PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 16, 2009

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meetings at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 16, 2009.

Closed Session
2:00 p.m. Property and litigation

Work Session
3:00 p.m. Council questions/comments
3:10 p.m. Quarterly goal update P. 7 - 19
3:35 p.m. Ironhorse Transit Facility expansion design update P. 20 - 41
4:00 p.m. Board of Adjustment and Historic Preservation Board interviews
5:45 p.m. Break

Regular Meeting
6:00 p.m.
I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 25 2009
P. 42 - 53

V RESIGNATIONS AND APPOINTMENTS

Consideration of the appointment of three members to the Planning Commission for terms expiring July 2013

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

1. Consideration of an Ordinance amending the 7620 Royal Street E, Royal Plaza Record of Survey Plat
(a) Public hearing
(b) Motion to continue to August 8, 2009

2. Consideration of an Ordinance approving The Knoll Estates (fna Deer Valley Club Estates) Lots 17 and 18 Amended Subdivision Plat, 7888 Aster Lane, Park City, Utah
(a) Public hearing P. 54 - 104
(b) Action

3. Consideration of a Master Festival License for the Park City Municipal Corporation Employee Party to be held at City Park on August 8, 2009 P. 105 - 109
(a) Public hearing
(b) Action

4. Consideration of a Master Festival License for the Tour de Park City to be held August 1, 2009 P. 110 - 117
(a) Public hearing
(b) Action

5. Consideration of a Master Festival License for the LDS Church Pioneer Day Celebration in City Park to be held in City Park on July 24, 2009 P. 118 - 131
(a) Public hearing
(b) Action

6. Consideration of an Ordinance approving the 331 McHenry Avenue Subdivision, located at 331 McHenry Avenue, Park City, Utah P. 132 - 139
(a) Public hearing
(b) Action

7. Consideration of an Ordinance approving the Frandsen Subdivision Amended located at 1439 Woodside Avenue, Park City, Utah P. 140 - 147
(a) Public hearing
(b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

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

PARK CITY COUNCIL AND SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH
JULY 20, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah and the County Council of Summit County will meet on Monday, July 20, 2009 at 9 a.m. at the Sheldon Richins Building, 6505 N Landmark Drive, on Monday, July 20, 2009 to discuss general transit issues. This meeting is for discussion purposes only and no formal action will be taken.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 23, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, July 23, 2009.

Posted: 07/13/09
See: www.parkcity.org

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

July 2009 *(Candidate filing period 7/1 – 7/15)*

16 **Roger gone**
20 Joint meeting with Summit County Council – Richens Building 9 – 11 a.m.
23 **No meeting**
24 Pioneer Day – City offices closed Friday
30 Site visit to St. Regis
RAB interviews (4:30 – 5:45 p.m.)
SR248 tunnel - work
Contract for fiber replacement for Marsac Building
First amendment to the public service agreement with Carollo Engineers
Resolution approving the PCMC Water Conservation Plan
Contract with _____ in the amount of $_____ for construction, engineering, management and inspection for the Lower Silver Creek raw waterline, in a form approved by the City Attorney
Quinn's Raw Waterline Construction Agreement
PC Heights annexation

August 2009

6 RAB interviews (4:15 – 5:45 p.m.)
Award of Certified Municipal Clerk (CMC) designation to Sharon Bauman by the UMCA Board on behalf of IIMC
MFL – Tour of Utah – August 22
7620 Royal Street E, Royal Plaza – Amd to RoS [PL-09-00659] KW
1897 Prospector Ave, Gigaplat – Plat [PL-09-00682] KW
13 **Dana and Tom gone – no meeting**
20 Emergency management update
Environmental strategic plan update
Municipal Carbon Footprint Plan
MFL – Park City Endless Summers and Dogday Afternoons – 8/29 City Park
Election Judges - Appointment
27 **No meeting**
29 Move back to Marsac

September 2009

3
10 **No meeting – City Tour**
15 Primary election
17 **Liza gone**
24

October 2009

1 **Liza gone**
8

15
22
29

November 2009

3 *General Election*
5
12
19
26 Thanksgiving

December 2009

3 Extraordinary funding requests review
10
17

Pending Items:

Business license policy – late summer
Performance measures - August
For hire vehicles licensing
Ordinance amending Municipal Code Titles 1 and 2
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues

MEMO

Executive Department

445 Marsac Avenue
P.O. Box 1470
Park City, UT 84060
Tel 435.615.5180
Fax 435.615.4901
www.parkcity.org

To: City Council
From: Tom Bakaly, City Manager
Subject: 2nd Quarter (April - June 2009)
Date: July 16, 2009

On July 16, 2009 we have scheduled time in work session for City Council to review goals and action items.

We continue to tentatively add new action items to your goal status report based upon individual input from Council members, the Mayor and Staff. Those items are in bold and need to be affirmed by Council.

The report also includes quarterly summaries related to traffic calming and neighborhood service requests. This work session will provide an opportunity to for departments to provide operational updates on Council goals if requested.

2009 Park City Goals & Targets for Action (April - June 2009)

Top Priority

Goal 1 Quality and Quantity of Water - Dana Williams and Candace Erickson; Alternate, Jim Hier

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Pipeline Preferred Project Agreements - Kathy Lundborg			
Determine a preferred project with Weber Basin and Bureau of Reclamation			
1. Quinn's Treatment Plant - begin design	**Dec-08**		**In Progress**
2. Design of Pipeline Improvements	Jan-07	**Jan-09**	**In Progress**
3. Pipeline Construction Begins	Apr-09	**Aug-09**	Pending
4. Quinn's Treatment Plant - Begin Construction	**Sep-09**		**Pending**
2. Judge Water Treatment Plants - Kathy Lundborg/Jerry Gibbs			
1. Determine Scope and Timing for Plant Design and Construction **(now part of Quinn's water treatment plant)**	Aug-04	**Aug-09**	Pending
2. PCMC conceptual design for treatment at proposed Quinn's water treatment plant		**Aug-09**	In Progress
3. NPDES Permit	Sep-05	**Dec-09**	Pending
4. Judge delivery system to Quinn's Water Treatment Plant construction	Apr-06	**Dec-10**	Pending
3. Other Water Solutions - Supply Options/Conservation - Jerry Gibbs/Kathy Lundborg			
1. Summit County, Snyderville Basin Water Reclamation District Cooperation Discussions/Stream Flow Enhancements	Annual		Ongoing
2. JSSD Water Discussions	Annual		Ongoing
3. Water Demand Reduction Plan - Review landscaping requirements/limits		Jun-09	**Complete**
4. Supply/Demand Update to City Council		**Sep-09**	Pending
4. Water Funding Strategy - Kathy Lundborg/Jerry Gibbs			
1. Pursue future appropriations and authorizations	Annual		Ongoing

2009 Park City Goals & Targets for Action (April - June 2009)

Top Priority

Goal 2 Preservation of Park City Character - Liza Simpson and Dana Williams; Alternate, Candace Erickson

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Old Town Improvements - Jonathan Weidenhamer and Dave Gustafson			
Downtown Projects			
1. Town Plaza/Swede Alley			**Revised**
2. Pocket Park/Historical Wall Renovation			
●**Council direction of Scope**	**Jan-09**		**Complete**
●**RFP for Design**	**Aug-09**		**Pending**
●**Construction complete**	**Oct-10**		**Pending**
3. Marsac Building			
●Construction complete	Oct-08	**Aug-09**	In Progress
4. Last Phase of Downtown Improvements (streetscape, sidewalks, pedestrian connections, etc.)	**Ongoing**		**Ongoing**
2. Affordable Housing - Phyllis Robinson			
1. Snow Creek Affordable Housing			
●**Establish selection criteria, pricing and deed restrictions**	**Jul-09**		**In Progress**
●Completion in **2010**	**Jul-09**	**Jan-10**	Pending
2. Affordable Housing Resolultion Update	**Jul-09**		Pending
3. Monitor Developer Obligations **& Compliance**	Ongoing		Ongoing
3. Trash and Recycling - Jerry Gibbs			
1. **Discussion** on recycling facility relocation		**Aug-09**	Pending
2. Mandatory Commercial/Institutional Cardboard Recycling	**Jun-09**	**Aug-09**	In Progress

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
4. Environmental Initiatives - Diane Foster			
1. Update to Environmental Strategic Plan	Jan-09		**Bi-Annual**
2 Explore mandatory green building initiatives - **not a current Council priority**			
3. Develop Municipal Department Level CO2 Emission Reduction Plans	**Nov-08**	**Mar-09**	**Complete**
4. Inventory CO2 emissions **and water consumption** from entire PC community	Dec-08	**Mar-09**	**Complete**
5. Wind Resource measurement at Quinn's Junction	Apr-09	**Aug-09**	In Progress
6. Develop employee carpool campaign		**Aug-09**	In Progress
7. Energy audits of Council member homes	Oct-08	TBD	In Progress
8. Implement general municipal building efficiency measures	Apr-09	**Aug-09**	In Progress
9. Install solar panels at Park City Ice Arena	May-09	**Aug-09**	In Progress
10. Implement community CO2 emission and water consumption reduction program in conjunction with partners	**Aug-09**	**Oct-09**	**In Progress**
11. Rocky Mountain Energy Grant Use	Jun-07	**Oct-09**	In Progress
12. Bonanza Power Station			
13. Information on Idling Ordinance			
5. Historic Preservation - Thomas Eddington			
1. Develop Landmark/Significant Status Inventory	Ongoing	**Jan-09**	**Complete**
2. Amend LMC as needed; including Steep Slope		**Apr-09**	**Complete**
3. Historic District Guideline Revisions	Oct-08	**Jul-09**	**Complete**
4. General Plan Update	**Jun-09**	**Sep-09**	**Pending**
6. Senior Issues - Phyllis Robinson			
1. Housing Demand Market Analysis	**Jul-09**		**In Progress**
2. Assessment of senior service needs	**Sep-09**		**In Progress**
7. Staffing Plan for Sustainable Vision and Implementation			
1. Revise self-managed teams work plan to frame policy direction and implement Council Goals	Ongoing		Ongoing
8. Park City Heights Task Force and Annexation - Thomas Eddington			
1. Annexation - City Council Determination		**Jul-09**	Pending
2. Master Planned Development (MPD) for site	**Jul-09**	**Oct-09**	**Pending**
9. Emergency Transitional Needs (Peace House) - Phyllis Robinson			
1.Technical Assistance Resources	**Oct-08**	**May-09**	**Complete**
10. Lower Park Avenue Property Master Plan (Park Ave/Woodside Ave) - Jonathan Weidenhamer, Thomas Eddington			
1. Preliminary internal fact finding and research	Oct-08	**May-09**	**Ongoing**
2. Council direction on scope of planning effort (initial)	**Jun-09**		**Complete**
3. Identify potential components and tax increment	**Jul-09**		**In Progress**
4. RFP for Master Plan	**Jul-09**		**Pending**
5. Extend Revelopment Agency	**Sep-09**		**In Progress**
11. General Plan Update - Thomas Eddington			
1. Staff to prepare timeline, scope of work and budget impact analysis		**Sep-09**	**In Progress**

2009 Park City Goals & Targets for Action (April - June 2009)

Top Priority

Goal 3 Effective Transportation and Parking System - Jim Hier and Roger Harlan; Alternate, Liza Simpson

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Neigbhorhood Traffic Management - Kent Cashel			
See Attached Neigbhorhood Traffic Management Summary Report			
2. Regional Transportation - Kent Cashel			
1. Enhance Transit Marketing	Annual		Ongoing
2. Implement employee carpool incentive program	Annual		Ongoing
3. Regional/Rural Transporation Issues - COG	Ongoing		Ongoing
4. Iron Horse Expansion			
●Joint Meeting with County	**Jul-09**		
●CUP Approval by Planning Commission	**Jul-09**		
●Begin Construction	**Nov-09**		
●Construction Complete	**Dec-10**		
3. Transportation Strategic Plan - Kent Cashel			
1. Annual Progress Report to City Council	Annual		Annual
2. Implement Transportation Plan Strategies	Ongoing		Ongoing
3. Implement Task Force Recommendations	Sep-07		Ongoing
4. Increase Bio-Fuel Mix - **Run 50/50 bio-pilot program in Trolley**	Sep-08	**Aug-09**	In Progress
5. Update Strategic Plan to include pedestrian-bicycle and transit modes - **Pending General Plan Update**	Sep-08	**Dec-09**	**Pending**
6. General Plan		**Dec-09**	**Pending**
4. Public Parking - Kent Cashel			
1. Conduct Main Street Circulation Study	**May-09**	**Dec-09**	**In Progress**
5. Community Transportation Plan - Kent Cashel, Jonathan Weidenhamer			
1. Entry Corridor		**Aug-09**	Ongoing
2. Park and Ride		**Dec-09**	In Progress
6. Highway 248			
1. Long Term Assessment and Options (Phase II)	Apr-08	**Jan-09**	**Completed**

2009 Park City Goals & Targets for Action (April - June 2009)

Top Priority

Goal 4 World Class, Multi-Seasonal/Resort Community - Jim Hier and Liza Simpson; Alternate, Joe Kernan

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Economic Development - Jonathan Weidenhamer			
1. Implementation of 2008-10 Economic Development Plan	Ongoing		Ongoing
2. City-wide market analysis & carrying capacity study		**Sep-09**	In Progress
3. Tents and Temporary Structures	**Dec-08**	**Sep-09**	**In Progress**
4. High Altitude Training/Master Planning City property at Quinn's			
●RFP Issuance with USSA		**Aug-09**	**Pending**
●Develop Model		**Nov-09**	**Pending**
5. HMBA Requests	**Jul-09**		**Complete**
2. Support for Arts - Sharon Bauman			
1. Art in Public Places Implementation	Ongoing		Ongoing
2. Bus Shelter Enhancement Implementation - Phase II (re-issued RFP)	**Apr-09**	**Jul-09**	**In Progress**
3. Ice Rink Artistic Banner Implementation (issue RFP)	**Apr-09**	**Jul-09**	**In Progress**
3. Community Amenities and Events: Evaluation, Future Direction - Jonathan Weidenhamer			
1. Strategic Plan for farm - Fire access, trail and display of artifacts	Jan-09		**Complete**
2. KPCW Sale	**May-09**	**Sep-09**	**In Progress**
3. Event Calendar	**Jun-09**		In Progress
●Criterion to prioritize and allow Main Street closure	**Jun-09**	**Nov-09**	**In Progress**
●Event Fees, revenues and enforcement	**Jun-09**	**Nov-09**	**In Progress**
4. Museum Expansion	**Jul-09**		In Progress
●Finish landscaping	**Jul-09**		**In Progress**
●Regrade walkwak	**Oct-09**		**Pending**

2009 Park City Goals & Targets for Action (April - June 2009)

High Priority

Goal 5 Recreation, Open Space and Trails - Candace Erickson and Liza Simpson; Alternate, Joe Kernan

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Ongoing Open Space Acquisition - Diane Foster, Matt Twombly			
1. Flagstaff - Distribution of open space contribution	Mar-04		Ongoing
2. Acquisition of Kimball Junction & Round Valley parcels in Summit County		**Jan-09**	**Complete**
3. Gambel Oak - Legislation	Oct-04	**Mar-09**	**Complete**
4. Red Maple/Air Force	Oct-04	**Oct-09**	Ongoing
5. Gambel Oak & White Acre Conveyance to Park City	**Nov-09**		**In Progress**
6. Other Properties	Ongoing		Ongoing
2. Open Space Management - Diane Foster, Matt Twombly			
1. Additional easement monitoring on new acquisitions	Aug-05		Pending
2. Clissold Conservation Easement	Jun-08	**Jul-09**	**In Progress**
3. Install legacy signage on all open space acquisitions	**Jun-09**	**Aug-09**	**In Progress**
4. Kimball and new Round Valley Conservation Easement	**Feb-10**		**In Progress**
3. Trails - Matt Twombly/Heinrich Deters			
1. Trailhead Parking Phase II - as sites are available			**Complete**
2. Implement back-country trails maintenance plan and budget for FY2010+	**Jul-09**		**Ongoing**
3. Coordinate new connections by development/TMP CIP	**Jun-09**	**Aug-09**	**Ongoing**
4. Quinn's to Silver Summit through IHC/PRI	**Aug-10**	**Nov-09**	**In Progress**
5 Citywide Pedestrian/Street Lighting guidelines consistent with General Plan, Trails Master Plan and WALC	**Jan-09**	**Jun-10**	**In Progress**
4. Neighborhod Parks/City Park - Ken Fisher/Matt Twombly			
1. Old Town Park (Wisnewski) Construction Contract Issued			
●**Construction Complete**	Jun-08	**Jun-09**	**Complete**
2. Creekside Park on Holiday Ranch Loop			
●CUP for Park Development	Oct-08	**May-09**	**Complete**
●**Bid for park construction**	**Feb-09**	**Jul-09**	**Pending**
●**Begin park construction**	**May-09**	**Jul-09**	**Pending**
3. Dog Park - Direction from RAB/Council	**Jul-09**		**Pending**
●Construction	**Jul-09**	**Aug-09**	**Pending**
4. Explore options for covering the skatepark	**May-09**	**Sep-09**	**Pending**
5. Begin Master Plan for north and south ends of City Park	**May-09**	**Sep-09**	**Pending**

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
5. Ice Rink - Ken Fisher			
1. Complete Energy Efficiency Initiative			
●Install solar panels on south roof of ice arena	Mar-08	**May-09**	**Complete**
●Install Heat Reclamation off Refrigeration System	Mar-08	**Aug-09**	In Progress
2. Install new scoreboards inside ice arena and on sports fields	Aug-08	Aug-09	In Progress
3. Work with PAAB to install artistic banners	**Dec-08**	**Aug-09**	In Progress
4. Operate year round	**May-09**		**In Progress**
5. Ice Arena Completion - final punch list	Aug-06	**Dec-09**	In Progress
6. Recreation and Racquet Club: Next Steps - Ken Fisher			
1. Dirt Jump Park - See Holiday Ranch Loop Park			
2. Racquet Club Renovation			
●Development of schematic design	Dec-08	**Sep-09**	In Progress
●Develop Phasing Plan for Project and Present to Council	**Jun-09**		**Complete**
●Planning Commission Action			
●Submit Conditional Use Permit Application for Remodel	**Sep-09**		**In Progress**
7. Outdoor Recreation Complex - Matt Twombly			
1. Phase II Improvements	FY'10		Pending
8. Walkability Implementation Phase I - Matt Twombly, Heinrich Deters			
1. Traffic Calming			
●Engineering Recommendations	**May-09**	**Jun-09**	**Complete**
●Construction	**Oct-09**	**Jul-10**	**In Progress**
2. Little Kate Sidewalk			
●Engineering	**May-09**	**Jun-09**	**Complete**
●Construction	**Nov-09**		**Pending**
3. SR-248 Tunnel	**Oct-09**		**Pending**
4. Bonanza Tunnel	**Oct-10**		**Pending**
5. Miscellaneous Improvements	**FY 10**		**In Progress**

2009 Park City Goals & Targets for Action (April - June 2009)

High Priority

Goal 6 Regional Collaboration and Partnerships

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Transportation - Kent Cashel			
See Goal 3			
2. Flagstaff-Wasatch County - Tom Bakaly			
1. Work with Wasatch County re SR-224 and public versus private access	Ongoing		Ongoing
3. Recreation - Ken Fisher			
See Goal 5			
4. Health - Pace Erickson			
1. Noxious weed coordination and enforcement on private property	Ongoing		Ongoing
5. Water - Kathy Lundborg/Jerry Gibbs			
See Goal 1	Ongoing		Ongoing
6. Solid Waste - Jerry Gibbs and Joe Kernan			
1. Implementation of Solid Waste Alternatives	Ongoing		Pending
7. Mosquito Abatement - Pace Erickson			
1. Continued coordination with Summit County	Ongoing		Ongoing
8. Library - Linda Tillson			
1. Library Reciprocal Borrowing for Summit County Students	Ongoing		Ongoing
9. Inter-Agency Task Force			
1. Continued Participation	Ongoing		Ongoing
10. Open Space Acquisition			
See Goal 5	**Ongoing**		**Ongoing**
11. Carbon Advisory Board - Diane Foster			
1. Engage Summit County and other groups (non-profit, HMBA, Chamber, School District) in reducing water consumption and carbon emissions	**Ongoing**		**Ongoing**

2009 Park City Goals & Targets for Action (April - June 2009)

Other Priorities

Goal 7 Open and Responsive Government to the Community - Roger Harlan and Joe Kernan; Alternate, Jim Hier

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Community Vision - Phyllis Robinson,			
1. Community Visioning Plan			
a. Project Deliverables			
1. Implement Community Dialogues	Jan-09	**Apr-09**	**Complete**
2. Develop Core Values and Community Ideals	Mar-09	**Jul-09**	Pending
3. Vision Action Plan	Jul-09		Pending
2. Update Material for Vision Presentations annually following Council Visioning sessions	Annual		Annual
2. Budget Review & Benchmark - Bret Howser			
1. Finance/Citywide software system conversion			
a. Position Budgeting - pending Budget Module	Dec-08	**Aug-09**	**Pending**
b. Budget	Dec-08	**Aug-09**	**Pending**
2. Phase II Benchmarks determined with CAST		**Sep-09**	**In Progress**
3. Customer Service: Evaluation and Action Plan - Craig Sanchez, Phyllis Robinson			
1. Accountability/responsibility training for Staff	Quarterly		Ongoing
2. Employee Survey & Traning - communication of results	Annual		Annual
3. Customer Service Survey **and Citizen Satisfaction Surveys (P Robinson)**	**Oct-09**		**Pending**
4. City "Fam" Tours	**Nov-09**		**Pending**
4. Public Safety - Wade Carpenter			
1. Emergency Resopnse Plan Update			
a. Staff Training NIMS ICS-400	Aug-07		**Ongoing**
b. Community Preparedness Outreach/Reverse 911 Data Input (H. Daniels)		**Dec-09**	**Evaluating**
2. Community Oriented program - Citizens Academy	Dec-07	**Dec-09**	In Progress
3. Lexipol Service Evaluation (Comprehensive Police Policy Manual Program based on model policies developed by a national board)	Dec-08	**Dec-09**	Pending Legal Review
4. Senior Elected Officials Emergency Training	**Feb-09**		**Completed**
5. Communications - Phyllis Robinson, Scott Robertson, Myles Rademan			
1. Leadership 101	**Feb-09**		**Complete**
2. Media Seminars	**Apr-09**		**Complete**
3. Sustanability Promotion	Ongoing		Ongoing
4. Park City University	Ongoing		Ongoing
5. Communications Strategic Plan and Website Upgrade	Apr-08	**Aug-09**	In Progress
6. Community Emergency Preparedness	**Sep-09**		**Pending**

2009 Park City Goals & Targets for Action (April - June 2009)

Neighborhood Traffic Management Summary Report
Attachment "A" to Quarterly Status Report

Location	Date Recd/ Phase 1 Mtg	Citizen Concerns	Phase 1 Follow-up	Status	Target Completion
American Saddler					
	Sep-08	●Need for stop sign at Ashley Ct. Intersection	●Field Study and Data Gathering	Complete	Oct-08
	Nov-08	●Need for lane striping	●Committee Meeting	Complete	Nov-08
			●Implement Action Plan	**In Process**	Apr-09
			•Engineering Report	Complete	Jan-09
			•Neighborhood Involvement	**In Process**	Mar-09
			•Construct Intersection Improvements	Pending	**Aug-09**
Aspen Springs Drive/Meadow					
		●Traffic Calming Reqeusts	**●Speed Counts**	**In Process**	**Aug-09**
			●Install Driver Feedback Sign	**In Process**	**Aug-09**
Lower Woodside Avenue					
	Jan-09	**●Request to remove parking on street**	**●Managers Report to Council**	**In Process**	**Jul-09**
McHenry/Rossi Hill					
	Sep-08	●Sight lines at intersection	●Field Study and Data Gathering	Complete	Oct-08
	Oct-08		●Committee Meeting	Complete	Oct-08
			●Implement Action Plan	Complete	Nov-08
			•Enginering Report	Complete	Nov-08
			•Installed Stop Sign on McHenry	Complete	Nov-09
			▪Install stop signs on 3 legs of intersection	**Pending**	**Aug-09**
Norfolk Avenue					
	Apr-09	**●Traffic Calming Requests**	●Order and Install Signs	In Process	**Aug-09**
			●Traffic Counts	In Process	Ongoing
			●Crosswalk Study	In Process	**Aug-09**
Wildlife Signs					
			●Install four wildlife signs on Meadows and Royal Street	**In Process**	**Aug-09**
Woodside Avenue					
	Mar-08	●Wintertime traffic flow (request for one-way)	●Meet with neighborhood to understand request	Complete	Jun-08
	Apr-08		●Develop initial response and timeline to process request	Complete	Aug-08
			●Gather and analyze data on request	**Complete**	**Jan-09**
			●Engineer Study and Report	**Complete**	**Feb-09**
			●Committee Meeting	**Complete**	**Feb-09**
			●Final response to request	**Complete**	**Apr-09**
			●Install advisory signs and stripe	**In Process**	**Aug-09**

2009 Park City Goals & Targets for Action (April - June 2009)

Neighborhood & Business District Needs Assessment

Request for Elevated Levels of Service Request (RELS) Attachment "B" to Quarterly Report

Status Report

Staff met with neighborhood and prioritized requests - Project 1 sidewalk on Deer Vally Drive completed. Bus stop installed. School bus stop pending completion by private developer.

Target for Action / Actions / Staff Coordinator	Target Date	Status	Budget
1. Pedestrian Lighting - Matt Cassel			
1. Install street and pedestrian lights from Stonebridge condos to roundabout	**Jun-10**	**Cost identified**	**State Road Funds Grant**

2009 Park City Goals & Targets for Action (April - June 2009)

Neighborhood & Business District Needs Assessment

Request for Elevated Levels of Service Request (RELS) Attachment "B" to Quarterly Report

Status Report

Staff met with HMBA. Step 6 of RELS

Target for Action / Actions / Staff Coordinator	Target Date	Status	Budget
1. Main Street Improvements			
1. Install integrated sound system on Main Street	Jul-09	Completed	$0
2. Conduct feasibility study	Aug-09		$5,000
3. Install lighting system on each Main Street Building	Oct-09		Pending CIP

City Council
Staff Report

DATE:	**July 16th, 2009**
DEPARTMENT:	**Public Works**
AUTHOR:	**Kent Cashel, Transportation Manager**
TITLE:	**Expanded Transit facility**
TYPE OF ITEM:	Administrative

SUMMARY RECOMMENDATION:
This report and work session presentation will update Council on the design of the expanded Ironhorse Facility expansion as well as the Joint Transit Advisory Board's progress toward a final recommendation on project cost sharing. Staff requests that Council approve the use of City owned parcel #SA-254-1-X to meet project needs.

A. Background

In 2002 Park City began operating transit service for Summit County. Expansion of both County and City service has required the addition of vehicles to the City's bus fleet which now includes 28 -35' buses, 5 -20' cutaway vans and the Main Street trolley. These vehicles are housed and maintained at the Public Works facility on Ironhorse Dr. All available storage bays are now occupied and four 35' buses and four 20' buses are currently stored outside.

Storing equipment outside presents several operational problems during the peak of winter (e.g., snow covering buses, engine starting, warming bus interior). Any future expansion of transit service (e.g., Quinn's Junction or the new Park and Ride at Richardson's flat) will require the construction of a new storage and maintenance facility before that service can be implemented.

The search for a site on which to construct a new transit facility began in January 2006. Details of this search are summarized in the timeline below:

January 2006 **Facility Needs Analysis**

Staff worked with LSC Transportation Consultants, Inc to conduct a facility needs analysis. This analysis forecasts that over the next 20 years the number of buses in Park City Transit's fleet will grow to 64 (55 buses, 1 trolley and 8 vans).

March 2006 **Joint PW Facility Team Meets**

Initial discussions with Summit County regarding the need for a new transit maintenance and storage facility identified additional City and County needs for expanded Public Works operations facilities.

A team of City and County staff and elected officials began meeting to discuss a strategy for acquiring land for joint uses. The team was comprised of the following members:

- Bob Richer — Summit County Commission
- Jim Hier — Park City Council
- Tom Bakaly — Park City City Manager
- Derrick Radke — Summit County Engineer
- Nora Sheppard — Summit County Planning Director
- Eric Dehaan — Park City Engineer
- Pat Putt — Park City Planning
- Kevin Callahan — Summit County Public Works
- Jerry Gibbs — Park City Public Works
- Kent Cashel — Park City Public Works

The team determined the need to acquire land for the following joint uses:

Transit	8 acres
City PW facility	5 acres
County PW facility	3 acres
Solid Waste Transfer Facility.	5 acres
Recycle Utah	2 acres
	23 Acres Total

April 2006 **Available Parcel Analysis**

City and County staff conducted an inventory of parcels that met facility requirements and whose zoning would allow for construction of City and County Public Works facilities. The few parcels that were identified were located on the west and east side of the US-40 corridor from I-80 south to the Summit-Wasatch County line.

May 2006 **Property Negotiations Begin**

Staff begins working with numerous properties that would meet long term needs

February 2007 **Property Negotiations Cease**

Staff exhausts negotiations on all parcels that would meet long term needs

Feb – May 2007 **Project Updates to City Council**

Staff meets with Council in 3 separate closed sessions to discuss Transit site alternatives. An operational cost analysis prepared by Staff indicates that the Ironhorse parcel is the optimal site alternative. Primary factors in this analysis are:

1. avoidance of deadheading costs of $250,000 per year. Deadheading costs are the labor, fuel and maintenance costs of driving buses to and from a remotely operated facility such as Silver Creek.
2. Avoidance of the substantial costs to build, staff and operate two equipment maintenance facilities (one for City fleet and one for Transit fleet).

Council directs staff to continue to explore Ironhorse site.

October 2007 **Feasibility Analysis**

Staff completed a comprehensive financial engineering feasibility analysis which indicated that the Ironhorse Facility could be expanded to accommodate required transit and storage maintenance space and that the Ironhorse Facility would save approximately $250,000 in annual transit operating expenses over other site alternatives. Staff presents findings of feasibility analysis to Council.

December 2007 **Letter of Intent**

Summit County and Park City Municipal Corp formally execute a letter of intent through Council and Commission action stating that the two parties would cooperate on the financing design and construction of a joint transit operations facility at the Ironhorse location.

This agreement tasked the Joint Transit Advisory Board with developing a project cost sharing methodology.

April 2008 **Environmental Work Completed**

Park City completed required Federal Transit Administration (FTA) environmental study and submitted to the FTA.

July 2008 **FTA Environmental Clearance**

The FTA provided environmental clearance for the project.

August 2008 **FTA Grant Approval**
Staff submitted a project grant proposal to the FTA which was approved with initial federal funding of $2.5 million.

November 2008 **Request for Stimulus Funding**
Staff submits request for $7.5 million to complete project under the American Reinvestment and Recovery Act (Stimulus Bill). Feedback on submittal is that project is very likely to receive $2.5-3 million in ARRA funding (no local match required).

November 2008 **Triangle Parcel Letter of Intent**
Summit County and City formally adopt letter of intent to jointly finance and purchase 112 acres of land owned by PRI\Boyer located behind UDOT shed on SR-248. The letter of intent states that the land is to be purchased for "public uses' and that the City and County will jointly master plan the property.

December 2008 **Purchase of Triangle Parcel**
City and Summit County purchase the "Triangle Parcel".

January 2009 **Council Provides Direction on Involvement in NOMA Redevelopment.**
Council directed Staff that Council's involvement in NOMA redevelopment would not to be in the form of creating a master plan for the area but rather through:

1. Revisiting the City's General plan
2. Responding to individual private development proposals within the context of the General Plan.

February 2009 **Staff begins A&E Procurement Process**
Staff begins process of procuring required architectural engineering and design services for the project.

April 2009 **Staff completes A&E selection process**
Selection committee comprised of County and City Staff ranks and recommends top ranked firm for project contract.

May 2009 **Council Authorizes Design Contract**
Design and engineering contract executed with Cooper, Roberts, Sorenson Associates.

May 2009 **Staff Presents Project Concept to Planning Commission**
On May 13th Staff presented project concept drawings to the Park City Planning Commission. Staff provided Council with a Manager's Report (May 21st Council Packet) that summarized Commission comments.

May 2009 **Joint Transit Advisory Board Begins Process of Making Recommendation to County\City on Project Cost Sharing**

Staff and the City's design consultant team have been working diligently since early May to develop the project schematic design and to begin the planning approval process. The objective of this report and the time dedicated on the July 9th City Council work session is to accomplish the following items:

1. Update Council on Facility Design
2. Update Council on the Joint Transit Advisory Board's progress on developing a recommended project cost sharing methodology.
3. Request Council approval for the use of City owned Parcel #SA-254-1-X to meet project needs.

B. Analysis

Facility Requirements

Required elements for the City\County expanded transit maintenance and operations facility were determined using short and long range transit planning documents. The facility design must meet County and City transit needs, as well as City Public Works needs through the year 2030. Project expansion needs are summarized in the table below.

The expanded facility design includes the following key elements:

- 60 bus bays
- Employee parking structure (86 spaces)
- Bus wash
- Eight bus maint. bays
- Expanded fleet parts room
- Maint. tool and equipment storage
- Fueling facility.
- Green building elements per City policy

Design Committee

A Staff committee made up of the following members was formed to help guide design of the expanded Ironhorse facility.

- Kathy Lundborg	Water
- Kyle Macarthur	Water
- Tamara Lindsay	Water
- Darren Davis	Transit
- Destry Pollard	Transit
- Brian Andersen	Parking/Fleet
- John Pearce	Fleet

- Larry Simpson	Fleet
- Pace Erickson	PW Operations
- Troy Dayley	PW Operations
- Mike Lennon	Building Maintenance
- Ron Ivie	Building
- Roger Evans	Building
- Tom Eddington	Planning
- Katie Cattan	Planning
- Diane Foster	Sustainability
- Dave Gustafson	Sustainability
- Kevin Callahan	Summit County
- Kent Cashel	Transportation

The following design and engineering work has been completed by the consultant and design team:

Program Verification Meeting

During these meetings the consultant team interviewed all Public Works departments currently housed at the Ironhorse location to determine what each department's current space needs are. The consultants then worked with each department to determine what space needs would be required through the year 2030.

Armed with these future space requirements the consultant team began the process of developing a facility designed to meet those needs.

Master Planning Workshop

At this meeting the consultant team presented three alternative concept designs to the design committee. The committee provided feedback to the consultant team on which design features of each alternative were preferable. Using this feedback the consultant team developed a final concept that, as closely as possible, met the City\County's space needs through the year 2030 and did so within the project budget of $10,000,000.

The outcome of these meetings was a final concept design which the consultant team worked to refine over the next two weeks.

Conceptual Design Workshop

The consultant team returned with the refined concept plan and two days of meetings were used to ensure the design met operational needs, City planning requirements, site constraints and project budget. The consultant team left this meeting with several problems to solve as well as the task of creating a final preliminary design package.

Preliminary Design Package Review
The consultants presented the final design package included with this report. This package was reviewed by Staff. Staff thinks this design:

- Meets Public Works and Transit space needs through the year 2030

- Meets City's planning requirements

- Can be constructed within the project budget of $10,000,000

Additional Property Needed
The City's land management code sets forth requirements for snow storage for any project. To meet those requirements will require the use of the adjacent City owned parcel that sits directly east of the Public Works parcel (see attached parcel map). This parcel is currently vacant but has been utilized by landowners to the north of the parcel for snow storage. This property owner has no formal agreement with the City for the use of the parcel.

Development potential of this parcel is limited due to lack of access except across adjacent parcels.

If Council approves Public Works use of this parcel Staff will work with the City's design consultant to lay out a landscape plan for the parcel that would allow for snow storage in the winter and provide some level of public amenity along the trail (e.g., benches, bicycle air and tool station and a public art component). The Federal Transit Administration grant for the project would provide funding for these amenities.

Seasonal Housing Component
In May of this year Council directed Staff to ensure that the Ironhorse expansion master plan did not "preclude" the ability to construct a seasonal housing component on the site. The current design has programmed enough space for 15 seasonal beds in a dorm like setting with shared restrooms\showers, kitchen and gathering area.

consistent with Council direction, no funding has been dedicated to this project component to date Staff has not included design and engineering of these facilities within the project scope. However, the space required for this component has been programmed into the site master plan (1st page of attached schematic drawings).

Joint Transit Advisory Board (JTAB)
The Joint Transit Advisory Board has been meeting regularly to develop recommendations on the following items:

1. Cost Sharing for design and construction of the facility
2. Project Ownership and Management

While the JTAB has not completed its work it is likely the JTAB will recommend the City\County equally split design and engineering costs for the project. This approach is consistent with how the County and City have participated in joint studies in the past.

It is also likely the JTAB will recommend a construction cost share using each entities current proportional share of fleet buses (i.e. City Cost Share = City Buses\Total Fleet Buses).

The JTAB's recommendation regarding ownership of the project is likely to leave property ownership in the name of the City with the County's interest secured through a long term lease. Staff found through research that this approach is:

1. Consistent with how other transit entities constructing joint facilities have addressed project ownership and control.

2. Preferable to the Federal Transit Administration

3. Simple to implement and administer.

Lease payments could be in the form of a lump sum or an amortized payment that would include construction cost, any finance cost and contributions to a capital maintenance reserve fund.

Staff has scheduled a joint Transit\Transportation meeting (both County and City Councilors) on July 20th. The purpose of this meeting will be to update the Councils on key transportation\transit issues. As part of the agenda Staff will provide an overview of JTAB's lease concept. However, no formal direction regarding the lease will be requested at the joint meeting. Staff will return to City\County Council's with JTAB's final recommendations in advance of a request for award of construction contract in October 2009.

Project finance

A revenue and expense loaded schedule is attached at the back of this report. This forecast provides a preliminary view of project cash needs. The table indicates the need for additional Federal Transit Administration Grants in Federal Fiscal Year (FFY) 2010 and 2011.

Staff believes the project requirements can be met although the timing of these FTA appropriations may take longer than forecast and may require use of transit fund balance until these appropriations materialize. Sufficient Transit fund balance exists should this be required.

Alternatively there may be opportunities to phase construction over two or more periods to better match cash flows. These financing decisions are not required at this point but will need to be resolved during the final design phase and prior to beginning construction. Staff will work closely with the FTA and the design consultant to determine the optimum phasing and financing alternatives.

July 22nd Planning Commission meeting

Staff introduced the project to the Ironhorse project to the Park City Planning Commission on May 13th, 2009. At that meeting the Commission provided Staff with numerous comments they asked to be addressed prior to returning with a request for approval of a CUP. Staff is confident that all non-policy related comments have been addressed. However, one policy related comment posed by the Commission that Staff feels is important to highlight for Council. Unless Council should provide other direction, Staff will address this question as is detailed below:

- Question :Is this the right location for the bus maintenance facility?
  Answer: Yes, this is the right location the City's answer is based upon:
  - *The City has conducted an exhaustive needs analysis and also a thorough alternative site analysis.*
  - *The Ironhorse site was selected as the optimal location for an expanded transit maintenance facility based on the findings of these exhaustive studies.*
  - *The project is consistent with Park City zoning.*
  - *The project meets transit's 20 year maintenance needs.*
  - *Alternate locations result in increased operating costs in excess of $250,000 a year.*
  - *In 2007 the City executed a letter of intent with Summit County to plan\build and finance an expanded transit facility on this site.*
  - *The City has invested significant dollars and staff time in obtaining federal environmental clearance for the project at the Ironhorse site. It is important to note that to obtain this environmental clearance the City had to demonstrate that it had explored numerous alternatives and that the Ironhorse Site was the optimal project location.*
  - *City Staff has pursued and received award of approximately $5.5 million in federal funding that is site specific.*
  - *The City has committed in excess of $1,000,000 in funds to design the project for this site.*

Next Steps

Key milestones for the project are found below:

July 22	Planning Commission CUP Review
Aug 5	50% Design Development Drawings
Aug 25	100% Design Development Drawings
Sept 18	50% Construction Drawings
Oct 16	100% Construction Drawings
Nov 13	Bid Opening
Nov	Contract Award\ Construction Begins
Dec 2010	Project Completion

The above schedule is clearly aggressive but Staff thinks the schedule is achievable. The project schedule will continue to be refined as construction phasing is more clearly defined and a Public Works operational plan is developed.

ALTERNATIVES

A. Approve The Recommendation. This report and work session presentation will update Council on the design of the expanded Ironhorse facility as well as the Joint Transit Advisory Board's progress toward a final recommendation on project cost sharing. Staff requests that Council approve the use of City owned parcel #SA-254-1-X to meet project needs.

B. Deny The Recommendation. Council could deny Staff's request to utilize parcel # SA-254-1-X to meet project needs. This alternative would require significant design re-work and reduction in number of bus storage bays.

C. Defer the item to a later date. Council could defer the item to a later date. Staff does not recommend this alternative as delays in the design process will be expensive and put FTA funding at risk.

D. Do Nothing. Staff does not recommend this alternative it would have the same impact as Alternative C

SIGNIFICANT IMPACTS

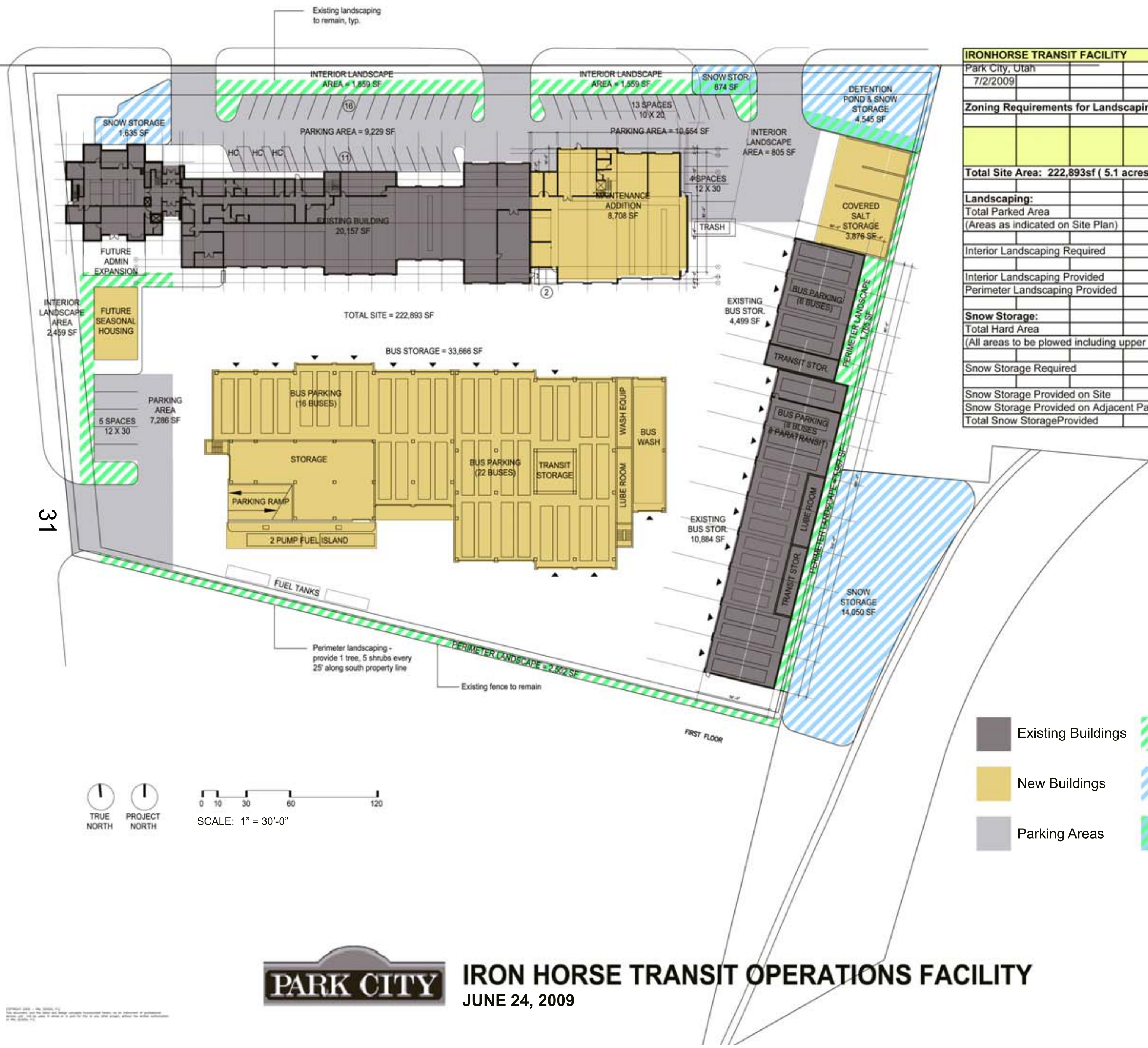
Additional Land Required
If Council should not approve the use of City owned parcel #SA-254-1-X to meet project needs the project design will require significant rework. This re-work will likely require a reduction in 15 large bus bays and 8 medium sized bus bays from the project. This reduction will have a significant impact on future storage needs.

Risk of loss of Stimulus Bill funding
Staff is confident the City will receive approximately $3 million in stimulus funding. A key requirement of these 100% federal grants is that the projects be “shovel ready” and that the project be constructed and the funds expended rapidly. If Council should deny Staff’s request and\or direct Staff to not pursue the Ironhorse project a minimum of $3 million in FTA stimulus funding will be at risk.

RECOMMENDATION
This report and work session presentation will update Council on the design of the expanded Ironhorse facility design as well as the Joint Transit Advisory Board’s progress toward a final recommendation on project cost sharing. Staff requests that Council approve the use of City owned parcel #SA-254-1-X to meet project needs.

Attachments: Schematic Design Drawings
Parcel Map
Revenue\Expense Loaded Schedule.

IRONHORSE TRANSIT FACILITY		
Park City, Utah		
7/2/2009		
Zoning Requirements for Landscaping and Snow Storage:		
	% of Total Area	Sq. Ft.
Total Site Area: 222,893sf (5.1 acres)		
Landscaping:		
Total Parked Area		26,052
(Areas as indicated on Site Plan)		
Interior Landscaping Required	0.200	5,210
Interior Landscaping Provided	0.256	6,682
Perimeter Landscaping Provided		6,234
Snow Storage:		
Total Hard Area		137,832
(All areas to be plowed including upper parking deck)		
Snow Storage Required	0.150	20,675
Snow Storage Provided on Site	0.051	7,054
Snow Storage Provided on Adjacent Parcel	0.102	14,050
Total Snow StorageProvided	0.153	21,104



Existing Buildings

New Buildings

Parking Areas

Landscape Area

Snow Storage Area

Landscape & Snow Storage Area

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

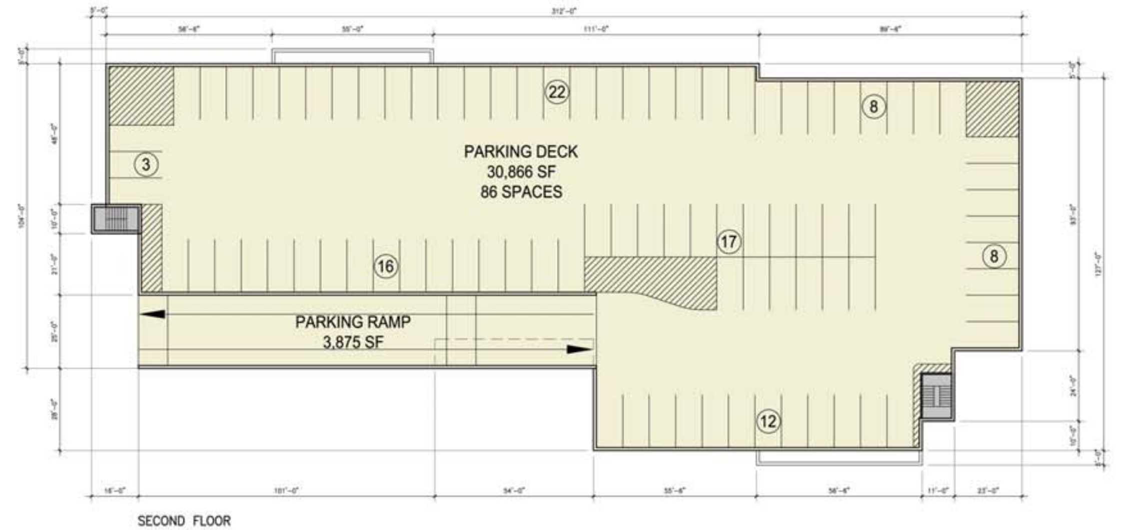
CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

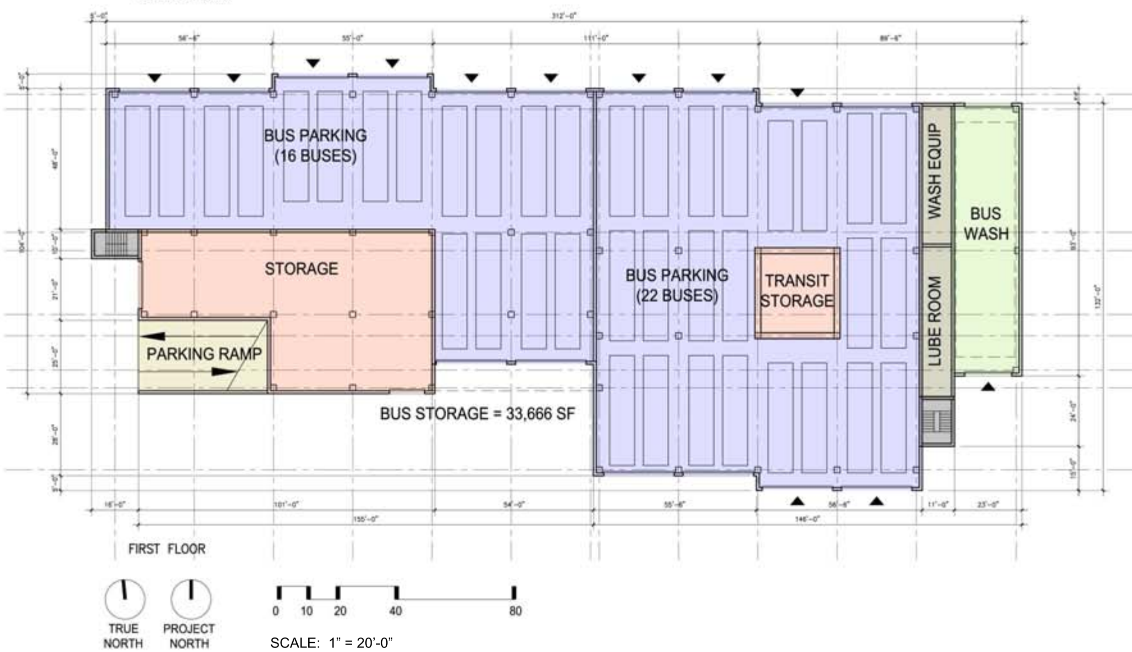
Maintenance Design Group

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY

JUNE 24, 2009





PARK CITY

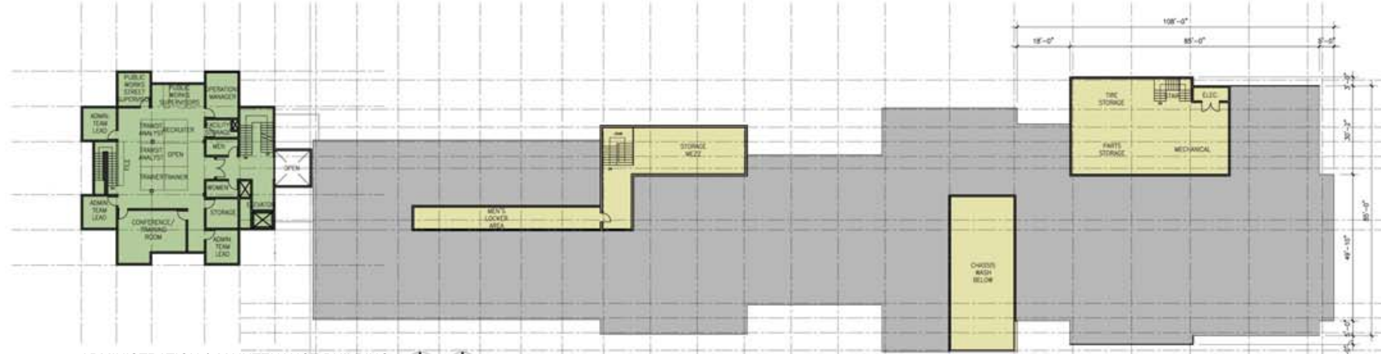
IRON HORSE TRANSIT OPERATIONS FACILITY

JUNE 24, 2009

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group



ADMINISTRATION & MAINTENANCE BUILDING
SECOND FLOOR

TRUE NORTH PROJECT NORTH

ADMINISTRATION & MAINTENANCE BUILDING
FIRST FLOOR

TRUE NORTH PROJECT NORTH

EXISTING EAST BUS STORAGE BUILDING
FIRST FLOOR

TRUE NORTH PROJECT NORTH

0 10 20 40 80
SCALE: 1" = 20'-0"

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY

JUNE 24, 2009

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group

SOUTH ELEVATION - MAINTENANCE ADDITION

NORTH ELEVATION - MAINTENANCE ADDITION

EAST ELEVATION - SITE COMPOSITE

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY

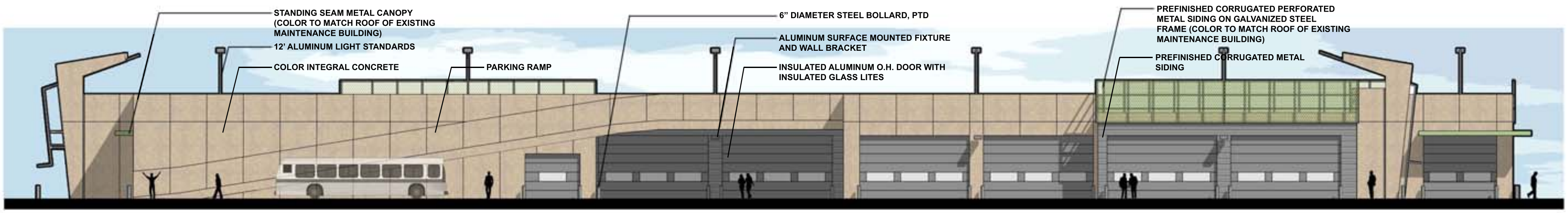
JUNE 24, 2009

SCALE: 1/16" = 1'-0"

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

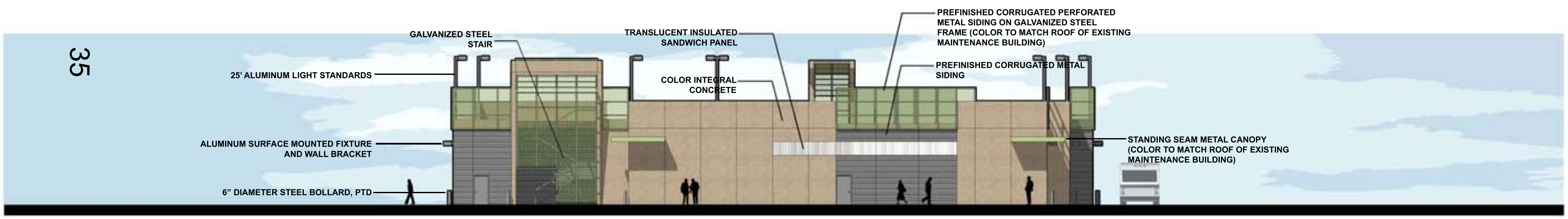
CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group



SOUTH ELEVATION - BUS STORAGE

NORTH ELEVATION - BUS STORAGE



EAST ELEVATION - BUS STORAGE

WEST ELEVATION - BUS STORAGE

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY

JUNE 24, 2009

SCALE: 3/32" = 1'-0"

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY

JUNE 24, 2009

RNL

1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

CRSA

ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY

JUNE 24, 2009

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY
JUNE 24, 2009

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group

PARK CITY

IRON HORSE TRANSIT OPERATIONS FACILITY

JUNE 24, 2009

RNL
1050 17th STREET
SUITE A200
DENVER, COLORADO 80265
303 295 1717 t
303 292-0845 f

CRSA
ARCHITECTURE
PLANNING
INTERIORS
649 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102
801.355.5915
www.crsa-us.com

Maintenance Design Group

Parcel SA-254-1-X

1 inch = 105 feet

Ironhorse Transit Expansion
Revenue\Expense Loaded Project Schedule

	2009									2010												2011
	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January
Secured FTA Grants	$2,380,050																					
ARRA Funds (Pending)						$3,000,000																
FFY 2008 Appropriations								$500,000														
Forecatsed FFY 2009 Appropriations								$1,500,000														
Forecasted FFY 2010 FTA Appropriations												$2,000,000										
Forecasted FFY 2011 FTA Appropriations																				1,119,950		
Revenue Subtotal	$2,380,050	0	0	0	0	$3,000,000	0	$2,000,000	$ -	$ -	$ -	$2,000,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	1,119,950	$ -	$ -
Preliminary Design	$150,000	$150,000																				
Design			$170,000	$170,000																		
Bid and Contract					$40,000																	
Construction						$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	
Post Construction																				$11,733	$11,733	
Expense Subtotal	$150,000	$150,000	$170,000	$170,000	$40,000	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$612,283	$624,016	$624,016	
Available Cash Balance	$2,230,050	$2,080,050	$1,910,050	$1,740,050	$1,700,050	$4,087,767	$3,475,483	$4,863,200	$4,250,917	$3,638,633	$3,026,350	$4,414,066	$3,801,783	$3,189,500	$2,577,216	$1,964,933	$1,352,650	$740,366	$128,083	$624,016	$0	$0

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 25, 2009

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Manager; and Matt Cassel, City Engineer

Dina Blaes, Preservation Consultant; Scott Adams, Park City Fire District; Dr. Winn and Dr. Pidwell, Park City Family Clinic

1. Council questions/comments. Liza Simpson commented on the landscaping at the Museum. Candace Erickson thanked staff for repairing the giant pothole on the corner of Holiday Ranch and Little Kate. She commented on the effectiveness of adopting the Sunshine Resolution for Savor the Summit on Main Street on Friday but the pig roast at the Farm was challenged with rain on Saturday. Recycle Utah is hanging in there and if the price for commodities rise, it will be doing well. Roger Harlan noted the beautiful flower baskets in the downtown core and reported on a meeting with the County on expanded transit. Jim Hier discussed the Chamber Board of Director's meeting where the annual budget was adopted and new officers introduced. The Park City Heights annexation meeting yesterday was productive.

2. LMC amendments and Historic District Guidelines. Preservation consultant Dina Blaes referred to the information contained in the staff report. The process to develop revised design guidelines for the Historic District and historic sites started in August 2007 and has been an on-going project for the Historic Preservation Board. It is important to review the design guidelines and zoning concurrently to make sure there are no conflicts which precipitated a look at the Land Management Code, involving the Planning Commission. After a year and a half, a positive recommendation on the amendments has been rendered by the Planning Commission and a positive recommendation from the HPB on the Design Guidelines. She read a missing sentence in a section which will be corrected before the public hearing on July 9. Jim Hier pointed out a correction and asked what an *Order* is. Ms. Blaes stated that the Legal Department provided the language and Mark Harrington explained that an Order is the proclamation of whether the Council is upholding an appeal or denying it. Mr. Hier asked where *Final Action* is defined. Mr. Harrington believed that the definition is in a different section but will make sure that it is there. Under the appeal section, Mr. Hier suggested referencing 15-1-18 so that readers know where to look for criteria for a HPB appeal. Liza Simpson pointed out the same thing in 2-2. Thomas Eddington confirmed that Final Action appears in the definition section. The Mayor invited public input.

Ruth Mentsma, resident, stated that she has been very involved in the process since it began. She supports the progress but has a few suggestions. Dina Blaes should be maintained as a consultant because of her expertise and value to planning. The Historic Preservation Board should be noticed of any application activity in the Historic District. Candace Erickson interjected that there is another group in town with the same interest and she has asked the City Manager to explore noticing through an email list. Thomas Eddington added that the Legal Department advised that email noticing is not an issue with regard to due process and a group mailing list will be created for the HPB and the Historical Society. Liza Simpson explained that the new City website will provide the ability for people to sign up for email alerts for different things. Ms. Mentsma felt that funding is essential to make the program work. Code enforcement should be expanded to include planning and project information should be archived well so that it can be shared with the public.

The Mayor asked Ms. Mentsma if the funding comment relates to the grant program. She responded yes, and spoke about the high cost of rehabilitation. Ms. Simpson pointed out that there may be other grants available through state and federal agencies. The Mayor brought up her suggestion of expanded code enforcement and Dina Blaes explained that the design review process developed its framework from concerns expressed by departments. A design review process is detailed in the proposed Design Guidelines which involves both Building and Planning and issues can be understood early in the process. A final review with both Planning and Building is created to make sure once a project has received associated approvals that both departments are in agreement. If a project proceeds in violation of the process, the City will initiate an enforcement proceeding. The Mayor felt that sharing archived information is a great idea. Ms. Blaes added that the Planning Department does not have a formal approach to this, but when the most recent inventory was conducted, photographs were digitized and entered into the Eden system and the inventory is relatively easy to keep up to date.

John Stafsholt, 633 Woodside Avenue, suggested that the City create a lowered property tax program as an incentive to preserve significant and landmark structures and sites. He felt code enforcement is important especially with the implementation of the new amendments to the LMC and Historic District Guidelines. He has read the documents thoroughly and feels these changes will address many problems and their adoption is a huge step forward.

Discussion ensued on a reduced property tax incentive program. Mark Harrington explained that this probably has not been considered in the past because compared to other parts of the country, the City portion is relatively low and we preferred to earmark funding in a grant program. Liza Simpson reported that the HPB is exploring incentives for home owners which will be forwarded to the Council.

Roger Durst, HPB member, expressed that the Board unanimously endorsed the revised guidelines and complimented Ms. Blaes, the Planning staff and all of the participants in the community for helping in the process. He stated that this is a living document and something that needs to be continually improved. He has some reservations about the design review process and is looking forward with working with the Planning staff to improve it. Planning is not design and the objective criteria have been broadened a bit which will sustain and improve quality and allow for creativity, but there needs to be greater room for subjective judgment on design. The Mayor thanked Mr. Durst for his contributions to the project.

There were no further questions from Council and Dina Blaes reported that public hearings on the Historic District Guidelines and amendments to the LMC are scheduled before Council on July 9.

3. Bonanza Drive reconstruction project. Matt Cassel stated that he is looking for direction on the proposed drives to the Park City Health Clinic and referenced Drawing Nos. 1 and 2. Drawing No. 1 is the current design which preserves the existing drives into the Clinic and other facilities, eliminates the medians at the south end, allows left and right turns into the south entrance, but the north entrance is restricted to only right turns and left turns in and out will not be allowed. This is to help facilitate the Prospector Avenue intersection. Mr. Cassel noted that in response to complaints expressed by and recent discussions with the Clinic, Drawing No. 2 was created. The second alternative eliminates the south drive and the farthest north drive nearer to The Maverick and moves the existing middle drive approximately 100 feet south of its current location; the rendering reflects an approximate area. It is proposed that the driveway would be directly facing the Clinic building and in order to make this work, a median would be removed and striping reworked.

Liza Simpson stated that this process would be a lot easier if all of the medians were eliminated. Tom Bakaly clarified that this is not staff's recommendation. Candace Erickson felt that removing a driveway to The Maverick will result in a nightmare; circulation is already horrible. She suggested widening the driveway and replacing the planter box with an entrance sign for the Clinic. Mayor Williams spoke about the potential of frantic drivers trying to find the Clinic. Matt Cassel acknowledged that signage is important.

Mark Fischer, owner of The Maverick, the Clinic and the No Place Like Home buildings, stated that the reconstruction greatly affects him and he felt there should be a third alternative. He suggested that he speak with the Coleman's, owners of the Park City Plaza, to agree to moving the intersection at Prospector and aligning it with the new cut into the Clinic. The new intersection would be located further south of The Maverick. In the 2030 plan, Prospector Avenue is shown going over the top of Spencer's Barbecue and this can be solved by aligning it in such a way that it can be directed to the Clinic and function for future development of the NOMA area. The No Place Like Home building is scheduled to be torn down. He urged Council to *slow down*.

Matt Cassel explained that staff is trying to address immediate concerns fully realizing that in the future it is anticipated that the Prospector intersection will be moved. Mr. Fischer used the rendering to detail his intersection proposal and suggested possibly including a development pad for the Coleman's when negotiating right-of-way area. He mentioned that in checking with an appraiser, the median reduces the value of his Maverick lot. His tenants do not want the current plan to move forward.

Dr. Bill Pidwell, Clinic, thanked Council for accommodating them. The group felt the second drawing is a good solution and the location of the Clinic will not change in the long term. Drawing No. 1 creates a difficult situation for the ambulance and fire trucks to navigate from the Bonanza entrance without removing quite a few parking spaces in the parking lot, which are badly needed. Over a ten month period, 400 ambulances serviced the Clinic. They don't necessarily hate the median concept, because the intersection is terrible, but having no left hand turn option is not good for their patients.

Dr. Winn stated that signage is very important. He spoke about the history of the Clinic and building the facility. Bonanza Drive operated very differently twenty years ago and he acknowledged that improvements are necessary. He explained that the Clinic has a contract with Deer Valley Resort where all of their patients come to them and he described the potential of frustrated drivers who can not find the entrance creating more accidents. From a public safety point of view, he felt Drawing No. 2 is better. He asked that Council address helicopter access and repeated Dr. Pidwell's comments with regard to fire trucks and ambulance access.

Scott Adams, Park City Fire District, stated that he met with Mr. Cassel and Ron Ivie on the proposal. The left-hand turn from Bonanza Drive through the parking lot works fine for them. If a truck misses the turn it can drive over the median at the Prospector Avenue intersection. Most ambulances access the Clinic via Bonanza not Kearns.

Tom Bakaly explained that Drawing No. 2 creates turning conflicts and the more south the driveway is moved, the better. However, there are very mature trees in the area that would have to be removed with the realignment. Matt Cassel shared accident information for each intersection. Roger Harlan discussed the importance of helping the out-of-town visitor find the Clinic.

Candace Erickson found Mr. Fischer's testimony helpful and if the intersection is going to be moved in the future, she asked why we are doing this twice. Let's do it once and do it right. Drawing No. 1 makes perfect sense in a perfect world but having a health clinic there means making accommodations. The City should take some time to design an entrance that works.

Mike Sweeney, HMBA, complained that the plan makes it more difficult to access The Maverick. This is an important gas station and he suggested better signage to direct people to the business.

Mark Fischer stated that he has been working with the doctors on building a new state-of-the-art clinic on the empty lot behind Whimsy. The ambulance bay will stay in the same spot. The Maverick wants to buy part of the property to enlarge the gas station, pointing out that the plan is not static and all of the buildings will be changed over five to seven years. He again asked for time to talk with the Coleman's.

The Mayor felt that the upcoming year should be spent on looking at a realigned intersection. Candace Erickson referred to Ms. Simpson's plan of removing the medians and striping the road. Matt Cassel noted that it is different because bike lanes and better pedestrian access will be added inviting more uses. Liza Simpson believed that pedestrians and bikers will slow down traffic and it will only cost the City $20,000 more to install the medians in two years if the plan is not working. Tom Bakaly explained that this is not safest alternative in staff's opinion. Ms. Simpson felt that there are pedestrians and bicyclist on the road already and she doesn't think the striping will encourage more pedestrians and bikers in the corridor as much as actually making it safer.

Matt Cassel expressed his preference to remove all of the medians from the plan because nothing will be accomplished by installing them in consideration of the scope of requested changes, which was acceptable to Council members. The Mayor described this plan as an interim approach before a more permanent solution is found. Jim Hier felt that no left turns out of the drives will make a big difference in improving traffic flow.

4. Planning Commission interviews. The City Council interviewed Rich Wyman, Richard Luskin, Steve Joyce, David Ireland, Brooke Hontz, Richard Peek, and Puggy Holmgren to fill vacancies on the Planning Commission.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 25, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, June 25, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kayla Sintz, Planner; Dani Lo Feudo, Human Resources Analyst; Kim Leier, Human Resources Manager; Diane Foster, Sustainability Manager; Kathy Lundborg, Water Manager; Matt Cassel, City Engineer; Phyllis Robinson Public Affairs Manager; Marin Decker, City Manager Intern; and Todd Touchard, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that Talisker 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 11, 2009

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of June 11, 2009". Joe Kernan seconded. Liza Simpson abstained from voting as she was not in attendance. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Abstention

V NEW BUSINESS

1. Consideration of an Ordinance approving the 575 Park Avenue Plat Amendment, located at 575 Park Avenue, Park City, Utah - Kayla Sintz explained that the Planning Commission forwarded a positive recommendation on the application on May 27, 2009. The proposal combines Lot 19 with Lot 20 of Block 5 of the Park City Survey into one lot of record, totaling 2,813 square feet. This is an existing non-conforming landmark historic structure due to footprint size and non-compliance with side yard setbacks. The applicant wishes to combine the lots into a lot of record to facilitate a rear second story expansion which will not increase footprint or degree of non-conformity. A building permit can not be issued with a structure sitting across lot lines. She added that staff is conducting a Historic District design review at this time. The Mayor opened the public hearing; there were no comments from the audience and the hearing was closed. She assured Mr. Kernan that the addition will not increase the footprint of the home. Liza Simpson, "I move we approve the plat amendment for 575 Park Avenue based on the findings of fact, conclusions of law and conditions of approval". Candace Erickson

seconded. Motion unanimously carried.

2. Consideration of a Resolution authorizing the issuance and confirming the sale of $2,500,000 Park City, Utah Taxable Water Revenue Bonds, Series 2009A for the purpose of financing the costs of construction and installation of culinary water system improvements; authorizing the execution and delivery of a supplemental Indenture of Trust to secure said bonds, and other documents required in connection therewith; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this Resolution – The City Manager explained that the bonds will be placed directly with the State Division of Drinking Water at a zero percent interest loan rate and staff recommends approval. The Mayor opened the public hearing; there was no input and the hearing was closed. Jim Hier, "I move approval of the bond resolution related to the sale of $2.5 million of water revenue bonds for infrastructure projects". Roger Harlan seconded. Motion unanimously carried.

3. Consideration of a Resolution adopting the revised Personnel and Policies Manual for Park City Municipal Corporation – Kim Leier explained that changes to the Personnel and Policies Manual are approved by the City Council and become retroactively effective on July 1. Dani Lo Fuedo thanked individuals serving on the committee. Liza Simpson read the last sentence in the first paragraph of Section 5.7, reclassification, *if reclassification results in a budget increase or the creation of a new position not previously included in the adopted pay plan. . .*originally it read, *City Council approval is required* and the proposed change is *City Council approval may be required*. She felt it should not be changed. Ms. Erickson agreed and used the example of hiring an assistant city manager. She felt that this is a significant change because it doesn't even prompt a discussion with the Council. Kim Leier felt this could be reworded to more clearly specify that the section addresses the pay plan and not a budgeted position or a new full time employee. Ms. Erickson emphasized that this is not a new position but an existing one that could be reclassified.

Jim Hier pointed out that there are a number of reclassifications that are routine and not of interest to Council and review would be a waste of time. He suggested deferring to the Human Resources Manager to arrive at wording that may be a compromise. Liza Simpson asked if these reclassifications happen all of the time, why have they not been before Council. Ms. Leier noted that reclassifications are addressed in the pay plan. Ms. Simpson asked what positions are specifically addressed by the sentence in the section. Ms. Leier answered that Council reviews them during the budget and the City Manager explained that Council would also see classifications during an interim reorganization. Mr. Hier suggested that Council review any reclassification if a budget change is created as opposed to budget increase. Modifying the language was again suggested.

Mark Harrington advised to leave as is, and staff will return with an interim change once preserved positions are identified. He believed it is meant to be read in conjunction with the other position or the internal reorganization pending the budget process. There is a separate section in the Municipal Code which requires new departmental reorganizations to be reviewed by the City Council. He felt that the wording *may be* was intended to accommodate the temporary window, pending budget approval and Council approval is required in other sections of the Code. The Mayor pointed out, however, that this would not apply to the assistant city manager position. Mr. Harrington suggested that any change be addressed in the Municipal Code, which will be before Council for other amendments shortly.

Liza Simpson, "I move we adopt the revised Personnel and Policies Manual for Park City Municipal Corporation". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of a three year contract between Park City Municipal and Summit Land Conservancy in the amount of $143,833, in a form approved by the City Attorney - Diane Foster explained that the City has paid for these services through a special service contract and it is now recommended by staff that monitoring easements be handled through a regular contract. A RFP was issued and five organizations expressed interest but only two submitted bids. The selection committee found that Summit Land Conservancy was the only qualified bidder and staff is comfortable with the proposal, acknowledging that it is an overall increase but services will be provided at cost. Roger Harlan asked why the Huntsman Parcel does not have a conservation easement and Jim Hier explained that a number of open space parcels are not currently included but should be addressed sometime in the future. Ms. Foster noted that staff will follow-up and explained the addition of a per acre price for newly added properties. Jim Hier suggested defining payment terms in the contract and all members agreed. The Mayor invited public input; there was none. Roger Harlan, "I move approval of a three year contract between the City and Summit Land Conservancy in the amount of $143,833, in a form approved by the City Attorney regarding payment". Liza Simpson seconded. Motion unanimously carried.

5. Consideration of approving the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Stantec Consulting Inc., for the design of the Park City Raw Water Infrastructure Project Design in an amount of $338,260 – Candace Erickson disclosed that her husband is employed by Stantec so she will recuse herself from discussion and voting. Kathy Lundborg explained that the modification to the contract is needed because of the realignment of the pipe line. The original concept was the Rail-Trail alignment established in the Snyderville Basin Water Transport study but more environmental information revealed risks. After evaluating the risks, it was decided to pursue alternative alignments and recently a final alignment was selected. Ms. Lundborg explained that different alignments relate to different agencies for funding like the EPA, Army Corps of Engineers, or the state but all agencies need to buy off on the project. The Mayor invited public input; there was none. Liza Simpson, "I move that we authorize the City Manager to execute the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with Stantec Consulting for the design of the Park City Raw Water Infrastructure Project Design in an amount of $338,260". Roger Harlan seconded. Motion carried.

Candace Erickson	Abstention
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Aye

6. Consideration of a Professional Service Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates for the construction, engineering, management and inspection of the Quinn's Raw Waterline Phase Project in an amount of $89,792 – Todd Touchard explained that the two upcoming construction seasons are scheduled with a significant number of water projects so management services were put out to bid. The selection committee considered qualifications and price and Bowen Collins negotiated a good price for the project. Typically bids come in between 6% to

12% of the construction amount. The project is estimated at about $2.25 million and is out to bid for construction. The Mayor asked if bids come in low whether the award will be re-evaluated. Mr. Touchard noted that it won't but it is a *not to exceed* bid and the City will only be charged by the hour. In response to a question from Mr. Hier about the timing of construction for the treatment plant, Mr. Touchard explained that it is currently under design and the project is being reviewed by the Planning Commission. Construction is anticipated in August.

Kathy Lundborg acknowledged that staff is behind on the water treatment plant schedule and a contract amendment on the design will return to Council. Liza Simpson thanked Mr. Touchard for including a map in his staff report and is pleased with the pedestrian trails component. Mr. Touchard pointed out the cost savings realized in building trails at the same time and the approach is cheaper than re-vegetation. Roger Harlan discussed potential challenges in tunneling under US40 and Todd Touchard explained that a roadway fill section was selected as opposed to a cut area, but there is still a risk. Candace Erickson, "<u>I move we approve a Professional Service Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates for the construction, engineering, management and inspection of the Quinn's Raw Waterline Phase Project in an amount of $89,792</u>". Joe Kernan. <u>Motion unanimously carried</u>.

7. <u>Consideration of a Professional Service Agreement in a form approved by the City Attorney with Stanley Consultants for construction management services related to the construction of Bonanza Drive in the amount of $147,452</u> – Matt Cassel explained that the construction contract will be coming to Council on July 9. The Stanley contract is to provide construction management services for the first phase of the project. The Mayor invited public input; there was none. Liza Simpson, "<u>I move we enter into a Professional Service Agreement in a form approved by the City Attorney with Stanley Consultants for construction management services related to the construction of Bonanza Drive in the amount of $147,452</u>". Jim Hier seconded. <u>Motion unanimously carried</u>.

8. <u>Consideration of a construction agreement for the reconstruction of Hillside Avenue with Granite Construction Company for Alternative #1, in a form approved by the City Attorney, in an amount not to exceed $1,589,210</u> – Matt Cassel explained that four bids were received. In response to a question from Joe Kernan, Mr. Cassel advised that there is no added lighting. The Mayor invited public input; there was none. Roger Harlan, "<u>I move approval of a construction agreement for the reconstruction of Hillside Avenue with Granite Construction Company for Alternative #1, in a form approved by the City Attorney, in an amount not to exceed $1,589,210</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

9. <u>Consideration of an economic development grant contract, in a form approved by the City Attorney, with High West Distillery in the amount of $11,000</u> – and

10. <u>Consideration of an economic development grant contract, in a form approved by the City Attorney, with Park City Performing Arts Foundation in the amount of $9,000</u> - Intern Marin Decker addressed Items 9 and 10 together and relayed that last week Council directed staff to prepare contracts to award grant money to High West Distillery in the amount of $11,000 and the Performing Arts Foundation in the amount of $9,000. The Foundation's funding was contingent on proof of a lease for two years or longer which has been satisfied.

The Mayor opened the public hearing on either or both items. With no comments from the audience, the public hearing was closed. Jim Hier, "I move we approve an economic development grant contracts in a form approved by the City Attorney with High West Distillery in the amount of $11,000 and with Park City Performing Arts Foundation in the amount of $9,000". Joe Kernan seconded. Motion unanimously carried.

11, Consideration of a Letter of Consent, in a form approved by the City Attorney, with the Snyderville Basin Special Recreation District – Ken Fisher explained that the interlocal agreement was signed in August 2004. Three funds were set up including the ice facility reserve fund with a zero balance. The Basin contributes $50,000 a year, $37,500 of which has been allocated to the capital replacement and reserve fund and the remaining $12,500 to the ice expansion fund which has a balance of $25,000. The capital replacement fund has a total of $69,000. A three year review of the allocations is required as a part of the interlocal agreement, and the Basin is supportive of allocating all $50,000 into the capital replacement fund. The $25,000 in the ice expansion fund can be used for master planning of the site in the future and the distribution of funds will be reviewed again in 2012. He explained that the City holds these monies in the CIP Fund and there are no changes in the interlocal agreement. The Mayor invited public comment; there was none. Roger Harlan, "I move approval of a Letter of Consent, in a form approved by the City Attorney, with the Snyderville Basin Special Recreation District". Candace Erickson seconded. Motion unanimously carried.

VI OLD BUSINESS

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn's Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – Mark Harrington explained that Council members Harlan and Hier have been serving as liaisons at meetings. The intent of the plan is to better integrate the City's affordable unit equivalents (AUEs) into the project with a recommendation from staff on the number and type of configuration. He urged members to consider the applicant's changes to the site plan to reflect a tighter overall plan that would justify the ability to increase the148 units determined by Council in December to the maximum 1:1 zoning from the Planning Commission if criteria is met in the MPD. Due to the compressed time frame, staff is seeking input from Council about additional density now so there is clarity on all sides as to what the maximum density could be. He referred to information on the original density break-out, the most current applicant proposed density, and the initial staff recommendation. One policy question for members deals with the site plan configuration and he asked if the plan is clustered enough in terms of what the Council had previously directed in order to consider additional density beyond and above the 148 number.

Mr. Harrington posed the second question of whether the Council wants the number of AUEs to be as close as possible to the Talisker obligation or is it willing to offset that and reduce the number for site planning considerations, land contribution, or partnership considerations such as infrastructure cost sharing or other reasons. He asked if it is more important to maximize the ability to build affordable housing units here or is it more important to achieve a balance of interests, including an overall reduction in density and perhaps providing better quality units that may serve a segment of our population that would not have been served with the Talisker proposal.

Dave Allen, Boyer Company, pointed out that the revised plan integrates the properties to create a more seamless project. The project has been moved 60 to 75 feet off the hill, neighborhood back yard open space has been maximized, and an enhanced entrance to the project has been added. Visual impacts are minimized with development moved off the ridge. Mark Harrington discussed staff's involvement in the plan reflecting a mountain resort element compatible with the General Plan but if Council consensus is different, direction is needed at this time. Mayor Williams noted that the committee discussed the design of neighborhoods and green building standards and Mr. Harrington stated that those decisions are memorialized in the annexation agreement.

Members left the dais to look at and discuss the renderings with Messrs. Allen and Moffat. Mark Harrington pointed out that the area is 202 acres, 40 acres are Talisker's and the market units are proposed at the maximum density of the CT Zone at 1:1. The City is affected by Talisker's proposal for the transfer but density would not exceed 40 units. He reviewed a chart outlining the original plan with 158 AUEs constructed in roughly 113 units and the old plan had 148 market units with an ability to increase to 1:1 through the MPD process if all conditions of the CT Zone are met. The pre-annexation agreement determined a basis.

The Mayor asked about house sizes and the City Attorney advised that the Planning Commission will decide on maximum footprints. There was discussion that homes could be as large as 9,000 to 12,000 square feet. Mayor Williams continued to express concerns about the potential sizes of market houses. Jim Hier suggested considering some sort of distribution of units to control sizes. Mark Harrington expressed that staff share the same concern and it is intended that the Planning Commission decide maximum house sizes and ensure diversity in product. Mayor Williams believes this project has the potential of receiving national attention. He explained that usually he is not impressed with internal open space but the trail system is a good component. Candace Erickson hoped the developer will consider a variation of sizes and supported the site planning of the neighborhood. Joe Kernan hoped there are tools to limit the maximum footprint and encourage variety. Roger Harlan emphasized the importance of green open space areas for families and the Mayor stated that he really likes the idea of mixed housing and integrating diverse neighborhoods.

Mr. Harrington displayed a chart and detailed numbers from the old and new proposal. Members should decide if they want the maximum number of AUEs constructed or a different number offsetting some of the infrastructure costs. The Mayor suggested not building all of the AUEs at this time but to plan for a future phase. Liza Simpson believed the site plan has improved, but does not want to tie the Planning Commission's hands in any way. Mr. Allen explained that Boyer can be somewhat flexible on the City affordable units but they need a decision on the number of their units.

Candace Erickson believes the project is too dense from a traffic standpoint and is leaning toward the lower end. She is not convinced that more single family is needed for affordable housing. Roger Harlan felt more information is needed from Talisker and favors fewer units. Jim Hier believed the range of 42 to 52 City affordable housing units is adequate. The development agreement will have to be amended because it now reflects the 148 number and 1:1 zoning is a significant increase. He referred to staff's recommendation to increase the density to 190 market units configured as 66 cottages, 84 homestead and 40 attached, leaving ten unallocated. Mr. Allen discussed the importance of addressing density now. Members discussed the project meeting CT Zone criteria for increased density and commented on other benefits like sharing infrastructure costs and integrating the City units.

Joe Kernan stated that he supports the range of 190 to 200 units but would like more information on infrastructure costs and single family home stock. Phyllis Robinson advised that the Snow Creek Project is the first detached single family housing project in the City. Dave Allen pointed out that under the zone, the project meets the requirements for 200 units and asked the justification for pulling the density back. Liza Simpson stated that she is comfortable with the new plan but wants to make sure the Planning Commission is empowered. Jim Hier felt that the elements from the development agreement, like green building and water conservation, should be formalized in the MPD and supports 190. He doesn't find it appropriate to maximize the number of affordable housing units at this location. Candace Erickson stated that she can support 190 but hoped the developer would consider eliminating ten units and building higher quality units. Mr. Allen indicated the need for flexibility because of the market. Discussion ensued on meeting the CT Zone criteria allowing 1:1 density or 200 units and the room for negotiation with annexations. Mayor Williams emphasized that the CT Zone was specifically created for these parcels and the developer has demonstrated complying with criteria for bonus density. Dave Allen pointed out that this discussion only involves 5% of the density and whether the remaining ten units are detached or attached is not really meaningful in the long run. Patrick Moffat interjected that the City portion is being fully integrated into the project.

Roger Harlan stated that the developer has been asked to jump through hoops. There is agreement that the criteria have been met and to create another set of rules does not seem fair. Candace Erickson appreciated the analogy because in her mind, Boyer has met the 1:1 and 200 is the appropriate number, acknowledging that the Planning Commission can change the number based on its deliberations. Joe Kernan stated that he is comfortable with 200 with the condition that there are varying sizes of homes. Liza Simpson commented that she is comfortable with 200; it is most important to her that the project is an integrated community with a variety of housing stock. Jim Hier stated that he is comfortable with the consensus. The Planning Commission will deal with house size limitations, design configuration, and compliance with the development agreement.

The Mayor opened the public hearing, there were no comments and the public hearing was closed. Liza Simpson, "I move we continue this to the 9th". Roger Harlan seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Jonathan Weidenhamer, Economic Development Manager; Thomas Eddington, Planning Manager; Phyllis Robinson, Public Affairs Manager; Tom Daley, Assistant City Attorney; Diane Foster, Sustainability Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 2:30 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

____
Janet M. Scott, City Recorder

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject:	**7888 Aster Lane**
Author:	**Kirsten A. Whetstone, AICP**
Date:	**July 16, 2009**
Type of Item:	**Administrative – Subdivision**

Summary Recommendations

Conduct a public hearing, review and discuss the 7888 Aster Lane subdivision, being a replat of Lot 17A of the amended Deer Valley Club Estates Subdivision plat (now known as The Knoll Estates) and consider approving the plat based on the findings of fact, conclusions of law, and conditions of approval in the draft ordinance.

Description

Applicants:	Brett Ammon, owner's representative
Project Address:	7888 Aster Lane
Zoning:	Residential Development (RD-MPD) Deer Valley MPD
Adjacent Land Uses:	Single family residential, resort condominiums and support uses, Silver Lake fire station, Deer Valley Resort
Reason for Review:	Subdivisions require Planning Commission review and City Council approval

Background

The Deer Valley Club Estates Subdivision plat was originally approved by City Council in June of 1992 and recorded on December 10, 1992, as a 21 lot single-family subdivision.

In 1998, an administrative lot line adjustment was approved to combine Lots 17 and 18 of the Deer Valley Club Estates Subdivision (now known as the Knoll Estates Subdivision) to create Lot 17A. This lot line adjustment was recorded on July 2, 1998.

On October 19, 1998, after the lot line adjustment plat was recorded, the Knoll Estates HOA quit claimed a 3,281 sf strip parcel to the property owner. The strip parcel is located between the curb of Aster Lane and the front property line of Lots 17 and 18. This strip parcel is assessed with Lot 17A. The addition of this quit claimed parcel as lot area is considered a subdivision of land that was not approved by the City, per the LMC Section 7.1- Subdivision procedures.

On October 18, 2007, the City received a completed application for a subdivision to Lot 17A, to recreate Lots 17 and 18, with a modification to put the lot line approximately 14' to the west of the original location and to formally incorporate the 3,281 sf quit claim parcel into the two lots as a subdivision per LMC Section 7.1. The applicant has no vested right to subdivide and this subdivision request needs to be reviewed for compliance with the current LMC (Section 15-7).

On January 23, 2008, the Planning Commission reviewed this item and conducted a public hearing (see Exhibit F- minutes). The Knoll Estates HOA and several neighbors opposed this subdivision and stated that they believe they will be materially harmed if Lot 17A is allowed to be subdivided into 2 lots and a house is constructed on Lot 18. The HOA claimed that they had been promised that the vacant part of Lot 17A would be a park. The applicant stated that this was not the case. The Commission continued this item to the February 13, 2008, meeting and requested information regarding the location of the rock wall and access to Lot 18 and clarification of the recorded easement/quit claim language.

On February 13, 2008, the Planning Commission reviewed the item and re-opened the public hearing. The legal representative of the HOA reiterated the concerns that the HOA believed they would be materially harmed by the subdivision, in terms of use of the lot for a park and because they couldn't maintain landscaping on the proposed paved driveway. The applicant stated that this was not the case. The Planning Commission voted unanimously to forward a positive recommendation to the City Council (Exhibit G).

On April 3, 2008 the Council continued the public hearing on the plat amendment to June 26, 2008 due to pending court hearings involving the applicant and the HOA. On June 26, 2008, City Council continued the item to a date uncertain.

On May 28, 2009, several legal matters between the Knoll Estates HOA and the applicant having to do with the ability of the applicant to propose this plat amendment were settled (Exhibit H) and on June 11, 2009, the applicant requested that the item be returned to the City Council for a public hearing.

Analysis
The property is located at 7888 Aster Lane, a private street in the Silver Lake area of Deer Valley. The property is zoned Residential Development (RD) and is subject to the Deer Valley Master Planned Development- 9th Amended and Restated. (Exhibits A – C)

Lot 17 would contain 22,908 square feet of lot area. Lot 18 would contain 14,088 square feet of lot area. In the original configuration of the Deer Valley Club Estates Subdivision, Lot 17 contained 12,991 sf and Lot 18 contained 20,805 sf (not including the strip parcel). Lot 17 is currently improved with one existing single-family house and mature landscaping. Lot 18 includes mature landscaping associated with Lot 17 but does not have a house on it. Lot 18 would become a lot of record for a future house and the plat would identify a building pad in a similar, yet slightly smaller (by about 225 sf), configuration to that of the original platted lot. The proposed location of the shared lot line between Lots 17 and 18 maintains the required 12’ side yard setback for an existing deck on Lot 17.

Landscape maintenance easement

The proposed plat continues to identify the landscape maintenance easement across the fronts of Lots 17 and 18, granting the Knoll Estates Association access to the 3,281 sf strip of land quit claimed to the owner of Lot 17A. As described in the title report, the purpose of the easement is for maintaining the landscaping and lighting as follows:

> Grantor (The Knoll Estates Association) reserves the right in perpetuity to enter upon the property transferred hereunder for the purpose of maintaining, attending to and replacing, as circumstances require, the trees located thereon and the rock wall running adjacent thereto and along Aster Lane, together with the perpetual right to install and maintain attractive decorative lighting and holiday season adornment upon those trees, all with the purpose of maintaining and perpetuating the attractive landscaping appearance of the entrance area of Aster Lane from Royal Street.

Staff finds that this landscape easement does not preclude the owners of Lots 17 and 18 from accessing Aster Lane, the private road and non-exclusive utility easement intended to provide access for all Lots within the subdivision.

A decorative stone wall is located within the Aster Lane private road and non-exclusive utility easement north of the front property lines of Lots 17 and 18, and runs along the edge of Aster Lane. According to the survey provided with the submittal, staff finds that the wall itself is not located within the landscape maintenance easement area on Lots 17 and 18 and is located within the Aster Lane “private road and non-exclusive utility easement”, behind the curb.

Access

Lots 17 and 18 are proposed with frontage on Aster Lane, a private road and non-exclusive utility easement, owned by the Knoll Estates HOA. Staff has not found any indication that this access and utility easement, as shown on the original subdivision, has been vacated or abandoned by the quitclaim language or landscape maintenance agreement. An existing driveway for Lot 17 crosses the HOA landscape maintenance easement (described above) on the front portion of the lot.

A driveway for Lot 18 is proposed at the western end of the lot (Exhibit D). A driveway in this location would not necessitate removal or disturbance of the existing rock wall. Some existing landscaping would need to be removed or relocated. The property owner and HOA constructed the wall and HOA permission would be required to disturb it. With the information presented it appears that the driveway could be constructed without disturbing the wall. Required setbacks could be met and construction of a driveway is possible in this location. The driveway design may require relocation of some existing utilities. Staff recommends a condition of approval that the driveway location issue be resolved to the satisfaction of the City prior to issuance of a building permit for Lot 18.

Alternatively, access to Lot 18 could be provided from Lot 17 via a shared driveway, provided an access easement is granted to Lot 18 across Lot 17 and any utility conflicts are resolved. The proposed driveway location, illustrated on Exhibit D, is preferable, given the extent of mature vegetation that would be removed or relocated to accommodate such a shared driveway.

Deer Valley MPD

Development of the subdivision is subject to the Deer Valley MPD (9th amended and restated), which continues to identify a density of 21 units (lots) for the MPD parcel (i.e. for Deer Valley Club Estates). With the 1998 lot line adjustment between Lots 17 and 18, the current density exists at 20 units (lots). The subject plat amendment would put the density back to the 21 lots as approved with the Deer Valley MPD. The density was not traded to another Deer Valley MPD parcel.

LMC- Section 15-7 Subdivision Ordinance

The applicant has no vested right to subdivide and this subdivision request needs to be reviewed for compliance with all applicable sections of the current Land Management Code, including the RD Zoning District and Chapter 7, the Subdivision Ordinance, specifically Section 15-7.1 (Subdivision Procedures) and Section 15-7.3 (Requirements for Improvements, Reservations and Design). The applicant has followed the required process for a 2-lot subdivision. Staff has reviewed the subdivision request for conformance with applicable rules and regulations as outlined in LMC 15-7.3 and finds that, as conditioned, the plat is in conformance with the LMC. The plat is consistent with the lot and site requirements of the RD zoning district and the proposed lot line does not create non-conforming situations for the existing house.

Existing platted easements

There is an existing 20' wide non-exclusive storm drain easement along the western property line of proposed Lot 18. This easement makes a right angle turn and heads east along the south edge of the proposed building pad, crosses onto Lot 17, and continues east to the east property line of Lot 17 along the south edge of the building pad. This easement will remain in place with the plat amendment. A 5' wide easement for pedestrian access for the benefits of Lots 17 and 18 is proposed to be dedicated with the subject plat amendment. There is an existing 10' wide public utility easement along Royal Street within the eastern portion of Lot 17. Other easements, as described in the title report, will not change as a result of this plat amendment.

Deer Valley Club Estates (Knoll Estates) Subdivision plat notes
The applicant proposes to include applicable plat notes consistent with the original amended Deer Valley Club Estates subdivision, including maximum house size, maximum irrigated area, fire protection requirements of residential fire sprinklers and non-flammable roofs, LOD limitations, and potential requirement for ejector pumps to provide sewer service for Lot 18 up to Aster Lane. The applicant has identified platted building envelopes for the two lots similar in size and location to those identified on the original plat. The building envelope for Lot 17 will accommodate the existing house. The building envelop for Lot 18 will be slightly smaller in area as originally platted due to the narrower lot width, existing easements, and setback limitations of the zone.

The purpose of this subdivision plat is to replat the existing 37,006 sf Lot 17A back into two lots of record, as Lots 17 and 18, in a similar configuration to what was originally platted prior to the administrative lot line adjustment recorded in 1998, with the addition of the property quit claimed to Lot 17A. This subdivision does not create any non-conforming circumstances, nor does it increase the overall density of the Deer Valley MPD or the density allocated to this MPD development parcel.

The proposed subdivision plat would create an additional lot of record from the 20 lots that currently exist on the second amended Deer Valley Club Estates Subdivision, a development parcel of the Deer Valley MPD. The Deer Valley MPD allows 21 single-family lots. The original subdivision, known as the amended Deer Valley Club Estates Subdivision, included a total of 21 lots. The proposed subdivision, as conditioned, is consistent with both the Deer Valley MPD and the amended Deer Valley Club Estates Subdivision.

Summary
Staff finds good cause for this subdivision plat in that two lots of record, in a configuration, and with conditions, similar to the original subdivision plat, would be created for an existing house on Lot 17 and a future house on Lot 18, consistent with the approved Deer Valley MPD. No non-conforming situations are created and the lots would be similar in size to the average lot size in the subdivision (16,296 sf). Lot 17 is proposed at 22,908 sf and Lot 18 at 14,088 sf. The resulting lot size is consistent with the pattern of development in the neighborhood and the proposed density is consistent with the approved Deer Valley MPD. The applicant has agreed to include all applicable plat notes from the existing amended Deer Valley Club Estates subdivision on the revised plat (Exhibit E). The applicant also agrees to dedicate a pedestrian easement across Lot 17 for the benefit of Lot 18 and to maintain all existing easements for landscaping, utilities, and access.

Staff finds no material injury to the public or any person as a result of this subdivision plat. Staff also finds good cause in that the quit claimed parcel is included in the lots as part of a legal subdivision plat, processed and approved per the required LMC Subdivision criteria. Staff has reviewed the subdivision request against the requirements for subdivisions in the Land Management Code and finds that as conditioned the subdivision plat is in conformance with the LMC.

Department Review

This proposal has gone through an interdepartmental review. Issues discussed included notice to the applicant that sewer service for Lot 18 would likely require ejector pumps, as noted on the original plat, assurances that the private gate code would be made available to all utility providers and property management personnel who may need to respond to emergencies within the subdivision, and a requirement for an existing conditions survey. Several utility providers made comments that in certain instances landscaping is being placed over utilities, not just in this subdivision, and this can cause conflicts if these utilities need to be accessed. These issues have been resolved by additional information from the applicant and/or by conditions of approval.

Public Notice

The property was re-posted and new was mailed to property owners within 300 feet given notice of the July 16, 2009 hearing. Legal notice was also published in the Park Record. Several property owners and the HOA attorney spoke against the proposed subdivision plat at the Planning Commission meeting (see minutes), stating that they believed they would be materially harmed by the subdivision and the CCRs did not allow re-subdivision of a lot. They indicated that there were agreements between the previous owner of Lots 17 and 18 that promised that the area of Lot 18 would remain open and undeveloped. The HOA property owner's provided affidavits to this effect. The applicant did not agree. On May 28, 2009, a court settlement was reached addressing some of these items (Exhibit H).

Alternatives

- The City Council may adopt the ordinance approving the Knoll Estates (FNA Deer Valley Club Estates) Lots 17 and 18 amended subdivision plat as conditioned or amended; or
- The City Council may deny the Knoll Estates (FNA Deer Valley Club Estates) Lots 17 and 18 amended subdivision plat and direct staff to prepare findings supporting this decision; or
- The City Council may continue the discussion to a date certain to allow additional time for review or any concerns or issues raised at the hearing.

Significant Impacts

A fiscal impact resulting from this subdivision is that a separate lot of record would be created and a single-family house could be constructed without necessity of extending additional public roads or utilities. There are no significant environmental impacts that result from this application, as conditioned, as the density and lot configuration were contemplated with the Deer Valley MPD. Some mature landscaping would have to be removed and/or relocated.

Consequences of not taking the Suggested Recommendation
A separate lot would not be created.

Process
Plat amendments require a public hearing and a recommendation from the Planning Commission. The City Council takes final action. Appeals of Council decisions are heard by District Court.

Recommendation
Staff recommends the City Council conduct a public hearing for the proposed subdivision at 7888 Aster Lane, consider any input, and consider approving the subdivision plat based on the findings of fact, conclusions of law and conditions of approval provided for the Council's consideration.

Exhibits
Ordinance
Exhibit A- proposed plat
Exhibit B- original configuration of Lots 17 and 18 and plat notes
Exhibit C- July 2, 1998, lot line adjustment plat, including note added in October of 1998.
Exhibit D- proposed driveway location and rock wall illustration
Exhibit E- quit claim document, Planning Commission hearing
Exhibit G- minutes of the February 13, 2008, Planning Commission hearing
Exhibit H- May 28, 2009, court settlement documents

Ordinance No. 08-

AN ORDINANCE APPROVING THE KNOLL ESTATES (FNA DEER VALLEY CLUB ESTATES) LOTS 17 AND 18 AMENDED SUBDIVISION PLAT, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 7888 Aster Lane petitioned the City Council for approval of a subdivision to recreate and reconfigure Lots 17 and 18 of the amended Deer Valley Club Estates Subdivision; and

WHEREAS, the owner of the property located at 7888 Aster Lane requests that the 3,281 sf strip of land, platted originally as part of the Aster Lane private road and non-exclusive utility easement, and on October 19, 1998 quit claimed to the owner of Lot 17A from the Knoll Estates HOA, be included in this subdivision to recreate and reconfigure Lots 17 and 18.

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

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

WHEREAS, the Planning Commission held a public hearing on January 23, 2008, to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on February 13, 2008, forwarded a recommendation to the City Council; and,

WHEREAS, on June 26, 2008, the City Council continued the proposed subdivision plat request to a date uncertain; and

WHEREAS, on May 28, 2009, a court settlement agreement was reached between the Knoll Estates HOA and the owner; and

WHEREAS, the property was re-posted, new notices were sent to affected property owners, and a legal was published in the Park Record giving notice of the July 16, 2009, hearing; and

WHEREAS, on July 16, 2009, the City Council conducted a public hearing on the requested plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision to recreate and reconfigure Lots 17 and 18, similar to the original Deer Valley Club Estates Subdivision and consistent with the Deer Valley Master Planned Development and the current Land Management Code, and to resolve a deck encroachment into the west setback area of Lot 17.

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

<u>SECTION 1. APPROVAL.</u> The above recitals are hereby incorporated as findings of fact. The Knoll Estates (FNA Deer Valley Club Estates) Lots 17 and 18 amended subdivision plat, as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

<u>Findings of Fact</u>

1. The property, currently known as Lot 17A of the Deer Valley Club Estates record of survey and plat amendment, and previously known as Lots 17 and 18 of the amended Deer Valley Club Estates Subdivision, is located at 7888 Aster Lane. Aster Lane is a private street located in the Silver Lake area of the Deer Valley Master Planned Development area.
2. The property is located in the Residential Development (RD) zoning district and is subject to the requirements and conditions of the Deer Valley MPD, 9^{th} Amended and Restated.
3. The Deer Valley Club Estates Subdivision was approved by City Council in June of 1992 and recorded at Summit County on December 10, 1992. The subdivision was approved according to the Land Management Code in effect at the time.
4. On June 1, 1998, an administrative lot line adjustment was approved by the Community Development Director to remove the lot line between Lots 17 and 18 of the Deer Valley Club Estates Subdivision and create Lot 17A. The plat amendment was recorded on July 2, 1998.
5. On October 19, 1998, a 0.075-acre (3,281 sf) strip of land, located between the curb of Aster Lane and front property line, was quit claimed to the property owner by the Knoll Estates HOA. A note was added, by the County Assessor's office, to the working copy of the lot line adjustment plat, stating that this parcel was to be assessed with Lot 17A. The addition of this lot area is considered a subdivision of land that was not formally approved by the City, per the LMC Section 7. 1- Subdivision procedures.
6. The 0.075 acre quit claim parcel was previously part of the Aster Lane private road and non-exclusive utility easement as indicated on the Deer Valley Club Estates Subdivision. Staff has not found any indication that this private road and utility easement, as shown on the original subdivision, has been vacated or abandoned by the quitclaim language or landscape maintenance agreement.
7. Lot 17A consists of 37,006 square feet of lot area.
8. On October 18, 2007, the City received a completed application for a subdivision to Lot 17A, to recreate Lots 17 and 18, to put the lot line approximately 12' to the west of the original location, and to formally incorporate the previously combined 3,281 sf parcel into the two lots.
9. The applicant has no vested right to subdivide the property and the subdivision request is subject to the current Land Management Code

Section 15-7- Subdivision.

10. This subdivision plat creates two lots of record. Lot 17 is proposed to contain 22,908 square feet and Lot 18 is proposed to contain 14,088 square feet.
11. The average lot size in the Knoll Estates, including proposed Lots 17 and 18, is 16,296 square feet.
12. Lot 17 is currently improved with one existing single-family house and mature landscaping. Lot 18 includes mature landscaping associated with Lot 17 but does not have a house on it.
13. There is an existing 20' wide non-exclusive storm drain easement along the western property line of proposed Lot 18. This easement makes a right angle turn and heads east along the south edge of the proposed building pad, crosses onto Lot 17, and continues east to the east property line of Lot 17 along the south edge of the building pad. This non-exclusive easement will remain in place with the plat amendment and does not preclude construction of a driveway in this location to provide access to the lot, provided that any existing utilities or pipes are relocated, as necessary.
14. The plat will not create a non-conforming situation for the existing house on Lot 17 and all existing utility easements, including storm drainage easements, and access easements remain, including a pedestrian access easement across Lot 17 for the benefit of Lot 18.
15. The plat memorializes a recorded easement across the fronts of Lots 17 and 18 that grants the Knoll Estates Association access to a 0.075 acre strip of land for the purpose of maintaining the landscaping and decorative lighting, etc. as described in Summit County Recorder Book 1192 on Page 395. The purpose stated in the quitclaim deed was to maintain and perpetuate the attractive landscaping appearance of the entrance area of Aster Lane from Royal Street.
16. This landscape maintenance easement does not preclude access to Aster Lane from Lots 17 and 18.
17. A decorative stone wall is located within Aster Lane, a private road and non-exclusive utility easement, and runs along the edge of curb of Aster Lane adjacent to the above described 0.075 acre strip parcel. The wall was constructed by the HOA and owner of Lot 17A. According to the survey submitted with the application, the wall is not located on proposed Lots 17 and 18.
18. Lots 17 and 18 have frontage on Aster Lane, a private drive owned and maintained by the Knoll Estates Association, for the purpose of providing access to the lots. The existing driveway for Lot 17 crosses the 0.075-acre landscape and maintenance easement. A driveway for Lot 18 was proposed opposite Aster Court, a private cul-de-sac within Knoll Estates, also crossing this landscape and maintenance easement. A driveway in this location would necessitate creating an opening in the existing rock wall. Modification of the wall is a private matter between the owner and the HOA. The driveway is currently proposed at the western edge of the

property in a location that does not disturb the wall.

19. Access to Lot 18 could be provided from Lot 17 via a shared driveway, however this is not the preferred location due to the extent of mature vegetation that would have to be removed or relocated to accommodate a shared driveway.
20. There is sufficient width at the far western portion of Lot 18 to access the lot beyond the west end of the wall. This location was proposed by the applicant at the February 13, 2008, Planning Commission meeting.
21. A private gate was installed at the entrance to the Knoll Estates Subdivision. There are instances when the gate is closed that emergency and property management personnel are not able to enter the subdivision, creating a potential health, safety and public welfare situation.
22. Royal Street provides frontage for Lots 17 and 18. Royal Street is considered a major collector street in the Silver Lake area and access to Royal Street would cross a primary pedestrian walkway and may create conflicts with sight distances and turning movements from other driveways and streets.

Conclusions of Law

1. There is good cause for this subdivision in that two lots of record, in a configuration, and with conditions, similar to the original subdivision plat, would be recreated. Additionally, no non-conforming situations are created, the lots would be similar in size to the average lot size in the subdivision, the lots are consistent with the pattern of development in the neighborhood, and the quit claimed parcel would be formally included in the subdivision per the LMC requirements and process for subdivisions.
2. The subdivision and density are consistent with the approved Deer Valley MPD-9th Amended and Restated.
3. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
4. As conditioned, neither the public nor any person will be materially injured by the proposed subdivision.
5. As conditioned, approval of the subdivision 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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will provide a recordable mylar to the City for recordation at the County within one year of the date of City Council approval. If the signed mylar has not been received within one year's time, this approval for the plat will be null and void. A one year extension may be granted by the City Council.
3. All conditions of approval of the Deer Valley Club Estates Subdivision

shall continue to apply in full force and effect and all applicable plat notes shall be included on the plat prior to recordation as follows: 1) Maximum Floor Area of 11,000 sf, (exclusive of garages, balconies, porches, patios, and basements); 2) Maximum irrigated area of 10,000 sf; 3) modified 13-D residential fire sprinklers and non-flammable roofs are required; 4) LOD limitations not to exceed 15’ outside of the building pads with exception that Front Yards maybe disturbed to provide driveways, landscaping, and utilities; and 5) ejector pumps may be required to provide adequate sewer service for Lots 17 and 18.

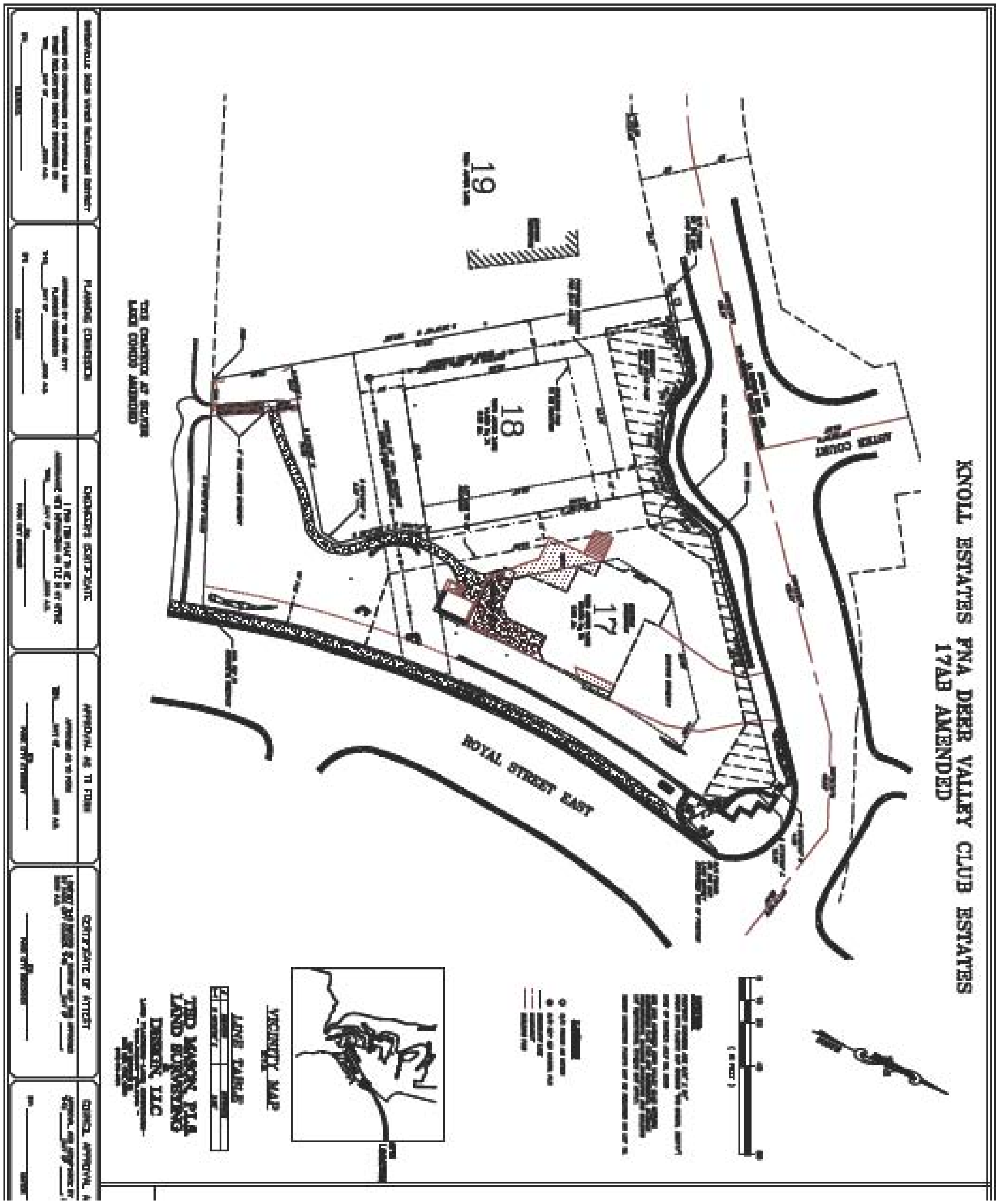
4. Platted building envelopes are required as shown on the proposed plat amendment, consistent in size and approximate location to those building pads identified on the original Deer Valley Club Estates subdivision plat and to accommodate the existing house.
5. A note shall be included on the subdivision plat prior to recordation requiring a landscape plan to be submitted with any building permit application. The landscape plan shall identify all existing vegetation, landscaping to be removed or relocated, and shall include a re-vegetation plan for all disturbed areas. The landscape plan shall be in conformance with the LOD limitations identified in condition #3 above.
6. Prior to issuance of a building permit, location of the driveway shall be identified and all issues regarding easements, utilities, landscaping, and the rock wall shall be resolved to the satisfaction of the City Planning, Engineering, Building and Legal Departments. All utility easements of record are still in full force and effect and shall be shown on the plat.
7. The Knoll Estates Subdivision and Knoll Estates Condominium private gate code shall be made available to all utility providers and property management personnel who may need to respond to emergencies within the subdivision, in a manner acceptable to the Chief Building Official.
8. A fire protection plan shall be provided with any building permit applications and a modified 13-D fire sprinkler system shall be required. A note to this effect shall be added to the plat prior to recordation.
9. Access to Lots 17 and 18 shall not be allowed from Royal Street.
10. At the request of the Snyderville Basin Water Reclamation District, a note shall be added to the plat prior to recordation stating that a sewer ejector pump may be required on Lot 18 and that wastewater service to Lot 18 shall be by a connection to the public wastewater line in Aster Lane. No private lateral stub exists at this location; therefore, connection to the public system will require extending the private lateral into the street to connect to the public system.

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

PASSED AND ADOPTED this ____ day of July, 2009.

PARK CITY MUNICIPAL CORPORATION

Exhibit A


KNOLL ESTATES FNA DEER VALLEY CLUB ESTATES
17AB AMENDED
ROYAL STREET EAST
19
18
17
VICINITY MAP
LINE TABLE
PLANNING COMMISSION
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST

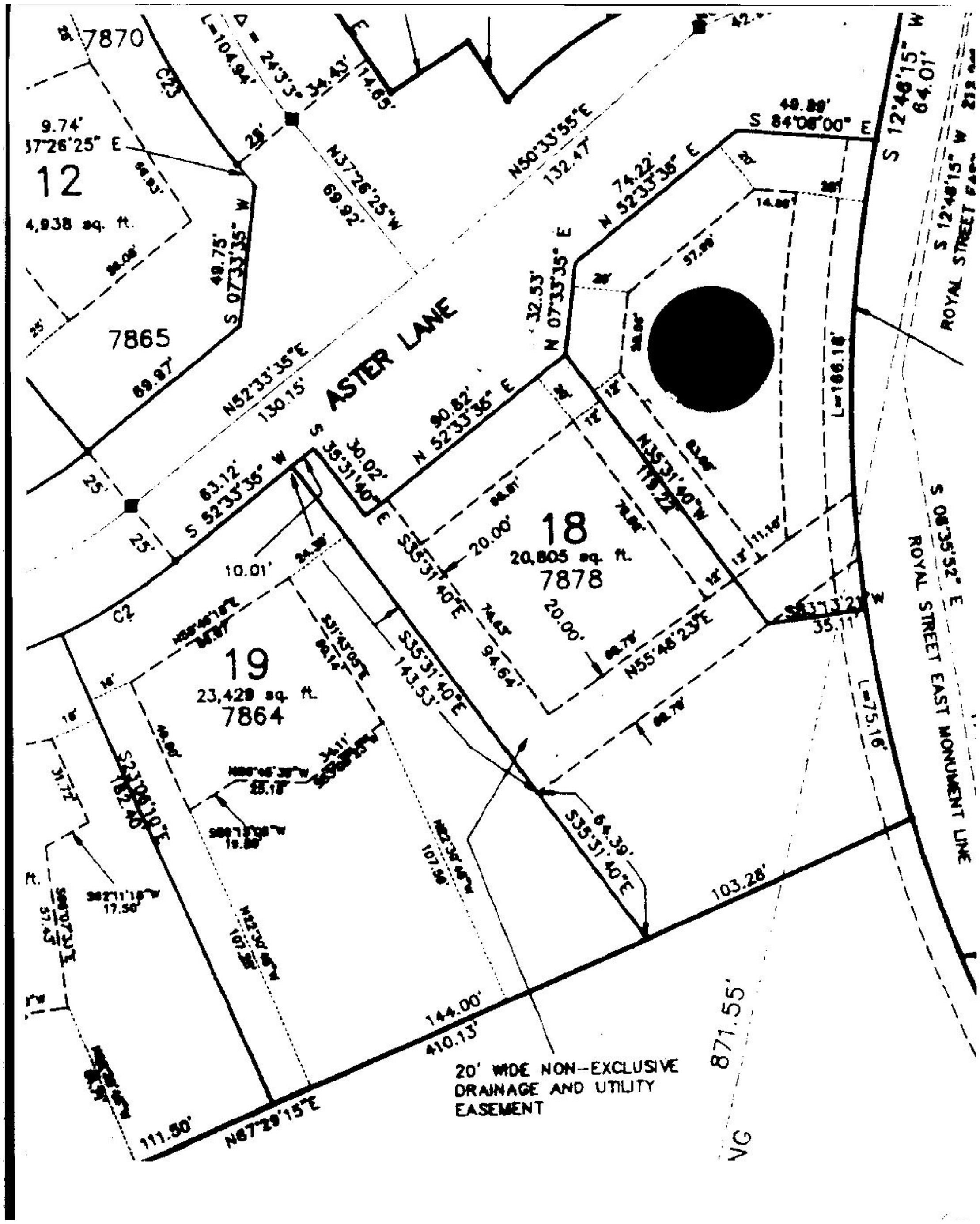

7870
12
4,938 sq. ft.
7865
ASTER LANE
N52°33'35"E
130.15'
N50°33'55"E
132.47'
N37°26'25"W
69.92'
S 84°08'00" E
S 12°48'15" W
64.01'
ROYAL STREET EAST
74.22'
N 52°33'35" E
32.53'
N 07°33'35" E
90.82'
N 52°33'35" E
63.12'
S 52°33'35" W
30.02'
S 35°31'40" E
18
20,805 sq. ft.
7878
20.00'
N35°31'40"W
N55°48'23"E
S83°13'21" W
35.11'
L=186.18'
L=75.16'
S 08°35'52" E
ROYAL STREET EAST MONUMENT LINE
19
23,429 sq. ft.
7864
10.01'
C2
S35°31'40"E
143.53'
94.64'
S23°08'10"E
182.40'
64.39'
S35°31'40"E
103.28'
144.00'
410.13'
111.50'
N67°29'15"E
871.55'
20' WIDE NON-EXCLUSIVE
DRAINAGE AND UTILITY
EASEMENT

Exhibit B

NOTES:

1. PLANS, DESIGN & CONSTRUCTION SHALL BE IN ACCORD WITH THE "CONDITIONS, COVENANTS, AND RESTRICTIONS" AS ON RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.
2. ALL DWELLINGS SHALL BE FIRE SPRINKLED AND THE SPRINKLING PLAN SUBMITTED WITH THE SITE PLAN AND ARCHITECTURAL DRAWINGS FOR REVIEW PRIOR TO ISSUANCE OF A BUILDING PERMIT.
3. ALLOWABLE IRRIGATED AREA 10,000 SQ. FEET, MAXIMUM PER LOT.
4. NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENTS ARE RESERVED ALONG THE FRONT AND SIDE 5.0 FEET OF EACH LOT AND THE REAR 10.0 FEET OF EACH LOT.
   SEE TYPICAL LOT FOR EASEMENTS.
5. "ASTER LANE" AND "ASTER COURT" ARE PRIVATE ROADS AND ROADWAY IMPROVEMENTS THEREON WILL NOT BE MAINTAINED BY PARK CITY. CONSIDERABLE MAINTENANCE COSTS WILL ACCRUE TO LOT OWNERS. (ALSO SEE BELOW)
6. ALL ROOFS SHALL BE CONSTRUCTED USING FIRE RETARDANT MATERIALS.
7. SINGLE FAMILY DWELLINGS TO HAVE MAXIMUM LIVING AREA OF 11,000 SQUARE FEET. LIVING AREA SHALL BE EXCLUSIVE OF GARAGES, BALCONIES, PORCHES, PATIOS, AND BASEMENTS.
8. LIMITS OF DISTURBANCE SHALL BE 15 FEET OUTSIDE OF ALL ROAD RIGHT OF WAYS, BUILDING PAD ENVELOPES, AND UTILITY EASEMENTS. FRONT YARD AREAS MAY BE DISTURBED AND RE-VEGATATED UPON APPROVAL OF PARK CITY PLANNING DEPT.
9. PARK CITY WATER EASEMENT RECORDED APRIL 4, 1982, ENTRY NO. 190450, BOOK M217, WITH THE SUMMIT COUNTY RECORDER.
10. THE DESIGN ELEVATION FOR THE SANITARY SEWER WILL PROVIDE GRAVITY FLOW FOR A STANDARD FLOOR LEVEL BELOW MAIN FLOOR LEVEL AT STREET GRADE, BUT NOT FOR SECOND FLOOR LEVEL BELOW STREET GRADE. RESIDENTIAL TYPE SEWAGE EJECTOR PUMPS MAY BE REQUIRED WHERE THIS CONDITION OCCURES.

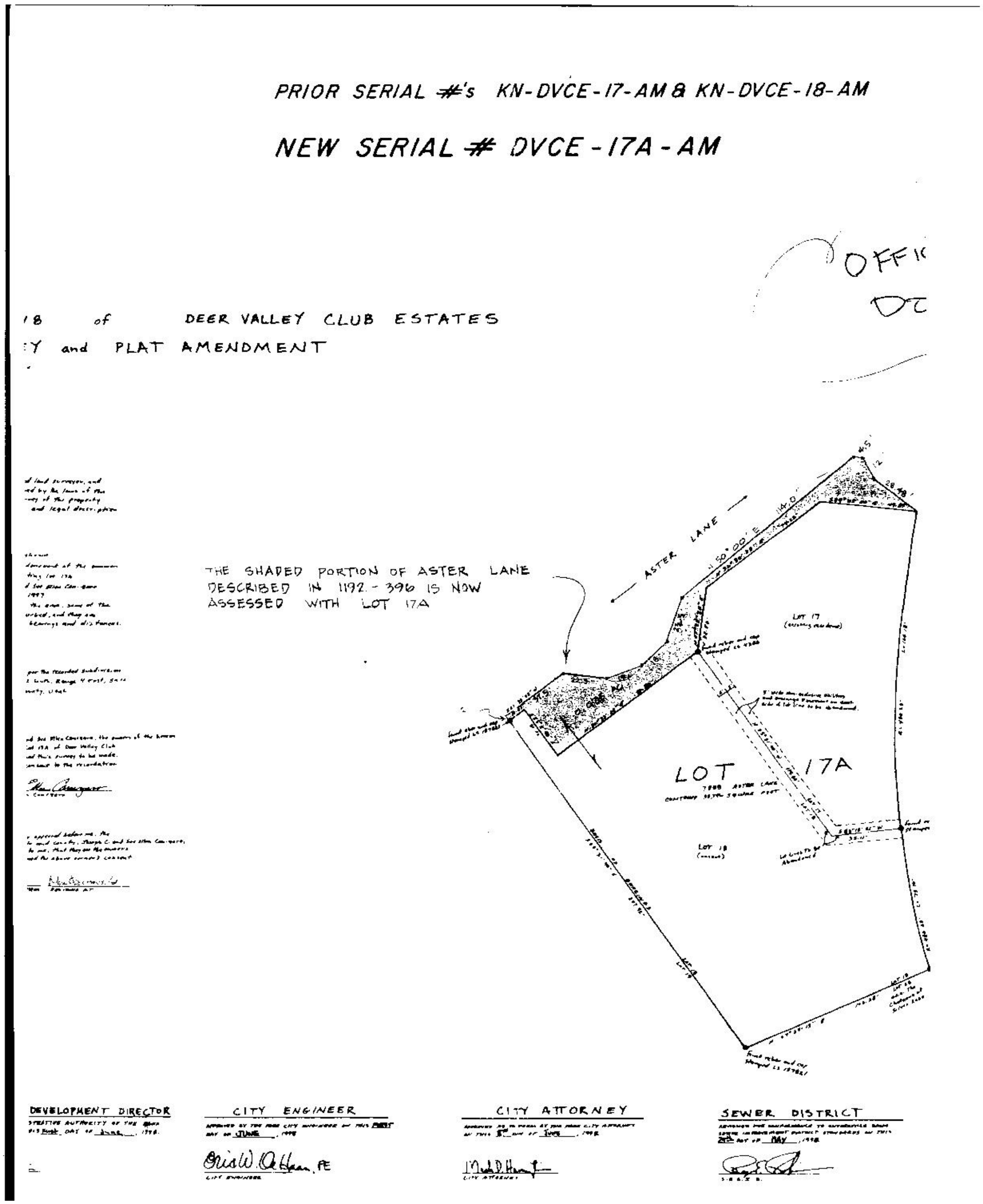

PRIOR SERIAL #'s KN-DVCE-17-AM & KN-DVCE-18-AM
NEW SERIAL # DVCE-17A-AM
18 of DEER VALLEY CLUB ESTATES
Y and PLAT AMENDMENT
THE SHADED PORTION OF ASTER LANE DESCRIBED IN 1192-396 IS NOW ASSESSED WITH LOT 17A
ASTER LANE
LOT 17A
DEVELOPMENT DIRECTOR
CITY ENGINEER
CITY ATTORNEY
SEWER DISTRICT

Exhibit C-

Exhibit D

WHEN RECORDED RETURN TO:

JOSEPH C. CANIZARO
909 POYDRAS ST. SUITE 1700
NEW ORLEANS, LA 70112

00520321 Bk01192 Pg00395-00397
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1998 OCT 19 15:57 PM FEE $15.00 BY DMG
REQUEST: COALITION TITLE

QUIT CLAIM DEED

THE KNOLL ESTATES ASSOCIATION, formerly known as the Deer Valley Club Estates Association, a Utah non-profit corporation serving as the homeowners' association for the Knoll Estates Subdivision, Park City, Summit County, Utah, whose address is c/o John Lehmer, D'Elia & Lehmer, P.O. Box 626, Park City, UT 84060, GRANTOR, for the sum of Ten Dollars and other good and valuable consideration the receipt of which is hereby acknowledged, hereby QUIT CLAIMS to:

JOSEPH C. AND SUE ELLEN CANIZARO husband and wife as joint tenants and not as tenants in common, 7888 Aster Lane, Park City, Utah 84060, GRANTEES,

the following described portion of the private roadway known as Aster Lane located in the Knoll Estates Subdivision, Park City, Summit County, Utah, which portion is more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED.

SUBJECT, HOWEVER, to an easement on this property retained in favor of the Grantor as follows:

Grantor reserves the right in perpetuity to enter upon the property transferred hereunder for the purpose of maintaining, attending to and replacing, as circumstances require, the trees located thereon

Exhibit E

and the rock wall running adjacent thereto and along Aster Lane, together with the perpetual right to install and maintain attractive decorative lighting and holiday season adornment upon those trees, all with the purpose of maintaining and perpetuating the attractive landscaping appearance of the entrance area of Aster Lane from Royal Street.

DATED this 30 day of September, 1998.

THE KNOLL ESTATES ASSOCIATION

By: ______________________
Frank Skillern, President

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

Mr. Frank Skillern, President of the Knoll Estates Association, appeared before me on the 30 day of September, 1998, and, being by me first duly sworn, acknowledged that he executed the foregoing document on behalf of the Association and with full authority.

____
NOTARY PUBLIC

My Comm. expires: 10/6/01 Residing at: Park City, Utah

Notary Public
JOHN R. LEHMER
PO Box 626 7670 Royal St. #201
Park City, Utah 84060
My Commission Expires
October 6, 2001
State of Utah

00520321 Bk01192 Pg00396

JAN 10 2008

FROM : OTTO/WALKER ARCHITECTS   PHONE NO. : 435 + 649 + 6378   Sep. 22 1998 02:26PM P3

Description of a portion of Aster Lane, Deer Valley Club Estates Subdivision:

A parcel of land located within Deer Valley Club Estates Subdivision, said subdivision being located in Sections 22 and 27, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Park City, Summit County, Utah, said parcel of land being more particularly described as follows:

Beginning at the Northwesterly corner of Lot 18 of Deer Valley Club Estates, thence N 35° 31' 40" W 2.00 feet, thence N 53°30'00" E 37.50 feet to the southeasterly side of a concrete and stone wall, thence along the southeasterly side of said wall the following 5 courses and distances:

S 85°00'00" E   22.50 feet,
N 69°30'00" E   19.00 feet,
N 46°00'00" E   18.00 feet,
N 19°30'00" E   23.50 feet,
N 50°00'00" E   114.00 feet to the Westerly side of another concrete and stone wall; thence along the Westerly side of said wall the following 3 courses and distances:

S 83°00'00" E   4.50 feet,
S 27°30'00" E   12.00 feet,
S 54°36'15" E   28.48 feet to the Northeasterly corner of Lot 17 of Deer Valley Club Estates, thence along the Northerly property lines of said lots 17 and 18 the following 6 courses and distances:

N 84°08'00" W   49.89 feet,
S 52°33'35" W   74.22 feet,
S 07°33'35" W   32.53 feet,
S 52°33'35" W   90.82 feet,
N 35°31'40" W   30.02 feet,
S 52°33'35" W   10.01 feet to the point of beginning.

Containing 3281 square feet, or 0.075 acres.

Exhibits F and G- Planning Commission minutes

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 23, 2008

COMMISSIONERS IN ATTENDANCE:

Chair Michael O'Hara, Evan Russack, Dick Peek, Rory Murphy

EX OFFICIO:

Principle Planner, Brooks Robinson; Kirsten Whetstone, Planner; Polly Samuel McLean, Assistant City Attorney
==
REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair O'Hara called the meeting to order at 6:40 p.m. and noted that all Commissioners were present except for Commissioners Pettit, Wintzer, and Thomas.

II. ADOPTION OF MINUTES

MOTION: Commissioner Murphy moved to APPROVE the minutes of January 9, 2008 2007 as written. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Due to problems with printing the Staff report and posting it on line, Assistant City Attorney, Polly Samuels McLean, informed the Planning Commission that it would be appropriate to discuss the agenda items and continue them to the next meeting if they needed more time to review the packet.

She also noted that only four Commissioners were present this evening. if any Commissioner needed to recuse from an item on the agenda this evening, that would leave the Planning Commission without a quorum and that particular item would need to be continued.
Commissioner Peek disclosed that he would recuse himself from 429 Woodside Avenue because the applicant, Bill Elder, is a client of his.

Commissioner Murphy disclosed that he has done work with the Park City Mountain Resort in the past; however he did not believe that would affect his judgment on the 1310 Lowell Avenue item.

Chair O'Hara disclosed that he and Brett Amon, the owner's representative for Aster Lane, both work for Coldwell Banker. He did not believe this presented a conflict and he would not recuse himself from that item.

V. CONSENT AGENDA

1. <u>429 Woodside Avenue - Steep Slope Conditional Use Permit</u>

Commissioner Peek recused himself from this item.

Based on the content of the report and the direction given to the applicant at the last meeting, Planner Robinson requested that this item be continued to a date uncertain.

MOTION: Commissioner Russack moved to CONTINUE 429 Woodside Avenue to a date uncertain. Commissioner Murphy seconded the motion.

REGULAR AGENDA/PUBLIC HEARINGS

1. <u>7888 Aster Lane - Plat Amendment</u>

Planner Kirsten Whetstone reviewed the request for a plat amendment to split Lot 17A into two lots, 17 and 18, located at 7888 Aster Lane, within the Deer Valley Club Estate subdivision. She noted that the property is located at Silver Lake, directly north of the Chateau.

Planner Whetstone reported that the Deer Valley Club Estate subdivision was recorded on December 10, 1992 as a 21 lot single family subdivision. It is subject to the Deer Valley Master Planned Development and the allowed density allowance on the parcel was subdivided into 21 lots. In 1998 a request was made for a lot line adjustment to combine lots 17 and 18, which removed a single line between the two lots. That request was approved as an administrative lot line adjustment by the Community Development Director, with consent letters from all the appropriate adjacent property owners.

Planner Whetstone stated that the current owner of this parcel is requesting a plat amendment to put the lot line back between Lots 17 and 18 in order to recreate and slightly reconfigure the two lots. There have not been significant changes in circumstance in the plat amendment process or the subdivision regulations between the lot line adjustment and this current application.

The Staff requested that the Planning Commission conduct a public hearing, consider any input, and consider forwarding a positive recommendation to the City Council. Planner Whetstone noted that there is opposition from some of the neighbors and Homeowners Associations in the neighborhood. She reported on letters she had received, which were provided to the Planning Commission.

Chair O'Hara opened the public hearing.

Thomas Howard, an attorney representing the applicant, Mr. Danse, presented the reasons for requesting this lot line adjustment. Mr. Howard referred to a letter from the attorney representing the Homeowners Association, who called this lot line adjustment a re-subdivision. Mr. Howard disagreed that it is a re-subdivision. He provided a brief history and noted that the Knolls Estates has 21 lots. In 1997, Joe Canizaro owned Lots 17 and 18. Mr Canizaro came before the Planning Commission with a request to combine Lots 17 and 18 into one lot. There were problems and opposition because the Association owned a piece of land along the road way that was common area. People felt they would be deprived of that common area and were unsure how they felt about the lot combination. Mr. Howard explained that Mr. Canizaro wanted to put everything into one lot. At that time, his deck encroached slightly on to the other lot. Mr. Howard pointed out that the vacant lot is Lot 17. When Mr. Canizaro approached the HOA, the deal apparently was that he would put a nice rock fence along the roadways. Mr. Howard presented pictures of a fence that is not the fence as it exists today, but it is similar.

Mr. Howard indicated the entrance into the project and noted that it is a gated community. It was proposed that if Mr. Canizaro built a nice rock wall, it would enhance everything. In exchange for him bearing the expense to put in the wall, the HOA agreed to give him the common area. The common area was deeded to Mr. Canizaro and the HOA retained an easement to access the common area and to maintain the landscaping.

Mr. Howard commented on the other discussions that have surfaced pertaining to another deal and an agreement made by Mr. Canizaro that the entire Lot 17 would then become a park that would be an unrestricted open area for everyone to use.

Planner Whetstone clarified that it was actually Lot 18 and not 17.

Mr. Howard stated that there is not a shred of evidence to show that it was ever an agreement. He has only seen letters written by adjacent lot owners indicating that understanding. Mr. Howard remarked that in order to preserve open space and any kind of park, it would have to be in writing and it would have to be deeded and deed restricted. That has never occurred. When Mr. Danse purchased his property from Mr. Canizaro, the listing agreement went as far as to indicate that these two lots may be unbundled. Mr. Danse spoke with Mr. Canizaro several times during the period of time in which he bought the property. There was never any mention of a park or open space, or anything of that nature. Mr. Howard noted that it has been argued that Mr. Canizaro originally put art work and a waterfall on Lot 18 and made improvements, which were intended to be semi-permanent. He actually put in a 3 foot water course and other things for his own grandchildren, but there was no intent for there to be a park. In exchange for getting this little strip of common area land, he built a fence and paid for it, and created a nice entrance way into the subdivision. This was the reason for deeding the land to Mr. Canizaro. The HOA maintained an easement to make sure they could go on to the land to properly maintain the landscaping. Mr. Howard felt it was ludicrous to think that Mr. Canizaro gave the entire project a million dollar piece of property to use in perpetuity for a park. Mr. Howard remarked that no one uses the property and it is not used as a park.

Mr. Howard believes they are now seeing these kinds of arguments because the owners would like to say that they have view corridors and they are entitled to be able to see everywhere. If that is taken away by allowing a house to be built, it will impact their views and negatively affect their property values. Mr. Howard passed around pictures he had taken today from various points. After explaining these photos and pointing out the grade, he could not see why any views would be obstructed. Mr. Howard stated that even if a home was built to the maximum height requirement, the structure could only come up 16 feet. Mr. Howard noted that Rob Long built a home on the property adjacent to Lot 18 and he had no objection to views or view corridor. Mr. Long has been in negotiations with Mr. Danse to work in partnership to build a home on Lot 18.

Mr. Howard could see no evidence whatsoever being submitted to the Planning Commission that supports the concern of an obstruction or damage to property values. There is no evidence that could be submitted to the Planning Commission showing that there was any agreement on that land. He pointed out that, by law, any real estate agreement must be in writing. There has never been a deed restriction and when Mr. Danse purchased his property, he had no notice whatsoever, or was even told of the agreement. Mr. Howard found it interesting that the Homeowners Association has been billing Mr. Danse dues for two lots; even though the property had been combined into one lot. Mr. Howard stated that Mr. Danse is proposing to cut into the wall to accommodate a driveway if a home is built on Lot 18. If that is not feasible, he is proposing that a small portion of the rock wall be removed near the end of the wall to accommodate a driveway in that location. He noted that the argument has been that the Homeowners Association owns that piece of property, but that it not true. The HOA owns an easement but that easement is only for maintenance of the landscaping. Putting in a driveway would not affect the easement and it would make maintenance easier. Therefore, in his opinion, that argument fades. Mr. Howard pointed out that the CC&R's contain a provision that reads, "No lot shall be re-subdivided". He argued that this is not a re-subdivision. This development was originally platted for 21 lots and in 1997 it went to 20 lots. The applicant's request puts the number back to what was originally platted and approved. A re-subdivision would mean that Mr. Danse plans to divide the lot and put in more homes.

Chair O'Hara pointed out that Park City does not enforce CC&R's, and any issues related to the CC&R's are a moot point for the Planning Commission.

Mr. Howard stated that the HOA has used the road in front of the rock wall to store snow. This is not a legal right and he cannot see how that argument has any merit. Mr. Howard remarked that the most significant point is that there is no deed restriction on this property. He understood that Joe Tesch plans to make an argument that the Planning Commission is making an arbitrary and capricious decision if it approves this application, because the applicant has failed to show good cause for this application and that there is no damage. Mr. Howard argued that there is no showing that there is damage of any kind and Mr. Danse is entirely within his rights. Mr. Howard reiterated that Mr. Canizaro never intended to finance a park for the subdivision. If that were his intention, there would be deed restriction. All that exists is a small quit claim deed, which quit claims the strip of land where the wall sits to the owner of Lots 17 and 18, retaining an easement for necessary maintenance and improvements.

Mr. Howard stated that open space must be created by deed. There are no impacts to any of the homes, views are not being taken away, and there is no vested right for any of the homeowners. Mr. Howard pointed out that since this application was submitted, three other homes in the subdivision are under construction or have been completed and there have been no complaints or loss of view issues with regard to these homes. Mr. Howard believed there was no basis for the objections significant enough for the Planning Commission to override an approval by the Planning Commission.

Allen Herzig, the owner of Lot 3 at the Knoll, read an email he had sent to the Planning Commission stating that when Lots 17 and 18 were combined in 1998 at the request of Joe

Canizaro, a deal was made in which the Knoll quit claimed land in return for giving Mr. Canizaro permission to build a wall, with the assurance that open space would be provided as a result of the permanent combination of the lots. That was apparently a reasonable deal acceptable to both parties. Now, for no apparent reason, other than financial gain, the new owner of Lot 17A wishes to renege on that deal. Mr. Herzig could see no reason why the town of Park City should permit this. He stated that several people have purchased lots and built homes in the Knoll Estates since the combination of Lots 17 and 18 was effected. Those people were not there and those homes were not there when the combination took place. They purchased land and built homes on the assumption that the open space and view corridors provided by the legal and presumably permanent combination of the two lots into one lot was going to continue indefinitely. Now these owners are being threatened by the loss of this open space and view corridors for no substantive reason. In addition to losing the enjoyment of the open space and view corridors, they can openly assume that their property values will be negatively impacted by the proposed separation of Lot 17A into two lots and the construction of an additional home on the newly created lot. Mr. Herzig remarked that he has never heard the word unbundling, as used by Mr. Howard. Unbundling has nothing to do with the fact that those lots were permanently combined and that a quit claim was made in order to satisfy Mr. Canizaro so he could build the wall, which benefitted everyone. The homeowners gave up land to get open space and view corridors in a legally binding deal. The bylaws prohibit re-subdivision. He understands that the City does not consider that their purview, however, he believes it is clearly the intent of the Homeowners Association that there be no re-subdivision. In his opinion, this is nothing but a re-subdivision. Mr. Herzig stated that material injury has taken place due to loss of open space, loss of view corridors, removal of a portion of the rock wall, and removal of trees for the driveway and the house. As a homeowner, Mr. Herzig does not believe this request should be permitted.

Rick Coleman was unsure of his lot number because the house was built prior to his purchase. Mr. Coleman stated that when Mr. Danse contracted with Mr. Canizaro to purchase this property, he received a plat form and a title opinion on the property. Therefore, he subsequently knew what he was buying. He purchased the property from Mr. Canizaro based upon the condition that it existed on the day of the closing. To his knowledge, that has not changed. Mr. Coleman stated that for the Homeowners Association to re-grant a change in the layout of Lot 17 and 18 would be a great windfall to Mr. Danse, in that he would acquire a million dollar piece of property that he did not pay for. Mr. Coleman stated that he purchased his property based upon the condition and the layout of this subdivision as it currently exists today.

Norm Gooden, a resident at 7850 Aster Lane opposed this plat amendment because property was given in order for this to be common area for the Association. He stated that Mr. Canizaro had reiterated at several HOA meetings that this land was for them to use. It is now being taken away when everyone gave something to have this option. Mr. Gooden remarked that the property on both sides of his property sold and houses are being built. He has no objection to this because there was never a prior agreement that it would be left as open space. Mr. Gooden did not believe it was right for the City to make a change for the monetary value of a new owner. In addition, the other owners are not getting back the property they gave in exchange for open space and that is not right.

Joe Tesch, representing the Homeowners Association, stated that what Mr. Howard told them is not evidence. What they have as evidence are the packets and letters from the homeowners in the association. These people actually witnessed the events in the HOA meetings and know what took place at that time. Mr. Tesch stated that Joe Canizaro combined two lots and the

HOA deeded him 3,281 square feet of property in order to reduce the density and to keep Lot 18, as he promised, as open space to be used as a park. Mr. Tesch remarked that as evidenced by the letters submitted for the record, people in the neighborhood used that space as a park. The land was not deeded to Mr. Canizaro to build a fence. It was deeded to him in a package deal. He could build the fence he wanted to improve the value of his property and the people would get open space and a reduction in density. Mr. Tesch stated that Mr. Canizaro kept his word for ten years and both sides performed for ten years. Part of the deal is written in the sense of the easement. The easement says that the landscaping will stay in perpetuity, that the HOA will be able to decorate it in the Christmas season in perpetuity and be able to go on that property to maintain their rock wall. Mr. Tesch remarked that the rock wall is not on the applicant's property and he cannot touch it or move it to make a driveway. This means the applicant cannot demonstrate access to the new lot being proposed. Mr. Tesch disputed the Staff policy to only consider the City ordinance and not agreements. He believes it is arbitrary and capricious to choose not to consider information because it makes things more difficult. Mr. Tesch did not think the Staff could legally do that. If something violates an agreement that is clear and clean, it is injury. He noted that the letter from the Homeowners Association lists fourteen areas of injury that would result from this plat amendment and he felt it was important for the Planning Commission to consider all the facts in making their decision, and not just the City ordinance. He asked the Planning Commission to think about what they consider as injury because this application does not pass the smell test. He felt that greed and profit is the only reason for requesting this plat amendment. Mr. Tesch stated that if Joe Canizaro misrepresented something in his listing agreement, that is between he and the buyer. There was no misrepresentation by the Homeowners Association.

Steve Drury, the real estate agent representing Mr. Danse, found it interesting that when points of law are disputed Mr. Tesch refers back to the folksy wisdom of anecdotal conversations from ten years ago. He assumed if Mr. Tesch was on the other side of the fence he would stick more to the points of law involved in this matter. Mr. Drury remarked that a deal is not a deal unless it is in writing. If anything agreed upon was of a permanent nature, it would absolutely be in writing and, of course, it is not. Mr Drury stated that when Blair Danse purchased that lot, he had conversations with Joe Canizaro and Mr. Canizaro never mentioned anything of this nature, which Mr. Tesch has so passionately defended. Mr. Drury stated that when Mr. Canizaro was contacted to comment on his pledges, he refused to return phone calls. It is apparent that he does not want to get involved in this whole mess. When Mr. Danse purchased the lot he did seek an advisory opinion from the Planning Commission about the potential of unbundling the lots, and was given an opinion that barring unforeseen or unpredictable circumstances, the lot could be returned to its original state.

Chair O'Hara clarified that an opinion would have been given by the Planning Staff and not the Planning Commission.

In terms of damage, Mr Drury stated that he and his partner spent a year and a half in that subdivision. They have several listings and have open houses on a weekly basis several times a week. In two years he has yet to see one person walk across that park, let alone use it for recreation purposes. Mr. Drury pointed out that there are no view damages because the grade of the lot steps down. Mr. Drury remarked that when the other property owners want to protect their property values, that is the American way; but when Mr. Danse wants to enhance his property, it's all about greed. Mr. Drury stated that Mr. Danse has not yet determined what he will do with that lot. He wants to exercise the right to build a home and has mentioned using it for his own personal use. The argument of greed simply is not the case. Mr. Drury stated that Mr. Danse has the right to do what he wants with his lot and that is all he is asking from the Planning Commission.

Joe Tesch asked that the people who have used the open space be allowed to speak.

Allen Herzig stated that he does not play on that lot but he has walked across that lot at least six times in the last two years, even though a claim was made that nobody did.

Norm Gooden stated that he has used that property several times in the last five years. He has been president of the Association for eight years and there was a verbal agreement that the property was to remain as open space. He can see now that something should have been put in writing but at the time they took Mr Canizaro for his word.

Rick Holden stated that he has used that space as a park and actually played croquette on it with Joe Canizaro.

Chair O'Hara closed the public hearing.

Assistant City Attorney, Polly Samuels McLean, stated that private agreements or sales agreements have no bearing on the Planning Commission. There is no vested right for anything to be subdivided or not and the Planning Commission should analyze this application based on the Land Management Code. She specifically directed them to the criteria in Chapter 15, Section 7.3, the Subdivision Chapter.

Chair O'Hara clarified that this matter came before the Planning Staff for administrative approval, but it had not been before the Planning Commission. Planner Whetstone replied that this was correct. Chair O'Hara asked if Planning Director Patrick Putt had signed off on that approval. Planner Whetstone noted that Rick Lewis, the Community Development Director at that time had signed the approval. Planner Whetstone had provided the Planning Commission with copies of the Staff report from the original lot line adjustment. Planner Robinson stated that he had written the Staff report and he was familiar with the lot combination.

Planner Robinson referred to page 80 of the current Staff report and Exhibit C, which showed the lot combination. He stated that this was a working document from the Summit County Recorders and the County had added the shaded area. That shaded area was not part of the original lot line but it was part of the quit claim deed that was recorded with the County. Planner Robinson felt it was slightly misleading to look at a document with City Staff signatures showing this as part of the lot line adjustment when, in fact, the County Recorders Office added that quit claim on to their public document.

Planner Robinson recalled that some of the discussion was on re-subdivision and because the City does not enforce CC&R's, he was unsure if the CC&R's define a re-subdivision. He pointed out that the Land Management Code defines a re-subdivision as a change in a map of an approved or recorded subdivision plat, if such change affects any right-of-way or lot line. He was sure the lawyers could argue whether the original lot combination was a re-subdivision because it affected a lot line.

Mr. Howard hoped the Planning Commission was not affected in any way by the threats of a lawsuit that he heard implied this evening. Chair O'Hara assured Mr. Howard that any threats would have no bearing on their decision.

Mr. Howard noted that Mr. Gooden had said that the Homeowners Association gave that strip of property in exchange for open space. Mr. Howard clarified that Mr. Canizaro was given the property so he could have a fence, which he did at his own expense. He heard Mr. Tesch say that Mr. Danse does not own that fence because it is not on his property. Mr. Howard pointed out that the quit claim deed clearly shows that the fence does sit on his property. He owns it and he has the right to do whatever he wants with that fence. This is the applicant's property because they deeded it to him. There is no statement anywhere indicating that it was in exchange for a promise in perpetuity of open space. Mr. Howard stated that Mr. Coleman had referred to his reliance upon a title report and noted that Mr. Danse did the same thing. When Mr. Danse obtained his title report, there was nothing that said this must remain open space. Mr. Danse has paid taxes on the deeded strip and on both lots. He also paid dues on both lots. Mr. Howard found it strange to now hear the homeowners association argue that he is not entitled to both lots. He was bothered by comments such as smell test and greed and he felt those words should not affect this decision in any way.

Chair O'Hara stated that because the Planning Commission has had a limited time to go through the information given to them this evening, there is no guarantee that the Planning Commission would move forward with any decision tonight. Chair O'Hara noted that issues were raised regarding evidence and hearsay. He has heard testimony but he has not seen any evidence. He felt it was important for the Planning Commission to continue this item so they can have time to obtain and review the necessary documentation, particularly the easement language. Chair O'Hara assured the homeowners that the Planning Commission takes CC&R's into consideration but they do not enforce them. They also consider private agreements but they do not enforce those either. Chair O'Hara explained the Planning Commission position on view corridors and when loss of views becomes a valid argument for their consideration.

Commissioner Murphy referred to a drawing of the stone fence and asked for clarification on whose property the wall actually sits on. Mr. Howard stated that the HOA property was deeded to the applicant originally and the HOA retained an easement. Planner Whetstone remarked that the Staff interpretation is that the wall appeared to be on the Aster Lane land. This is why a condition of approval was written requiring that the driveway issue must be resolved before a building permit can be issued. Commissioner Murphy felt that access was a key component because he was reluctant to approve a lot that does not have access. Planner Whetstone noted that in the RD zone, the Land Management Code allows access to a street or private street or a street on the master plan. It also allows an easement so there could be a private easement or an agreement to come directly off that if there is space. Planner Whetstone stated that there appears to be enough room for a driveway on the far west side of the wall without touching the wall. She agreed that access is an issue that needs to be addressed.

Mr. Howard noted that a document in the packet provides an alternate to using the existing driveway to lot 17, and then it becomes a shared driveway on to Lot 18. This can be done without having to disturb the wall.

Commissioner Russack stated that he needed more time to review the information provided and the letters that were on the dias when they arrived. He noted that the HOA letter that was mentioned was not included in their packet and asked if Planner Whetstone could forward that letter to the Commissioners. Commissioner Russack favored a continuance this evening.

Commissioner Peek asked if an easement was granted for this parcel, why the owner did not grant a counter easement when he combined the lots to grant use of that property as open space for the homeowners. He felt that would have been a reasonable business deal if that was the agreement that was entered into. Commissioner Peek supported a continuance.

Commissioner Murphy requested additional information showing the location of the wall, since that will affect the conditions of approval if they reach that point. Commissioner Peek wanted information on whether an LMC approved driveway could be constructed across the end of the wall or can clear the easement into the proposed Lot 18. Chair O'Hara was interested in seeing any written agreements or any records implying those written agreements. Planner Whetstone stated that she would also provide the quit claim deed.

MOTION: Commissioner Murphy moved to CONTINUE the public hearing for 7888 Aster Lane to February 13, 2008. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
February 13, 2008

2. 7888 Aster Lane - Plat Amendment

Planner Whetstone reviewed the request for a subdivision of an existing lot, Lot 17A, of the Knolls Estates, which is officially the Deer Valley Club Estates subdivision. She noted that the Planning Commission previously reviewed this application on January 23, 2007.

Planner Whetstone stated that this property is subject to the Deer Valley master planned development which allowed a density of 21 lots for the Deer Valley Club Estates subdivision. In 1998 a lot line adjustment was done administratively to combine two of the existing lots, Lots 17 and 18, into Lot 17A. Planner Whetstone reported that since the last meeting, she had discovered that the strip of land, which was the Aster Lane portion that was quit claimed from the HOA and included into Lot 17A, was not part of that lot line administrative action. That plat was recorded and the quit claim came in later. She presented a slide showing the Aster Lane portion that was quit claimed to the property owner and noted that the plat note was added by the recorder's office subsequent to the 1998 Lot Line adjustment. This was done without a subdivision with the City to combine that parcel into the lot.

Planner Whetstone provided a brief history beginning with the application the Planning Department received in 2007. The request is to recreate Lots 17 and 18 with a small modification to put the lot line approximately 12 feet to the west in order to address a non-conforming issue with a deck. In addition, the applicant is now asking for formal incorporation of that 3,281 square foot quit claim parcel as part of this subdivision. This would formalize the illegal subdivision that was done when the County added the plat note.

Planner Whetstone noted that the applicant has no vested rights to the subdivision. The subdivision request was reviewed by Staff for compliance with the Land Management Code in Chapter 7. The Planning Commission reviewed this application at the January 23rd meeting and heard a considerable amount of public input. Minutes from that meeting were included in the Staff report. Planner Whetstone reported on opposition from the Knoll Estates HOA and several neighbors opposing this subdivision. This opposition is based on concerns that they would be harmed because they believe they had an understanding that Lot 18, which would be formed with the subdivision, was promised as open space and there may be a potential for impacts on the view corridors.

Planner Whetstone stated that the Planning Commission had continued this item to February 13th and requested additional information regarding the location of the rock wall, access to Lot 18, and clarification of the easement language. The Staff looked at the survey provided, which indicates that the rock wall that was constructed by the property owner is not located on his property. The rock wall is actually located within the Aster Lane access easement and a non-exclusive utility easement.

Planner Whetstone stated that she spoke with the City Engineer and he found that the landscape easement on the quit claim parcel does not preclude access. It is simply an easement that allows the HOA to access that property to maintain the landscaping. The easement itself does not preclude access to this property from Aster Lane. Planner Whetstone had provided an explanation of the easement language in the Staff report. She pointed out the additional findings that indicate this is not a vested right. This application will be reviewed through the subdivision process in Chapter 7 of the Land Management Code.

The Staff found good cause for this subdivision to create the two lots with conditions similar to the original subdivision plat. That there is no non-conforming situations created. The lots will be similar in size to the average size lots in the subdivision. The lots are consistent with the pattern of development in the neighborhood. The quit claim parcel would formally be included in the subdivision per the LMC requirements and process of subdivision.

The Staff requested that the Planning Commission conduct a public hearing, consider any input, and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law, and conditions of approval as outlined in the Staff report.

Thomas Howard, legal counsel representing the applicant, recalled two specific things the Planning Commission requested at the last meeting. There was a question about where the wall sits and whether it was common area or private property. He stated that it appears that the homeowners are opposed to going through the wall, although he believes it probably could happen. Mr. Howard remarked that the applicant has taken the time to re-engineer and demonstrate alternative access to Lot 18, which is listed as one of the alternatives in the Staff report.

Brett Ammon, an engineer representing the applicant, reviewed the previous option, as well as Option 2 where they actually eliminated 10 feet on the east end of the rock wall to create a second option for an entrance for a driveway. Mr. Ammon remarked that the third and most recent option is to leave that low wall where it was originally and still come in from the west side for a driveway entrance. Mr. Ammon presented Option 3 and noted that this option does not disturb the wall at all. He indicated the portion where they would put the 12 foot driveway entrance.

Mr. Howard reiterated that Option 3 addresses the condition of approval that requires them to demonstrate access to the property.

Mr. Howard recalled that the Planning Commission was also concerned about the discussion from the homeowners regarding the former owner's promise that this would always remain open space. They were asked to look into whether or not there was any type of written agreement to support that claim. Mr. Howard stated that Joe Tesch, the representative for the HOA, had provided him with the language that shows to the contrary. Mr. Howard commented on a letter that has the original MLS listing and it indicates that Lot 18 is a master planned buildable lot and can be unbundled. This came from Mr. Canizaro's real estate agent who indicated that Mr. Canizaro truly believed that the lot could be unbundled at any time. Mr. Howard pointed out that no one else has produced anything in writing showing that there was an agreement to the contrary.

Mr. Howard stated that Mr. Tesch has written to the Planning Commission indicating that the applicant made representations to a former commitment that when this came before the Planning Commission it would pass. He believes this is not true. They were given the indication that it would be considered at that point in time and unless there was something overriding, it would probably go through. Mr. Howard clarified that this was the extent of the commitment given by the past Planning Commission. He did not wish to misrepresent that fact.

Mr. Howard stated that the only issue he heard during the public hearing and in letters from Mr. Tesch is that everyone claims they will suffer material injury if this request is approved. He has not seen any factual evidence that goes to material injury. Mr. Howard asked that the Planning Commission approve this application and that it be moved through the process.

Chair O'Hara opened the public hearing.

Joe Tesch thought the public hearing had been closed at the last meeting. He mentioned this because that was the reason why the homeowners had not attended this evening.

Chair O'Hara clarified that he follows the agenda in the Staff report in terms of when he opens a public hearing. Mr. Tesch understood but he did not want lack of attendance to be misconstrued as disinterest from the homeowners.

Mr. Tesch encouraged the Commissioners who had not attend the last meeting to study the minutes carefully. They report what the homeowners association did and they need to be part of their consideration.

Mr. Tesch remarked that the Knoll Estates Board of Trustees sent a letter to the Planning Commission dated January 14, 2008, wherein they indicated unanimous approval by the homeowners present at that meeting, as well as the Board of Trustees, to oppose this application. Mr. Tesch remarked that in that letter the Board of Trustees indicate eleven different areas where they believe they are materially injured. He stated that unless the Planning Commission can say no to all eleven, then there is material injury and they cannot approve the application. Mr. Tesch reviewed the list and provided an explanation as to why there is material injury and why the applicant cannot demonstrate otherwise.

Mr. Tesch referred to a recent affidavit from Penny Goodwin, the wife of the President of the Homeowners Association, who had gone through all the minutes. In this affidavit, Ms Goodwin referred to a meeting she attended in the year 2000 where the representative for Mr. Canizaro in the HOA meeting made the representation that he intended to keep his word and that would remain open space forever. Ms. Goodwin attended the HOA meeting in 2001 where Mr. Canizaro was present. Mr. Tesch encouraged the Planning Commission to carefully read the entire affidavit because Ms. Goodwin talks about use of the park by herself, by others, by children over a ten year period per the open space agreement. Mr. Tesch stated that in reading Ms. Goodwin's affidavit, they find out that the rock wall was not constructed until 2003 and it was then that Mr. Canizaro said if the HOA would hire an architect, re-landscape and build a better wall, he would pay for it. As the affidavit reports, Mr. Canizaro paid $9,729 to build that wall. The HOA paid the remainder of the $19,000+ bill. Mr. Tesch clarified that the wall was built at Mr. Canizaro's request by the homeowners association based on his commitment to pay.

However he only paid half of it. Mr. Tesch stated that he thought what Mr. Canizaro did was generous and he was not complaining. However you cannot say that building the rock wall was any consideration for the easement in 1998, because the rock wall did not occur until five years later. Mr. Tesch pointed out that the consideration to the homeowners for deeding all that property was the promise of open space and that promise was kept for ten years.
Mr. Tesch believes the testimony presented in the sworn affidavits should have credibility in front of the Planning Commission.

Mr. Tesch stated that taking away open space injures the entire neighborhood. Common sense tells you that injury to the neighborhood will take place with this subdivision. Mr. Tesch pointed out that this application clearly violates the CC&R's which states that no lots may be re-subdivided. He stated that Utah law presumes injury and harm because enforcement of the CC&R's are a benefit. He hoped the Planning Commission would make their decision with that in mind. Mr. Tesch remarked that the test in front of the Planning Commission with regard to harm is not a balancing test. The question of who would have more harm, the homeowners association or the person who purchased his property under some misunderstanding, is not relevant. The simple question is whether anybody is materially injured by allowing this subdivision. He believes the documents presented does show material injury.

Mr. Tesch commented on the statement by Planner Whetstone that the original deeding of the property was illegal. He submitted for the record what he believed to be the same document Planner Whetstone had talked about which was signed off by the Community Development Director at the time, as well as the City Engineer and other City Staff.

Planner Whetstone remarked that the document Mr. Tesch had did not include the space she had mentioned. The Staff has the document of what was recorded and it did not include the shaded area. The County added that shaded area after the document was signed.

Mr. Tesch had the original plat of the original subdivision in his possession and stated for the record that Note 1 on the plat indicates that the CC&R's pertain for the entire subdivision. He did not think anyone could make the argument that they were misled.
Mr. Tesch felt the only question is whether or not this subdivision, as it exists today, is injured by adding another lot. The answer is yes it is and everything else is irrelevant. The idea that the MPD allows it or there is similar sized lots in the area, only means it is not illegal or against the law. That is not the same a good cause.

Chair O'Hara clarified that the Planning Commission does not enforce CC&R's but they do consider them. He noted that 5.6 of the CC&R's states that no lots shall be re-subdivided. Chair O'Hara stated that in looking at the definition of a lot, a lot is one of the first 21 parcels. His reading of the definition is that those first 21 parcels or lots are the only ones that are not to be re-subdivided. Chair O'Hara noted that after reviewing the CC&R's he dismissed the argument about re-subdivision.

Chair O'Hara personally wanted to address the issues regarding material injury and suggested that the discussion focus on those issues. Chair O'Hara stated that the Planning Commission has set precedent in their actions over a number of years regarding lots of record. If someone has purchased property and claimed they did so with full knowledge that they had open space in a lot of record or that the lot of record was limited in height so they can have their views, the

Planning Commission considers that sufficient enough to preclude a material injury by making changes to those lots.

Steve Jury stated that in the face of contradictory testimony, this is America and a man should be able to build where he wants to build. He disagreed with Mr. Tesch's comment that the entire neighborhood will go up in flames if another home is built. Mr. Jury remarked that if they look at the facts they will find nothing anywhere in writing the words that he used such as "park", "forever" or "ten years". Nowhere, anywhere will you find that in any type of written testimony. Mr. Jury stated that he attended that homeowners meeting and the fact is that it was a wine and cheese party. Six of the twenty-one homeowners were there and in between their fourth and fifth bottle of wine, someone said Joe assured us that it would stay there forever. In the same breath, this person said that they never did get anything in writing and they probably should have. Mr. Jury remarked that when it comes to proof of the former owner's intentions, it was not the real estate agent putting remarks into public comment about what they did or didn't know. It was the original owner's 12 year relationship with his agent who had originally sold him the lot. With his approval, she stated in the public remarks with the sale that this lot can be unbundled. Those were the remarks his real estate agent put in there. She knew Mr. Canizaro well and sold him the lot originally. Mr. Jury stated that calling something open space does not make it open space. It is a lot. He remarked that no one is welching on any deal. Joe Canizaro kept his commitment for the ten years that he owned the property. When he sold it, he sold it with the full public remarks that the lot could be unbundled with the advice of his agent. This was how the property was portrayed and sold and all the new owner wants to do is exercise the option, at a future date, to do what the owner wants do to with his lot. Mr. Jury noted that to date there are no plans, no surveys, no architectural renderings for building on that lot. The owner may decide to do that one day, but so far there has been no discussion to do that in any material sense.

Chair O'Hara closed the public hearing.

Commissioner Thomas wanted to know why Lots 17 and 18 were initially combined in 1998. Planner Robinson explained that at that time Mr. Canizaro had expressed and interest in combining the two lots he owned. In looking at the survey the Staff discovered a deck encroachment that went in to the setback and it was problematic to expand upon that deck. Combining the lots or changing the lot line at the time would have solved that issue. Mr. Canizaro landscaped and improved the area and Planner Robinson was unsure if it was only for his benefit or for the benefit of the community. Planner Robinson reported that it was not an easy lot combination due to utility easements that ran down the lot lines and the owner needed to obtain letter from each of the utility companies.

Commissioner Thomas clarified that presently the property is one lot. Planner Robinson answered yes. Planner Robinson remarked that based on the definition of re-subdivision in the Land Management Code, when the HOA quit claimed a piece of the Aster Lane right-of-way common area to Mr. Canizaro, that was a re-subdivision. The HOA clearly did not have a problem about it violating the CC&R's at that time.

Commissioner Thomas stated that it is a struggle for the Planning Commission to enforce the CC&R's. As a Planning Commission they are held accountable to the restrictions of the Land Management Code and the General Plan. In his opinion, this matter appears to be more of a disagreement between the HOA and the property owner. Commissioner Thomas did not think the Planning Commission has the right to evaluate the CC&R's or make judgment based on the CC&R's.

Commissioner Pettit read from the LMC Chapter 15-7-5(b)2, which deals with private provisions. "These regulations are not intended to abrogate any easement covenant or any other private agreement or restriction provided that were the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement covenant or other private agreement or restriction. The requirements of these regulations shall govern." Commissioner Pettit was concerned about the following language in terms of getting guidance from the LCM. "Where the provisions of the easement covenant or private agreement or restriction imposed duties and obligations more restrictive or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council or the municipality in approving a subdivision or enforcing these regulations, and such private provisions are not inconsistent with these regulations or determination they are under, then such private provisions shall be operative and supplemental to these regulations." Commissioner Pettit noted that the language goes on to say that the City does not enforce private covenants. She was trying to reconcile that language with the concept that there is an agreement in place and whether the Planning Commission should be giving more credence to the agreement, based on this provision.

Assistant City Attorney, McLean explained that CC&R's are allowed to be more restrictive than the LMC. She believed that the last sentence Commissioner Pettit read says that it is not the role of the Planning Commission or the City to be judge and jury of civil disputes that may arise from situations like the one they are presented with. They are not equipped to hear all the evidence and make a civil ruling about whether there were other conditions upon the transfer of the land, etc. As legal counsel, Ms. McLean advised the Planning Commission to apply the Land Management Code and not the requirements of the CC&R's. Currently, they are looking at an illegal subdivision because the approval was for the two lots to combine but it did not include that strip of land. Re-subdividing the two lots would rectify that issue.

Commissioner Russack had no further comment and was ready to move forward.

Commissioner Peek stated that if the City does not take into account private agreements, whether written or verbal, then it appears the Planning Commission needs to grant the subdivision.

Chair O'Hara stated that the arguments this evening should not rest in any way with the CC&R's. However, he believes they rest on whether or not someone will be materially injured. He asked the Planning Commission to keep that in mind as they make their comments. Chair O'Hara clarified that the Planning Commission is looking at a lot of record that has been platted and recorded since 1998. If people purchased their land under the assumption of that one lot of record, the question is whether they will be materially injured if the lot is subdivided. He felt that argument was worthy of discussion before they make a decision.

Commissioner Russack felt the Planning Commission deals with the material injury issue at every meeting when they discuss subdivisions in Old Town. In this case, the lots in this development have assigned building pads. Therefore, if the one lot is subdivided back into two lots, there would be an assigned building pad for the new lot. He believes the view sheds from the adjoining lots were originally taken into account during the master plan process.

Ms. McLean remarked that the Planning Commission could consider allowing Lots 17 and 18 to re-exist and not include the quit claimed portion. That portion would have to remain as a metes and bounds parcel. Commissioner Wintzer did not believe that would solve the problem with the controversy.

Commissioner Murphy agreed with Joe Tesch's comments from the last meeting that something does not feel quite right with this request. However, the City has allowed a density in the MPD of 21 lots and currently there are 20 lots. In the absence of any written record, he did not believe the Planning Commission had a choice. Relative to the material injury claims, he was not certain that applies in this case, particularly since the immediate neighbor does not oppose this subdivision.

Commissioner Wintzer asked if the setbacks set the building pads in this subdivision or if they are building pads themselves. Planner Whetstone replied that they were originally building pads. He wanted to know if the building pad was erased when the lots were combined. Planner Whetstone stated that it was not added to the plat. Commissioner Wintzer clarified that currently there is not a building pad and Planner Whetstone replied that this was correct. Commissioner Wintzer asked if the owner could build on that lot as it currently exists. Planner Whetstone stated that based on the City Code it would be recognized as a lot. The issue is with the CC&R's. Commissioner Wintzer wanted to know if it was possible to double the size of the existing house on the lot. Planner Robinson pointed out that there is still a utility easement that runs north and south along the old lot line between the Lots 17 and 18. The owner could not expand the house without redoing the easement.

Commissioner Peek asked if the MPD allows an accessory building. Planner Whetstone noted that the MPD talks about a number of units. She felt the RD zone would answer that question. She believed the RD zone would probably allow a guest house as a conditional use. Commissioner Peek clarified that a guest house could be allowed as the lot lines currently exist. He felt the material harm aspect of splitting the lots is reduced if an accessory building is allowed as a conditional use.

MOTION: Commissioner Russack moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 7888 Aster Lane based on the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact - 7888 Aster Lane</u>

1. The property, currently known as Lot 17A of the Deer Valley Club Estates record of survey and plat amendment, and previously known as Lot 17 and 18 of the amended Deer Valley Club Estates Subdivision, is located at 7888 Aster Lane. Aster Lane is a private street located in the Silver Lake area of the Deer Valley Master Planned Development area.

2. The property is located in the Residential Development (RD) zoning district and is subject to the requirements and conditions of the Deer Valley MPD, 9^{th} Amended and Restated.

3. The Deer Valley Club Estates Subdivision was approved by City Council in June of 1992 and recorded at Summit County on December 10, 1992. The subdivision was approved according to the Land Management Code in effect at the time.

4. On June 1, 1998 an administrative lot line adjustment was approved by the Community Development Director to remove the lot line between Lots 17 and 18 of the Deer Valley Club Estates Subdivision and create Lot 17A. The plat amendment was recorded on July 2, 1998.

5. On October 19, 1998, a 0.075 acre 93,281 sf) strip of land, located between the curb of Aster Lane and front property line, was quit claimed to the property owner by the Knoll Estates HOA. A note was added to the lot line adjustment plat stating that this parcel was to be assessed with Lot 17A. The addition of this lot area is considered a subdivision of land that was not formally approved by the City, per the LMC Section 7.1-Subdivision procedures.

6. The 0.075 acre quit claim parcel was previously part of the Aster Lane private road and non-exclusive utility easement as indicated on the Deer Valley Club Estates Subdivision. Staff has not found any indication that this private road and utility easement, a shown on the original subdivision, has been vacated or abandoned by the quit claim language or landscape maintenance agreement.

7. Lot 17A consists of 37,006 square feet of lot area.

8. On October 18, 2007, the City received a completed application for a subdivision to Lot 17A, to recreate Lots 17 and 18, to put the lot line approximately 12' to the west of the original location, and to formally incorporate the previously combined 3,281 sf parcel into the two lots.

9. The applicant has no vested right to subdivide the property and the subdivision request is subject to the current Land Management Code Section 15-7-Subdivision.

10. The proposed lot line does not create a non-conforming situation for the existing house.

11. This subdivision plat creates two lots of record. Lot 17 is proposed to contain 222,565 square feet and Lot 18 is proposed to contain 14,441 square feet.

12. The average lot size in the Knoll Estates, including proposed Lots 17 and 18, is 16,296 square feet.

13. Lot 17 is currently improved with one existing single family house and mature landscaping. Lot 18 includes mature landscaping associated with Lot 17 but does not have a house on it.

14. There is an existing 20' wide non-exclusive storm drain easement along the western property line of proposed Lot 18. This easement makes a right angle turn and heads east along the south edge of the proposed building pad, crosses onto Lot 17, and continues east to the east property line of Lot 17 along the south edge of the building pad. This non-exclusive easement will remain in place with the plat amendment and does not preclude construction of a driveway in this location to provide access to the lot, provided that any existing utilities or pipes are relocated, as necessary.

15. The plat will not create a non-conforming situation for the existing house on Lot 17 and all existing utility easements, including storm drainage easements, and access easements remain, including a pedestrian access easement across Lot 17 for the benefit of Lot 18.

16. The plat memorializes a recorded easement across the fronts of Lot 17 and 18 that grants the Knoll Estates Association access to a 0.075 acre strip of land for the purpose of maintaining the landscaping and decorative lighting, etc, as described in Summit County Recorder Book 1192 on Page 395 with the purpose of maintaining and perpetuating the attractive landscaping appearance of the entrance area of Aster Lane from Royal Street.

17. This landscape maintenance easement does not preclude access to Aster Lane from Lots 17 and 18.

18. A decorative stone wall is located behind the curb on the Aster Lane private road and non-exclusive utility easement, adjacent to the above described 0.075 acre parcel. The wall was constructed by an owner of current Lot 17A. According to the survey submitted with the application, the wall is not located on proposed Lots 17 and 18.

19. Lots 17 and 18 have frontage on Aster Lane, a private drive owned and maintained by the Knoll Estates Association, for the purpose of providing access to the lots. The existing driveway for Lot 17 crosses the 0.075 acre landscape and maintenance easement. A driveway for Lot 18 is proposed opposite Aster Court, a private cul-de-sac within Knoll Estates, also crossing this landscape and maintenance easement. A driveway in this location would necessitate creating an opening in the existing rock wall. Modification of the wall is a private matter between the owner and the HOA.

20. Access to Lot 18 could be provided from Lot 17 via a shared driveway, however, this is not the preferred location due to the extent of mature vegetation that would have to be removed or relocated to accommodate a shared driveway. Alternatively, there is sufficient width at the far western portion of Lot 18 to access the lot beyond the west end of the wall.

21. A private gate was installed at the entrance to the Knoll Estates Subdivision. There are instances when the gate is closed that emergency and property management personnel are not able to enter the subdivision, creating a potential health, safety and public welfare situation.

22. Royal Street provides frontage for Lots 18 and 18. Royal Street is considered a major collector street in the Silver Lake area and access to Royal Street would cross a primary pedestrian walkway and may create conflicts with sight distances and turning movements from other driveways and streets.

<u>Conclusions of Law - 7888 Aster Lane</u>

1. There is good cause for this subdivision in that two lots of record, in a configuration, and with conditions, similar to the original subdivision plat, would be recreated. Additionally, no non-conforming situations are created, the lots would be similar in size to the average lot size in the subdivision, the lots are consistent with the pattern of development in the neighborhood, and the quit claimed parcel would be formally included in the subdivision per the LMC requirements and process for subdivisions.

2. The subdivision and density are consistent with the approved Deer Valley MPD-9th Amended and Restated.

3. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

4. As conditioned, neither the public nor any person will be materially injured by the proposed subdivision.

5. As conditioned, approval of the subdivision does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval - 7888 Aster Lane</u>

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

2. The applicant will provide a recordable mylar to the City for recordation at the County within one year of the date of City Council approval. If the signed mylar has not been received within one year's time, this approval for the plat will be null and void. A one year extension may be granted by the City Council.

3. All conditions of approval of the Deer Valley club Estates Subdivision shall continue to apply in full force and effect and all applicable plat notes shall be included on the pat prior to recordation as follows: 1) Maximum Floor Area of 11,000 sf, (exclusive of garages, balconies, porches, patios, and basements); 2) Maximum irrigated area of 10,000 sf; 3) modified 13-D residential fire sprinklers and non-flammable roofs are required; 4) LOD limitations not to exceed 15' outside of the building pads with exception that Front Yards may be disturbed to provide driveways, landscaping, and utilities ; and 5) ejector pumps may be required to provide adequate sewer service for Lots 17 and 18.

4. Platted building envelopes are required, as shown on the proposed plat amendment, consistent in size and approximate location to those building pads identified on the original Deer Valley Club Estates subdivision plat.

5. A note shall be included on the subdivision plat prior to recordation requiring a landscape plan to be submitted with any building permit application. The landscape plan shall identify all existing vegetation, landscaping to be removed or relocated and shall include a re-vegetation plan for all disturbed areas. The landscape plan shall be in conformance with the LOD limitations identified in condition #3 above.

6. Prior to issuance of a building permit, location of the driveway shall be identified and all issues regarding easements, utilities, landscaping and the rock wall shall be resolved to the satisfaction of the City Planning, Engineering, Building and Legal Departments. All utility easements of record are still in full force and effect and shall be shown on the plat.

7. The Knoll Estates Subdivision and Knoll Estates Condominium private gate code shall be made available to all utility providers and property management personnel who may need to respond to emergencies within the subdivision, in a manner acceptable to the Chief Building Official.

8. A fire protection plan shall be provided with any building permit applications and a modified 13-D fire sprinkler system shall be required. A note to this effect shall be added to the plat prior to recordation.

9. Access to Lots 17 and 18 shall not be allowed from Royal Street, unless all conflicts can be mitigated to the satisfaction of the City Engineer.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

IN AND FOR SUMMIT COUNTY, STATE OF UTAH

THE KNOLL ESTATES ASSOCIATION, a Utah non-profit corporation and ALAN HERZIG, individually and as a member of the Knoll Estates Association Board of Trustees, **Plaintiffs,** **vs.** **D&A PROPERTIES, LLC, a Nevada limited liability company,** **Defendants.**	:	**FINDINGS OF FACT AND CONCLUSIONS OF LAW** **Case No. 080500144**
D&A PROPERTIES, LLC, a Nevada limited liability company, **Defendant/Counterclaim Plaintiff,** **vs.** **THE KNOLL ESTATES ASSOCIATION, a Utah non-profit corporation, ALAN HERZIG, individually and as a member of the Knoll Estates Association Board of Trustees,** **Plaintiffs/Counterclaim Defendants.**	:	**Judge Robert K. Hilder**

This matter was tried to the Court on February 25, 2009. Plaintiffs were represented by Joseph E. Tesch and Stephanie Matsumura, and defendant was represented by David M. Bennion. I have also had the benefit of viewing the property in company with counsel. Following trial and argument, I took the matter under advisement.

INTRODUCTION

A couple of preliminary observations are in order:

First, plaintiffs' claims have narrowed since filing of the original Complaint. The only claim now being pursued by plaintiffs is their request for equitable relief in the form of an injunction and declaration declaring that the "No Resubdivision" provision of the Covenants, Conditions and Restrictions governing the subdivision prohibits defendant from unbundling, or dividing Lot 17A into two Lots, with approximately the same boundaries as the original Lots 17 and 18.

Second, the trial was limited, by the Court's Order, to consideration of the issue whether the doctrines of waiver and/or estoppel barred plaintiffs from seeking the injunction they seek. At the commencement of the trial, defendant's counsel made clear that defendant was not waiving any counterclaims that go beyond the waiver and estoppel issues and that those issues are reserved. That is the understanding of the Court and all parties.

Third, in its Trial Brief, and at trial, defendant invoked the equitable doctrine of "balancing of injuries," also referred to as "balance of equities." There is some dispute between counsel, in part evidenced by a letter submitted by plaintiffs' counsel the day following trial, whether the balancing of injuries test was properly before the Court, but because the Court's determination herein does not rely on this doctrine, I do not need to address that issue further.

Based on the evidence at trial, I now enter the following Findings of Fact, but I note that some of the background facts are derived from both evidence at trial, and from undisputed facts that were determined in conjunction with motion practice at earlier stages of this case. In addition, my determinations are generally informed by my view of the property.

FINDINGS OF FACT

Background Facts

1. Deer Valley Club Estates, now known as The Knoll Estates, was originally platted as

a subdivision including 21 building Lots.

2. On December 10, 1992, the Amended and Restated Declaration of Protective Covenants for Deer Valley Club Estates Subdivision, was filed with the Summit County Recorder. On the same date, the Amended Deer Valley Club Estates Subdivision Plat, dated June 18, 1992, was recorded.

3. The Amended Plat included 21 building Lots, as stated.

4. Lots 17 and 18 were adjoining Lots.

5. Sometime prior to 1997, Joseph and Sue Ellen Canizaro purchased both Lots 17 and the adjacent Lot 18. Lot 17 included a completed house, and Lot 18 was, and to this date still is, undeveloped, in the sense that no residence has been constructed. The area is fully landscaped.

6. Canizaros also purchased Lot 19 a couple of years after they purchased Lots 17 and 18.

7. On or about 1997 the Canizaros requested and received permission from the HOA to combine Lots 17 and 18 (to be known by the new designation Lot 17A) in order that they could expand the deck on the (approximately) southwest side, without violating the required building fifteen foot building setback on Lot 17.

9. Plaintiff Alan Herzig was present at the HOA meeting when the Canizaro request to combine the Lots was made and approved. That meeting occurred in 1998.

10. The combination of Lots 17 and 18 was shown on an Amended Plat, approved by the Knoll HOA, and recorded on July 2, 1998.

11. Subsequent to the combination of Lots 17 and 18 into Lot 17A, and following discussions between Canizaro and the HOA regarding, among other things, access to the former Lot 18, the HOA agreed to, and subsequently did, deed 3,281 square feet along the front of Lot 17A, which strip of land was combined with the new Lot 17A. The HOA knew that

Canizaro (or his successors) would likely create an access across the strip to the former Lot 18, at some time.

12. Although there were previous allegations that this strip of land was deeded to Canizaro in return for HOA use of the former Lot 18 as a "park," that claim has been withdrawn and the Court determines that no such agreement existed. However, the Court finds that Mr. Canizaro did offer that the strip could be used for snow storage, at least as long as he owned a third lot, Lot 19. Canizaros also granted to the HOA the right to do what they wished regarding maintenance of trees and the wall on the strip, and the right to decorate the strip with Christmas lights.

13. An Amended Plat including the 3,281 square foot addition was ultimately recorded. The combination of Lots 17 and 18, and the addition of the strip in front of the two Lots, constitute the present Lot 17A.

14. Sections 5.6 is at the core of this dispute. It provides as follows:

> <u>No Resubdivision</u>: No Lot shall be resubdivided and no Building shall be constructed or allowed to remain on any tract that comprises less than one full Lot. No Lot or residence shall be owned by more than four persons or entities. No Lot or residence shall be divided into time intervals or leased or rented for periods less than one month. Nightly rentals are prohibited.

15. The Court has also considered Section 6.4, which provides:

> <u>Combining Lots</u>: In the event an owner of two or more Lots desires to construct one (1) dwelling house on the combined Lots, the dwelling house need not be built in the available building area shown on the subdivision plat, but shall be built within such building area as the Architectural Committee shall approve upon written application and with Park City Planning staff approval.

16. Finally, the Court has considered the definition of "Lot," as set forth in Section 2.4:

> A "Lot" shall mean any parcel of property shown and numbered as one of the first 21 Lots on the recorded Amended Subdivision Plat.

<u>**Facts Related to Waiver and/or Estoppel**</u>

17. The original subdivision had 21 Lots.

18. Lots 17 and 18 were two of the original Lots.

19. Lots 17 and 18 were combined with the approval of the HOA.

20. When Lots 17 and 18 were combined, a house was already built on Lot 17. The residence on Lot 17 did not infringe in any way on the neighboring Lot 18.

21. Subsequent to combination of Lots 17 and 18, an addition was built on the west side of the house on the former Lot 17, which addition would encroach on the required setback provision of the subdivision if Lot 17A was divided according to the original plat; that is, if the two Lots were restored to their original boundaries. The fact that the added strip would necessarily change the Lot boundaries and area is not germane to the setback issue.

22. Because of the action of both the prior owner the Canizaros, and the HOA, the present Lot 17A contains a greater area than, and is configured differently from, the original 17 and 18, whether combined or restored to their original boundaries.

22. There is no evidence to support any claim that either the combination of Lots 17 and 18, or the grant of the 3,000-plus square foot strip along the front of Lot 17A, was conditioned on any agreement to not separate the Lots at any future time.

23. There is no evidence that any member of the HOA, particularly including plaintiff Alan Herzig, or the HOA as an entity, had any reasonable expectation of a right to maintain the former Lot 18 as open space, or as park property or even as a more informal common area.

24. With respect to Mr. Herzig, he would like the former Lot 18 space to remain open for ascetic reasons, but he acknowledges he has no ownership interest in that Lot. Moreover, Mr. Herzig does not have a view corridor across Lot 18.

25. The original subdivision comprised only 21 Lots, all intended for residential building

purposes. There was no expectation of any purchaser individually or of the HOA as an entity that one or more Lots would be kept open for the benefit of the HOA.

26. In fact, the grant of more than 3,000 square feet along the front of Lot 17A was in some senses a diminishment of the common area available to the HOA members. On the other hand, the grant was made to allow for the maintenance of an area with a very substantial and attractive wall and for the placement of Christmas decorations and landscaping, and to provide for some snow storage, all for the benefit of the entire subdivision.

27. All of the foregoing benefits resulting from the grant could only be realized by the HOA's action in deeding a portion of land, and by that means changing an existing lot line–in fact two separate Lot lines were impacted. The Court notes that the foregoing change of lot line itself constituted a realignment of the boundaries of the former Lots 17 and 18, or alternatively stated, the addition of the strip created a new boundary for Lot 17A.

28. The Court previously determined a definition of subdivision, as follows: "A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions."

29. Having considered the foregoing definition, which is the law of the case, in the much more complete light of the testimony and exhibits received at the evidentiary hearing, I find that my determination of whether a Resubdivision has, in fact, occurred, must be revisited.[1]

30. I now find that under the facts of this case, a "Lot" is a term with a precise meaning;

---

[1] The Utah Supreme Court recently clarified the doctrine of law of the case, and distinguished it from the doctrine of res judicata. A ruling is law of the case, and should be followed throughout the case in most instances, but unless final judgment has entered in the matter, the trial court retains the discretion to alter, amend, or vacate any ruling. IHC v. D & K, Inc., 2008 UT 73 at ¶¶ 26 & 27 . In the circumstances of this case there is no need for the court to alter its ruling as to definition, and until now the court has not made any determinations applying the facts of the case to its definition. Accordingly the findings and conclusions set forth herein are faithful to the law of the case.

namely, one of the 21 original "parcel[s] of property shown and numbered as one of the first 21 Lots on the recorded Amended Subdivision Plat." Amended and Restated Declaration of Restrictive Covenants, Sec. 2.4.

31. The evidence shows that, looking at the issue as strictly as possible, the only sense in which defendant seeks to "resubdivide" the parcel comprising Lot 17A is to the extent that its proposal separates Lot 17A in such a way that the Lot lines of the original Lots 17 and 18 will be altered.

32. To the extent either the existing Lot 17A, or the resulting Lots 17 and 18 are changed from the original Lots because of the addition of the strip, it is indisputable that the HOA fully concurred in changes related to the addition of the strip, and the HOA cannot now complain of any Lot line change that results from that action.

Based on the foregoing Findings of Fact, the Court now enters its following:

CONCLUSIONS OF LAW

1. Division of Lot 17A into two Lots comprising the original Lots 17 and 18 cannot, by definition, constitute a "resubdivision," and any such division is not prohibited by the CC & Rs.

2. Based on doctrines of both waiver and estoppel any alteration of the original boundaries of Lots 17A, or its subparts Lots 17 and 18, that is a consequence of the HOA grant of the 3,281 square foot strip, may not be enjoined by the HOA. That is, the HOA knew of its ownership of the strip, it deeded that land knowingly and voluntarily, and it did so with the expectation of receiving certain benefits, which benefits have been received, and which are protected in the future by an easement. The prior owners, and the defendant, have done nothing to interfere with the HOA's rights since the property was deeded over ten years ago.

3. The remaining question is whether defendant's plan to divide Lot 17A into Lots that are not precisely the same in lines and area as the original Lots (excepting the impact of the 3,281 square foot strip) is a violation of the CC & Rs that justifies an injunction.

4. I turn to consideration of the purpose of restrictive covenants for the answer. Such agreements, enforceable by the HOA or an individual member, are intended to preserve the character of the subdivision. The character of Knoll Estates is a beautifully laid out and maintained subdivision of 21 Lots in Deer Valley, each of substantial size, and each intended to accommodate a single family residential dwelling. There may be one or two Lots without residences at this time, but it was never intended that any one or more Lots be maintained as open space, and no evidence suggests otherwise.

5. This is certainly not a case where numerous violations of the CC & Rs have been permitted, with a resulting change in the character of the subdivision that renders the restrictions of no value. Rather, this is a circumstance where every expected benefit has been received by the HOA and all Lot owners. Reconfiguration of Lot 17A to create, once again, 21 Lots in Knoll Estates, potentially with a home on each, does nothing to deprive the HOA or individual owners of the essential character, beauty, and benefits of this subdivision. To the extent any future Lots 17 and 18 are not precisely the same as the original Lots 17 and 18, the HOA bears substantial responsibility for this outcome.

6. For all of the foregoing reasons, the Court concludes that division of Lot 17A into two Lots does not violate the Restrictive Covenants, and plaintiffs' requests for injunctive relief must be denied. There remains a questions regarding the configuration of the new Lots 17 and 18, but the Court concludes that while the boundaries will differ from the original boundaries, the overall integrity of the Knoll Estates subdivision can be entrusted to the zoning and planning process administered by Park City, which must approve any final plans.

Counsel for defendant is requested to prepare an Order denying plaintiffs' request for injunctive relief, consistent with these Findings of Fact and Conclusions of Law.

DATED this 28th day of May, 2009.

By the Court:

Robert K. Hilder
District Court Judge

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Findings of Fact and Conclusions of Law, to the following, this_____day of April, 2009:

Joseph E. Tesch
Stephanie Matsumura
Bradley J. Neese
Attorneys for Plaintiff
314 Main Street, Suite 201
P.O. Box 3390
Park City, Utah 84060-3390

David M. Bennion
Attorney for Defendant
201 S. Main Street, Suite 1800
P.O. Box 45898
Salt Lake City, Utah 84145-0898

Thomas L. Howard
Attorney for Defendant
165 Park Avenue, Suite 203
P.O. Box 681750
Park City, Utah 84068

____

City Council
Staff Report

Subject: PCMC Employee Summer Party
Author: Max J. Paap
Department: Sustainability
Date: July 16, 2009
Type of Item: Administrative – Master Festival License

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the PCMC Employee Summer Party, as conditioned, on August 8, 2009 to be held at South City Park.

Description:

Topic:
Review the Master Festival License Application, submitted by PCMC for the PCMC Employee Summer Party at South City Park on August 8, 2009.

Background:
PCMC submitted an application requesting a Master Festival License to hold their annual employee party in and around South City Park. The event is an annual gathering of PCMC employees and their families; hosted by the Park City Council and Mayor to show appreciation and foster communication and fun among PCMC Staff, Boards and Commissions, and elected officials in an informal and fun setting. This one day event would look very similar to the Children's Fair, 4th of July, and Miner's Day that take place in South City Park on an annual basis. This annual gathering has previously been held at such venues as Lagoon and Seven Peaks Water Park. The organizer expects the attendance could exceed 500+ at any given time during the duration of the event. The space would be programmed from 2:00 pm to 6:00 pm on Saturday, August 8, 2009. The organizer has met on-site with Special Events staff to go over any logistical challenges or other issues.

The PCMC Employee Summer Party is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events and to maintain the Park City Core Value of 'Fun and Humor'

Analysis:
PCMC Employee Summer Party
The event organizers have requested to hold their event on Saturday, August 8, 2009. They would begin to take over South City Park at 12:00 pm to facilitate the build out the green space between the BBQ area and the pavilion. The event is

scheduled to begin at 2:00 pm and run until 6:00 pm, with time allowed for clean-up until 8:00 pm. The pavilion would serve as a demonstration/stage area for the vendors. There will be a variety of family oriented games and activities; see Exhibit A, and music and entertainment by The Solar Saucer Cosmonauts. There are still some other ideas for activities that are undecided at the time of this report.

<u>Parking</u>
Parking for the anticipated crowd can be accommodated with the public parking in North City Park, the Mahwhinney lot and street parking along Park Avenue. PCMC Transit would also be an option for attendees. The Silver King Lot at PCMR will also be available as a satellite parking option.

This application is being reviewed as a Master Festival License due to the request to have amplified music, and use of City property. The applicant has indicated the amplified music/sound would take place only between the hours of 2:00 pm and 6:00 pm in South City Park and be oriented towards Deer Valley Drive.

Department Review:
All applicable departments have reviewed the application for the PCMC Employee Summer Party and their comments have been incorporated into the report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing the PCMC Employee Summer Party as described.
Deny the Request:
Deny the Master Festival License, preventing the addition of the PCMC Employee Summer Party to Park City's schedule of events.
Continue the Item:
The City Council may continue the discussion in order to receive additional information.

Significant Impacts:
Park City has held many similar events to the PCMC Employee Summer Party. The activities will be contained within the venue and will conclude by 6:00 pm.

Consequences of not taking the recommended action:
The PCMC Employee Summer Party would not take place.

<u>RECOMMENDATION</u>:
Staff recommends the City Council conduct a public hearing and approve a Master Festival for the PCMC Employee Summer Party on August 8, 2009 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

<u>Findings of Fact:</u>
1. The PCMC Employee Summer Party will be held on Saturday, August 8, 2009. The event will last from 2:00 pm to 6:00 pm and will occur at South City Park.

2. Parking for the anticipated crowd of 500 people can be accommodated within the existing public parking lots in and around the venues. The conduct of the PCMC Employee Summer Party will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The events associated with the PCMC Employee Summer Party will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at South City Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. There are other Master Festival or Special Event licenses that have been granted for August 8, 2009. The table below will show in column (A) – Geographic separation of the events; column (B) – Proposed time and duration of the events; and column (C) – Anticipated attendance.

2009 DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
Aug 8	**PCMC Employee Party**	**City Park**	**2PM-6PM**	**500**
Aug 8	DV Music Festival	Snow Park Amp.	7:30PM-9:30PM	500
Aug 8	Jupiter Peak Steeplechase	PCMR	8:00AM-3:00PM	225
Aug 8	Healy Days Car Show	Lower Main-7th and 9th	8AM-3PM	300
Aug 8	Music on Main	Miners Park	1:30PM-5PM	100

6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. All amplified music/sound may begin at 2:00 pm and at least cease by 6:00 pm on Saturday, August 8, 2009 in South City Park.
3. The applicant will work with City Staff to orient the music/demonstration stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for the event.
   (B) A sound technician shall provide on-site monitoring for the event with music, amplified or otherwise, and any amplified event.
   (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
4. All plans for tents, fireworks, stages and other temporary structures shall be submitted to the Building Department for review and permitting by July 27, 2009.

Attachments

Exhibit A- Applicant's Summary of Activities

Exhibit A-

PCMC Employee Summer Picnic 2009

Date:	Saturday August 8th 2009
Location:	City Park
Time:	2:00 pm to 6:00pm
	Welcome and activities 2:00 pm to 3:00 pm. Food service 3:00 pm to 5:00 pm. More activities 5:00 pm to 6:00 pm.
Attendance:	500+
Music and Entertainment:	Scott Whitaker – The Solar Saucer Cosmonauts

---

Activities

- The Solar Saucer Cosmonauts; penny melting and other solar energy shows
- orange under the chin relay race
- wheel barrel race
- Frisbees (unorganized)
- badminton (unorganized)
- little golf clubs (unorganized)
- sidewalk chalk drawing
- water balloon toss

- other ideas – still undecided
  - face painting
  - ice block slide
  - wet soapy tarp slide
  - dunk tank

City Council
Staff Report

Subject: Tour de Park City
Author: Max J. Paap
Department: Sustainability
Date: July 16, 2009
Type of Item: Administrative – Master Festival License

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the Tour de Park City, as conditioned, on August 1, 2009 to be held on SR 224 and SR 248.

Description:

Topic:
Review the Master Festival License Application, submitted by Mountainraceworks, L.L.C. for the Tour de Park City on SR 224 and SR 248 on August 1, 2009.

Background:
Mountainraceworks, L.L.C. submitted an application requesting a Master Festival License to hold a portion of their 3rd annual Century Tour Course through Park City along SR 224 and SR 248. In previous years, the race has left the Kimball Junction area and headed into the eastern portion of Summit County to acquire the required mileage. This year the organizer wanted to get some exposure within the City limits to allow for some spectator opportunities for locals and visitors. The organizer has been working with towns and communities in Summit County to secure the necessary permits and noticing in those places. The organizer has also been working with Summit County and UHP to ensure safe and proper public safety support along the route. PCPD has been notified and will be involved in the public safety coordination should Council approve the event. The organizer expects the attendance could be between 750-1000 riders; applications at the time of this report are in the 400 range. The applicant has met with Special Events staff to go over any logistical challenges or other issues.

The Tour de Park City is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:
<u>Tour de Park City</u>

The event organizers have requested to hold their event on Saturday, August 1, 2009. They will begin to arrive in Park City via SSR 224 at around 6:00 am and continue through SR 248 until 7:30 am. UHP and Summit County Sherriff will bring them through the route in from Kimball Junction; PCPD will assist at the corner of Kearns and Park Avenue. At the time of this report there has been no request for any temporary structures or signs. This event has been publicized in the Salt Lake and local bike shops, the Park City Chamber/Bureau; and publications such as Cycling Utah.

<u>Parking</u>
Parking for the anticipated crowd can be accommodated with the parking in Park City High School parking lot. PCMC Transit would also be an option for attendees. The Silver King Lot at PCMR will also be available as a satellite parking option.

This application is being reviewed as a Master Festival License due to the request to the request for a temporary street closure and use of City property. The applicant has indicated that all cyclists will be out of Park City by 8:00 pm.

Department Review:
All applicable departments have reviewed the application for the Tour de Park City and their comments have been incorporated into the report.

Alternatives:

Approve the Request:
Approve the Master Festival License allowing the Tour de Park City as described.

Deny the Request:
Deny the Master Festival License, preventing the addition of the Tour de Park City to Park City's schedule of events.

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

Significant Impacts:
Park City has held many similar events to the Tour de Park City. The activities will be contained within SR 224 and SR 248 and be out of Park City Limits by 7:30 am.

Consequences of not taking the recommended action:
The Tour de Park City would not take place.

<u>RECOMMENDATION</u>:
Staff recommends the City Council conduct a public hearing and approve a Master Festival for the Tour de Park City on August 1, 2009 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

<u>Findings of Fact:</u>
1. The Tour de Park City will be held on Saturday, August 1, 2009. The event will last from 6:00 am to 7:30 am and will occur along SR 224 and SR 248.

2. Parking for the anticipated crowd of 100-300 people can be accommodated within the existing public school lots along SR 248. The applicant has applied for use of those lots with PCSD. The conduct of the Tour de Park City will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The events associated with the Tour de Park City will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held along SR 224 and SR 248. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. There are other Master Festival or Special Event licenses that have been granted for August 1, 2009. The table below will show in column (A) – Geographic separation of the events; column (B) – Proposed time and duration of the events; and column (C) – Anticipated attendance.

2009 DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
Aug 1	**Tour de Park City**	**SR 224 & 248**	**6AM-730AM**	**100-300 spectators**
Aug 1	Kimball Arts Fest	Main Street	9:00AM-8:00PM	10,000
Aug 1	Arts Fest Volleyball	City Park	8:00AM-8:00PM	280
Aug 1	DV Music Fest	Snow Park	7:30PM-9:30PM	3000
Aug 1	Park City Extreme	Quinn's & TMMS	9:00AM-10PM	1000

6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of three million dollars ($3,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All plans for tents, fireworks, stages and other temporary structures shall be submitted to the Building Department for review and permitting by July 27, 2009.
4. The applicant shall barricade and provide detour signage for the street closure in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.

Attachments

Exhibit A- Applicant's Summary of Activities
Exhibit B- Race Course Map

Submit by Email | Print Form

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION – PART I

PARK CITY 1884

Special Events
435.615.5150
specialevents@parkcity.org

PART I of the Special Event and Master Festival License (MFL) must be completed and **submitted electronically** to the Special Events Department no less than 90 days prior to a MFL or no less than 60 days prior to a Special Event.
The application will be reviewed by the Special Events Department. *Granting of the permit is not guaranteed.*

APPLICANTION FEES – DUE AT TIME APPLICANT SUBMITS PART I

All new applications require a $100 application processing fee.
All applications for returning events require a $50 application processing fee.
The Application Fee is NON-REFUNDABLE.

ADDITIONAL FEES

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant. Applicant will receive a final invoice approximately two weeks after the event concludes.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME	Riley Siddoway	
STREET ADDRESS	1285 South Hoytsville Road	
CITY, STATE, ZIP CODE	Coalville, Utah 84017	
DAY PHONE	435-671-5053	
FAX PHONE	435-336-6999	
E-MAIL ADDRESS	rsiddoway@mountainraceworks.com	
SPONSORING ORGANIZATION	Mountain RaceWorks Inc.	
Contact Person "ON SITE" Day of Event	Name: Riley Siddoway	Cell Number: 435-671-5053

EVENT INFORMATION

Type of Event (Check all that apply):

Master Festival Criteria: A PUBLIC EVENT (If one box is checked, the event is automatically a MFL)	☐ Attraction of crowds over 500	☐ Street Closure	☐ Use of City park, building or property	☐ Use of off-site parking facility	☐ Use of amplified music
Special Event Criteria: PRIVATE OR PUBLIC EVENT	☐ Causes significant public impacts via disturbance, crowd, traffic/parking	☒ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing	☒ Events signs, visible from public property	☐ Temporary structures

☐ Run/Walk	☐ Parade	☐ Trail Event
☒ Road Bike Event	☐ Park Festival	☐ OTHER (please specify):
☐ Street Fair	☐ Concert	

EVENT TITLE:	Tour de Park City	
FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?)	Annual, 3 years.	
EVENT DATE (S)	August 1, 2009	
EVENT HOURS	START: 5:30am	END: 10:00pm
SET-UP	DATE: August 1, 2009	TIME: 5:00am
BREAK DOWN	DATE: August 1, 2009	TIME: 10:00pm

ATTENDANCE	PARTICIPANTS:	SPECTATORS:	TOTAL:
LOCATION	750-1,000 Riders	100-300	

OVERALL EVENT DESCRIPTION (Briefly explain event and activities):

Road bike Tour and Race starting and ending in Kimball Junction. Riders will depart Kimball Junction and travel into Park City via Hwy 224. The riders will then turn on Kearns Blvd. and then will leave Park City for the remainder of the day. All riders will be out of Park City by about 7:30am.

We will be going through Park CIty starting at 6:00am until about 7:30am. All cyclists will be out of Park City before 8:00am.

MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event)

Contact the Park City Chamber/Bureau to help market y our event	435.649.6100	www.parkcityinfo.com

PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:

The Tour de Park City will be marketed through cycling specific publications such as Cycling Utah, Cycling Tour Guides, Race Tour Guides with distribution in the Western states. Posters in bike shops in the Intermountain West. The event will be promoted through partnerships with other Utah races and tours. The Tour de Park City is on the Chamber/Bureau calendar as well. E-mails will be sent to the 1,100 people on the Tour de Park City e-mail list.

RULES AND REGULATIONS

- A non-refundable application fee is required at the time the application is submitted to Park City Municipal Corporation. For new events the application fee is $100, for returning events the application fee is $50.00.
- Part I of the application must be submitted a minimum of 90 days prior to a Master Festival License (MFL) and 60 days prior to a Special Event. Part II of the application for both a MFL and a Special Event must be submitted 45 days prior to the requested event date.
- A site plan of your event is required with your application identifying street closures, signs, supply trucks, barricades, tents, activity location, portable toilets, bleachers, other temporary structures, water stations, headquarters, solid waste containers, entrance/exits, walkways and any other details that would assist the Special Event Staff with understanding the setup of your event.
- For runs, walks and parades a site plan outlining your route must be submitted along with your Special Event Permit application. If your event will generate additional traffic, or interrupt existing traffic on any city street, a traffic control plan outlining necessary street closures is required before a Special Event Permit will be issued.
- Permit Applications may require review by the City Council for approval or denial. Need for review is based on size, location, scope and impact of event.
- An applicant must schedule a meeting with Special Event Staff 30 working days prior to event.
- A certificate of insurance must be filed with Special Event Services ten (10) working days before the event in the amount of $2,000,000. The City of Park City requires all certificates of insurance to be submitted on a standard ACORD form, or on the insurance company's letterhead. Park City Municipal Corporation must be listed as additionally insured. If you do not have insurance, the City of Park City is able to provide you insurance, at a cost, through the TULIP Program. Please visit our website at; www.parkcity.org/Special Events & Facilities/applications/index.html.
- All debris and trash must be removed from an event site immediately after the event. Failure to do so may require more City Services. All expenses will be the responsibility of the event applicant. It is highly recommended that the applicant provide recyclable receptacles at the event. Please contact a local recycle company (information provided in Application Part II). Thank you.
- Depending on the duration of your event and the availability of public restrooms, you may need to rent portable chemical toilets to accommodate participants. Park City Municipal Corporation City Code requires one (1) chemical toilet for every 65 people. The figure is based upon the maximum number at your event during peak time. The total number of toilets will be determined on a case-by-case basis.
- You must receive approval for your event before you promote market or advertise your event. Conditional

approval will be made after the event organizer submits the application and it is initially screened. Acceptance of your Special Event Application by the City is not a guarantee of the date, location or an automatic approval of your event.

- Only readily removable barricades may be used for street closures and a 20-ft lane of clearance is required for emergency vehicle access at all times. You may be required to provide advisory signs if your event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.
- In some cases, the hiring of officers from the Park City Police Department, a professional security company, or a combination of both may be required in order to obtain a Special Event Permit. The Park City Police Department determines the need, number, and type of security personnel based on expected attendance, location of the event, the presence of alcohol, history of the event, nature of the event, street closures, and the amount of advertising used for an event.
- The Fire Department must review and approve the following: your plans for first aid and/or emergency medical services; your route for emergency vehicle access;
- The Building Department must review parade floats; use of an open flame; use of fireworks or pyrotechnics; handling of vehicle fuel; cooking facilities; the location of power sources; the availability and location of on-site fire suppression equipment; the occupancy and spacing of tables or enclosures; and the use of tents, canopies or any fabric shelters. The Building Department will require an inspection before and/or during the event.
- All temporary structures, i.e. tents, stages, platforms, etc. must be engineered and stamped by a State of Utah Licensed Engineer.
- The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by City to be unusual or extraordinary, and related to the event for which the permit is sought, including but not limited to:

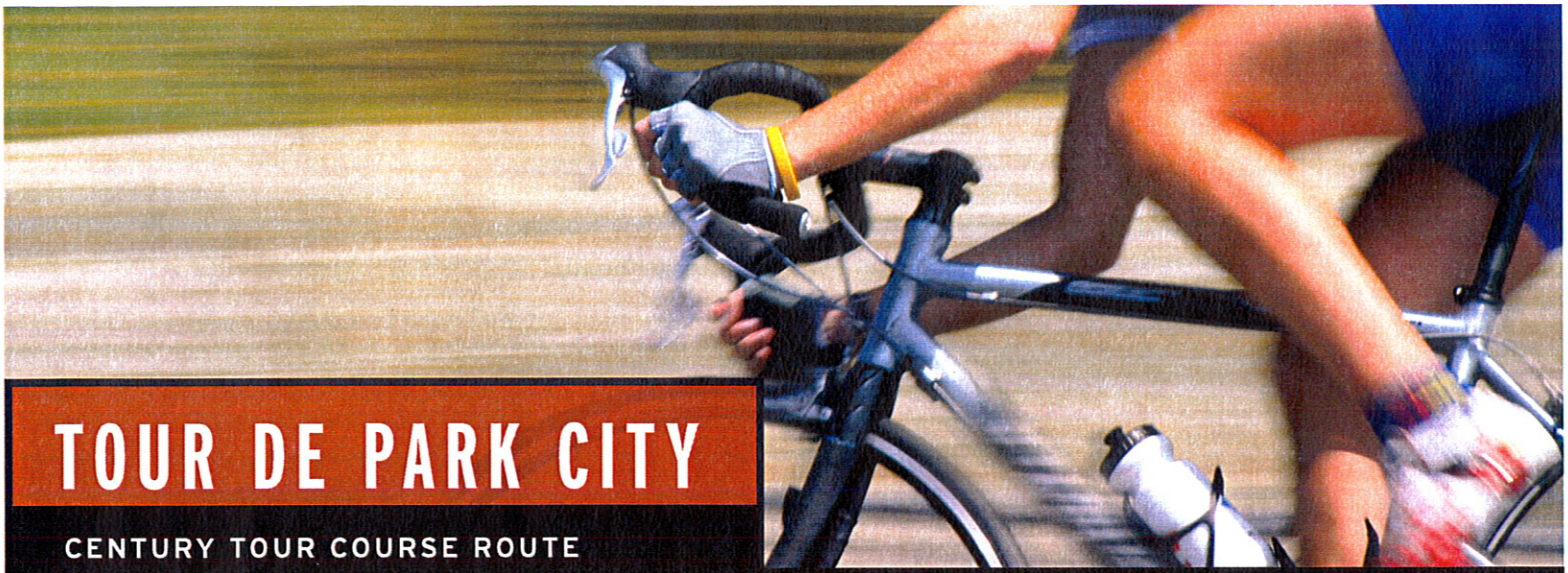
A. The cost of providing, erecting, and moving barricades and/or signs;
B. The cost of providing and moving garbage or waste receptacles;
C. The cost of city personnel who are required by the city to work overtime hours

- The City may require, as a condition to issuance of a permit, that a sum be deposited with the city to meet such costs. The required deposit shall not exceed one thousand dollars ($1,000.00).

AGREEMENT AND SIGNATURE	
I the undersigned representative have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein is complete and accurate.	
Name (printed)	Riley Siddoway
Signature *(if electronic signature is available)*:	**Date:** 3-4-2009

REMITTAL INFORMATION	
Park City Municipal Corporation (PCMC) **ATTN: Special Events** **PO Box 1480** **Park City, Utah 84060** **435.615.5150**	***If you would like to pay by credit card or make your payment in person please contact Jennifer Byrd at 435.615.5056.***

OFFICE USE ONLY	
PERMIT APPLICATION #:	**ASSIGNED TO:**
NOTES:	



TOUR DE PARK CITY

CENTURY TOUR COURSE ROUTE

*feed stop location and milage shown is approximate

PARK CITY 1884

City Council Staff Report

Subject: 24th of July Celebration
Author: Max J. Paap
Department: Sustainability
Date: July 16, 2009
Type of Item: Administrative – Master Festival License

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the 24th of July Celebration, as conditioned, on July 24, 2009 to be held at South City Park.

Description:

Topic:
Review the Master Festival License Application, submitted by Annette Rockwood from the Monitor Stake Center for the 24th of July Celebration at South City Park on July 24, 2009.

Background:
Annette Rockwood, on behalf of the Monitor Stake Center, submitted an application requesting a Master Festival License to hold their annual Pioneer Day Celebration in and around South City Park. The event is an annual family gathering with an "Old Fashioned Country Picnic" theme. This one day event would look very similar to the Children's Fair, 4th of July, and Miner's Day that take place in South City Park on an annual basis. The organizer expects the attendance could exceed 500+ at any given time during the duration of the event. The space would be programmed from 6:00 pm to 8:30 pm on Friday, July 24, 2009. The organizer has met on-site with Special Events staff to go over any logistical challenges or other issues.

The 24th of July Celebration is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this.

Analysis:
<u>Old Fashioned Country Picnic</u>
The event organizers have requested to hold their event on Friday, July 24, 2009. They would begin to take over South City Park at 5:00 pm to facilitate the build out the green space between the BBQ area and the pavilion. The event is scheduled to begin at 9:00 am; with set-up and run until 8:30 pm, with time allowed for clean-up until 9:00 pm. There will be a variety of family oriented games and activities; cowboy

poetry, relay games, face painting, and art projects. Light music will also be played on the site.

Parking

Parking for the anticipated crowd can be accommodated with the public parking in North City Park, the Mahwhinney lot and street parking along Park Avenue. PCMC Transit would also be an option for attendees. The applicant has currently applied for a parking request for use of The Silver King Lot at PCMR which would also be available as a satellite parking option.

This application is being reviewed as a Master Festival License due to the request to have amplified music, attraction of crowds of over 500 and use of City property. The applicant has indicated the amplified music/sound would take place only between the hours of 6:00 pm and 8:30 pm in South City Park and be oriented towards Deer Valley Drive.

Department Review:

All applicable departments have reviewed the application for the 24th of July Celebration and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing the 24th of July Celebration as described.

Deny the Request:

Deny the Master Festival License, preventing the addition of the 24th of July Celebration to Park City's schedule of events.

Continue the Item:

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

Significant Impacts:

Park City has held many similar events to the 24th of July Celebration. The activities will be contained within the venue and will conclude by 8:30 pm.

Consequences of not taking the recommended action:

The 24th of July Celebration would not take place.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for the 24th of July Celebration on July 24, 2009 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The 24th of July Celebration will be held on Friday, July 24, 2009. The event will last from 6:00 pm to 8:30 pm and will occur at South City Park.
2. Parking for the anticipated crowd of 500 people can be accommodated within the existing public parking lots in and around the venues. The conduct of the 24th of

July Celebration will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

3. The events associated with the 24th of July Celebration will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at South City Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. There are other Master Festival or Special Event licenses that have been granted for July 24, 2009. The table below will show in column (A) – Geographic separation of the events; column (B) – Proposed time and duration of the events; and column (C) – Anticipated attendance.

2009 DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
Jul 24	**24th of July Celebration**	**City Park**	**2PM-6PM**	**500**
Jul 24	Triple Crown Softball	Various PC Locations	7:30AM-9:00PM	1000
Jul 24	Deer Valley Music Fest	Snow Park Amp	7:30PM-9:30PM	3000

6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.

2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All amplified music/sound may begin at 6:00 pm and at least cease by 8:30 pm on Friday, July 24, 2009 in South City Park.
4. The applicant will work with City Staff to orient the music/demonstration stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for the event.
   (B) A sound technician shall provide on-site monitoring for the event with music, amplified or otherwise, and any amplified event.
   (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
5. All plans for tents, fireworks, stages, signs and other temporary structures shall be submitted to the Building Department for review and permitting by July 15, 2009.

Attachments
Exhibit A- Applicant's Summary of Activities

Submit by Email | Print Form

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION - PART I

PARK CITY 1884

Special Events
435.615.5150
specialevents@parkcity.org

PART I of the Special Event and Master Festival License (MFL) must be completed and **submitted electronically** to the Special Events Department no less than **90 days prior to a MFL** or no less than **60 days prior to a Special Event**.
The application will be reviewed by the Special Events Department. ***Granting of the permit is not guaranteed.***

APPLICANTION FEES - DUE AT TIME APPLICANT SUBMITS PART I

All new applications require a $100 application processing fee.
All applications for returning events require a $50 application processing fee.
The Application Fee is NON-REFUNDABLE.

ADDITIONAL FEES

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant. Applicant will receive a final invoice approximately two weeks after the event concludes.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME	Annette Rockwood	
STREET ADDRESS	2226 Samuel Colt Ct.	
CITY, STATE, ZIP CODE	Park City, UT 84060	
DAY PHONE	435-655-1054 cell	
FAX PHONE		
E-MAIL ADDRESS	annetterockwood@hotmail.com	
SPONSORING ORGANIZATION	Park City Stake, The Church of Jesus Christ of Latterday Saints	
Contact Person "ON SITE" Day of Event	Name: Annette Rockwood	Cell Number: 435-655-1054

EVENT INFORMATION

Type of Event (Check all that apply):

Master Festival Criteria: A PUBLIC EVENT (If one box is checked, the event is automatically a MFL)	☒ Attraction of crowds over 500	☐ Street Closure	☒ Use of City park, building or property	☐ Use of off-site parking facility	☐ Use of amplified music
Special Event Criteria: PRIVATE OR PUBLIC EVENT	☐ Causes significant public impacts via disturbance, crowd, traffic/parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing	☒ Events signs, visible from public property	☐ Temporary structures

☐ Run/Walk	☐ Parade	☐ Trail Event
☐ Road Bike Event	☐ Park Festival	☐ OTHER (please specify): Church Picnic
☐ Street Fair	☐ Concert	

EVENT TITLE:	24th of July Celebration	
FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?)	Annual - 3rd year	
EVENT DATE (S)	Friday, July 24, 2009	
EVENT HOURS	START: 6:00pm	END: 8:30pm
SET-UP	DATE: 7/24/09	TIME: 9:00am
BREAK DOWN	DATE: 7/24/09	TIME: 9:00am

ATTENDANCE	PARTICIPANTS: 50	SPECTATORS: 700	TOTAL: 750
LOCATION	Park City Park, South Pavilion		

OVERALL EVENT DESCRIPTION (Briefly explain event and activities):

"Old Fashioned Country Picnic". A folk band is playing from 6:00-8:00pm, picnic tables w/checkered cloths, fried chicken, cowboy poetry, relay games, face painting and art project for the kids. Free food and fun. No cooking. Food station, Drink station, Dessert Station and Arts Station. People can sit on the grass to enjoy the band and sit on picnic tables to eat. Bales of hay, pioneer quilts and decor. 3'x6' Banner will be displayed in front of the park on Park Ave. from 10am-9pm 7/24/09. It will be staked into the ground on the grass.

MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event)

Contact the Park City Chamber/Bureau to help market y our event	435.649.6100	www.parkcityinfo.com

PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:

No real marketing.

The only advertisement will be a banner displayed on the grass in front of the Miner's Hospital on Park Ave.
Displayed 7/24/09 from 10am to 9pm. Reading as follows:
24th of July Pioneer Days City Park 6 - 8 Games Picnic Light Music
Everyone Welcome!
Sponsored by The Church of Jesus Christ of Latter-Day Saints

RULES AND REGULATIONS

- A non-refundable application fee is required at the time the application is submitted to Park City Municipal Corporation. For new events the application fee is $100, for returning events the application fee is $50.00.
- Part I of the application must be submitted a minimum of 90 days prior to a Master Festival License (MFL) and 60 days prior to a Special Event. Part II of the application for both a MFL and a Special Event must be submitted 45 days prior to the requested event date.
- A site plan of your event is required with your application identifying street closures, signs, supply trucks, barricades, tents, activity location, portable toilets, bleachers, other temporary structures, water stations, headquarters, solid waste containers, entrance/exits, walkways and any other details that would assist the Special Event Staff with understanding the setup of your event.
- For runs, walks and parades a site plan outlining your route must be submitted along with your Special Event Permit application. If your event will generate additional traffic, or interrupt existing traffic on any city street, a traffic control plan outlining necessary street closures is required before a Special Event Permit will be issued.
- Permit Applications may require review by the City Council for approval or denial. Need for review is based on size, location, scope and impact of event.
- An applicant must schedule a meeting with Special Event Staff 30 working days prior to event.
- A certificate of insurance must be filed with Special Event Services ten (10) working days before the event in the amount of $2,000,000. The City of Park City requires all certificates of insurance to be submitted on a standard ACORD form, or on the insurance company's letterhead. Park City Municipal Corporation must be listed as additionally insured. If you do not have insurance, the City of Park City is able to provide you insurance, at a cost, through the TULIP Program. Please visit our website at; www.parkcity.org/Special Events & Facilities/applications/index.html.
- All debris and trash must be removed from an event site immediately after the event. Failure to do so may require more City Services. All expenses will be the responsibility of the event applicant. It is highly recommended that the applicant provide recyclable receptacles at the event. Please contact a local recycle company (information provided in Application Part II). Thank you.
- Depending on the duration of your event and the availability of public restrooms, you may need to rent portable chemical toilets to accommodate participants. Park City Municipal Corporation City Code requires one (1) chemical toilet for every 65 people. The figure is based upon the maximum number at your event during peak time. The total number of toilets will be determined on a case-by-case basis.
- You must receive approval for your event before you promote market or advertise your event. Conditional

approval will be made after the event organizer submits the application and it is initially screened. Acceptance of your Special Event Application by the City is not a guarantee of the date, location or an automatic approval of your event.

- Only readily removable barricades may be used for street closures and a 20-ft lane of clearance is required for emergency vehicle access at all times. You may be required to provide advisory signs if your event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.
- In some cases, the hiring of officers from the Park City Police Department, a professional security company, or a combination of both may be required in order to obtain a Special Event Permit. The Park City Police Department determines the need, number, and type of security personnel based on expected attendance, location of the event, the presence of alcohol, history of the event, nature of the event, street closures, and the amount of advertising used for an event.
- The Fire Department must review and approve the following: your plans for first aid and/or emergency medical services; your route for emergency vehicle access;
- The Building Department must review parade floats; use of an open flame; use of fireworks or pyrotechnics; handling of vehicle fuel; cooking facilities; the location of power sources; the availability and location of on-site fire suppression equipment; the occupancy and spacing of tables or enclosures; and the use of tents, canopies or any fabric shelters. The Building Department will require an inspection before and/or during the event.
- All temporary structures, i.e. tents, stages, platforms, etc. must be engineered and stamped by a State of Utah Licensed Engineer.
- The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by City to be unusual or extraordinary, and related to the event for which the permit is sought, including but not limited to:

A. The cost of providing, erecting, and moving barricades and/or signs;
B. The cost of providing and moving garbage or waste receptacles;
C. The cost of city personnel who are required by the city to work overtime hours

- The City may require, as a condition to issuance of a permit, that a sum be deposited with the city to meet such costs. The required deposit shall not exceed one thousand dollars ($1,000.00).

AGREEMENT AND SIGNATURE	
I the undersigned representative have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein is complete and accurate.	
Name (printed)	Annette Rockwood
Signature ***(if electronic signature is available)*:**	**Date:** 04/23/09

REMITTAL INFORMATION	
Park City Municipal Corporation (PCMC) **ATTN: Special Events** **PO Box 1480** **Park City, Utah 84060** **435.615.5150**	***If you would like to pay by credit card or make your payment in person please contact Jennifer Byrd at 435.615.5056.***

OFFICE USE ONLY	
PERMIT APPLICATION #:	**ASSIGNED TO:**
NOTES:	

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION - PART II

PARK CITY
1884

Special Events
435.615.5150
specialevents@parkcity.org

PART II of the Special Event and Master Festival License (MFL) must be completed and **submitted electronically** to the Special Events Department no less than 45 days prior to a MFL and a Special Event.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

The application will be reviewed by the Special Events Department. **Granting of the permit is not guaranteed.**

NAME OF EVENT: 24th of July Celebration

APPLICANT AND SPONSORING ORGANIZATION INFORMATION	☒ *check if same as Part I*	
NAME		
STREET ADDRESS		
CITY, STATE, ZIP CODE		
DAY PHONE		
FAX PHONE		
E-MAIL ADDRESS		
SPONSORING ORGANIZATION		
Contact Person "ON SITE" Day of Event	Name:	Cell Number:

EVENT INFORMATION					☒ *check if same as Part I*
Type of Event (Check all that apply):					
Master Festival Criteria: A PUBLIC EVENT (If one box is checked, the event is automatically a MFL)	☐ Attraction of crowds over 500	☐ Street Closure	☐ Use of City park, building or property	☐ Use of off-site parking facility	☐ Use of amplified music
Special Event Criteria: PRIVATE OR PUBLIC EVENT	☐ Causes significant public impacts via disturbance, crowd, traffic/parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing	☐ Events signs, visible from public property	☐ Temporary structures

☐ Run/Walk	☐ Parade	☐ Trail Event
☐ Road Bike Event	☐ Park Festival	☐ OTHER (please specify):
☐ Street Fair	☐ Concert	

EVENT TITLE:	24th of July Celebration		
FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?)			
EVENT DATE (S)			
EVENT HOURS	START:	END:	
SET-UP	DATE:	TIME:	
BREAK DOWN	DATE:	TIME:	
ATTENDANCE	PARTICIPANTS:	SPECTATORS:	TOTAL:
LOCATION			

OVERALL EVENT DESCRIPTION (Briefly explain event and activities): ☒ *check if same as Part I*

MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event) ☒ *check if same as Part I*		
Contact the Park City Chamber/Bureau to help market y our event	435.649.6100	www.parkcityinfo.com
PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT: banner the day of the event...		

PARADE/STREET CLOSURE INFORMATION *A site plan is required with the application*		
NAMES OF STREETS TO BE CLOSED		
	Between NONE	and
	Between	and
	Between	and
	Between	and
PARADE/RUN/WALK ROUTE *(Please Describe)*		
Are you requesting a COMPLETE or ROLLING street closure?		
Why are you requesting this street closure?		
Time of Street Closure	Start:	End:
Assembly Area:		Disbanding area:
Number of anticipated entries		

PUBLIC PARKING *A site plan is required with the application* *Additional Fees May Apply*		
Request for closure of or access to any public parking spaces?		
If you answered "YES", then you must complete a *Request for Special Use of Public Parking Application.*		
Please Describe:		
Date (s) of Closure	Start:	End:
Time of Closure	Start:	End:

PARKING ON PRIVATE PROPERTY *Written Permission from Owner of Private Parking Area is Required*	
Will there be transportation services to and from parking lots?	No
If yes, who is the transportation provider?	
If an evening event, will there be lighting in the parking lot?	

TEMPORARY STRUCTURES Must be approved by the Park City Building Department at 435.615.5100 or www.parkcity.org/citydepartments/building/index.html.		
☐ Bleachers *	☐ Tents <200 sq. ft. **	☐ Tents >200 sq. ft. ***
☐ Stage	☐ Trailer(s)	☐ Inflatables
☐ Generators	☐ Other Electrical Needs	☐ Temporary Lighting
☐ Other		
* If you are using City Owned Bleachers you must fill out an application and sign a release.		
** Temporary Structures less than 200 square feet require 50 lbs of weight per leg.		
*** Temporary Structures greater than 200 square feet require approval from the Building Department.		

TEMPORARY IMPROVEMENTS, STRUCTURES, AND OTHER ITEMS		
Park City Building Department at 435.615.5100 or www.parkcity.org/citydepartments/building/index.html.		
Will you be using flammable materials, including fuels and gasses?	☐Yes	☒No
If yes, a Fire Permit Application must be submitted 20 days prior to the event.		
Will you be requesting permits for fireworks?	☐Yes	☒No
If yes, describe launch site:		
Start time of fireworks show:		
If yes, a Fire Permit Application must be submitted 20 days prior to the event.		
Will you have electrical needs?	☐Yes	☒No
If yes, a Fire Permit Application must be submitted 20 days prior to the event.		

Park City Municipal Corporation encourages sustainable efforts in Waste Management. This effort would involve recycling as many materials as possible. Please contact a local recycle business to find out how they can assist you with making your event a [illegible]. Your Waste Management Plan is criteria for approval of your event. CURB IT RECYCLING: 435.901.2568 or www.curbitrecycling.com GOOD EARTH RECYCLING: 435.655.0272 RECYCLE UTAH: 435.649.9698		
WHAT IS YOUR WASTE MANAGEMENT PLAN DURING SET-UP OF YOUR EVENT, DURING YOUR EVENT AND AFTER YOUR EVENT? Please explain in detail. We will need 6 trash cans and poly trash bags...		
List the number trash containers and dumpsters at the location: 6 cans and 1 dumpster		
Will additional trash containers and dumpsters be rented? No .		
If yes, how many:		
Name of Provider:		
Contact Information:		
INSTALLATION	Date:	Time:
REMOVAL	Date:	Time:

SALES AND FOOD VENDING	
Will there be the sale of merchandise?	No
If yes, describe the items for sale	
Will there be sale of concessions or complimentary food?	Free food, no cooking.
If yes, how many food vendors:	
What types of food will be served	Fried Chicken, Salad, Baked Beans, Rolls, Corn on cob, Lemonade, Ice Cream a
If cooking on site please describe types of *cooking appliances used (i.e. open flame or electrical):	
*A Building Permit may be required depending on the cooking appliance.	*Please contact the Building Department at 435.615.5100 with Building Permit inquiries.*
Have individual vendors filled out the local sales tax form?	N/A
Utah State Tax Commission 800.662.4335 or www.tax.utah.gov	
Has each food vendor received a *Summit County Temporary Food Service Permit*?	N/A
Summit County Health Department 435.336.3234 or www.summitcountyhealth.org	

TEMPORARY SIGNAGE ***A Sign Plan is required that describes the location and sizes of all signs.***		
Will there be temporary signs for your event?	☒Yes	☐No
If yes, attach a Sign Plan that describes the location and sizes of all signs.		
City Code: No individual Special Event Banner may exceed 36 square feet in size.		

SALES OF LIQUOR ***Application for a single event requires 45 day notice.***		
Will there be beer, wine, and/or liquor sales during the event?	☐Yes	☒No
Has the Park City Finance Department approved your *Beer and Liquor License Application*?	☐Yes	☐No
Park City Municipal Corporation Finance Department 435.615.5225 or www.parkcity.org/citydepartments/finance/index.html		
Has the UDABC approved your *Single Event or Temporary Beer Permit*?	☐Yes	☐No
Utah Dept. of Alcoholic Beverage Commission (UDABC) 801.977.6800 or http:/www.alcbev.state.ut.us/		
Describe the location of sales:		
What are the hours of sales?	Start:	End:
Describe the type of containers for sale:		
Do the Alcoholic Beverage Servers have State Certified Server Training?	☐Yes	☐No

ANIMALS AT EVENT		
Will there be animals present at the gathering?	☐Yes	☒No
If yes, attach the plan to address nuisances or health hazards associated with the animals.		

COMMUNICATION NEEDS		
Will there be the installation of antenna for communications?	☐Yes	☒No
If yes, attach a site plan and specifications of antenna.		

SAFETY/SECURITY/VOLUNTEERS		
Please describe your procedures for both crowd control and internal security:		
Has the Park City Fire District been contacted regarding your event?	☐Yes	☒No
Park City Fire District 435.940.2532 or sadams@pcfd.org		
List Fire District contact person:		
Park City Fire District may require on-site medical personnel at an additional charge.		
Does your event require Law Enforcement services beyond routine periodic patrol?	☐Yes	☒No
Do you desire Law Enforcement services beyond routine periodic patrol?	☐Yes	☒No
Park City Police Department may require on-site personnel. The Special Events Department will contact the Police Department for determination. The cost for Law Enforcement services is $35 per hour with a minimum of 4 hours.		
Will a separate Security Company be hired for your event?	☐Yes	☒No
If yes, for what purpose?		
NAME OF COMPANY:		
CONTACT PERSON:		
CONTACT INFORMATION:		

PUBLIC FACILITIES				
Please contact the Summit County Health Department 435.336.3234 or www.summitcountyhealth.org for public facilities criteria.				
Provide the number and description of existing toilets at the location: 1 men's room and 1 women's room exists. Three toilets each. This is sufficient.				
Will portable toilets be rented?			☐Yes	☒No
List locations:				
Name of Provider:	Contact Information:			
INSTALLATION	Date:	Time:		
REMOVAL	Date:	Time:		

EVENT LOGISTIC MEETING
Applicant is required to schedule a meeting with the Special Events Staff at least 30 days prior to the event.
Please contact Jennifer Byrd at 435.615.5056 or jbyrd@parkcity.org to schedule your meeting.

INSURANCE REQUIREMENTS **Must be submitted at least 10 days prior to event.**
Park City Municipal Corporation requires proof of liability insurance in the amount of two million dollars ($2,000,000) or more, and applicant shall further name Park City Municipal Corporation at PO Box 1480, Park City, Utah 84060 as an additional insured. If you do not have an insurance provider you may be able to qualify for insurance through Park City Municipal Corporation. Please view the information at; http://www.parkcity.org/citydepartments/specialevents/applications/index.html

Sign Plan:

We have a banner 3' x 6'. It reads as follows:

24th of July

Games Picnic	Pioneer Days	Light Music

City Park 6 – 8

EVERYONE WELCOME!

Sponsored by The Church of Jesus Christ of Latter-Day Saints

We would like to place this sign in front of the park by the entrance on Park Ave. It will be on the grass, staked into the ground.

Please call me for any questions. Thanks so much.

Annette Rockwood
24th of July Activities Chairman
Park City Stake
435-655-1054 cell
2226 Samuel Colt Ct.
Park City, UT 84060
annetterockwood@hotmail.com

Site Plan:

Annette Rockwood
24th of July Activities Chairman
Park City Stake
435-655-1054 cell
2226 Samuel Colt Ct.
Park City, UT 84060
annetterockwood@hotmail.com

Event:
Church Picnic
Thursday, July 24, 2009
6:00pm-8:30pm
Park City Park, South Pavilion

Come and enjoy a pioneer picnic, great music from "Shades of Grey" folk band, games and activities.

Details:
We will occupy the park from 9am-10pm.

Band will be on the pavilion. They will play from 6:00p-8:00p.

Picnic benches on grass in front of the BBQ area.
No cooking.
Serving tables will be in BBQ area.
Food Station, Drink Station, Dessert Station, Face Painting & Craft Station, First-Aid Station.
Food: Fried chicken, corn on the cob, salad, baked beans, rolls, lemonade, water, ice cream and brownies. Food will be stored in coolers with ice.

Relay games. Tug of war, 3 legged race, egg on a spoon, etc.
Restrooms are next to BBQ area.
Parking: Will utilize parking already available in park.

We have a banner 3' x 6' that will be displayed on the grass, at the park entrance on Park Ave.

City Council
Staff Report

Subject: 331 McHenry Avenue Subdivision
Author: Katie Cattan
Date: July 16, 2009
Type of Item: Administrative – Plat Amendment

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the City Council hold a public hearing for the 331 McHenry Subdivision and consider approving the 331 McHenry Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Jerry Fiat, Prospective owner
Location:	331 McHenry Avenue
Zoning:	Historic Residential Low-Density (HRL)
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On May 12, 2009, the City received a completed application for the 331 McHenry Avenue Subdivision. The subject property is located in the Historic Residential Low Density (HRL) zoning district. The proposed plat combines all of lots 6, 7, 8, 9, 24, 25, 26, 27 and portions of Lots 5 and 28, Block 59 of the Park City Survey into three lots of record. The home is currently under contract for purchase by the applicant. The applicant has received written permission by the owner to apply for the subdivision. The purpose of the application is to create three lots of record, one of which has an existing home on it. The other two lots will be vacant.

There is one existing home located on the property. The structure located at 331 McHenry Avenue is not considered historic and is not listed on the City's Inventory of Historic Buildings. The existing structure is located within lots 7, 8, 9, 24, 25, and 26. The applicant is proposing to remove a portion of the existing structure and alter the location of the lot lines in an effort to comply with all setback requirements for the structure and create two vacant lots of record. Exhibit A is a survey showing the existing structure and the portion of the structure to be removed.

There are no other applications under consideration by staff at this location. Any future homes or additions to the existing home will require a historic district design review and may require a steep slope conditional use permit dependent upon the location and size of the project. The most recent application for the property was a building permit for a green house addition in 1982.

The Planning Commission reviewed this application during the regularly scheduled meeting on June 22, 2009. During this meeting of the 5 commissioners present, four Commissioners voted in favor of the Subdivision. One Commissioner abstained from voting due to a perceived inadequate amount of time to review handout materials.

Analysis

Staff finds good cause for this plat amendment as the amended plat would bring the existing structure into compliance and will create two legal lots of record in the district. The application supports the first two purpose statements within in HRL district:

> A) reduce density that is accessible only by substandard streets so these streets are not impacted beyond their reasonable carrying capacity.
> B) provide an area of lower density residential use within the old portion of Park City.

The lot and site requirements are outlined within LMC Section 15-2.1-3. The minimum lot area is 3,750 square feet. The minimum width of a lot is 35'. All lots must have frontage off of a city street or a connection to a city street shown on the streets master plan. Each of the proposed lots complies with these minimums:

	Lot Area	Lot Width	Street Frontage
Lot A	8345.3 sq. ft.	61.00 ft.	McHenry Ave
Lot B	3750.6 sq. ft.	44.00 ft.	McHenry Ave
Lot C	3750.2 sq. ft.	60.43 ft.	Ontario Ave.

All future development must comply with the Land Management Code at the time of submittal. Setbacks and footprint calculations based on the current code would be as follows:

	Front and Rear	Side Yard	Footprint
Lot A	15each / 30 total	5 each/ 14 total	2610 sq. ft.
Lot B	12 each/ 25 total	5 each/ 10 total	1518 sq. ft.
Lot C	10 each/ 20 total	5 each/ 10 total	1518 sq. ft.

The existing home is located on Lot A. The applicant plans to remove a portion of the existing home as shown in exhibit A. Once this portion of the home is removed, the home will comply with the side yard setbacks. Condition of approval #5 states "A certified survey showing compliance with the setback requirements of the LMC must be provided to the City prior to recordation of the plat."

Process

The approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 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. During this meeting staff and Snyderville Basin Water Reclamation District identified several improvements (water and sewer) which necessitated easements on the plat. Staff also identified encroachments onto this property by the neighbors. The applicant has offered an encroachment agreement to the neighbor for an existing fence.

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 331 McHenry Avenue Subdivison as conditioned or amended; or
- The City Council may deny the 331 McHenry Avenue Subdivision and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 331 McHenry Avenue Subdivision.

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 development could not occur across lot lines.

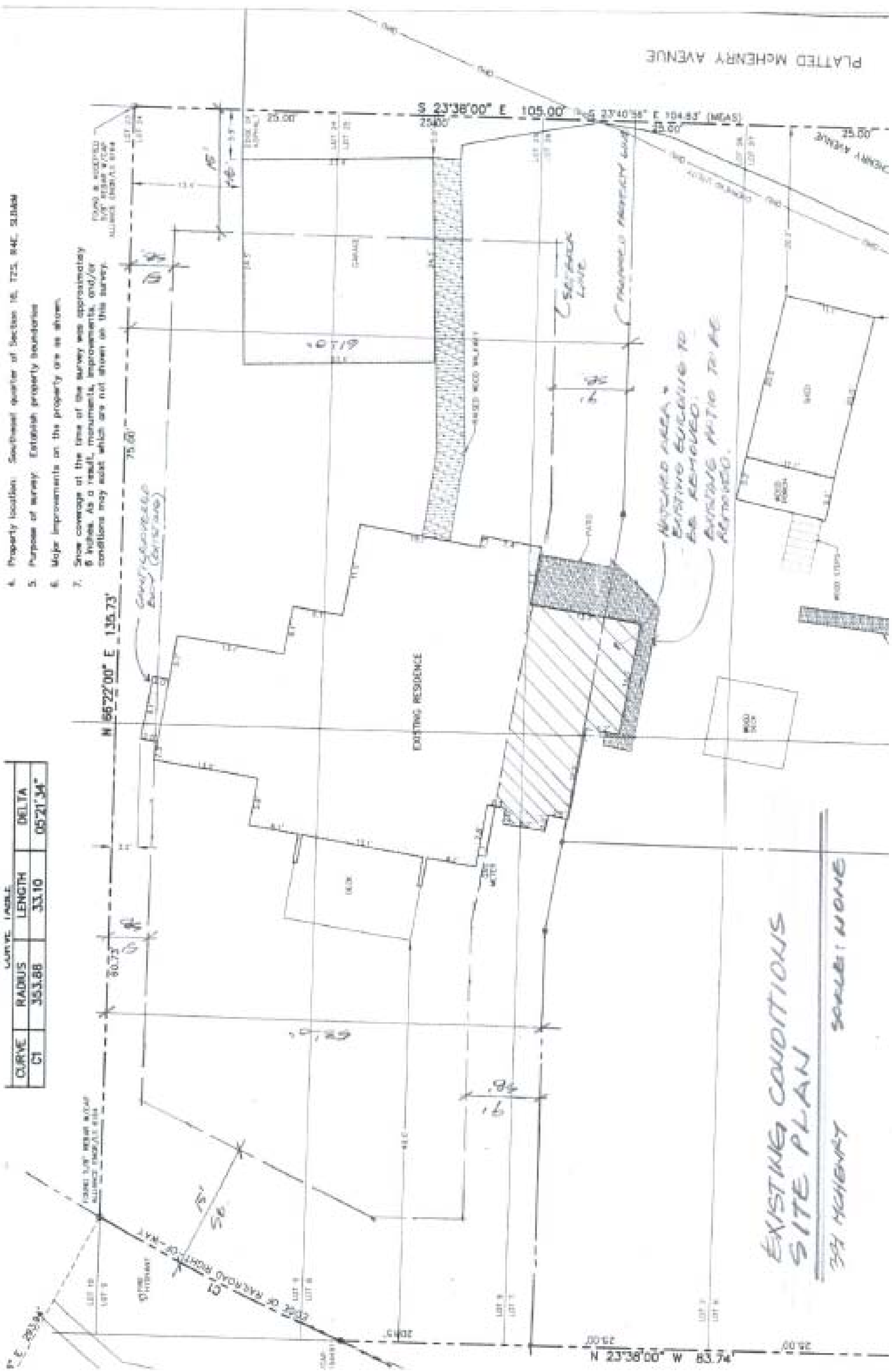
Recommendation

Staff recommends the City Council hold a public hearing for the 331 McHenry Avenue Subdivision and consider approving the 331 McHenry Avenue Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Existing Conditions Survey
Exhibit B – Ordinance

Exhibit A


PLATTED McHENRY AVENUE
S 23°38'00" E 105.00'
N 66°22'00" E 136.73'
N 23°38'00" W 83.74'
EXISTING RESIDENCE
CURVE TABLE
CURVE RADIUS LENGTH DELTA
C1 353.88 33.10 05°21'34"
EXISTING CONDITIONS SITE PLAN

SOUTH ELEVATION

AREA TO BE
REMOVE TO COMPLY
W/NEWLOT SET
BACKS

Draft Ordinance No. 09-

AN ORDINANCE APPROVING THE 331 MCHENRY AVENUE SUBDIVISION LOCATED AT 331 MCHENRY AVENUE, PARK CITY, UTAH.

WHEREAS, the prospective owner of the property located at 331 McHenry Avenue have petitioned the City Council for approval of the 331 McHenry Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 24, 2009, to receive input on the 331 McHenry Avenue Subdivision;

WHEREAS, the Planning Commission, on June 24, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 331 McHenry Avenue Subdivision.

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 331 McHenry Subdivision plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 331 McHenry Avenue in the HRL zoning district.
2. The existing structure located at 331 McHenry Avenue is not considered historic and is not listed on the City's Inventory of Historic Buildings.
3. The exiting structure complies with setbacks on the newly created Lot A of the proposed subdivision.
4. The lot and site requirements are outlined within LMC Section 15-2.1-3. The minimum lot area is 3,750 square feet. The minimum width of a lot is 35'. All lots must have frontage off of a city street or a connection to a city street shown on the streets master plan. Each of the proposed lots complies with these minimums.
5. The South – East corner of the subdivision will be dedicated to the City as McHenry Right-of-Way.

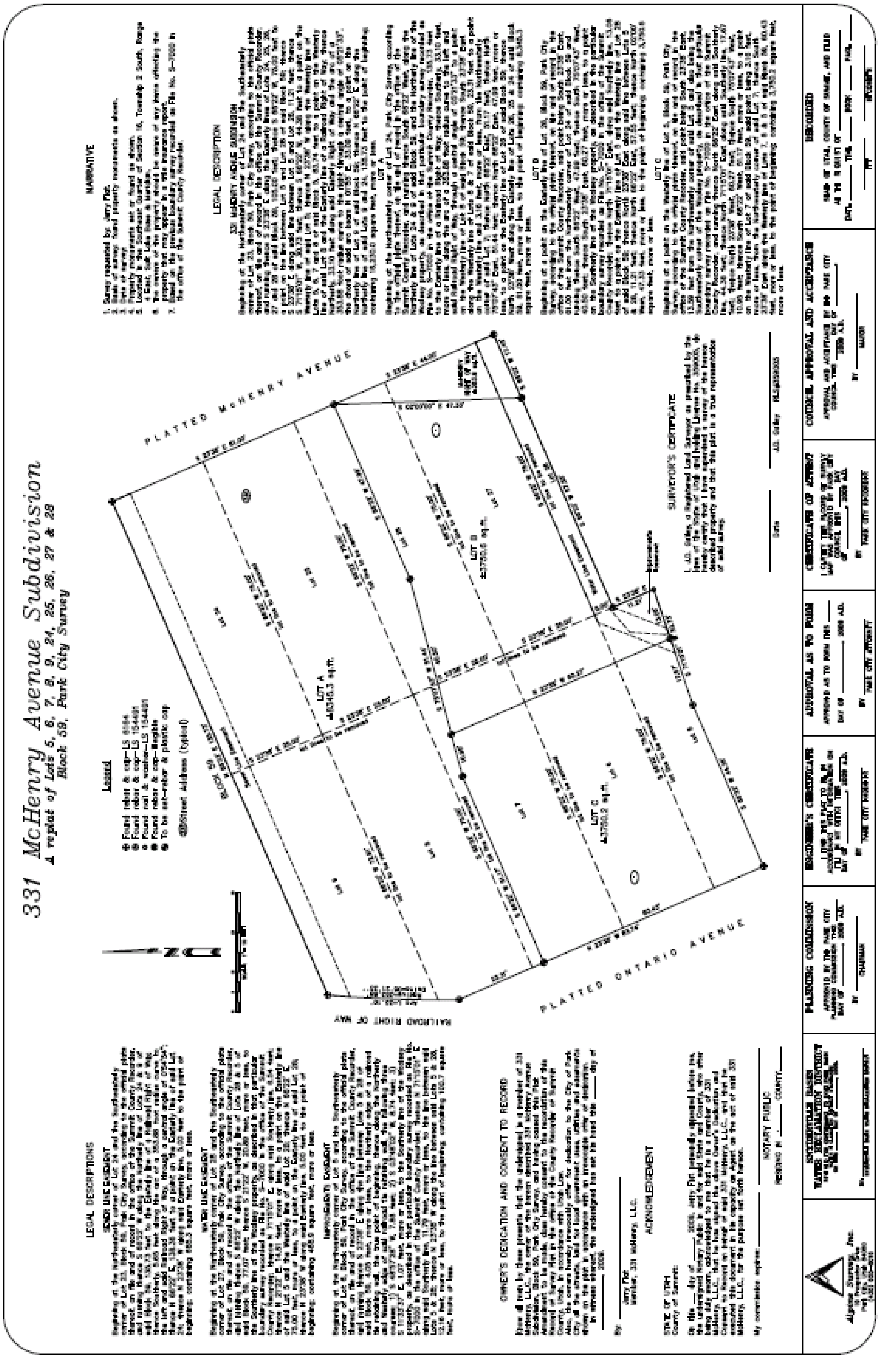
6. Any new construction within the Historic Residential Low-density District (HRL) requires a Historic District Design Review.
7. A building permit cannot be issued for construction across a lot line.
8. All other facts within the Analysis section of this report are incorporated within.

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

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the 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 for the subdivision will be void.
3. Modified 13-D sprinklers shall be required for new construction on lots B and C.
4. A ten feet snow storage area is required on all three lots along property lines adjacent to existing streets.
5. A certified survey showing compliance with the setback requirements of the LMC must be provided to the City prior to recordation of the plat.

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

PASSED AND ADOPTED this 9th day of July, 2009.


331 McHenry Avenue Subdivision
A replat of Lots 5, 6, 7, 8, 9, 24, 25, 26, 27 & 28
Block 59, Park City Survey
LEGAL DESCRIPTIONS
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
NOTARY PUBLIC
Legend
PLATTED McHENRY AVENUE
PLATTED ONTARIO AVENUE
RAILROAD RIGHT OF WAY
LOT A
LOT B
LOT C
NARRATIVE
LEGAL DESCRIPTION
SURVEYOR'S CERTIFICATE
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject: Frandsen Subdivision Amended
Author: Katie Cattan
Date: July 16, 2009
Type of Item: Administrative – Plat Amendment

Summary Recommendation

Staff recommends the City Council review the application for the Frandsen Subdivision Amended, hold a public hearing, and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Jim Shea, Owner
Location:	1439 Woodside Avenue
Zoning:	Recreation Commercial (RC)
Adjacent Land Uses:	Multi-family and Single Family Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On March 13, 2009, the City received a completed application for the Frandsen Subdivision Amended plat amendment. The subject property is located at 1439 Woodside Avenue in the Recreation Commercial (RC) zoning district. The proposed plat reconfigures the lot lines between Lot A, Lot B, and Lot C of the Frandsen Subdivision of Snyder's Addition to the Park City Survey. The purpose of the reconfigured lot lines is to create squared off lots and access onto Lot B which complies with the Land Management Code (LMC) for adequate lot width.

The existing Frandsen Subdivision was recorded on March 30, 2000. The existing subdivision went before the Planning Commission and City Council on several occasions due to the existing conditions within the subdivision. The original subdivision included vacating street right-of-way, accommodating two historic homes, and the addition of five plat notes.

The Planning Commission reviewed this application during the regularly scheduled meeting on July 8, 2009. The applicant had originally requested that the existing plat note limiting the house size on the rear lot be removed. At the directions of the Planning Commission during the regularly scheduled July 8, 2009 meeting, the applicant decided to not pursue the removal of the maximum house size note. The Planning Commission gave a unanimous positive recommendation for the Plat Amendment keeping all existing plat notes.

The structures and accessory buildings located on Lots 1 and Lot 3 are historic and are listed as “significant” on the City‘s Historic Sites Inventory. Although the historic homes do not meet setback requirements of the RC zoning district, section 15-2.16-6 of the Land Management Code (LMC) states that Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

There are no additional applications under consideration by the City at this time.

Analysis

Staff finds good cause for this plat amendment for the lot line adjustment as the amended plat would bring Lot 2 into compliance with the LMC standard for lot width, will create squared off lot lines between the two neighbors, and will reflect the correct property boundaries.

LMC Section 15-2.16-5(A) requires that the minimum width of a lot is twenty five feet (25’), measured fifteen feet (15’) back from the front lot line. The current lot width of Lot B along the frontage of Woodside Avenue is 34.91 feet. The proposed frontage within the proposed plat is 25 feet and complies with the LMC. All three lots within the subdivision comply with the minimum lot size requirement of 1,875 square feet for a single family dwelling. Within the RC zoning district, a duplex and triplex are allowed uses.

The applicant’s surveyor discovered that the property lines originally recorded are incorrect. The surveyor re-established the lines to reflect the true property boundaries which resulted in a loss of 883 square feet in the total. This resulted in clear lots of record not overlapping the adjacent external boundaries. The following table reflects the change in area of each lot.

	Original Frandsen	Proposed
Lot A	3471	3920
Lot B	9172	7840
Lot C	4927	4927

Process

The 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. No issues were raised during the review.

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
A letter of support from a neighbor was received by Planning Staff. No other public comment has been received.

Alternatives
- The City Council may approve the Frandsen Subdivision Amended as conditioned or amended; or
- The City Council may deny the Frandsen Subdivision Amended and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Frandsen Subdivision Amended.

Significant Impacts
There are no significant fiscal or environmental impacts that have not been previously identified from this application.

Consequences of not taking the Suggested Recommendation
The lot lines would remain as they are today.

Recommendation
Staff recommends the City Council hold a public hearing for the Frandsen Subdivision Amended, discuss the plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A – Draft Ordinance w/Plat Amendment
Exhibit B – Change in property lines
Exhibit C – Survey

Draft Ordinance No. 09-

AN ORDINANCE APPROVING THE FRANDSEN SUBDIVISION AMENDED LOCATED AT 1439 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1439 Woodside Avenue have petitioned the City Council for approval of the Frandsen Subdivision Amended plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 8, 2009, to receive input on the Frandsen Subdivision Amended;

WHEREAS, the Planning Commission, on July 8, 2009, forwarded a positive recommendation to the City Council; and,

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

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 Frandsen Subdivision Amended plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1439 and 1445 Woodside Avenue in the RC zoning district.
2. There is one existing historic structure on lot A (1445 Woodside Avenue) and lot C (1439 Woodside Avenue). Each historic structure is listed on the City‘s Inventory of Historic Structures.
3. The homes at 1439 and 1445 Woodside Avenue do not comply with the setbacks in the RC zone. Section 15-2.2-4 of the LMC states that “Historic structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures”. The non-complying setbacks are not increased within the proposed plat amendment.
4. LMC Section 15-2.16-5(A) requires that the minimum width of a lot is twenty five feet (25’), measured fifteen feet (15’) back from the front lot line. The current lot width of Lot B along the frontage of Woodside Avenue is 34.91

feet. The proposed frontage within the proposed plat is 25 feet and complies with the LMC.

5. All three lots within the subdivision comply with the minimum lot size requirement of 1,875 square feet for a single family dwelling.
6. Within the RC zoning district, a duplex and triplex are allowed uses.
7. All other facts within the Analysis section of this report are incorporated within.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the 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 for the subdivision will be void.
3. All existing plat notes on the Frandsen Subdivision (Ordinance 95-48) must remain on the newly recorded plat amendment.

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

PASSED AND ADOPTED this 16th day of July, 2009.

Frandsen Subdivision Amended

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that I, Jim E. Shea, Jr., the undersigned representative of Jim E. Shea Jr. Enterprises, Inc., the owner of the hereon described tract of land, known as Frandsen Subdivision, Lots A & B, Snyder's Addition to the Park City Survey, having caused this Amended Lot Line Plat to be prepared, do hereby consent to the recordation of this Record of Survey Map in accordance with Utah Law.

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

In witness whereof, the undersigned set his hand this_________day of __________ 2009.

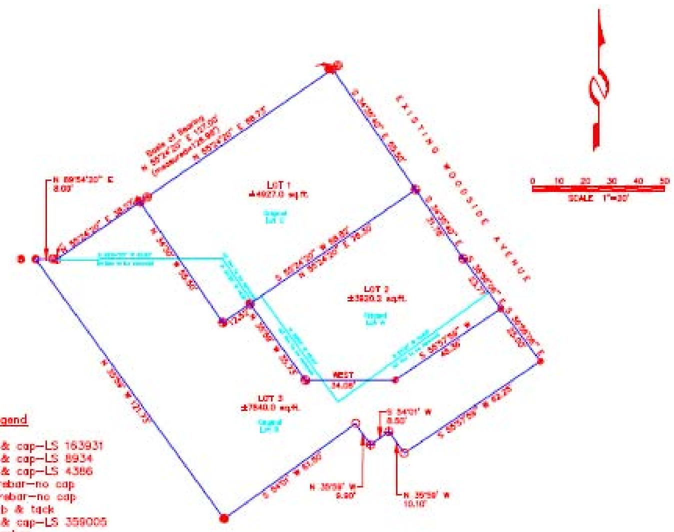
By: ______________________
Jim E. Shea, Jr.
Jim E. Shea, Jr. Enterprises, Inc.

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this ____ day of ______, 2009, Jim E. Shea, Jr. personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, Jim E. Shea, Jr. acknowledged to me that he is the representative of Jim E. Shea, Jr. Enterprises, Inc., the legal owner of Frandsen Subdivision, Lots A & B, Snyder's Addition to the Park City Survey, as hereon described, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: __________ ____________________
NOTARY PUBLIC
RESIDING IN ______ COUNTY,_____



Legend

- Found rebar & cap—LS 163931
- Found rebar & cap—LS 8934
- Found rebar & cap—LS 4386
- Found 1/2" rebar—no cap
- Found 5/8" rebar—no cap
- Found old hub & tack
- Found rebar & cap—LS 359005
- Set nail & washer
- Set 5/8" rebar & plastic cap

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that I, Jennifer A. Hughey, the undersigned owner of the hereon described tract of land, known as Frandsen Subdivision, Lot C, Snyder's Addition to the Park City Survey, having caused this Amended Lot Line Plat to be prepared, do hereby consent to the recordation of this Record of Survey Map in accordance with Utah Law.

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

In witness whereof, the undersigned set her hand this_________day of __________ 2009.

By: ______________________
Jennifer A. Hughey

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this ____ day of ______, 2009, Jennifer A. Hughey, personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, Jennifer A. Hughey acknowledged to me that she is the legal owner of Frandsen Subdivision, Lot C, Snyder's Addition to the Park City Survey as hereon described, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: __________ ____________________
NOTARY PUBLIC
RESIDING IN ______ COUNTY,_____

NARRATIVE

1. Survey requested by: Jim E. Shea, Jr.
2. Purpose of survey: lot line amendment.
3. Basis of survey: found street monuments as shown. Block dimensions from the Amended Park City Monument Control Map by Bush & Gudgell, Inc. recorded as Entry No. 197765 in the office of the Summit County Recorder. Subdivision of Block 21 from the Map of Snyder's Addition to Park City by R.A. Jones, County Surveyor, dated February 15, 1912. dated February 15, 1912.
4. Date of survey: September 8, 2008.
5. Property monuments set or found as shown.
6. Located in the Northwest Quarter of Section 16 & the Southwest Quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of Frandsen Subdivision for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that property that may appear in a title insurance report.
9. See the previous survey of the Frandsen Subdivision by Alpine Survey, Inc., on file in the office of the Summit County Recorder.

FRANDSEN SUBDIVISION
AMENDED
BOUNDARY DESCRIPTION

Beginning at a point which is N 89°54'20" E, 1398.00 feet along the Section Line from the Southwest Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence N 55°24'20" E, 127.00 feet; thence thence S 34°35'40" E, 87.28 feet to the intersection with the South Section Line of said Section 9; thence S 36°56'06" E, 48.77 feet to the intersection with the projected North property line of the Wildwood Condominium, recorded as Entry # 200879; thence following the said North line the following five courses: (1) S 55°57'59" W, 62.246 feet; (2) N 35°59' W, 10.10 feet; (3) S 54°01' W, 8.50 feet; (4) N 35°59' W, 9.90 feet; (5) S 54°01' W, 61.50 feet along the North line of Lot 8, Block 21, Snyders Addition to the Park City Survey to a point 5.00 feet Easterly of the corner common to Lots 8, 9, 18 & 19 of said Block 21; thence N 35°59' W, 121.73 feet to a point on said Section Line; thence N 89°54'20" E, 8.09 feet to the point of beginning; contains 15,687.2 square feet, more or less.

FRANDSEN SUBDIVISION
AMENDED
LOT 1
LEGAL DESCRIPTION

Beginning at the Northerly corner of the Frandsen Subdivision, said point being N 89°54'20" E along the Section Line, 1398.00 feet and N 55°24'20" E, 127.00 feet from the Southwest Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base & Meridian and running thence S 34°35'40" E along the North-easterly line of said Frandsen Subdivision, 55.50 feet; thence S 55°24'20" W, 88.82 feet; thence N 34°30" W, 55.50 feet to the Northwesterly line of said Frandsen Subdivision; thence N 55°24'20" E along said Northwesterly line, 88.73 feet to the point of beginning; containing 4927.0 square feet, more or less.

LOT 2
LEGAL DESCRIPTION

Beginning at a point on the Northeasterly line of the Frandsen Subdivision, said point being N 89°54'20" E along the Section Line, 1398.00 feet, N 55°24'20" E, 127.00 feet & S 34°35'40" E, 55.50 feet from the Southwest Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base & Meridian and running thence S 34°35'40" E along the Northeasterly line of said Frandsen Subdivision, 31.78 feet; thence continuing along said Northeasterly line S 36°56'06" E, 23.77 feet; thence S 55°57'59" W, 48.36 feet; thence N 00°00' W, 34.08 feet; thence N 35°59' W, 35.73 feet to the property line common to Lots 1 & 2 of said Frandsen Subdivision; thence N 55°24'20" E along said common line, 78.30 feet to the point of beginning; containing 3920.2 square feet, more or less.

LOT 3
LEGAL DESCRIPTION

Beginning at a point which is N 89°54'20" E, 1389.91 feet along the Section Line from the Southwest Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence N 89°54'20" E, along said Section line, 8.09 feet; thence N 55°24'20" E along the Northwesterly line of the Frandsen Subdivision, 38.27 feet; thence S 34°30" E along the property line common to Lots 1 and 3 of said Frandsen Subdivision, 55.50 feet; thence continuing along said common line N 55°24'20" E, 12.52 feet; thence S 35°59' E along the property line common to Lots 2 and 3 of said Frandsen Subdivision, 35.73 feet; thence continuing along said common line East, 34.08 feet; thence continuing along said common line N 55°57'59" E, 48.36 feet; thence along the boundary of said Frandsen Subdivision the following courses: S 36°56'06" E, 25.00 feet; thence S 55°57'59" W, 62.25 feet; thence N 35°59' W, 10.10 feet; thence S 54°01' W, 8.50 feet; thence N 35°59' W, 9.90 feet; thence S 54°01' W, 61.50 feet; thence N 35°59' W, 121.73 feet to the point of beginning; containing 7840.0 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

__________ ____________________
Date J.D. Gailey RLS#359005

Alpine Survey, Inc. 19 Prospector Drive Park City, Utah 84060 (435) 655-8016	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
		APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ___ DAY OF ______ 2009 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ___ DAY OF ______ 2009 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ___ DAY OF ______ 2009 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF ______ 2009 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF ______ 2009 A.D. BY ______ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ___ TIME ___ BOOK ___ PAGE ___ FEE ___ RECORDER

EXHIBIT B: Change in property lines.

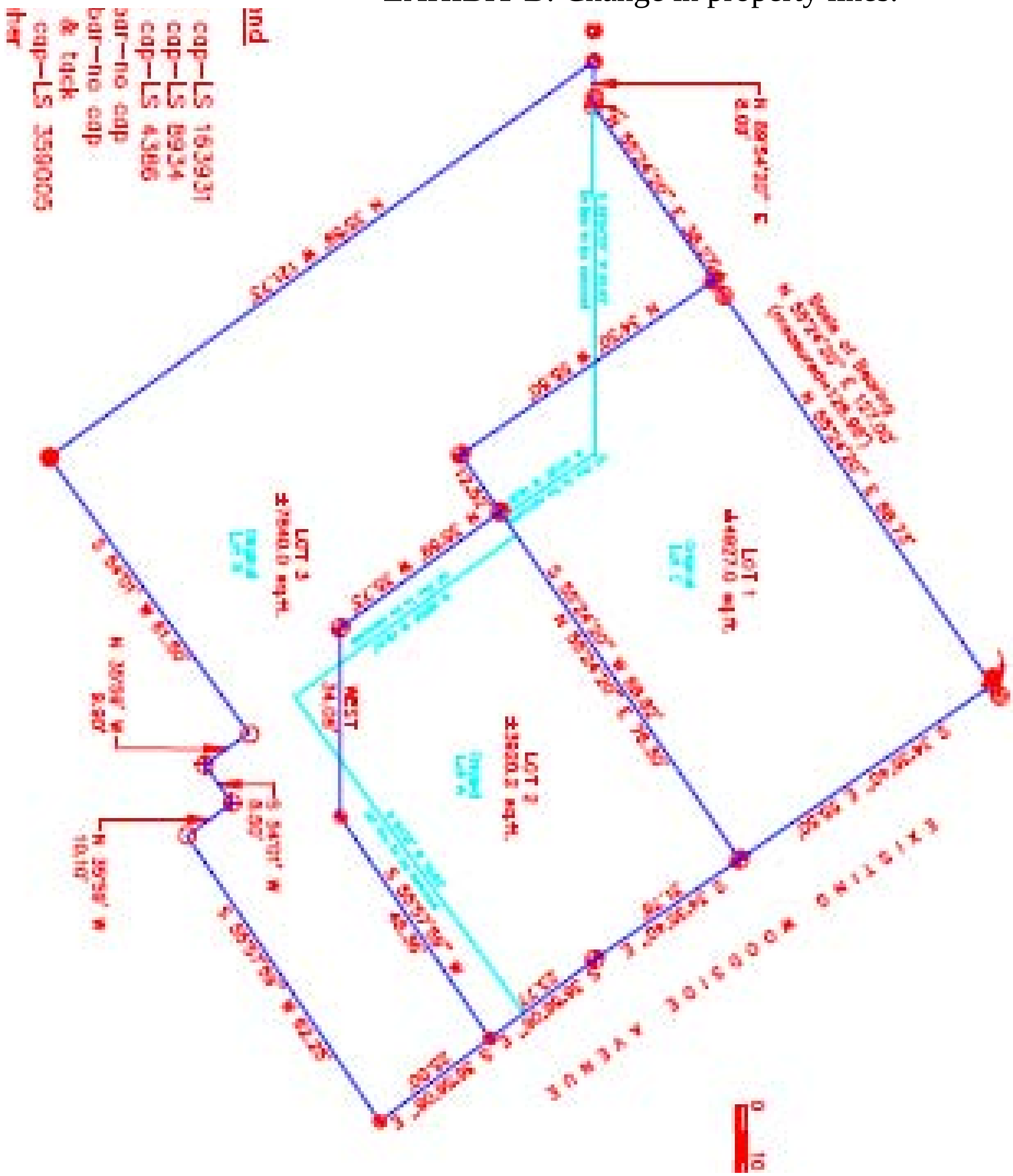


Exhibit C: Survey