a private residence and that support is evidenced by a vote of the owners.

JUL 13 2010

DMWEST #7700081 v1

I understand that the city has certain concerns dealing with parking and snow storage. However, our parking lot is currently under utilized and we are assured by our snow removal consultant that there is ample snow storage for our community.

I enthusiastically support the community's decision to convert the former laundry room into a private residence and I encourage the Planning Commission to honor the community's request. We would appreciate the city's support and believe that a healthy Snow Country is in everyone's best interest.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

David and Leslie Rudd
Snow Country Owners
Units 1019 and 1021

Project Number: PL-09-00858
Snow Country Condominiums
1150 Deer Valley Drive

Public input from Neal Krasnick

Revised May 10 2010.

Reasons for not paving the east end of the parking lot at 1150 Deer Valley Drive.

I. There is not enough snow storage.

The HOA wants to use the area in front of the parking stalls as snow storage.

I have been informed that the park city planner working on this project wants a detailed survey of the parking lot to measure the exact square footage of hard surfaced area. A detailed survey of the snow storage area would also be shown on this map. This would be the responsibility of the HOA.

Page 15-3-6. Park City Municipal Code – Title 15 LMC, Chapter 3 – Off-Street Parking.

DEFINITIONS;

"(E) SNOW STORAGE. Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and Landscaped snow storage Areas. Said snow storage Areas must be on-Sit and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking Spaces, aisles, drive ways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location."

"Landscaping of these Areas shall accommodate snow removal and storage on Site."

a. The land management code requires 15% of the total area of the parking lot to be use for storage and:

1. It must be "usable, readily accessible."

JUL 14 2010

Definition:

ac·ces·si·ble (ăk-sĕs'ə-bəl)
adj.
1. Easily approached or entered.
2. Easily obtained: *accessible money.*
3. Easy to talk to or get along with: *an accessible manager.*
4. Easily swayed or influenced: *accessible to flattery.*

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acces'si·bil'i·ty, ac·ces'si·ble·ness *n.*

ac·ces'si·bly *adv.*

What does this mean, exactly? Does it mean that during a snow storm there must be a non hard surfaced area to push the snow? We can't push the snow into the street. There must be a reason that the definition of snow storage is worded "usable, readily accessible."

Our owners are allowed to leave a vehicle parked in their private stall even if they are not living at their *condo*; a snow storage area in front of their parking stall is not usable, readily accessible. The HOA board has no means to require the owners to move their vehicle during a snow storm. This is a Condominium not a shopping area or a bank. Vehicles are long term parking not short term.

2. It must be not paved. What is a "hard surface area"? The west side, of the parking lot, has large stone set into the ground. It has been compacted by the plows and the bob cat. It may not allow water to drain into the ground. It may be considered a paved area and hence not a usable snow storage area.

(This section modified for the May 12th continuation.)

3. The planners want a detailed landscaping plan. This is because the exact ratio of paved to non paved area is not clear. The original paved area extends to the west side of the second and third buildings. The snow removal company uses this area to store snow. The HOA board uses this area as temporary parking for construction, repair and cleaning vehicles.

Because the landscaped area around the parking lot may not be compatible for snow storage, that is: the land management code may not allow portions of the surrounding landscaping to be used as snow storage, there may not be the 15% area need for compatibility.

4. Have the issues of the fire plug, the main water shut off and the water meter been resolved? By that I mean how much area can not be considered snow storage because of landscaping, and public utilities? *I spoke to Paul Jerominski (customer service) about how much snow can be stored over the water meter and main shut off valve. He would like some snow, to keep the meter from freezing, but less than 5 feet of snow.*

5. Section 15-3-3 (6) requires the landscaped perimeter to be able to "accommodate snow storage." This section address's the north side of the parking lot. This will become apparent in the detailed landscaping plan. The north edge of the parking lot slopes down hill onto the public sidewalk, it is also "zero-scaped. That means that there is plastic sheeting under the cedar chips to prevent moisture from evaporating from the soil. The plastic will allow snow storage water to drain onto the side walk. There are trees and a fire hydrant on this side of the parking lot. How much of this area can be used for snow storage?

(Added for the continuation of May 12.) ☺

The north side has a sidewalk that is cleared by the City. The city has no place to put this snow except on to the north side of our parking lot. There is not enough room for the city and for Snow country Condominiums.

6. The current parking lot is not compliant with the LMC in other respects.

1. It has no landscaping islands to break up the area.

2. Park City Municipal Code, Title 13 Water Code, 13-1-15, "The area surrounding the meter box must be accessible at all times."

3. Its lighting is too high and not downward facing.

These issues make the idea of adding more parking concurrent with making the complex more noncompliant to city code.

(Added for the May 12th continuation of the public input.) ☺

Does this mean that the parking lot should not have been enlarged in 2006?

From chapter 9 of Title 15 15-9-5;

(A) ENLARGEMENT. A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site (is the snow storage area a separate site than the parking lot in this usage?) that it did not occupy on the date on which the Use became non-conforming. A Non-Conforming Use may be extended through the same Building or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

(B)**EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE**. Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use. (does this refer to the expansion of the parking lot to snow storage area?)

15-9-6

(A) **REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT**. Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

II. As a Condominium Complex *(renting the laundry room)*

a. We are grandfathered for 50 plus 24 parking spaces, the rest of the area to be used for snow? *(This is what we have done in the past.)*

b. Our CC&R's allow each owner to have the use of one parking stall. Its size is not specifically stated.

c. Owners are allowed to rent their unit but they are not allowed to run a business from the Condominium complex.
Does this mean we can not rent a condominium as a business? We are not allowed to run the laundry room as a business..... that is we can not charge more for our service than the commercial laundry rooms. If we are to use the "Grandfathered" rule for what can be done from what has always been done in the past the laundry room can not be a business, a commercial rental.

d. The planning staff has been informed that the Laundry room had been constructed as a one bedroom unit. When the project was converted to Condominiums it was

constructed as a laundry room. The plumbing and electrical outlets are constructed to the 1976 building code. If the space is to be converted to a condominium in 2010 it should be constructed to the 2010 building code. There is not any reason for a "Grandfathered" condition to apply to this space.

Our Covenants, conditions and Restrictions (CC&Rs) do not allow us to convert common area to an other use unless 100% of the owners agree, by vote, to the conversion. *(once that has been done we will need a two thirds vote to change the plat)* **The change of the common area to a private rental or for later sale has been rejected by the owners. If the city allows the building permit and plat change of this common area they will be violating the document written under the Utah Condominium Ownership Act.**

The first application;

Excerpt from the application;

The plat shows an area within one of the buildings that is platted common and labeled "laundry". According to the applicant the laundry facility has not been in operation for several years. The HOA has submitted an application to amend the Record of Survey to change the common laundry to a private dwelling unit. The subject area is exactly the same area as a one bedroom lower level unit. The applicant has expressed that the room is plumbed and wired and will not require any structural and exterior modifications. The HOA has indicated that the once the area is platted privately the HOA would rent out the unit to an on-site property manager. The HOA would also have the ability to sell the unit if they deemed desirable.

Modified for the May 12th continuation:

I add:

This is not what the owners were told by the HOA Board. They were told that the machinery was broken and that the room was a breeding ground for cockroaches. The machines were removed and the entire complex has been treated for cockroaches for the past 8 to 10 years. The HOA Board maintains that there are still cockroaches. The pest control representative says that the roaches are brought in by the food that the renters purchase and from the clothing and furnishings that they bring in with them. I say renters because the owners that do not rent have never had roaches reported in their units, it is only the units that are rented.

We were told that the HOA board would rent and manage the converted laundry room to help pay the bills that they have been generating as part of their

"Beautification" remodeling plan. The board has voted down the idea of using the laundry room for a security guard because they feel that he would just sit in there during his shift and do nothing. I don't see why an onsite manager would be any different. If they expect him to pay rent he would have to have a second or third job. The members of the HOA board would want him to manage their privately owned condos thus running a rental agency onsite. They have installed a permanent real estate/rental sign in the view triangle of our west parking lot entrance. I understand that this is part of a frontage protection zone. It appears that the intent of the HOA Board is to convert the Condominium into a commercial rental without first purchasing the property.

During the October 28, 2009 meeting the Planning Commission heard this application.

For the July 14, 2010 Planning commission Meeting.

I understand that the planners and the City Engineer and the Head Planner have reviewed the application to change the plat at 1150 Deer Valley Drive. This is a Condominium Project and it has a set density of living space. The city has recognized that living space is tied to automobiles owned, driven and parked. The City has, over time, changed the requirements for the amount of parking required for specific square footage of living space.

The Snow Country Condominiums do not have the square footage of parking required. The Planning staff, the City engineer and the Head Planner have decided to disregard the requirement of parking stalls and allow more living space to be constructed at 1150 Deer Valley drive. They are saying, for esoteric reasons, that if there were 74 stalls required in 1974 and 92 stalls required in 2010 then 81 stalls are good enough to satisfy the land management code in 2010.

This is what is called a slippery slope to tread upon. I do not feel that there is any reason to burden public parking around 1150 Deer Valley drive with more cars. More renters is the same as more parked cars.

The second application;

This application for parking spaces states that the HOA Board wants to come into compliance with the LMC to be able to facilitate the use of the Laundry Room into a rental unit. The owners were sent an e mail requesting them to vote on a conversion of the plat to make 2 parking stalls for maintenance vehicles. The HOA board is misrepresenting themselves to the planning commission and the owners. The second item, sent to me by city planning, states that the 2 spaces are to be used for maintenance use. The planner reviewing this request states that the 2 spaces are to be used to reduce the impact of the conversion of the laundry room into private usage. This is wording should be removed from his /her review.I

(I have add this from the land management code for the May 12th continuation)

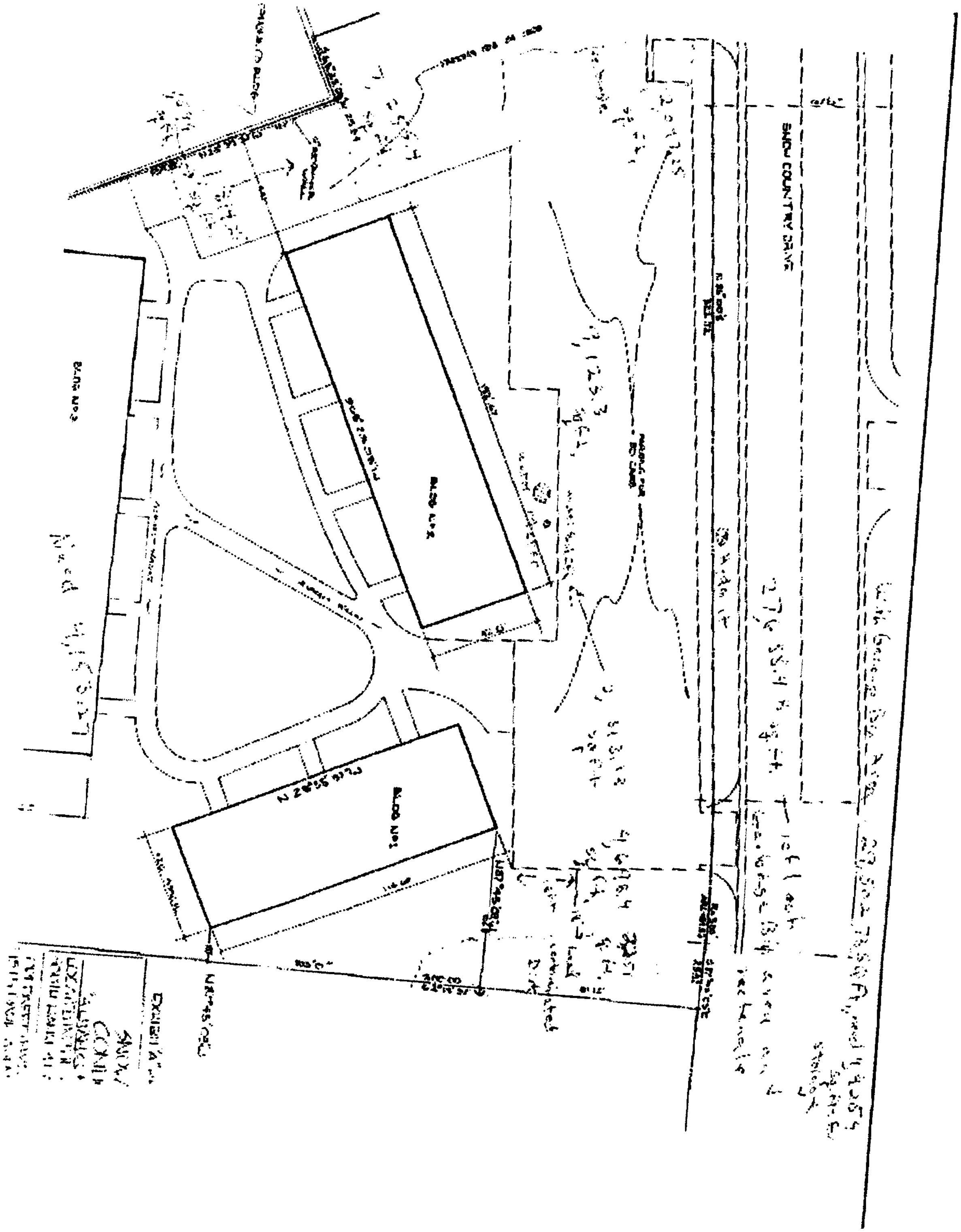
"Applications are reviewed to ensure that they are reducing the degree of noncompliance.
Section 15-9-6(A) indicates the following:
Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure."

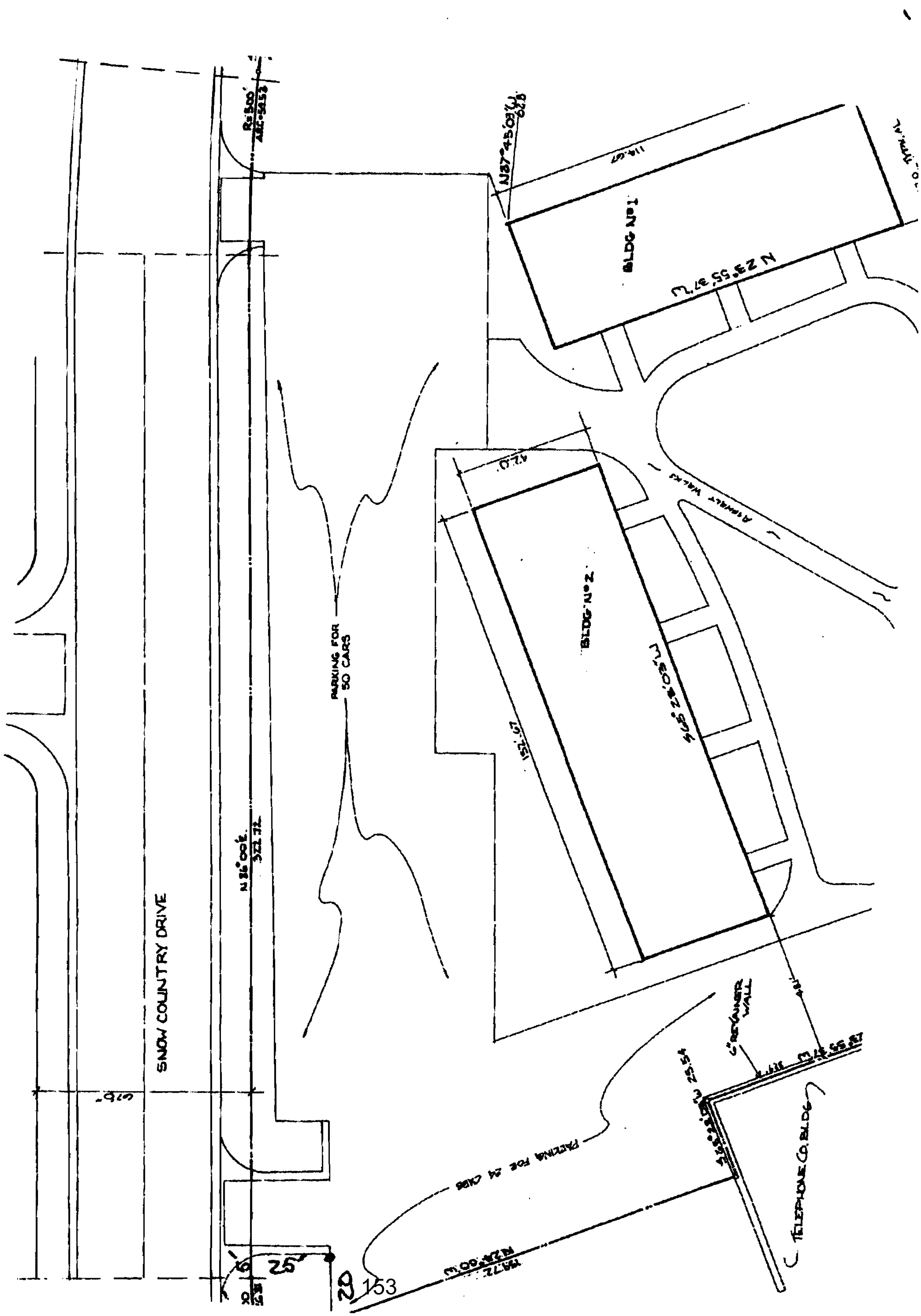
By adding 2 parking spaces the amount of snow storage is being reduced. For the past 34 years the HOA has allowed the snow to be stored in the Northwest corner of the parking lot. It has also allowed the east end of the parking lot to be used for snow storage. When the current remodeling was done in 2006 and 2007 these areas were paved. They are not available as snow storage. Because the permits to do this work were not reviewed, the Condominium Project moved further out of compliance with the Land Management code. By paving more of the Grandfathered snow storage area we are moving further out of the LMC.

(Here is an example of what will happen if we rent the laundry room and /or pave more parking lot.) ☺

Even though we are not permitted to store snow on the hard surfaced areas we still use the visitor parking stalls (on the north east corner) for snow storage. *(making us noncompliant to city code)* **This reduces the number of available parking stalls.** *(making us noncompliant to city code)* **We still use the east end of the parking lot for snow storage; this also reduces the number of available parking stalls.** *(making us noncompliant to city code)* **The entrance ways into the complex are also used for snow storage.** *(making us noncompliant to city code)*

Every year for the last several years the people that are setting up the snow stakes inquire about where we have stored snow. I reply we have used the northeast corner and the east end. The HOA has never instructed them to not store snow in the grandfathered areas but in front of the parking stalls.


SNOW COUNTRY DRIVE


SNOW COUNTRY DRIVE
PARKING FOR 50 CARS
BLDG N° 1
N 23°55'37" W
BLDG N° 2
S 65°28'03" W
152.67
TELEPHONE CO. BLDG
PARKING FOR 24 CARS
N 28°00' E

City Council
Staff Report

Subject: 114 Hillside Replat
Author: Katie Cattan
Application #: PL-07-00184
Date: July 29, 2010
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends that the City Council review the plat amendment application, conduct a public hearing, and consider approving the 114 Hillside Replat according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Topic

Applicant:	Dennis Peterson
Location:	114 Hillside Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendment require Planning Commission review and City Council approval

Background

On October 5, 2007, the City received a complete application for a plat amendment for the existing property at 114 Hillside Avenue. The property at 114 Hillside Avenue is comprised of platted old town lots (Lots 31-35 of Block 72 of the Park City Survey) and portions of vacated Chambers Street (Ordinance Entry no. 139393).

The property is listed on the Park City Historic Sites Inventory as a significant site. A historic home and historic accessory building exist on the site. Sandridge Avenue bisects the property with the home located to the west of Sandridge Avenue and the accessory building is located to the east of Sandridge Avenue (Exhibits B - Survey).

The applicant has not submitted any additional applications with the plat amendment. A building permit cannot be obtained to build across lot lines. A plat amendment must be recorded prior to issuance of a building permit to remove the interior lot line. Any future applications for an addition will require the approval of a historic district design review application.

This application was reviewed by the Planning Commission on July 14, 2010. During this meeting the Commission modified one condition of approval (#7) and added a second condition of approval (#8) at the request of staff and the applicant. No public input was made. The Planning Commission forwarded a unanimous positive recommendation to City Council.

Analysis
The application is to create one lot of record at 114 Hillside Avenue. City staff has been working with the applicant to find a resolution to protect the historic site as well as the existing street. Typically, the City requires that existing roads be dedicated to the City as street right-of-way during the plat amendment process. In this instance, a street dedication would create a substandard lot under the historic accessory building. Staff originally requested that the street be dedicated to the City and the City would lease the property under the garage back to the owner. The owner did not agree to this proposal. After further discussion, Staff suggested that an easement for the road be included in the plat amendment and a plat note stating that "The existence of the historic accessory building located on the lot is encouraged. The alteration or demolition of the historic accessory building must comply with all requirements of the Land Management Code and Historic District Design Guidelines as approved by the Planning Department. The owner has a right to maintain the existing garage as approved by the Planning Department. If the accessory building was to no longer exist and the owner did not begin the application process for reconstruction of the historic accessory building within one year, the easement would automatically be expanded to the east property line."

The applicant is requesting a portion of the City owned Colman Parcel in exchange for the Sandridge Easement and Hillside Avenue right-of-way dedication. The Colman open space purchase facts and figures outlines that one purpose of the property is "establish a mechanism to assist adjacent property owners in settling boundary disputes and title problems". The parcel may also be utilized to trade/sell. The current application fits within these parameters. A portion of Lot 35 would be dedicating as right-of-way to the City (284 sf). The Sandridge Avenue easement contains 1,296 square feet. An additional area of 1206 square feet would be added to the Sandridge Avenue easement automatically if the accessory building were to no longer exist. The applicant is requesting 530 square feet of the Coleman Parcel to meet the 10 feet rear yard requirement of the historic home.

	From City	From Applicant
Coleman Parcel	530 sf	
Sandridge Easement		1,296 sf
Hillside ROW		284 sf
Area East of Sandridge Easement if shed were removed		1,206 sf
TOTALS	530 sf	2786 sf

The resulting area of the new lot would be 7,778 square feet. The total area of the proposed and possible future easements is 2,502 square feet. Within the HR-1 district, the allowable footprint for a structure is based on the total area of the lot. It is staff's recommendation not to include the area within the easement and right of way dedication toward the footprint calculation of the lot. The footprint would be based on the new lot less the easement area and right of way dedication (7,778 –

2,502 - 284 = 4,992 square feet). Under the current Land Management Code (LMC), a lot area of 4,992 square feet would be allowed a maximum footprint of 1,885 square feet.

The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	7,778 square feet (4992 square feet of net area)
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use. A duplex requires a conditional use permit.
Front yard. The minimum front yard is ten feet. (10')	The minimum front yard is ten feet (10').
Rear yard. The minimum rear yard is ten feet (10')	The minimum rear yard is ten feet (10').
Side yard. The minimum side yard for a lot greater than 100 feet wide is 10 feet (10') minimum on each side with a total of thirty feet (30') combined.	Existing historic home is nine feet (9') from the south property line. The setback from the north property line must be a minimum of twenty one feet (21').
Footprint: based on 4,992 square foot lot (footprint of existing home 1079.63 sf)	1,885 square feet

Planning Staff finds there is good cause for the plat amendment as it will remove interior lot lines, create a clean ownership boundary for the property, and preserve two historically significant structures. Historic preservation is highly valued in Park City. The existing home and accessory building are significant structures listed on the Park City Historic Sites Inventory. By allowing the plat amendment, the historic home will comply with the setbacks of the HR1 zone and the accessory building will remain on the same property. The plat amendment will insure that the two structures can not be sold separately. Also, the City will receive an easement for existing Sandridge Avenue for future improvements. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

<u>Department Review</u>

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. Issues which were brought up during the staff meeting have been resolved.

Notice
Notice of this hearing was sent to property owners within 300 feet and the property was posted 14 days prior to the Planning Commission meeting. Legal notice was also placed in the Park Record.

Public Input
No comments have been received by staff at the date of this writing.

Alternatives
1. The City Council may approve the 114 Hillside Avenue Replat as conditioned or amended; or
2. The City Council may deny the 114 Hillside Avenue Replat and direct staff to make Findings for this decision; or
3. The City Council may continue the 114 Hillside Avenue Replat to a date certain and request staff to provide additional information.

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 a future building permit across the two lots could not be obtained by the owner.

Recommendation
Staff recommends that the City Council hold a public hearing the 114 Hillside Avenue Replat and consider approving the plat based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits
Exhibit A – Proposed Ordinance
Exhibit B – Survey
Exhibit C – Aerial photograph

Ordinance No. 10-

AN ORDINANCE APPROVING THE 114 HILLSIDE REPLAT LOCATED WITHIN LOTS 31-35 OF BLOCK 72 OF THE PARK CITY SURVEY AND PORTIONS OF VACATED CHAMBERS STREET, PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, the owner of the properties known as 114 Hillside Avenue, has petitioned the City Council for approval of a plat amendment for the existing Lots 31-35 of Block 72 of the Park City Survey and portions of vacated Chambers Street; 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 14, 2010, to receive input on the 114 Hillside Replat; and

WHEREAS, the Planning Commission, on July 14, 2010, forwarded a positive recommendation to the City Council; and

WHEREAS, on July 29, 2010, the City Council approved the 114 Hillside Replat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 114 Hillside Replat.

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 114 Hillside Replat 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 114 Hillside Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lots 13-35 of Block 72 of the Park City Survey and portions of vacated Chambers Street.
3. The proposed plat amendment will create one lot that is 7,778 square feet. The total area of the proposed and possible future easements is 2,502 square feet.
4. Within the HR-1 district, the allowable footprint for a structure is based on

the total area of the lot. The footprint would be based on the new lot less the easement area and right of way dedication (7,778 – 2,502 - 284 = 4,992 square feet). Under the current Land Management Code (LMC), a lot area of 4,992 square feet would be allowed a maximum footprint of 1,885 square feet.

5. The Colman open space purchase facts and figures outlines that one purpose of the property is “establish a mechanism to assist adjacent property owners in settling boundary disputes and title problems”. The parcel may also be utilized to trade/sell. The current application fits within these parameters.
6. The minimum lot size in the HR-1 zoning district is 1875 square feet.
7. There are two existing historic structures located on the property. A historic accessory building and a historic home. Both structures are significant on the Park City Historic Sites Inventory.
8. Existing Sandridge Avenue bisects the property at 114 Hillside Avenue. An easement for the existing Sandridge Avenue will be recorded within the plat amendment.
9. The neighborhood is characterized by single family homes and accessory buildings.
10. All findings within the Analysis section are incorporated herein.

<u>Conclusions of Law:</u>

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

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval and the plat will be void.
3. No remnant parcels are created.
4. Applicant will grant an easement for the current Sandridge Avenue alignment to the City.
5. Within the HR-1 district, the allowable footprint for a structure is based on the total area of the lot. The area within the easement and right of way dedication is not included in the area counted toward the footprint calculation of the lot (4,992 square feet). Under the current Land Management Code (LMC), a lot area of 4,992 square feet would be allowed a maximum footprint of 1,885 square feet. A plat note will be recorded stating that “The maximum footprint for all structures on the property is 1885 square feet.”

6. Modified 13-D sprinklers shall be required for all occupied structures.
7. The existence of the historic accessory building located on the lot is encouraged. The alteration or demolition of the historic accessory building must comply with all requirements of the Land Management Code and Historic District Design Guidelines as approved by the Planning Department. The owner has a right to maintain the existing garage as approved by the Planning Department. If the accessory building was to no longer exist and the owner did not submit a complete application for reconstruction of the historic accessory building within one year, the easement of Sandridge Avenue would automatically be expanded to the east property line.
8. An encroachment agreement for the existing historic accessory building must be recorded prior to plat recordation.

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

PASSED AND ADOPTED this 29th day of July 2010.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

Attachment 1. Plat

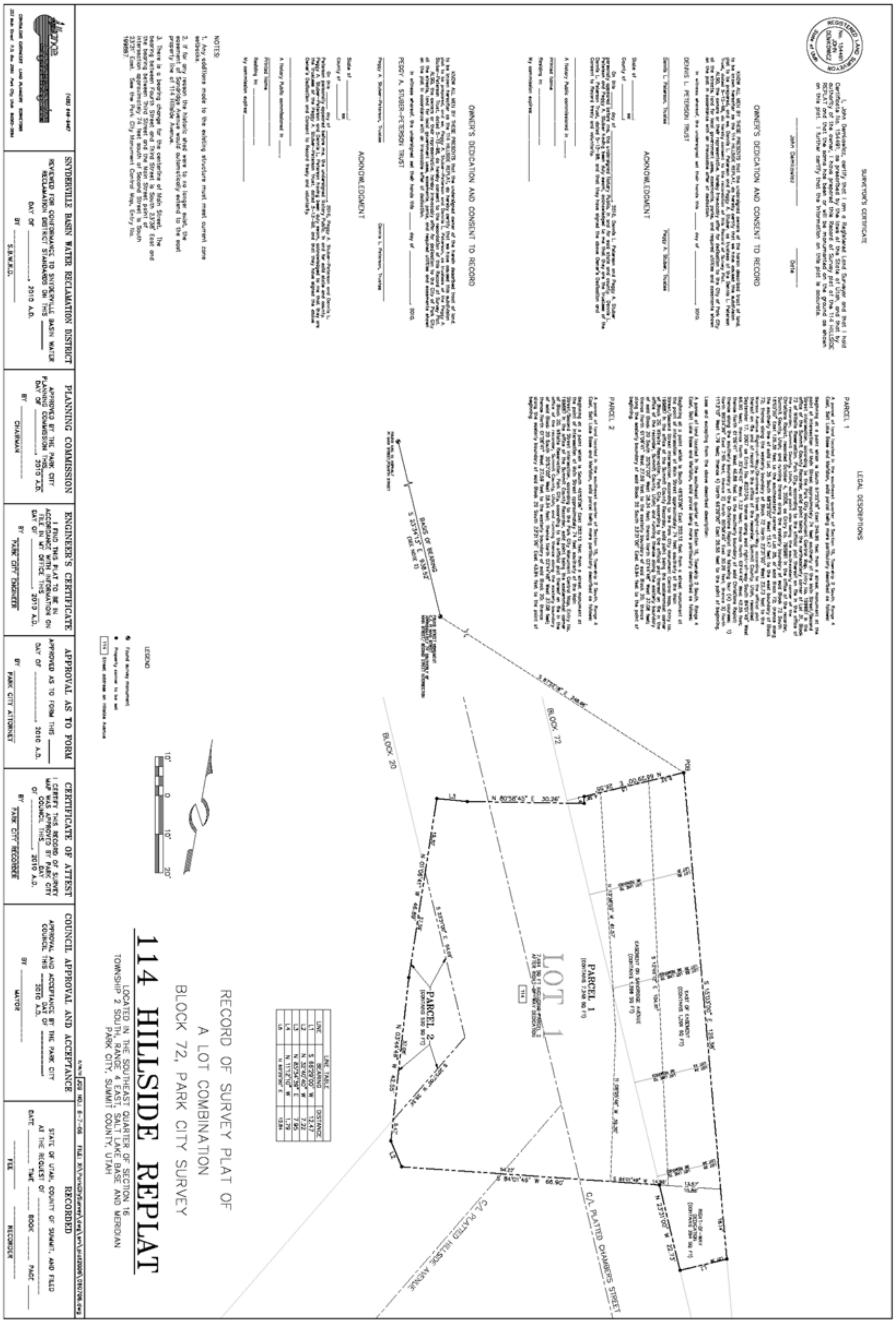


Exhibit B. Existing Conditions Survey

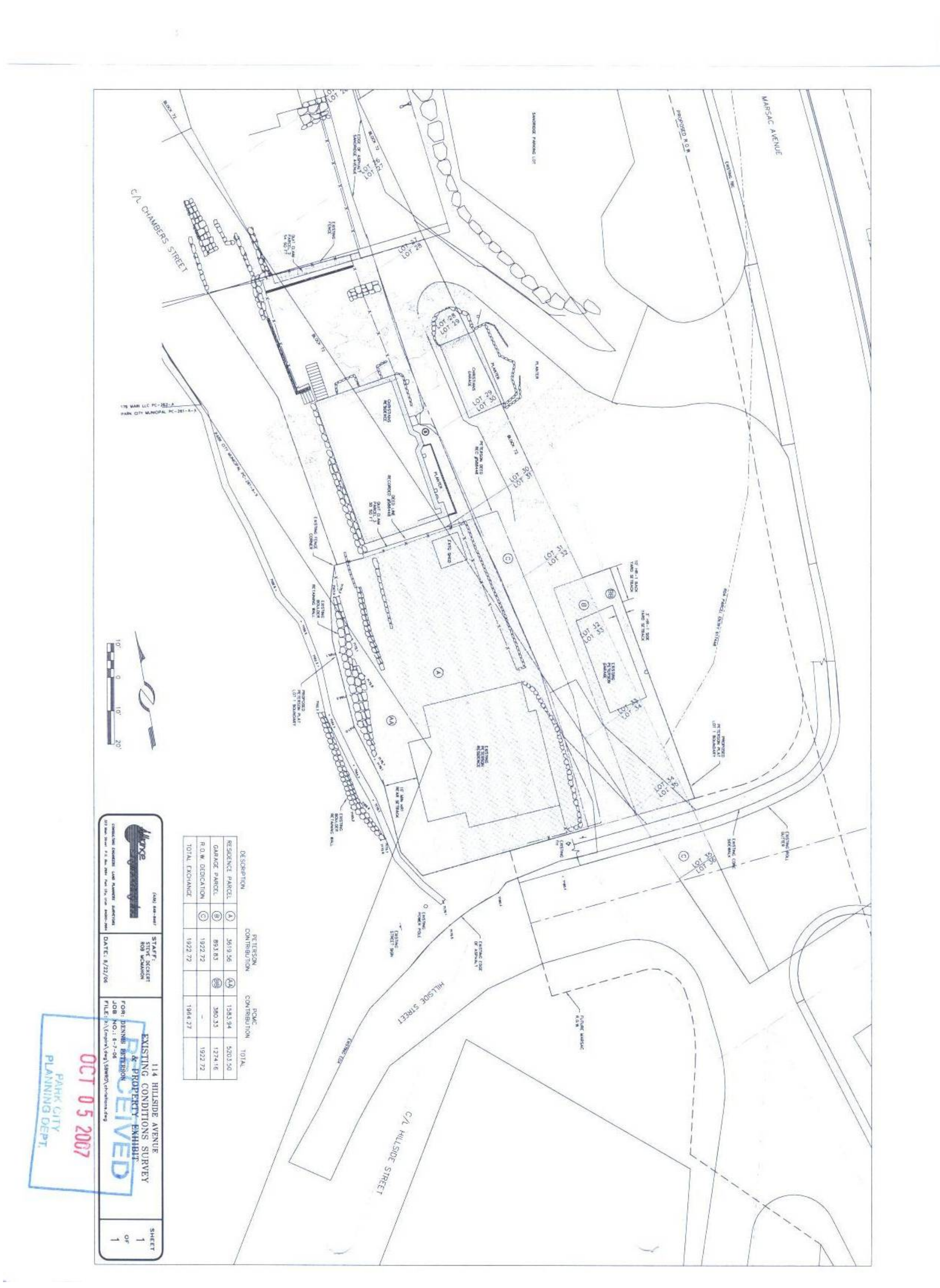


Exhibit C – Aerial photograph