

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 28, 2012**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 28, 2012.

Closed Session

2:00 p.m. Personnel, property, litigation

Work Session

3:00 p.m. Council questions/comments

3:15 p.m. County curbside solid waste and recycling update

Pg. 5

3:30 p.m. SR 224 Corridor Study (report)

Pg. 8

4:15 p.m. RAB interviews – separate packet

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Fire Restriction Update

Pg. 12

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

IV RESIGNATIONS AND APPOINTMENTS

Consideration of two appointments to the Library Board for terms beginning July 2012 and expiring July 2013 and two appointments beginning July 2012 and expiring July 2015

V NEW BUSINESS

1. Consideration of approving a Real estate Purchase Contract for property located at 1450 – 1460 Park Avenue with GreenPark Cohousing in in a form approved by the City Attorney

(a) Public hearing

(b) Motion to continue to July 26, 2012

2. Consideration of an Ordinance annexing approximately 33.74 acres known as the Richards/PCMC Annexation located in the south half of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah, and amending the Official Zoning Map of Park City to zone the property ROS (Recreational Open Space) and SF (Single Family Development).

(a) Public hearing

(b) Motion to continue to August 16, 2012

3. Consideration of a contract award for the Transit Solar Project at 1053 Iron Horse to Intermountain Wind and Solar in the amount of \$238,986 in a form approved by the City Attorney Pg. 13
4. Consideration of a purchase contract for budget software with BOARD MIT in the amount of \$192,848, in a form approved by the City Attorney Pg. 21
5. Consideration of a service provider contract with Jorge Blanco for the PC MARC public art project in the amount of \$69,000, in a form approved by the City Attorney Pg. 26
6. Consideration of an Ordinance - 2700 Deer Valley Drive #B-202 amendment to record of survey Pg. 30
 - (a) Public hearing
 - (b) Action
7. Consideration of an Ordinance approving the Second Supplemental Plat for constructed units at the Belles at Empire Pass Condominiums, amending Unit 9, located at 14 Silver Strike Trail, Park City, Utah Pg. 50
 - (a) Public hearing
 - (b) Action
8. Consideration of a Resolution Approving an Additional Resort Communities Cities Sales and Use Tax in Park City, Utah and authorizing staff to place the matter for voter approval during the November 2012 General Election Pg. 66
 - (a) Public hearing
 - (b) Possible action
9. Consideration of an Ordinance regulating the use of fireworks within Park City during the 2012 Fire Season Pg. 72
 - (a) Public hearing
 - (b) Action

VI ADJOURNMENT

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

Closed Session

Property and litigation

PARK CITY COUNCIL MEETING SUMMIT COUNTY, UTAH JULY 5, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, July 5, 2012.

Posted: 06/25/12

See: www.parkcity.org

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

July 2012

- 5 **No meeting**
- 12 Regular meeting – 5 p.m.
2030 Strategic Plan – ICMA
Downtown Projects (30 min)
Vai Lealaitafea sergeant; Juan Pablo Torres and James Rodrigues officers
Ordinance approving the 80 Daly Avenue plat amendment located at 80 Daly Avenue,
Park City, Utah – FA
MFL – Concert at Montage
Ordinance approving the Courchevel Condominiums at Deer Valley Fourth Amendment,
amending Unit B304, located at 2700 Deer Valley Drive Ease, Park City, Utah - KW
Balanced Growth Study findings –w/Planning Commission – (90 min)
- 19 **Dick gone**
PC-SLC Connect update (30 min) – work – KC
Water quality update (30 min)
PAAB interviews (4 – 6 p.m.)
- 26 Bonanza Park Plan update
Night Sky Ordinance – study – TP
Resolution adopting SR224 Corridor Study
Planning Commission interviews (4 – 6 p.m.)
GreenPark Co-Housing Purchase Agreement

August 2012

- 2 **No meeting – Dana gone**
- 9 Ice Arena update
Ordinance approving the PCMC/Richards Annexation
Ordinance approving a plat amendment at 429 Woodside Avenue, Park City, Utah
Housing assessment plan
BOA interviews (5 – 6 p.m.)
- 16 **Dick gone**
- 23 Rocky Mountain Power – study session
- 30 Business recruitment

September 2012

- 6 **No meeting – City Tour**
- 13
- 20
- 27 Latino Community outreach and engagement - study

Pending Items:

RDA Strategic Plan
Resolution establishing a strategic plan for City-owned property with development potential in
Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety



City Council Staff Report

Subject: Curbside Solid Waste and Recycling (County)
Author: Tyler Poulson
Department: Sustainability
Date: June 28, 2012
Type of Item: Informational

Summary Recommendations:

City Council should review this staff report on County efforts for residential curbside waste and recycling and provide feedback and/or direction to staff regarding the changes going into effect on July 1, 2012.

Topic/Description:

Summit County has entered into a contract for residential curbside waste and recycling services with Republic Services (formally known as Allied Waste) who was selected as part of a competitive RFP process. These services impact the vast majority of residential addresses in the county, including Park City residents. The contract includes recycling for multi-family residential properties, assuming there is adequate space for recycling bins.

Summit County staff members have been visiting local cities and towns to describe changes to services and answer questions. Summit County Waste and Recycling Manager, Cliff Blonquist, will be joining this Work Session along with PCMC staff.

Background:

Summit County contracts for residential curbside waste services. The County has also provided some residential curbside recycling pick-up as part of a pilot program that started in 2000. Curbside waste services have been provided to most County residential addresses and the recycling pilot program currently provides services for approximately 5,750 residential properties. The current curbside waste and recycling contract expires on June 30, 2012 and the County has contracted for a new scope of services that will begin on July 1, 2012. Republic Services has partnered with Recycle Utah to provide education and informational updates to residents. A flyer was recently mailed to households and a second communication will be arriving with specific details on the new bins and pick-up schedule.

PCMC Sustainability staff and the Deputy City Manager met with the County for approximately 12 months prior to a RFP being released for these new services. In addition to advocating for a "Pay as You Throw" rate structure for trash bins, staff also supported expanding curbside recycling to more residents. This Work Session will provide City Council with an opportunity to provide feedback on the proposed changes. Both City and County staff will be present to receive feedback and respond to Council questions.

Analysis:

The new contract for residential curbside services expands curbside recycling to all residential properties and also supports a “Pay as You Throw” model for waste. The 14,500 residences that will have access to curbside recycling is 8,750 more than under the current pilot program. Residents will receive a 65-gallon trash bin as part of their normal service. If residents desire more trash pick-up they would need to pay \$12 more per month to add a second 65-gallon bin.

The contract will advance numerous sustainability goals, including waste diversion from the landfill and reducing lifecycle CO₂ emissions (via expanded recycling). The below table details current waste and recycling services versus the new services that will begin in July. The new contract is for a five year term with a five year option.

Residential Curbside Waste & Recycling Summit County		
	CURRENT SERVICES	NEW SERVICES <i>Effective July 2012</i>
Waste	• 95-gallon bin • Weekly pick-up • 14,500 participants	• 65-gallon bin • Weekly pick-up • 14,500 participants • \$12 / month for 2nd bin
Recycling	<u>Pilot Program</u> • 65-gallon bin for most areas outside of Old Town & Prospect • 18-gallon bin for Old Town & Prospect • Bins accept plastics #1 - #7, aluminum cans, tin cans, and all paper ◦ 18-gallon bins accept glass (2,500 current residents) • Weekly pick-up • 5,750 participants	• 95-gallon bin for all residents* ◦ *Old Town residents may be offered smaller bins (details are TBD) • Bins accept plastics #1 - #7, aluminum cans, tin cans, and all paper ◦ No glass accepted • Pick-up every other week • 14,500 participants

Additional analyses, and potential concerns, on these changes are included below in the Significant Impacts section of this Staff Report.

Department Review:

Sustainability, Legal, and the City Manager reviewed this report and their comments have been included. Summit County staff also contributed to this report.

Alternatives:**A. Approve:**

City Council could support all aspects of the new contract for residential curbside and waste services, with no changes recommended for Summit County staff.

B. Modify – Staff Recommendation:

City Council could communicate some changes they would like Summit County to consider.

C. Continue the Item:

City Council could ask staff to return with more details and/or continue the item in an additional public meeting at a future date.

D. Do Nothing:

City Council could choose to not comment on the new contract for residential waste and recycling services. Summit County will proceed with implementing the contract at their discretion and with direction from County Council.

Significant Impacts:

As a whole, the new County contract for residential waste and recycling improves upon the previous contract and advances sustainability goals. Waste collection will now include a “Pay as You Throw” tier for those who wish to have a larger trash bin. Additionally, 8,750 more County residences will now benefit from curbside recycling pick-up. The County also received very competitive bids for these services and will be saving roughly \$1 million annually compared to the previous contract.

There are a few changes that will result in reduced levels of recycling service, and potential complaints, under this new contract:

- Roughly 3,250 residences will move from a 65-gallon weekly pick-up for recyclables to 95-gallon pick-up every other week. This results in 27% less total gallons of recyclables that can be collected for these residents (assuming 100% full bins). Moving to bi-weekly pick-up will reduce program costs, and also mitigate greenhouse gas emissions from vehicle travel, but may lead to less recyclables from homeowners who were filling the current bins weekly.
- Summit County would like nearly all residential properties, with available storage space, to utilize 95-gallon bins for recycling. The plan is to pick-up these bins every other week. Certain Old Town residents do not have space for a 95-gallon bin and may be provided with a smaller bin for recycling (Summit County and the service provider are discussing details). The current plan to pick-up these smaller bins every other week is a reduction in service levels and may not provide adequate frequency to recycle all products.
- Roughly 2,500 residences in Old Town and Prospector currently receive curbside recycling for glass products. The new contract relies on bulk single-stream

City Council Staff Report



DATE: June 28, 2012
DEPARTMENT: Transportation & Transit
AUTHOR: Brooks T. Robinson, Senior Transportation Planner
TITLE: DRAFT SR 224 Corridor Study
TYPE OF ITEM: Administrative – Work Session Discussion

Summary Recommendation

This is a work session discussion. No action is requested at this time. Staff and the consultant will present current recommendations for the DRAFT SR 224 Corridor Study. Council direction is sought and any public input is encouraged.

Topic/Description:

Park City authorized the firm of Fehr & Peers to prepare a corridor study and strategic plan for State Route 224 between Thaynes Canyon Drive and the Deer Valley Drive/Bonanza Drive intersection. The resulting Plan will be a guideline for future decisions regarding Walkability projects and connectivity, transportation efficiencies, and access. The Plan will fold into land use and redevelopment decisions regarding the western side of the Bonanza Park district and General Plan discussions. The DRAFT plan has been developed with stakeholder, public and staff input.

Background:

The State Route 224 corridor between the intersections of Park Avenue (SR 224) with Thaynes Canyon Drive/Snow Creek Drive and the intersection of Deer Valley Drive (SR 224) and Bonanza Drive has been identified as a high priority for Park City. This corridor is a multi-user, multi-modal commercial corridor that carries significant seasonal traffic volumes to the area resorts and Main Street at peak times and is a primary travel route for residents, transit, pedestrians and cyclists. This section is heavily used by all users but space is limited and uses are not safely separated. Park City requires a plan that is safe and efficient with connectivity between land uses, paths/sidewalks/trails, and transit. As this is a State Route, coordination with UDOT as well as the City is paramount.

The scope of this plan encompasses the following:

Phase I

- Data Gathering
- Obtain and plot property ownership information, including adjacent properties and public easements

- Determine existing conditions and site constraints which may affect the corridor, including property ownership, easements, recorded legal agreements, existing and future utilities, curb cuts, future private and public expansions, etc.
- Multi-modal users
- Adjacent land use development and potential redevelopment
- Traffic Generators, current and proposed both within and outside the corridor area
- Existing traffic analysis (e.g. counts, conflicts, width constraints, etc.)
- Any previous corridor studies
- Walkability Goals
- Public Involvement (public hearings, open house, stakeholders)
- Develop/design alternatives and recommendations for compatible pedestrian, bicycle, and vehicular movement
- Illustrate the proposed alternatives

Phase II

- Prioritize elements
- Preliminary engineering and costing
- Identify potential funding sources
- Develop timeline and phasing
- Meetings, presentations, and materials as anticipated

Analysis

The DRAFT study can be found on the City's website here:

<http://www.parkcity.org/index.aspx?page=428>

The recommendations in the SR 224 Corridor Study have been developed based upon the goals of the City, stakeholder and public input and review, analysis of traffic and land use development trends, and analysis of the efficiency and effectiveness of each alternative. A primary focus of the plan is implementation of safe, efficient, and effective modes of travel through the corridor for the near-term and long-term.

Public Process

The process started with a walking tour of the corridor on February 6th at which members of the public were invited to attend. A month later, a stakeholders group that included the two resorts, property owners along the corridor, members of the WALC committee and staff met for 4 hours in a problem identification and goals workshop. A second stakeholders meeting was held on May 8th to look at the alternatives that were generated from the problem identification and goals comments. A public open house was held on May 22nd on the alternatives that included key-pad polling on a number of questions. These questions and related materials were also on the City's website for two weeks afterwards.

Alternatives

The first phase of the alternatives presented focuses on providing better non-vehicle travel through the corridor. Primary to this phase is reaching an agreement with the Park Avenue Condominiums to provide a multi-user path along SR 224 and provide

additional screening and privacy for the condo owners. Also included are re-aligning Lame Dog (Park Ave condos) to Homestake Dr. to the east to create a fully signalized intersection, creating landscaped medians to reduce some left turns and beautify the corridor, consolidating curb cuts along the east side, providing a tunnel under Park Avenue from Jan's to Colesports, and creating a wider path to connect the DVD/Park Ave intersection to the City Park Trail at Bonanza Drive. Most of these projects could be accomplished in the near-term without additional right-of-way acquisition (although easements need to be obtained).

Future improvements include a roundabout at Kearns and Park with pedestrian tunnels under the intersection providing greater connectivity to trails on the east side of SR 224 in the Snow Creek area. A couple of long-term possibilities include acquiring significant right-of-way on the east side of the corridor as Bonanza-Park redevelops and creating more of a boulevard with additional lanes for vehicles and a wider landscaped median, and a roundabout at Park/DVD/Empire intersection. An alternative to this scenario that does not include additional right-of-way creates one-way streets of Park Ave from Kearns to DVD/Empire and an opposite one-way on Bonanza. Depending on BoPa design and redevelopment, internal one-way couplets can be created within the BoPa district to provide greater accessibility.

Department Review

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

Significant Impacts

Once adopted, the SR 224 Corridor Study will be the blueprint for decisions along this important corridor within Park City. Adjustments and finer details will be made over time as identified projects move past concept design into actual engineering and construction documents.

Recommendation

This is a work session discussion. No action is requested at this time. Staff and the consultant will present current recommendations for the DRAFT SR 224 Corridor Study. Council direction is sought and any public input is encouraged. Staff is prepared to return to Council for adoption of the SR 224 Corridor Study on July 26th with changes as directed.

recycling and will not allow curbside recycling of glass products. Residents wishing to recycle glass will need to take these products to a drop-off center. Offering glass recycling as a separate curbside service was not deemed a good cost-benefit proposition and also provides less environmental benefit than the other products recycled in this program.

Consequences of not taking the recommended action:

Despite an overall enhancement to residential waste and recycling services, residents will experience a change to existing services. For most residents, this change will be an increase in services with the addition of curbside recycling. However, some other residents will experience a reduction in recycling services (as detailed in the Significant Impacts section).

City Council feedback may be useful to the County as they finalize, and continually assess, curbside services. In addition to citizen satisfaction, numerous sustainability objectives are impacted by curbside waste and recycling services.

Recommendation:

City Council should review this staff report on County efforts for residential curbside waste and recycling and provide feedback and/or direction to staff regarding the changes going into effect on July 1, 2012.

Fireworks Restrictions and Open Fire Restrictions

Updated: Monday - June 25, 2012



The Park City Fire Service District (PCFSD) has issued geographical **restrictions on the discharge of fireworks and open fires** for the following portions of the PCFSD boundaries effective June 20, 2012:

- All canyon and trail areas.
- Aerie's Subdivision.
- Aspen Springs
- Bear Hollow Subdivision.
- Canyons Resort.
- Chattam Crossings.
- Daly Canyon.
- Deer Valley Area and Subdivisions.
- Fairway Hills.
- Glenwild Subdivision.
- Hidden Cove.
- Jeremy Ranch Area and Subdivisions.
- Moose Hollow Area.
- Old Town / Historical Main Street Area.
(East and West Side Areas)
- Park City Mountain Resort.
- Pinebrook Subdivision.
- Preserve.
- Promontory.
- Redcloud Subdivision.
- Red Hawk.
- Round Valley Area.
- Silver Creek Area.
- Solamere Subdivision.
- Stage Coach Estates.
- Summit Park Area.
- Sun Peak Area.
- Thaynes Canyon Area.
- Timberline Subdivision.
- Any areas that contain dry grass or that may lead to the quick spread of fire.

ADDITIONAL FIREWORKS INFORMATION:

- No firecrackers, M-80s, cherry bombs, bottle rockets, Roman candles, single or reloadable mortars and ground salutes are strictly prohibited.
- **Aerial / Cake Fireworks:** Horizontal clearance requirements of 210-feet in all directions from base of device, extending 230-feet unimpeded vertical/overhead clearance, with device being placed on a hard flat non-combustibles surface and a minimum of 150-feet distance between launch site and spectators/audience.
- Fireworks may only be discharged as noted:
 - July 1 – July 3 - 11:00 am to 11:00 pm.
 - July 4 - 11:00 am to midnight.
 - July 5 - July 7 - 11:00 am to 11:00 pm.
 - **July 8 - July 20 - Discharge of Fireworks Not Permitted.**
 - July 21 – July 23 - 11:00 am to 11:00 pm.
 - July 24 - 11:00 am to midnight.
 - July 25 - July 27 - 11:00 am to 11:00 pm.
- State of Utah approved Class "C" fireworks can only be sold between June 23 – July 27, 2012.
- You must be at least 16 years old to purchase fireworks.
- Parents are strongly encouraged to supervise their children while using fireworks.
- Keep a bucket of water nearby to place spent fireworks in for at least twelve hours before discarding into a garbage can.
- Smoking materials to be used within the confines of a vehicle within any urban wildland interface area and all waste from the ignition or smoking of said products be disposed of in a safe and appropriate manner.
- Summit County ordinances allow for the cost recovery of any expenses associated with the extinguishing of a fire caused by the negligent use of fireworks, fires, and /or the improper extinguishment of cigarettes or other smoking materials.

City Council Staff Report



Subject: Transit Solar Photovoltaic Contract Award
Author: Tyler Poulson
Department: Sustainability
Date: June 28, 2012
Type of Item: Administrative

Summary Recommendation:

Authorize the City Manager to enter into a Construction Agreement, in an amount not to exceed \$238,986, with Intermountain Wind and Solar for installation of a solar photovoltaic (PV) array on the roof at the Transit and Public Works Facility (1053 Iron Horse).

Background:

This solar project is being funded via a federal grant administered by the Utah Department of Transportation (UDOT). The federal funds originated from the Federal Transit Administration (FTA). The grant requires a 20% cost share from PCMC, so the City will be paying \$47,797 of the total project cost by utilizing local transit sales tax funds. Certain federal requirements, such as the Buy America clause that requires U.S.-made solar panels, will apply to the project.

Staff issued a Request for Proposals (RFP) for the Transit solar project on April 26, 2012 and firms were given until June 1st to respond. Details on the RFP were published on ParkCity.org as well as in The Park Record, Salt Lake Tribune, and Passenger Transport magazine. The RFP requested design and installation of a 54 kilowatt (kW) solar PV array (roughly 220 panels) to be placed atop the Transit and Public Works facility. The project also includes a structural engineering assessment and roof reinforcement to allow for the extra weight of the panels.

There were seven firms who responded to the RFP and their cost proposals are listed in the table below. The table includes information on system size, total cost, and the type of inverter technology proposed to convert DC power to AC power for use in the facility and on the grid. Micro-inverters were expressed as a preference in the RFP, but respondents were allowed to respond with whatever technology they felt works best for their system.

Transit Solar RFP Comparison		
Firm Name (Inverter Style)	Total System Size (kW)	Total Cost
Alpenglow Solar (Micro-Inverters)	54.05	\$187,229
Creative Energies.1 (Micro-Inverters)	57.30	\$176,294
Creative Energies.2 (String Inverters)	57.30	\$171,790
Creative Energies.3 (String Inverters)	71.30	\$262,888
Electrical Contractors Inc. (Not Specified)	54.00	\$557,352
Gardner Engineering (Micro-Inverters)	54.39	\$189,450*
Intermountain Wind and Solar (Micro-Inverters) STAFF RECOMMENDATION	54.57	\$238,986
Saunders Construction (Micro-Inverters)	54.00	\$244,759
Synergy Power Inc. (Micro-Inverters)	54.60	\$251,743
Synergy Power Inc. (String Inverters)	54.60	\$232,977
<i>*Note: Gardner Engineering's proposal did not include structural reinforcement. Details in the Analysis section.</i>		

As a project which requires professional skills to design the PV array and unique electrical system, in addition to performing structural analysis and a roof reinforcement, price alone was not utilized to select a firm. The RFP specified five evaluation criteria and the Selection Committee used these to make its decision. The evaluation criteria included the following five categories. The RFP included language stating that these criteria were listed in order of relative importance to the Selection Committee, top-to-bottom, with the more important criteria at the top:

1. Thoroughness and quality of firm's overall RFP response
2. Experience with PV system design and installation as determined by narrative of firm's qualifications, experience of key personnel, and recent work history. Experience with providing structural engineering services, and roof reinforcement, in conjunction with past PV projects will be a significant part of this evaluation category. Respondents should highlight work history which included roof reinforcement as part of the installation process.
3. Cost effectiveness in providing all services and materials related to this RFP
4. Demonstrated ability to comply with the federal requirements included in Attachment I of this RFP. Please highlight previous experience working with these requirements.
5. Ability to be responsive and available to PCMC staff, including working with the Building Department to ensure a safe project installed in compliance with all relevant codes and requirements

NOTE: There was no preference expressed for local respondents. This criteria was prohibited according to the federal procurement / grant rules utilized.

The PCMC internal Selection Committee included representatives from Budget, Capital Projects, Environmental Sustainability, and Transit.

Analysis:

The Selection Committee met on Monday, June 11, 2012 and is recommending Intermountain Wind and Solar (IWS) for the contract based on the evaluation criteria utilized. The Committee felt that IWS provided the most thorough, and quality, RFP response of all the firms. The documents reflecting system design were thorough and well organized, plus IWS was one of only two firms to provide detailed information on the structural analysis and their ability to complete the project's complete scope of work. Additionally, IWS was the only respondent who included a structural reinforcement project as part of their past solar work experience. Per the RFP criteria, experience with this type of work was a significant component of the evaluation process.

Intermountain Wind and Solar is partnering with two Disadvantaged Business Enterprises (DBEs) in order to fulfill the DBE clause of the federal grant. Perigee Consulting and Nezhoni Construction will be providing structural engineering and electrical services and their work will exceed the specified 3% DBE goal. Perigee Engineering has past experience providing structural evaluations as part of a "Solar for Schools" project in Utah and Nezhoni Construction offers electrical services and has completed solar PV training. These two DBE firms add to IWS's substantial experience of over 250 solar and wind systems installed. When considering

all of these details, IWS ranked very highly in the experience and structural evaluation / reinforcement component of the selection criteria.

In regards to ability to comply with federal requirements, most firms completed the federal clause sheets correctly and demonstrated a basic ability to comply. Certain firms, including IWS, provided additional proof of their ability to comply. This was demonstrated through manufacturer cut sheets and compliance statements for Buy America, DBE certificates from the state's program, and/or past experience with federal projects that required Davis-Bacon wages and other reporting. IWS included all of these details in their appendix and demonstrated a clear ability to comply with federal requirements according to the Selection Committee.

There were two firms, Alpenglow Solar and Creative Energies, who provided a more cost effective proposal. The Selection Committee acknowledged these financial savings and weighted this appropriately in the decision. Out of the six proposals that included structural reinforcement, IWS rated as the third least expensive (on a cost/watt basis) behind both Alpenglow Solar and Creative Energies. However, the Committee felt that IWS provided a more thorough RFP response for the scope of services requested, including information on system design and structural work. IWS also possessed the most experience for a project, such as this, that requires structural engineering and roof reinforcement. These two factors, rated as the most important per the published Selection Criteria in the RFP, plus a thorough demonstration of ability to comply with federal requirements established IWS as the consensus recommendation that came out of the selection process.

There was one firm, Gardner Engineering, who provided a solid overall response, but didn't include structural reinforcement as part of their proposed scope of work and budget. Their recommendation was based on a site visit and evaluation of the roof structure. However, the Selection Committee, and Building staff who were consulted, felt that the recommendation overlooked part of the structural analysis that was included as an attachment to the RFP. This structural analysis referred to "cold roof" conditions that would result from installing solar panels (thereby creating separation from the current roof surface and snow build-up) and thus increase the pounds per square foot (PSF) capacity to comply with local building codes. Per the RFP, these conditions contributed towards a recommended scope of work that included structural reinforcement to guarantee compliance with code. As no structural work was included in the response from Gardner Engineering, the Committee could not fully evaluate this proposal alongside others. This lack of information compromised the overall proposal strength based on the specified evaluation criteria.

Based on the above analysis, and in light of the published evaluation criteria, the Selection Committee recommends Intermountain Wind and Solar to City Council for contract award. If City Council agrees to move forward with contract award, staff will work with UDOT to finalize federal clause requirements and receive a final Release to Work (RTW). Details on the scope of work for this project, as identified in the RFP, are included as Exhibit A in this Staff Report.

Department Review:

Sustainability, Legal, and the City Manager have reviewed this report and their comments have been included.

Alternatives:

A. Approve:

Authorize the City Manager to execute a Construction Agreement with Intermountain Wind and Solar (Staff Recommendation) in an amount not to exceed \$238,986.

B. Modify:

Council could choose to modify the agreement, which could delay the schedule and project timing. The current project schedule assumes contract award in June 2012.

C. Continue the Item:

Council may feel there is not enough information to make a decision at this time and ask staff to return with additional details. This Alternative would delay the project.

D. Deny the Request:

Council could choose to not continue the project at this time. This option would jeopardize funding from the federal grant being administered by the Utah Department of Transportation (UDOT).

Significant Impacts:

Onsite Disruptions: The project involves working onsite at the Transit and Public Works facility (1053 Iron Horse). The Transit Manager is aware of potential issues and staff will work with the contractor to ensure efficient project completion with minimal disruptions. The project timeline in the RFP requests project completion on or before October 5, 2012. Intermountain Wind and Solar estimates that they can complete construction, inspection, and PCMC staff training by September 7, 2012.

City Funds Expended: The FTA grant requires a 20% cost share from PCMC, as such the City will be paying \$47,797 of the total project cost from local transit sales tax funds. The PCMC contribution has a payback period, based on utility savings, well within the warranty time of the solar panels. The remainder of the \$238,986 project cost will be covered by FTA grant funding.

Recommendation:

Authorize the City Manager to enter into a Construction Agreement, in an amount not to exceed \$238,986, with Intermountain Wind and Solar for installation of a solar photovoltaic (PV) array on the roof at the Transit and Public Works Facility (1053 Iron Horse).

Exhibits (Included):

Exhibit A – Scope of Work (from RFP): Transit Solar Array

Exhibit A - Scope of Work (from RFP): Transit Solar Array

III. Scope of Services Required:

1. Roof Reinforcement

This site was previously assessed as part of a broader solar feasibility study completed for PCMC in 2011. That study revealed a need for structural reinforcement at the Transit and Public Works building in order to support the weight of traditional solar PV panels. The feasibility study included stamped engineering documents which recommended a method for strengthening existing roof purlins using plates and bolts. Information on this engineering assessment, and one method for roof strengthening, is included as Attachment II in this RFP.

Based on the recommendations included in Attachment II, here are the activities required prior to initiating any solar installation. RFP respondents are required to partner with a qualified structural reinforcement firm, and include information on this partnership in the response, in order to submit a proposal for this project. Roof reinforcement must be completed in accordance with PCMC Building Codes (information at ParkCity.org) and will include the following activities as detailed in Attachment II:

- a. Structural Engineering: Complete onsite analysis, detailed load calculations (starting from scratch w/o existing manufacturer's calculations), stamped packet and construction-ready drawings.
- b. Materials: Buy America-qualified and AISC-certified steel plates, with mill certificates, that include pre-drilled holes, splices, bolts, etc. Respondents will also need to cover shipping costs for all materials.
- c. Fabrication and Erection: Drill new holes through purlins, attach steel plates to existing purlins, bolt splices to purlins, weld splices (if applicable), etc.

NOTE: The materials and activities listed in b & c above may vary depending on the exact reinforcement proposal presented by RFP respondents. Background info on previous structural analysis is included in Attachment II.

2. Design and Construction

- a. RFP respondents are expected to provide solar array design prior to any construction.
- b. The design shall include engineered designs which show all details of construction and are stamped and signed by a professional engineer licensed in Utah.
- c. All equipment proposed shall be new, not used or demonstrators.
- d. The chosen firm will be expected to provide periodic updates at 30%, 60%, and 90% completion intervals during the project. These updates must include details on products and materials ordered/received, approvals pending/received (e.g., PCMC Building permit), onsite work completed to-date, outstanding issues affecting project timeline, and other relevant details as directed by PCMC.
- e. RFP respondents must have all necessary professional licenses required for the work and the ability to comply with all federal regulations and clauses provided in Attachment I.

3. Design Criteria and Minimum Requirements

The following list is included to provide PCMC requirements and preferences for the project. This list should be considered minimum standards when proposing services and specific components for the solar array. Alternatives may be considered where it is believed such alternatives exceed function, durability, and overall system performance of the specified

materials. Responsibility will be on the RFP respondent to demonstrate superiority of alternative designs, materials, and methods presented.

a. General Requirements:

- i. Specific system design should be an integrated process which obeys structural load limitations and any reinforcement activities (see Scope of Services item #1 above) completed in conjunction with this project.
- ii. The total PV system size should be roughly 54 kW as determined by manufacturer nameplate capacity of the PV panels. This has been provided as a recommended system size; however, RFP respondents can tailor their response to an ideal size based on system design and available roof space. There is, conservatively, 4,070 square feet of available roof space available for solar PV. More information is available in Attachment II of this RFP.
- iii. The system must be net metered and conform to all requirements imposed by Rocky Mountain Power for a grid-tied PV array.
- iv. The system must incorporate online energy production monitoring and a contract to continue these services for a minimum of 60 months.

b. Design Documents Requested in RFP Response:

- i. Schematic and Preliminary Drawings
- ii. System Description
- iii. Final Designs
- iv. Bill of Materials
- v. PV Module Type and Inverter Specification (PV modules must comply with Buy America requirement)
- vi. Layout of Installation Site Including Module Fastening Details
- vii. Single Line Electrical Diagrams
- viii. Electrical Grid Interconnection Requirements
- ix. Design Calculations
- x. Detailed Drawings
- xi. Installation, Start-up, Acceptance (Commissioning), and Monitoring Plans
- xii. Quality Assurance Plans and Inspection Records

c. PV System Components

- i. The system must be installed in accordance with all applicable requirements of the National Electric Code (NEC)
- ii. System must be designed and installed using UL-listed components
- iii. System must have a minimum 25-year design life and be designed for normal unattended operation
- iv. In order to provide enhanced monitoring and higher overall system efficiency, micro-inverter technology would be preferred. Micro-inverters will be treated as a sub-component from a Buy America perspective and do not need Buy America documentation.
- v. Online energy production monitoring with 60-month service contract must be included

d. Manufacturing and Installation

- i. RFP respondent shall supply all equipment, materials, and labor necessary to install the PV system and all associated components. RFP respondent will be responsible for deploying a crane, or any other equipment necessary, to assist in moving related materials onsite.

- ii. All required modifications or additions to the facility shall follow strict code compliance, paying particular attention to safety.
 - iii. Any conduits or other building alterations must be approved by PCMC before being implemented.
 - iv. Installation of the solar array must not damage the roof nor void any existing roof warranty.
- e. Electrical Interconnection
 - i. Design and supply all required materials and equipment and perform all work necessary to facilitate the interconnection of the PV system to the Rocky Mountain Power electricity grid.
 - ii. Wiring required for grid interconnection must be designed to run through the interior of the building in order to mitigate visual impacts.
- f. Start-up and Acceptance Test
 - i. Starting up and operating the PV system until it achieves expected performance.
 - ii. Testing to verify that the performance of the system and its components meet design parameters.
 - iii. A PCMC staff member shall be involved in the start-up and testing to validate system performance.
- g. Operation and Maintenance (O&M) Manual
 - i. Provide 2 sets of site-specific operation, maintenance, and parts manuals for the PV system.
 - ii. Include trouble-shooting and safety precautions specific to the supplied equipment.
 - iii. Supply O&M information in three-ring binders with tabs for each specific piece of equipment.
- h. As-Built Drawings
 - i. Provide 2 sets of as-built drawings before the installed equipment will be accepted.
- i. On-Site Training
 - i. Within 10 days of the start-up and acceptance test, provide a minimum of two hours of training to PCMC personnel on all aspects of routine operation, maintenance, monitoring, and safety of the PV system.
- j. System Warranty
 - i. 4-year complete system warranty
 - o Warrants the complete installed and operational system including all equipment, labor, and materials for a period of 4 years from completion of final start-up and acceptance test.
 - ii. 25-year PV module warranty
 - o PV modules shall carry a performance warranty for a minimum of 25 years after successful start-up and acceptance tests.
 - iii. 15-year inverter warranty
 - o Inverter components shall carry a performance warranty for a minimum of 15 years after successful start-up and acceptance tests.

- iv. In order to promote use of a quality and durable material, American Institute of Steel Construction (AISC)-certified steel products must be used in the reinforcement activities. Steel products must also comply with Buy America requirements and include mill certificates.
- k. Maintenance During System Warranty
 - i. During the 4-year complete system warranty, RFP respondent shall provide all necessary maintenance as frequent as necessary including routine monitoring, maintenance, and replacements.
- l. All RFP respondents must agree to comply with the federal requirements listed in Attachment I. These federal requirements will flow to sub-contractors and must be complied with by all firms assisting with completion of the contract. These requirements include the following and additional details, plus required signature pages, for each of these items is included in Attachment I:
 - i. Buy America
 - ii. Disadvantaged Business Enterprise (DBE) requirement
 - iii. Certificate Regarding Debarment/Suspension
 - iv. Certificate of Restrictions on Lobbying
 - v. Non-Collusion Affidavit
 - vi. Fly America and Cargo Preference
 - vii. Conformance with National ITS Architecture and Seismic Safety
 - viii. Access Requirement for Person with Disabilities
 - ix. Additional Federal Contract Clauses
 - x. Dispute Resolution
 - xi. Davis-Bacon & Copeland Anti-Kickback Acts
 - o See Attachment I, Exhibit 1-K.1 for information on Davis-Bacon wage rates which are the minimum that must be paid on this project.

4. Schedule for Project Implementation and Completion

The selected RFP respondent will be expected to complete design, roof reinforcement, installation, and system start-up of the PV array within 98 days of the notice to proceed. The notice to proceed will be issued after the RFP selection process and contract award by PCMC City Council. The project should be complete before Friday, October 5, 2012. A timeline for the project (all dates are for 2012) is listed below. PCMC reserves the right to change any dates or deadlines:

1. Monday, May 14, 2012	Mandatory Site Visit for Respondents
2. Friday, May 18, 2012	Questions on RFP Must be Submitted by this Date
3. Friday, June 1, 2012	RFP Response Deadline
4. Thursday, June 14, 2012	RFP Selection Committee Announces Decision
5. Thursday, June 28, 2012	City Council Awards Contract
6. Friday, June 29, 2012	Notice to Proceed Provided
7. Friday, October 5, 2012	Solar Array Installed and Operational By This Date



City Council Staff Report

Subject: Budgeting and Performance Management Software
Author: Jed Briggs, Nate Rockwood, Jennifer Danowski
Department: Budget, Debt & Grants
Date: June 28th, 2012
Type of Item: Approval of Service Provider Agreement for Budgeting and Performance Management Software

Summary Recommendations:

Staff will present information regarding approval of a purchasing contract for Budgeting and Performance Management Software.

Topic/Description:

Purchasing software for the Budget Process

Background:

This year, the City transitioned to a Budgeting for Outcomes (BFO) process. The process is more of a zero-based budgeting approach than the traditional incremental approach. It closely resembled a Request for Proposal (RFP) process, with a Results Team made up of City staff creating Requests for Results (RFRs) related to each Council goal and departments submitting “bids” for City services, programs, capital, etc. related to each RFR at varying levels of service. In this fashion, all funding in the budget was linked directly to a Council goal and the community vision. The Results Team performed preliminary prioritization and the process culminated in a Council prioritization exercise leading up to and during Council Visioning.

BFO was further discussed during Council Visioning in February. From those discussions department managers were able to take Council's recommendations to look into increasing or decreasing certain BFO service levels for their own departments. Each department manager was responsible for preparing budget requests consistent with Council's vision and BFO. Council objectives were addressed either in the current level budget or as additional options for enhanced, increased, or decreased service levels proposed by the departments.

Analysis:

Once an organization achieves significant size or complexity, custom, home-grown systems and traditional spreadsheets become less effective for budgeting and reporting. Embedded inconsistencies, reflecting each spreadsheet creator, may multiply with every budget request from managers. Versions circulating via email often require manual data manipulation, scrubbing, and re-processing efforts. Manual processes pose a significant drag on managers' productivity and cause delays. These complexities were highlighted this year by the technological hurdles of separating out department

budgets into BFO (budgeting for outcomes) programs and then having those changes filter into each bid, which proved to be cumbersome and frustrating.

A new software will provide an all-in-one mechanism for BFO, reporting, and dashboards (visual overview of city budget and performance). This will make it easier to combine personnel budgeting, operating budget creation, forecasting and planning, capital budget creation, and performance management and budgeting into one centralized hub.

The software will make it easier for the end-users (managers) to budget more efficiently, monitor their budgets throughout the fiscal year in a visualized format, track performance measures better, and overall save valuable time. The software will help systemize the budget process and provide a more streamlined and structured business continuity for the Budget Dept. in case of turnover in the future. Also, budget graphs and charts would be available online as well as on apps for tablets and smartphones. There will be a transparency in structure and availability of data unlike anything the City has ever had before that will enhance communication throughout the City and to Council and the community.

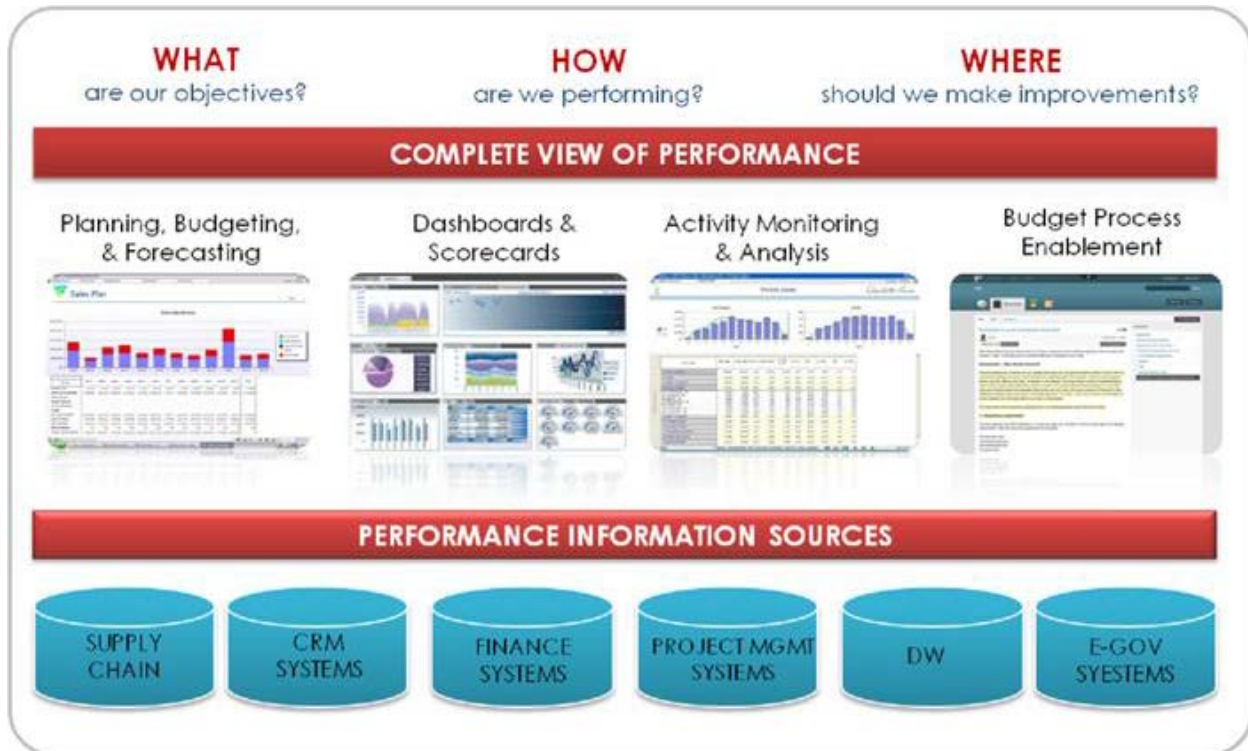
Software Information:

The Budget Department recently completed the request for proposal (RFP) process for Budgeting Software. The RFP Committee received eight proposals from various vendors, and each proposal was given a score by each member of the RFP committee based upon set criteria. Following the scoring process, the top 3 vendors provided the RFP Committee with a demonstration of their products' capabilities. These demonstrations allowed the RFP Committee to fully understand how each product would meet the needs of Park City. Based on the RFP Proposals and demonstrations from vendors, the RFP Committee unanimously chose BOARD MIT (Management Intelligence Toolkit) Software, provided by NeuBrain.

BOARD offers an innovative and unique toolkit approach. The toolkit approach allows customers to configure highly customized budgeting, budgeting for outcomes, performance management (dashboards and scorecards) and business intelligence applications without writing a single line of code. One product, with no additional modules to purchase, will allow the City to automate outcome budgeting, personnel and benefits forecasting, operating budget, capital budget, performance management (dynamic dashboards and scorecard), and business intelligence and operation analytics.

BOARD utilizes an All-in-One approach to Budgeting. Traditional software requires separate modules or often times products for budgeting, allocations, reporting, and dashboards. Unlike other vendors, BOARD software combines personnel budgeting, operating budget creation, allocations, forecasting & planning, capital budget creation, performance management, and performance-based budgeting (budgeting for outcomes) into an all-in-one framework. The organization can choose to configure all components

at once, or gradually introduce new components as needed. All-in-one means one product to install, one product to learn, and one product to maintain. This approach offers a faster deployment, an ease of maintenance, and a powerful analytical platform to support a wide range of budgeting and performance management needs.



The Performance-based Budget Component is seamlessly integrated with traditional budgeting components. This will allow Park City to set up its own performance management frameworks, allocate costs/budgets to performance objectives and metrics and, finally, re-calculate traditional budgets into budgets by performance outcomes and objectives. Furthermore, the Component offers real-time tracking, analysis, and reporting of actual costs and performance results. BOARD Software will integrate smoothly into our current system, and will utilize real-time information from Park City's existing databases i.e. Eden, Microsoft Access.

Upon approval, the implementation process will begin mid-July, and is expected to last approximately 12 weeks. In the final weeks of implementation, representatives from NeuBrain will be on-site to administer training and ensure proper installation.

The costs for this project are **Not to Exceed \$192,848 in a four-year period**. Please see table below for cost breakdown.

Cost Category	Year 1	Year 2	Year 3	Year 4
BOARD Budgeting & Reporting Software	\$54,878			
BOARD Software Maintenance (18% of the list price/first 90 days free; year; prorated as of the day of purchase)		\$9,878	\$9,878	\$9,878
Implementation Services	\$98,336			
Other Direct Costs – Travel (at 50% on site during the implementation)	\$10,000			
Grand Total	\$163,214	\$9,878	\$9,878	\$9,878

Department Review:

Budget, Debt & Grants, City Manager, Legal, IT

Alternatives:

- A. **Approve:** Council could approve this purchasing contract. Upon approval, the Budget and IT departments will begin collaborating with NeuBrain to create a customized budget software the will meet the current and future needs of Park City, improve efficiency in the budget process, and add continuity in the Budget Department.
- B. **Deny:** The software would not be purchased. This will decrease the effectiveness of the budget department, and will limit the continuity of the budget process in the event of employee turnover.
- C. **Modify:** Council could give staff direction to modify this purchasing contract.
- D. **Continue the Item:** Council could continue this item to a later date.
Implementation for software will take several months, and software will need to be fully functional by the beginning of the next budget cycle (January 2013).
- E. **Do Nothing**

Significant Impacts:

Purchasing this software would enable the Budget Department to more effectively administer a Budgeting for Outcomes process as well as enhance the performance management process. The software would also enable department managers to better manage their budget progress on a day to day basis.

Consequences of not taking the recommended action:

Not purchasing this software would maintain this status quo, which is currently a strain on existing resources. The Budgeting for Outcomes process is significantly more time-intensive for both the members of the Budget Department and for the department managers than a traditional incremental budget. Without specialized software, this strain will continue. Additionally, the budget process is currently not centrally located. This causes increases in the resources for training new budget employees and new program managers. This also results in little business continuity in the event of employee turnover.

Recommendation:

Staff recommends approving this purchasing contract. Utilizing budgeting software will increase the efficiency and efficacy in our budget process, provide for business continuity in the event of employee turnover, and allow for a smoother BFO budget process.



City Council Staff Report

Subject: PC MARC Public Art
Author: Sharon Bauman
Department: Executive
Date: June 28, 2012
Type of Item: Administrative - Service Provider Contracts

Summary Recommendations:

Authorize the City Manager to enter into a service provider contract for PC MARC public art in a form to be approved by the Legal Department with Jorge Blanco, in the amount of Sixty Nine Thousand Dollars (\$69,000.00).

Topic/Description:

Public Art for the entry plaza of PC MARC.

Background:

The Public Art Advisory Board issued a Request for Qualifications for artists to design, produce and install art on the plaza of the PC MARC. Funding for the art was based on 1% of the total cost of construction of the facility and the project budget was a maximum of \$84,000.

Staff advertised the Request for Qualifications in the *Park Record*, *Salt Lake Tribune* as well as art-oriented websites throughout the United States. The RFQ was open to all media, materials and themes and specified that the work would be installed on the entry plaza of the PC MARC. The RFQ emphasized that the sculpture should create a welcoming entry experience for patrons of the PC MARC as well as the community at large, and reflect the active lifestyle of Park City residents and visitors. Artists were encouraged to integrate three-dimensional, interactive and/or kinetic components, and fun, yet functional, design elements.

Analysis:

The Public Art Advisory Board initially received 39 submittals and reviewed conceptual proposals for three finalists; they did not reach a consensus and issued a new RFQ in early 2012 which was distributed to public art sites throughout the United States. All artists who participated in the first RFQ were invited to participate in the second RFQ. They received submittals from 100 artists, some of whom had previously submitted, and requested conceptual proposals from five finalists. Finalists were paid a stipend to provide the conceptual proposals. Based on previous quality of work, appropriateness of work for the Park City project, and experience as represented in the artists' statements, resumes and images of representative work, they selected Jorge Blanco of Sarasota, Florida as their preferred artist for the PC Marc.

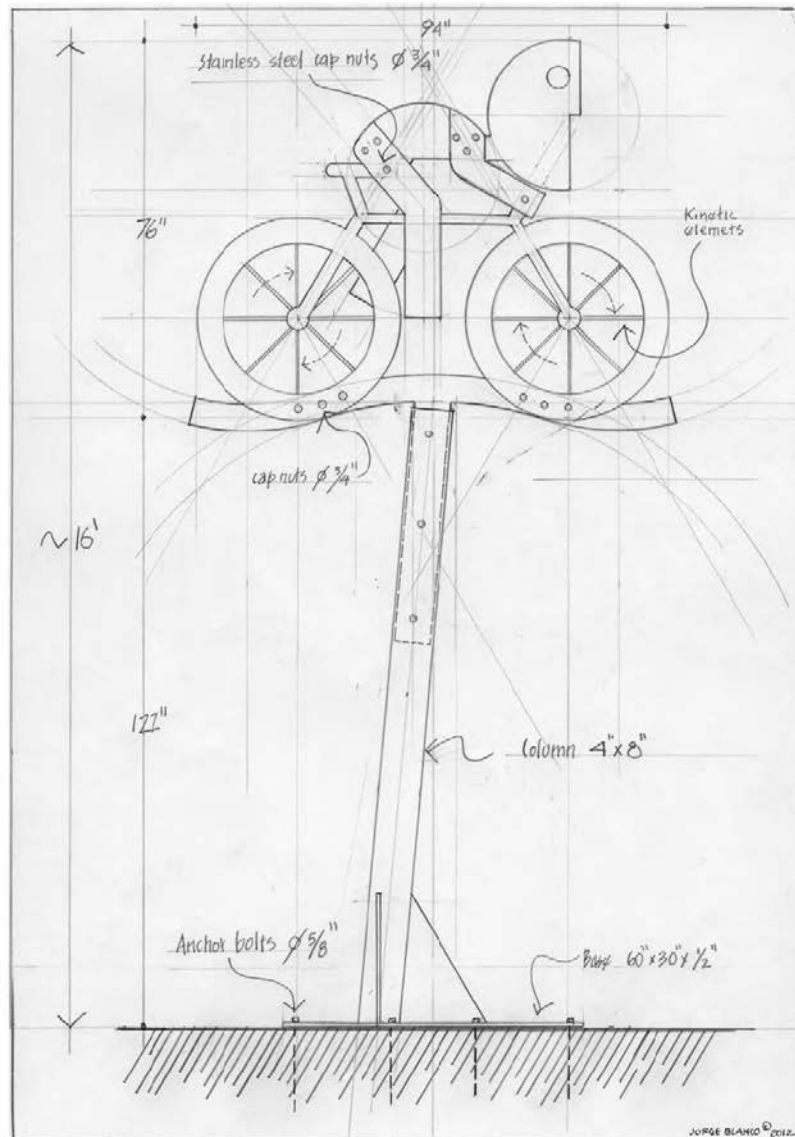
Mr. Blanco designed his idea to establish a direct communication with the public using the facility. He wants the public to know that the artwork was designed especially for them using his particular way of human representation and to feel enthusiasm, energy and optimism. He believes it harmonizes with common activities that people of all ages enjoy.

Mr. Blanco's design, "AIR," consists of a group of three sculptures representing cyclists, riding through the air. The figures will be elevated on rectangular columns and will be fabricated with high quality aluminum, stainless steel hardware and painted with a powder coating method to ensure durability and resistance to the elements. Each sculpture will be painted in yellow, red, green and silver, and the wheels' kinetic elements (the spokes) will be polished aluminum coating with a protective UV product.



(Conceptual Drawing on photo of PCMARC entry plaza)

SKETCH OF ONE CYCLIST FOR "AIR"



Scope of Services:

The scope of work includes fabrication of the three sculptures comprising the group, fabrication, delivery and assembly of the sculptures on site. Dimensions of each component are 198" high x 99" wide x 30" deep. Each sculpture will be mounted on an aluminum platform which will be attached with anchor bolts to a concrete pad. Date of installation will be late 2012.

Department Review:

Legal and Executive departments have reviewed the proposal and comments have been incorporated into the report.

Alternatives:**A. Approve:**

Authorize the City Manager to enter into Service Provider Contract in a form to be approved by the Legal Department with Jorge Blanco in the amount of Sixty Nine Thousand Dollars (\$69,000.00).

B. Deny:

The Council could decide to no longer proceed with the project and not install art in the PC MARC.

C. Modify:

Council could direct Staff to request modifications to the proposal.

D. Continue the Item:

Delaying a decision would delay the proposed schedule and possible completion of the art installation at the PC MARC.

E. Do Nothing:

There would be no public art at the PC MARC.

Significant Impacts:

\$84,000 was set aside as a part of the PC MARC construction budget for this project consistent with City Policy. The Board recommends that the balance of the 1% for art (approximately \$11,500.00) be transferred to the Public Art CIP for future projects or maintenance as allowed by the Art Policy.

Mr. Blanco does not propose any lighting for his project. Members of the Public Art Advisory Board asked Staff to relay their desire to allow lighting for art projects.

Consequences of not taking the recommended action:

No Public Art will be installed at the PC MARC at this time.

Recommendation:

Authorize the City Manager to enter into a service provider contract for PC MARC in a form to be approved by the Legal Department with Jorge Blanco, in the amount of Sixty Nine Thousand Dollars (\$69,000.00).

City Council Staff Report



Subject: Courchevel Condominiums at Deer Valley Third Amendment
Author: Francisco Astorga
Project Number: PL-12-01513
Date: June 28, 2012
Type of Item: Administrative – Condominium Record of Survey Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving third amendment to the Courchevel Condominiums at Deer Valley record of survey plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Roberta Slusar and Courchevel Homeowners Association represented by Mike Johnston, Summit Engineering Group
Location: 2700 Deer Valley Drive East
Zoning: Residential Development (RD-MPD), Deer Valley Master Planned Development
Adjacent Land Uses: Condominiums, Deer Valley resort parking, open space
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

This is a record of survey amendment request to convert existing common area attic space into private area for unit B-202 for an additional bedroom and bathroom.

Purpose

The purpose of the Residential Development RD District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Background

The Courchevel Condominiums are located at 2700 Deer Valley Drive East within the Deer Valley community portion of the Deer Valley Resort Master Planned Development (MPD). The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.

The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage. There are two (2) access driveways from the garage to Deer Valley Drive East. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41). See Exhibit B and C.

In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area. The only exterior changes during this second amendment were the addition of windows on the south side of Building B. See Exhibit D.

Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed. The second amendment mentioned on the paragraph above also reflected that Building A was not built and removed it from the record of survey. Currently there are 27 condominium units and 29 parking spaces. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.

The property is subject to requirements and restrictions of the Deer Valley Resort 10th Amended and Restated Large Scale MPD. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel, under the unit equivalent formula. See Exhibit E. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet and the existing residential square footage for the 27 condominium units is 21, 709 square feet.

On March 29, 2012 the City received a completed application for a third amendment to the Courchevel Condominiums at Deer Valley record of survey requesting conversion of 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom. This unit is located on the second floor of Building B. In January 2011, Courchevel Homeowners association voted to approve construction of additional floor area and the transfer 470 square feet of common space to private space

for unit B202, see Exhibit A and F. The only exterior change proposed is the addition of a window on the south side of Building B.

On June 13, 2012 the Planning Commission reviewed the requested amendment. The Planning Commission forwarded a positive recommendation to the City Council.

Analysis

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the additional floor area is proposed within the existing structure minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. The additional floor area exists as attic area and the only exterior change is the addition of a window on the south side of Building B.

Unit B202 would increase by 470 square feet from 759 square feet to 1,229 square feet. The total proposed increase in residential floor area equates to 0.235 UE increase to 11.1 UE total. As the current Deer Valley MPD allows 13.5 UE for Courchevel, these increases are allowed under the existing MPD (Exhibit E). Staff reviewed the proposal for compliance with the LMC as shown in the following table below:

	Permitted through MPD	Proposed
Height	Height allowed in the Deer Valley Master Plan for the Courchevel parcel is 35' from existing grade.	No additional building height is proposed. All proposed construction is within the existing building envelope and roof. Building complies with the 35' height allowance.
Front setback	Twenty feet (20')	No construction is proposed into the existing 20' front setbacks.
Rear setback	Fifteen feet (15')	No construction is proposed into the existing 15' rear setbacks.
Side setbacks	Twelve (12')	No construction is proposed into the existing 12' side setbacks.
Residential Unit Equivalents	Allowed: 13.5 UEs Existing: 10.86 UEs 25 units at 759 square feet and 2 units at 1367 square feet results in 21,709 square feet.	Proposed increase of 470 square feet (0.235 UE) totaling 11.1 UE (22,179 square feet). Unit B202 will be 1,229 square feet in area.
Commercial and Office uses Support uses	No commercial or office uses exist	No commercial or office uses are proposed.

Parking	Existing: 29 spaces for 27 units, 1 space per unit plus 2 spaces for the 2 enlarged units (2 nd amendment) Adding 2 spaces in garage for total of 31 spaces (30 spaces required).	Two (2) additional parking spaces are proposed. This amendment triggers one additional parking space. Applicant proposes two.
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In reviewing the density and unit equivalent calculations, staff finds that there are currently 10.86 UEs. The proposed plat amendment would increase the residential floor area by 470 square feet to 22,179 square feet (11.1 UEs); therefore the request would not exceed the allowed 13.5 UEs for the property. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues. All construction is proposed within the existing building envelope.

Parking

The current application also requests to add two (2) parking stalls in the existing garage. Twenty-nine (29) parking spaces exist in the underground parking structure beneath the existing buildings. The current number of units and the size of the enlarged units approved with the second amendment triggered a total of twenty-nine (29) parking spaces. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet. The current LMC requires one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet. The existing development is currently short 12.5 parking spaces per the current Land Management Code (LMC).

Prior to the 1984 LMC one (1) parking space was required for each one bedroom unit. In 1984 the LMC required two (2) spaces per one (1) bedroom apartment not exceeding 1,000 square feet and one (1) space per studio apartment not exceeding 1,000 square feet. The current code requires 1.5 spaces for these units.

Thirty (30) parking spaces will be required and thirty-one (31) spaces will exist with approval of this plat amendment and restriping of the garage. See Exhibit A proposed plat, level 1 parking.

There is undeveloped land on the property available for construction of additional off-street surface parking; however lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B202 can be provided within the parking structure. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route. Given the relatively smaller unit size, it appears that the single parking space per unit is adequate. The expanded unit would comply with the current code.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Building Permit application. The approval of this plat amendment application by the

City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised.

Notice

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

Public Input

Staff has not received any public input regarding this plat amendment.

Alternatives

- The City Council may approve the Courchevel Condominium at Deer Valley Third Amendment as conditioned or amended; or
- The City Council may deny the Courchevel Condominium at Deer Valley Third Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Courchevel Condominium at Deer Valley Third Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The unit and attic would remain as is and no construction could take place across the existing lot lines or into the common area.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving third amendment to the Courchevel Condominiums at Deer Valley record of survey plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Courchevel Condominiums plat
Exhibit C – Courchevel Condominiums Amended (sheet 2 of 3) plat
Exhibit D – Courchevel Condominiums Second Amended plat
Exhibit E – Deer Valley MPD Density Chart
Exhibit F – Aerial and Site photographs
Exhibit G – HOA Letter

Ordinance 12-

AN ORDINANCE APPROVING THE COURCHEVEL CONDOMINIUM AT DEER VALLEY THIRD AMENDMENT LOCATED AT 2700 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Courchevel Condominiums, located within the Deer Valley Community of the Deer Valley Resort Tenth Amended and Restated Large Scale Master Planned Development, have petitioned the City Council for approval of amendments to convert to private area the common attic area above Unit B202; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed amendments to the record of survey plat;

WHEREAS, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 28, 2012, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah and consistent with the Deer Valley Resort 10th Amended and Restated Master Planned Development to approve the proposed amendments to the Courchevel Condominiums record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Third Amended Courchevel Condominiums record of survey plat 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 Courchevel Condominiums are located at 2700 Deer Valley Drive East within the Deer Valley Community portion of the Deer Valley Resort Master Planned Development (MPD).

2. The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41).
6. In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.
7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.
8. The second amendment reflected that Building A was not built and removed it from the record of survey.
9. Currently there are 27 condominium units and 29 parking spaces.
10. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.
11. The property is subject to requirements and restrictions of the Deer Valley Resort 10th Amended and Restated Large Scale MPD.
12. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.
13. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.
14. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet and the existing residential square footage for the 27 condominium units is 21,709 square feet.
15. On March 29, 2012 the City received a completed application for a third amendment to the Courchevel Condominiums at Deer Valley record of survey requesting conversion of 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom.
16. Unit B202 is located on the second floor of Building B.
17. In January 2011, Courchevel Condominium owner's association voted to approve construction of additional floor area and the transfer 470 square feet of common space to private space for unit B202.
18. The only exterior change proposed is the addition of a window on the south side of Building B.
19. The proposed amendment is consistent with the purpose statements of the district.
20. Unit B202 would increase by 470 square feet from 759 square feet to 1,229 square feet.

21. The total proposed increase in residential floor area equates to 0.235 UE increase to 11.1 UE total.
22. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums.
23. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues.
24. All construction is proposed within the existing building envelope.
25. The current application also requests to add two (2) parking stalls in the existing garage.
26. Twenty-nine (29) parking spaces exist in the underground parking structure beneath the existing buildings.
27. The current number of units and the size of the enlarged units approved with the second amendment triggered a total of twenty-nine (29) parking spaces.
28. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet.
29. The current LMC requires one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet.
30. The existing development is currently short 12.5 parking spaces per the current Land Management Code (LMC).
31. Thirty (30) parking spaces will be required and thirty-one (31) spaces will exist with approval of this plat amendment and restriping of the garage.
32. There is undeveloped land on the property available for construction of additional off-street surface parking; however lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B202 can be provided within the parking structure.
33. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.
34. Given the relatively smaller unit size, it appears that the single parking space per unit is adequate.
35. The expanded unit would comply with the current code.

Conclusions of Law:

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 10th amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, 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 record of survey for compliance with State law, the Land Management Code, and conditions of approval, including the removal of Building A, prior to recordation of the plat.

2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit B202 shall be issued until this plat amendment is recorded.
4. All conditions of approval of the Deer Valley Resort 10th Amended and Restated Large Scale MPD and the Second Amended Courchevel Condominiums at Deer Valley shall continue to apply.

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

PASSED AND ADOPTED this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

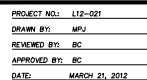
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Summit Engineering Group Inc.
55 WEST CENTER • P.O. BOX 176
HEBER CITY, UTAH 84032
P: 435-654-9229 • F: 435-654-9231



PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING
COMMISSION THIS ____ DAY OF _____, 2012.

CH-AR

PARK CITY ENGINEER

THIS FLAT IS IN COMPLIANCE WITH THE INFORMATION IN FILE
IN THE OFFICE OF THE PARK CITY ENGINEERING DEPT. ON THE
DAY OF _____, 2012.

CITY ENGINEER

**SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT**

REVERSED FOR CONFORMANCE TO THE INTERVILLE BARN
WATER RECLAMATION DISTRICT STANDARDS ON THE ____ DAY
OF ____ 20__.

NOTICEABLE BORN WITH EXPLANATION DRIVER

PARK CITY ATTORNEY

APPROVED AS TO FORM ON THE ____ DAY OF _____
2012.

CITY ATTORNEY

CITY COUNCIL APPROVAL

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL OF
THIS ____ DAY OF _____, 2012.

100

CERTIFICATE OF ATTEST

I CERTIFY THAT THIS PLAT AMENDMENT WAS APPROVED BY THE
PARK CITY COUNCIL ON THE _____ DAY OF _____, 2012.

CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT

SAINT COUNTY REPORT

PLAT NOTES

- [illegible]

A PARCEL OF LAND LOCATED
IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASIN & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

THE COURSE/VEHICLE CONDOMINIUMS AT DEER VALLEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS ENTRY 229039, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 1747.2 FEET EAST AND 4305.17 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 29°00'00" WEST 214.03 FEET; THENCE NORTH 89°15'00" WEST 160.79 FEET TO A POINT ON A 338.61 FOOT RADIUS CURVE TO THE LEFT, THE RIGHT ANGLE BEING 123.63°; WEST, OF WHICH THE CENTRAL ANGLE IS 69°49'00"; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE 117.95 FEET; THENCE NORTH 00°40'00" EAST 155.83 FEET; THENCE SOUTH 89°20'00" EAST 239.78 FEET; THENCE SOUTH 00°01'40" EAST 168.00 TO THE POINT OF BEGINNING.

CONTAINING 1.8226 ACRES MORE OR LESS.

KNOW ALL MEN BY THESE PRESENT THAT COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION (THE ASSOCIATION), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE PROVISIONS OF SECTION 27 OF THE DECLARATION OF CONDOMINIUM OF THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION
A UTAH NON-PROFIT CORPORATION

BY: SCOTT POWELL, PRESIDENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THIS ____ DAY OF _____, 2012, PERSONALLY APPEARED BEFORE ME SCOTT POWELL, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF COURAGEBEAR CONDOMINIUM OWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE AMENDED SAID CONDO UNIT B202 AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-1.3 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

BING CHRISTENSEN
PROFESSIONAL LAND SURVEYOR

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT B-202 AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: ROBERTA ANN SLUSAR

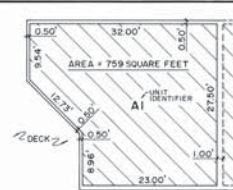
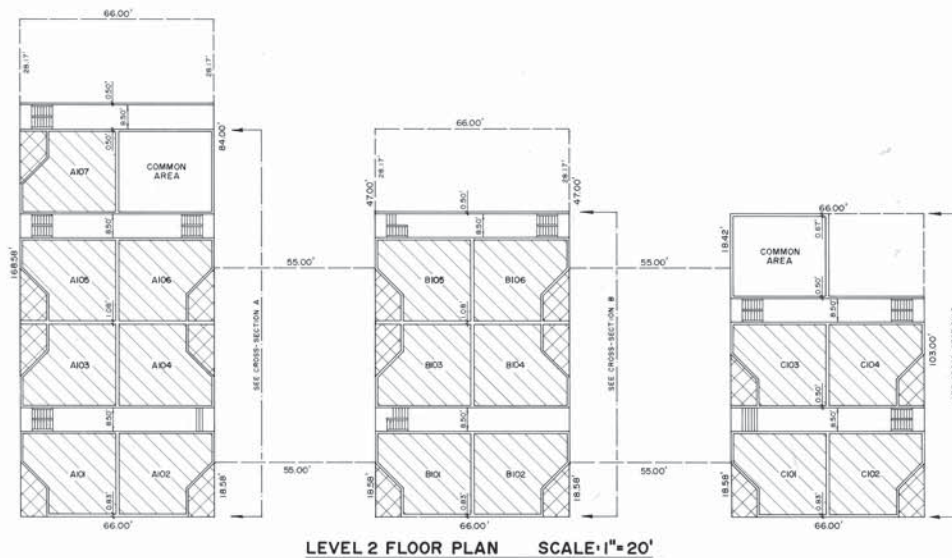
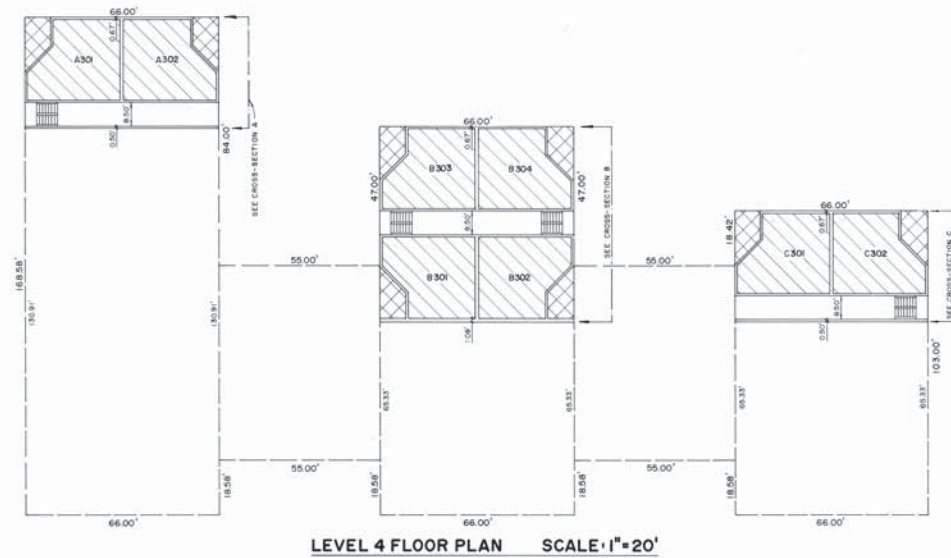
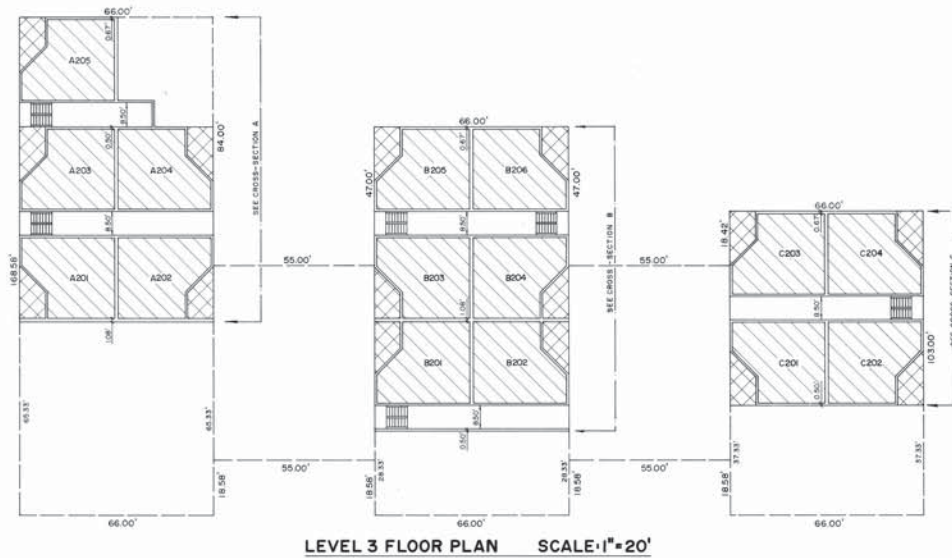
STATE OF UTAH
COUNTY OF SUMMIT

ON THIS _____ DAY OF _____, 2012, PERSONALLY APPEARED BEFORE ME ROBERTA ANN SLUSAR, WHO BEING DULY SWORN, DID SAY THAT SHE IS THE OWNER OF UNIT B-202 AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT SHE SIGNED THE FOREGOING INSTRUMENT.

NOTARY PUBLIC

Exhibit B - Courchevel Condo plat

SURVEYOR'S CERTIFICATE I, James G. West, a Registered Land Surveyor holding License No. 3083 as prescribed under the Laws of the State of Utah, do hereby certify that at the request of the owner identified hereon, I have prepared this Record of Survey Map, consisting of seven pages. I further certify that the information shown hereon, to the best of my knowledge and belief, is accurate and complies with the provisions of Section 57-8-13 (1) of the Utah Code Annotated, as amended to date. Dated this <u>11th</u> day of <u>July</u>, 1984 <u>James G. West</u> James G. West, R.L.S. No. 3083 - Utah		SEC. COR. / P.O.B. DETAIL		COURCHEVEL CONDOMINIUMS Beginning at a point which is South 1747.02 feet and East 4305.17 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 25° 00' 00" West 214.03 feet; thence North 89° 20' 00" West 180.75 feet to a point on a 938.16 foot radius curve to the left, the radius point bears North 82° 10' 54" West, of which the central angle is 06° 49' 04"; thence northerly along the arc of said curve 111.63 feet; thence North 00° 40' 00" East 234.03 feet; thence South 89° 20' 00" East 239.78 feet; thence South 00° 11' 40" East 188.00 feet to the point of beginning; containing 1.8226 acres, more or less.	
OWNER'S CERTIFICATE AND CONSENT TO RECORD KNOW ALL MEN THESE PRESENTS, that the undersigned declarant, Howe Development Utah, Inc., a Utah corporation, being the owner of the land described and shown hereon, having caused this Record of Survey Map to be prepared, does hereby consent to the recording of the same hereafter to be known as Courchevel Condominiums at Deer Valley. Declarant hereby submits the property shown and described hereon, including the tract of land, buildings and other improvements constructed hereon or hereafter to be constructed, together with all appurtenances thereto, to the provisions of the Utah Condominium Ownership Act, as a condominium project and subject to the Declaration of Condominium recorded concurrently herewith. Owner hereby dedicates all easements as shown, and further certifies that buildings shown on this plat, but which are not yet under construction, will, when completed, be substantially as shown on this plat. Executed this <u>12th</u> day of <u>July</u>, 1984 Howe Development Utah, Inc., a Utah corporation by: <u>Richard P. Howe</u>		ACKNOWLEDGEMENT STATE OF UTAH) COUNTY OF <u>Summit</u>) ss. On this <u>12th</u> day of <u>July</u>, 1984, personally appeared before me <u>Richard P. Howe</u>, <u>President</u>, who being by me duly sworn, did say that he is the <u>President</u> of <u>Howe Development Utah, Inc.</u>, a Utah corporation, and the signer of the foregoing Owner's Declaration and Consent to Record, and that said instrument was signed in behalf of said corporation and he acknowledged to me that said corporation is the same. Notary Public: <u>Marlene Burrell</u> Residing at: <u>Park City, Utah</u> My Commission: <u>4-16-85</u>			
OWNERSHIP LEGEND PRIVATE (diagonal lines) LIMITED COMMON (cross-hatch) COMMON (white)				NOTES: 1. The homeowners association is to maintain the sanitary sewer improvements. 2. "s" indicates 5/8" rebar set at boundary corner.	
DEER VALLEY DRIVE EAST (formerly DEER VALLEY EAST ROAD)					
CITY COUNCIL APPROVAL PRESENTED TO THE PARK CITY COUNCIL THIS <u>27th</u> DAY OF <u>December</u>, A.D. 19<u>84</u>, AT WHICH TIME THIS RECORD OF SURVEY MAP WAS APPROVED <u>William Holman</u> MAYOR ATTEST CITY RECORDER		CITY ENGINEER APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS <u>10th</u> DAY OF <u>DECEMBER</u>, A.D. 19<u>84</u>. <u>Eric W. Nelson, P.E.</u> CITY ENGINEER		CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS <u>14th</u> DAY OF <u>DECEMBER</u>, A.D. 19<u>84</u>. <u>[Signature]</u> CHAIRMAN	
APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS <u>31st</u> DAY OF <u>December</u>, A.D. 19<u>84</u>. <u>[Signature]</u> Atty. City Attorney		RECORDED NO <u>229039</u> RECORDING <u>12-31-84</u> STATE OF <u>UTAH</u> at <u>4:35</u> COUNTY OF <u>SUMMIT</u> RECORDED AND FILED AT THE REQUEST OF: <u>Summit County Title</u> <u>65</u> FEE COUNTY RECORDER		J.J. Johnson & Associates Park Meadows Plaza, Highway 248 Park City, Utah 84060 (801) 649-9811 JOB No. 1-402-84	



COURCHEVEL
CONDOMINIUMS
SHEET 2 OF 3

RECORDED

NO. 229039 INDEXED 6-21-
STATE OF UTAH at: 4:35
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
Sunwest County, Utah
15.
FEES _____
COUNTY RECORDER _____

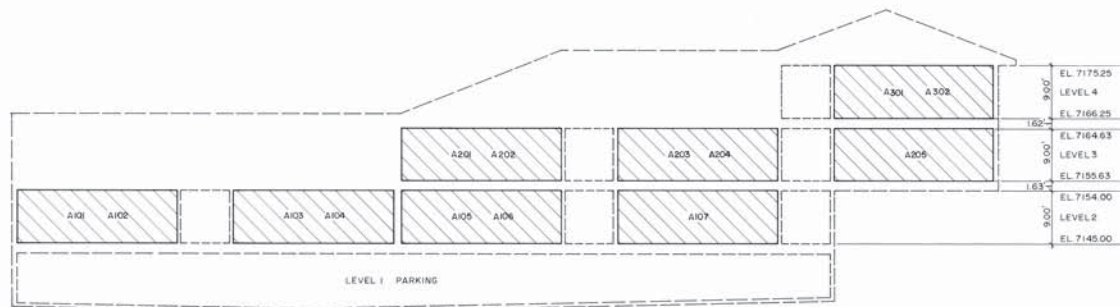
J.J.Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

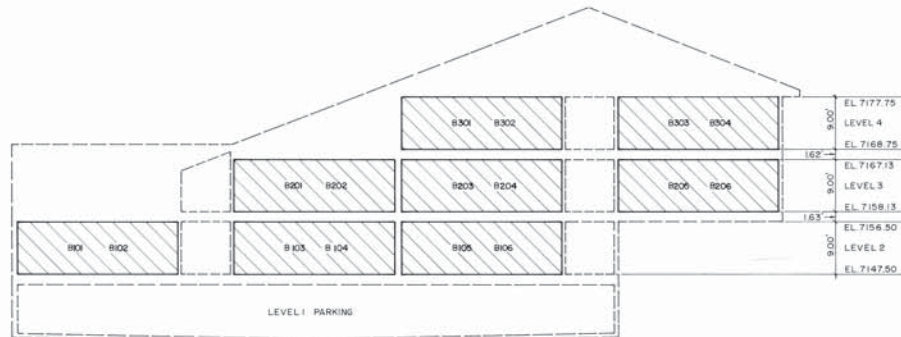
(801) 649-9811

JOB No. I-402-84

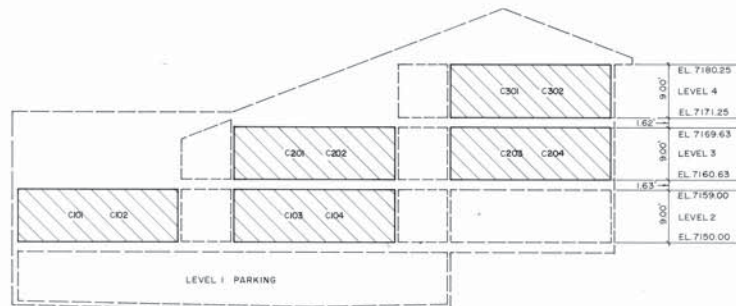




CROSS-SECTION A SCALE 1"=10'



CROSS-SECTION B SCALE 1"=10'



CROSS-SECTION C SCALE 1"=10'

OWNERSHIP LEGEND



BENCH MARK

TOP OF BRASS CAP IN MONUMENT BOX LOCATED AT THE INTERSECTION OF DEER VALLEY DRIVE EAST AND DOE PASS ROAD. ELEVATION: 7145.42.

ODD NUMBERED UNITS - NORTH
EVEN NUMBERED UNITS - SOUTH

COURCHEVEL
CONDOMINIUMS
SHEET 3 OF 3

RECORDED

NO. 229039

STATE OF UTAH

COUNTY OF SUMMIT

RECORDED AND FILED AT THE REQUEST OF:

Summit County, Utah

FEES 165

COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 24B
Park City, Utah 84060

(801) 649-9811

JOB No 1-402-84



Exhibit C - Courchevel Condo Amended (sheet 2 of 3) plat

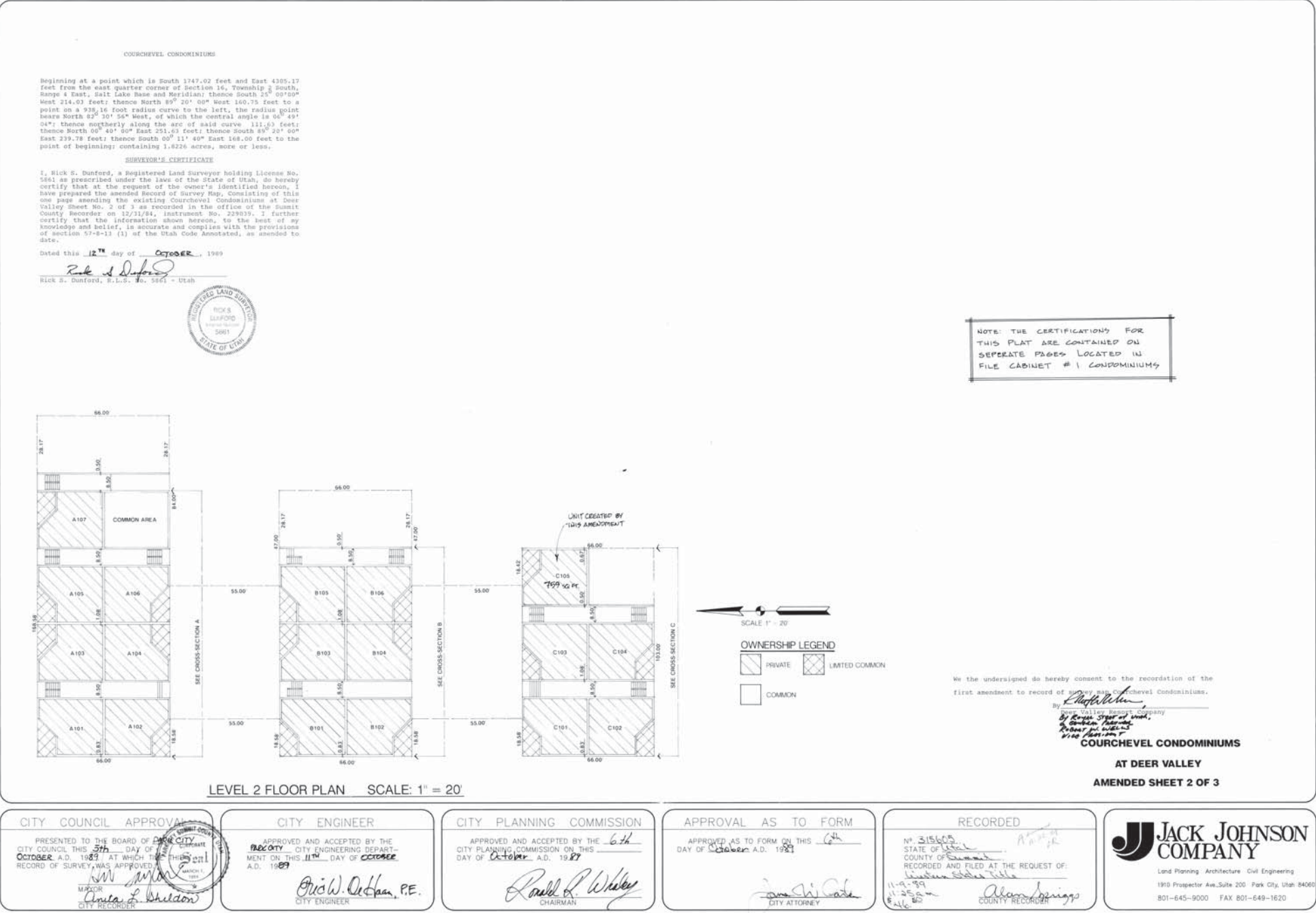
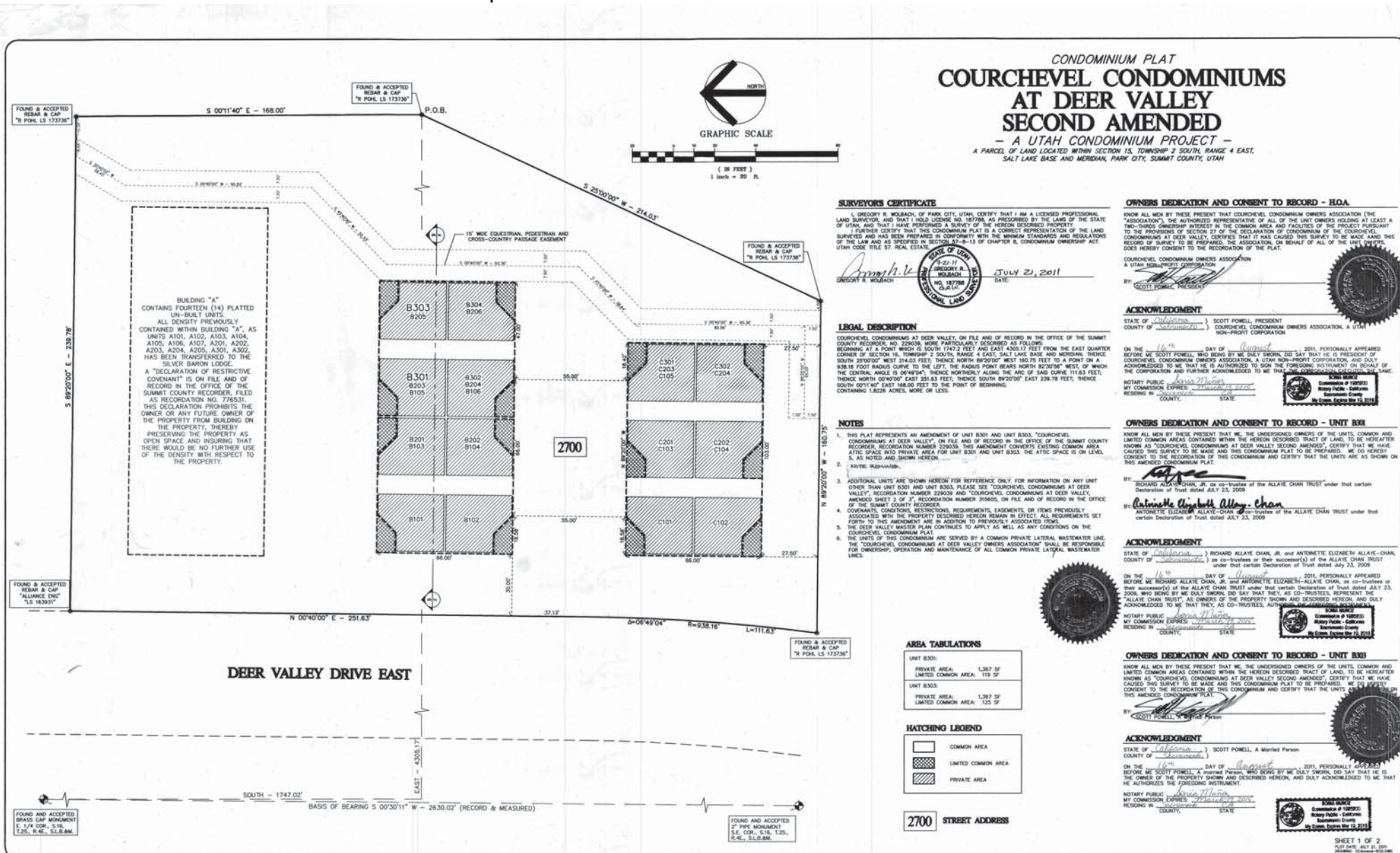
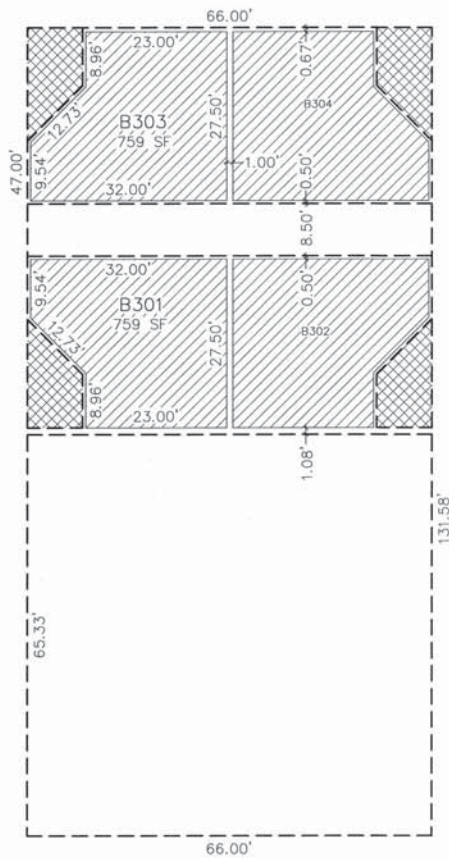


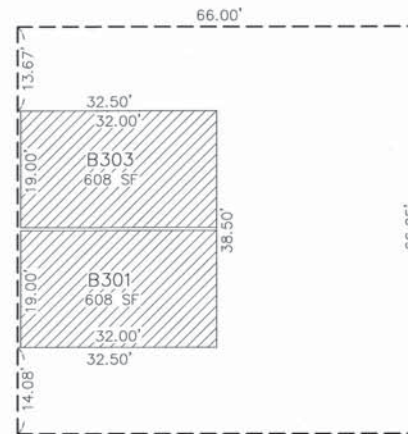
Exhibit D - Courchevel Condo Second Amended plat



Evergreen Engineering, Inc. Civil Engineering • Land Surveying • Land Planning 8700 East 1000 South • Suite 104 P.O. Box 2881 • Park City • Utah • 84060 Phone: 435.648.4857 • Fax: 435.648.5219 E-mail: office@evergreen-eng.com	CITY ENGINEER THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS <u>20th</u> DAY OF <u>August</u> , A.D. 2011. CITY ENGINEER: <i>[Signature]</i>	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>28th</u> DAY OF <u>August</u> , A.D. 2011. BY: <i>[Signature]</i> SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS <u>13th</u> DAY OF <u>OCTOBER</u> , A.D. 2010. CHAIRMAN: <i>[Signature]</i>	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS <u>1st</u> DAY OF <u>February</u> , A.D. 2012. CITY ATTORNEY: <i>[Signature]</i>	COUNCIL APPROVAL & ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>4th</u> DAY OF <u>NOVEMBER</u> , A.D. 2010. MAYOR: <i>[Signature]</i>	CERTIFICATE OF ATTEST I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS <u>4th</u> DAY OF <u>NOVEMBER</u> , A.D. 2010. CITY RECORDER: <i>[Signature]</i>	RECORDED No. <u>939912</u> , Date <u>2/22/2012</u> STATE OF <u>Utah</u> , Time <u>1:48 PM</u> COUNTY OF <u>Summit</u> RECORDED AND FILED AT THE REQUEST OF: <u>Park City Title Company</u> \$ <u>62.00</u> COUNTY RECORDER
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FLOOR PLAN - LEVEL 4
UNIT B301 / UNIT B303

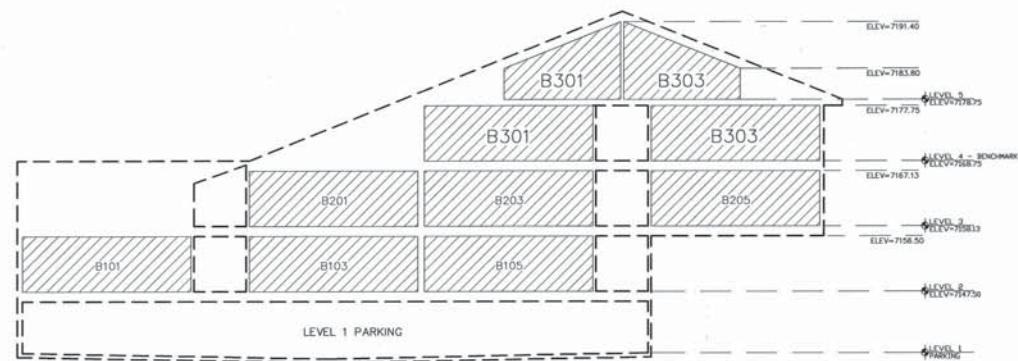


FLOOR PLAN - LEVEL 5
UNIT B301 / UNIT B303



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA



SECTION -
B BLDG. B



NO. 939912
DATE
STATE OF Utah
CITY OF
RECORDED AT THE REQUEST OF Park City Title Company
FEE \$162.00

RECORDED Date 2/20/2012 Time 1:48 PM
C. Wilkings - Deputy City Recorder



REVISIONS
DATE BY COMMENTS



SURVEYED BY: GRW
DRAWN BY: GRW
CHECKED BY: ADM/GRW

COURCHEVEL CONDOMINIUMS
AT DEER VALLEY
SECOND AMENDED
RICHARD CHAN & SCOTT POWELL

Exhibit E - Deer Valley MPD Density Chart

**DEER VALLEY RESORT
TENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS
12-Aug-09**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Lodges @ Deer Valley (Northeast Multi-Family)(includes Silver Baron Lodge)	115	109	3	28-35	12.65
Snow Park Village (Snow Park Hotel & Parking Sites)	210.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06
Alta Vista Subdivision	7	7		35	6.02
Woods Multi-Family	16	7	8	28-35	2.41

**DEER VALLEY RESORT
TENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT**

**EXHIBIT 1
DEVELOPMENT PARCELS
12-Aug-09**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
BALD EAGLE COMMUNITY					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
TOTAL CONVENTIONAL UNITS	2110.6215				
EMPLOYEE HOUSING UNITS					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
TOTAL EMPLOYEE HOUSING UNITS	7				

NOTES:

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
2. One small unit was separately permitted in this project using .5 unit of density.
3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (132) than base permitted density (115). Additional phases consisting of 23 units are in process.
4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
10. The development density on these parcels is less than the original permitted density at the election of the developer.
11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
- A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

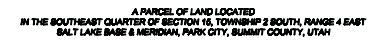
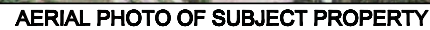


Exhibit G - HOA Letter

Courchevel Homeowners Association
Box 680876
Park City, Utah 84068
(435) 645-7888

May 31, 2012

Mr. Francisco Astorga
Park City Municipal Corp.
Planning Department
Park City, Utah 84060

RE: Courchevel B-202

Dear Mr. Astorga:

This letter is to confirm that the owners of Courchevel B-202, Roberta Slusar and Richard Morse applied to the association for a loft expansion and permission to expand into the common area dead space over the hallway.

Information and a ballot were sent out to all owners on January 12, 2011. The deadline for the votes to be returned was January 28, 2011. Pursuant to the Courchevel By-Laws, a vote of 2/3rds or more of the ownership is required.

The votes were tallied and the required 2/3rds vote of the ownership was received. Based on this vote and the requirement being met, the association granted permission for the owners to move forward with the remodel and re-plat.

If you have any questions, please feel free to call me.

Sincerely,

Toby Tolpinrud
Association Manager

City Council Staff Report



Subject: Second Supplemental Plat for
Belles at Empire Pass Unit 9
Condominium plat
Author: Kirsten A Whetstone, AICP
Date: June 28, 2012
Type of Item: Administrative – Supplemental Plat
Project Number: PL-12-01527

Summary Recommendations

Staff recommends that City Council hold a public hearing for the Second Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Unit 9 and consider approving the plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached Ordinance.

Topic

Applicant: Belles at Empire Pass HOA and owner of Unit 9
Location: 14 Silver Strike Trail
Zoning: Residential Development (RD) as part of the Village at Empire Pass MPD
Adjacent Land Uses: Single family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass MPD, ski trails and open space.
Reason for Review: Plat amendments require Planning Commission review and recommendation with final action by the City Council.

Proposal

The purpose of this application is to plat as-built conditions of constructed Unit 9 and to identify common, limited common and private areas for this Unit, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy

Purpose

The purpose of the Residential Development RD District is to:

- A. Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- B. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. Minimize impacts of the automobile on architectural design,
- E. Promote pedestrian connections within Developments and between adjacent Areas; and
- F. Provide opportunities for variation in architectural design and housing types.

Background

On April 11, 2012, the City received a complete application for this plat to memorialize as-built conditions for Unit 9 of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011.

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for 18 detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass condominiums (formerly known as Christopher Homes) utilize 17 of the 60 allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject unit, Unit 9 of the Belles at Empire Pass, is located on Lot 1 of the Silver Strike Subdivision and was originally platted as part of the Christopher Homes Phase 2 condominium plat. All four phases of the Christopher Homes Condominium plats were consolidated, amended and recorded at Summit County on November 28, 2011, as the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. Subject Unit 9 is one of these Belles units. A condition of approval of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County

as a condition precedent to issuance of a final certificate of occupancy. All conditions of the underlying approvals, namely the Village at Empire Pass MPD; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

Planning Commission recommendation

On June 13th the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council. No public input was provided at the hearing.

Analysis

This request for a Second Supplemental plat for Constructed Units at The Belles at Empire Pass amends Unit 9 and documents the final as built conditions of this constructed unit in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD); subject to the Village at Empire Pass MPD.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and the basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable.” Basement area is included in the UE calculations.

A total of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet of Gross Floor Area, including the basement area. Unit 9 meets the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. Unit 9 contains 4,968 sf of Gross Floor Area, excluding basement area and 600 sf garage area and account for 2.869 UEs based on the Total Floor area of 5,738 sf (includes basement area but not garage area). The four units platted to date (Units 1, 2, 12, and 9) utilize 11.818 Unit Equivalents (UE).

Site development parameters are as follows:

	Permitted	Proposed
Height	28' (+5' for pitched roof)	No height exception. <u>Unit 9 complies.</u>
Front setback	20', 25' to front facing garage	25' - No setback reductions. Property line is the back of the street gutter. <u>Unit 9 complies</u>
Rear setback	15' from Lot boundary	32' from Lot boundary. <u>Unit 9</u>

		<u>complies.</u>
Side setbacks	12' from Lot boundary	More than 12' from Lot boundary. <u>Unit 9 Complies</u>
Parking	Two spaces required	2 per unit. <u>Unit 9 Complies.</u>
Maximum house size (based on the Silver Strike subdivision and defined per the Land Management Code)	5,000 sf (Gross Floor Area excludes basement area below final grade and 600 sf of garage area).	Unit 9 contains 4,968 sf Gross Floor Area <u>Unit 9 Complies</u>
Unit Equivalent (based on the Village at Empire Pass MPD)	Maximum of 45 UE for all of the Belles Condominiums. Gross floor area for UE calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc.	Unit 9 – 5,738 sf which is 2.869 UE <u>Unit 9 Complies</u> Total of all platted units to date 11.818 UE (Units 1, 2, 12, and 9)

Good Cause

Staff finds good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations for this unit. Unit 9 complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the unit is consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

Department Review

This project has gone through interdepartmental review by the Development Review Committee on May 8, 2012, and no issues were raised pertaining to the requested plat amendment.

Notice

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

Public Input

Staff had not received public input on this application at the time of this report.

Process

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

Alternatives

- The City Council may approve the application for the supplemental plat for Unit 9 as conditioned or amended, or
- The City Council may deny the application and direct staff to make Findings for this decision, or

- The City Council may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

Consequences of not taking the Suggested Recommendation

No certificate of occupancy may be granted until the plat is recorded.

Recommendation

Staff recommends that City Council hold a public hearing for the Second Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Unit 9 and consider approving the plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance

Exhibits

Ordinance

Exhibit A- Supplemental plat for Belles Unit 9

Exhibit B- Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass

Ordinance No. 12-

AN ORDINANCE APPROVING THE SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS AMENDING UNIT 9, LOCATED AT 14 SILVER STRIKE TRAIL, PARK CITY, UTAH.

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Unit 9, have petitioned the City Council for approval of the Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on June 13, 2012, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 28, 2012, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for this completed condominium unit.

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 Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property, Unit 9 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, is located at 14 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.

3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 9 is located on Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On April 11, 2012, the Planning Department received a complete application for the Second Supplemental Plat for Constructed Units for Unit 9.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 9 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
14. Unit 9 is located on Lot 1 of the Silver Strike subdivision plat.
15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 9 contains 4,968 sf Gross Floor Area.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such

facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat.” Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.

17. Unit 9 contains a total of 5,738 square feet and utilizes 2.869 UE. The total UE to date for constructed units 1, 2, 12, and 9 is 11.818 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
19. The findings in the analysis section are incorporated herein.

Conclusions of Law

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Unit 9.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will 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 of the supplemental 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 record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Unit 9, the supplemental plat shall be recorded at Summit County.

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

PASSED AND ADOPTED this ___ day of ___, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 15449 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the Surveyor General, this Second Supplemental Plat for Constructed Units and Submittal to the Utah Condominium Ownership Act, I further certify that the information shown hereon is correct.

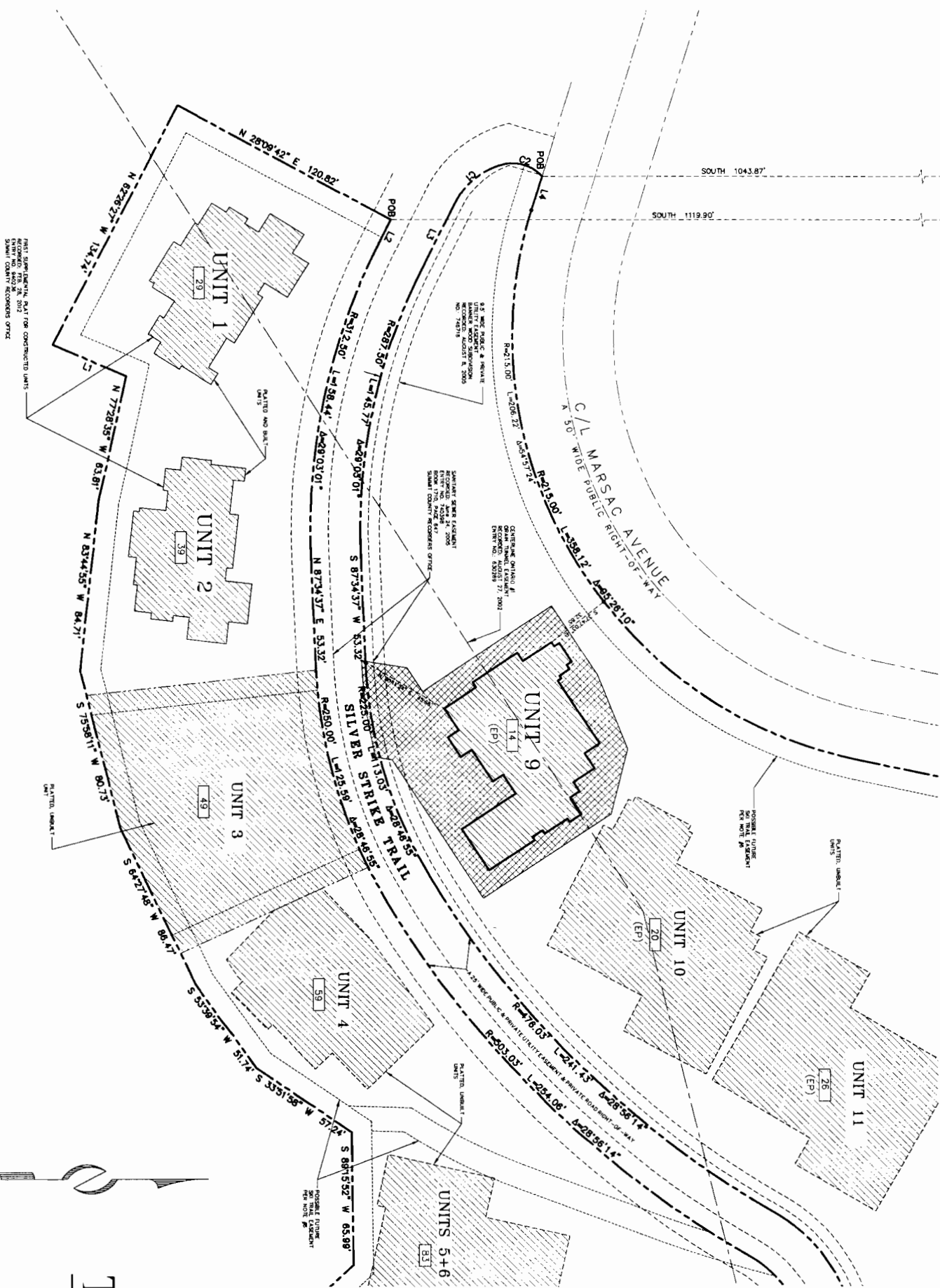
JOHN DEMKOWICZ, L.S. #15449

DATE

NE CORNER SECTION 28
172.46' N 121.46' E
172.46' N 121.46' E

BASES OF BEARING - SECTION LINE S 89°09'24" W 2804.75'
957.58'

SECTION 1/4 CORNER
N 121.46' E 172.46' S
172.46' N 121.46' E



BOUNDARY DESCRIPTIONS

(PARCEL 1)

UNIT 9 of the Amended, Consolidated and Related Condominium of THE BELLES AT EMPIRE PASS, (formerly known as Christopher Homes of Empire Pass), a Utah expandable condominium project, together with an undivided interest in the common areas and Declaration of Condominium recorded November 28, 2011, as Entry No. 324781 in Book 2108 of Page 961, Summit County Recorder's Office.

(EASEMENT 1)

Together with a right-of-way and statement for public and private utilities and a public road over the Silver Strike Trail as shown on a recorded plat of Empire Pass Subdivision as recorded August 17, 2005, as Entry No. 324781 in the records of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MICHA, LP, A UTAH LIMITED PARTNERSHIP, (hereinafter "MICHA, LP") does hereby certify that it is the owner of the property described in the Second Supplemental Plat for Constructed Units and Submittal to the Utah Condominium Ownership Act, and that it has caused to be made under its direction and by the authority of the Surveyor General, this Second Supplemental Plat for Constructed Units and Submittal to the Utah Condominium Ownership Act, I further certify that the information shown hereon is correct.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2012.

Michael, LP
A Utah Limited Partnership
By: Belknap, Inc.
Its Managing General Partner
By: Mark H. Prothro
President

ACKNOWLEDGMENT

State of _____
County of _____
This instrument was acknowledged before me this ____ day of _____, 2012, by Mark H. Prothro, the president of Michael, LP, a Utah Limited Partnership.

Notary Public
Printed Name
Reading in:
My commission expires:

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned President of The Belles at Empire Pass Homeowners Association, Inc., and as owner of the property described in the Second Supplemental Plat for Constructed Units and Submittal to the Utah Condominium Ownership Act, I further certify that the information shown hereon is correct.

Mark H. Prothro, President
The Belles at Empire Pass Homeowners Association, Inc.

ACKNOWLEDGMENT

State of _____
County of _____
This instrument was acknowledged before me this ____ day of _____, 2012, by Mark H. Prothro, President, The Belles at Empire Pass Homeowners Association, Inc.

NOTES:

- All notes contained in the Amended, Consolidated and Related Condominium plat of THE BELLES AT EMPIRE PASS, recorded November 28, 2011, Entry No. 324781 shall continue to apply.
- A Limited Common Area will extend 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit (Bulker Area) for the purpose of providing unit owners with access to the common areas and the exclusive right to use and occupy such land surrounding their respective Unit. The use of all Common and Limited Common Areas is described in more detail in the Declaration.
- All Common Area is dedicated to a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, Summit County and the The Belles at Empire Pass Homeowners Association for the purpose of providing access for utility and drainage collection, and maintenance and service.
- Unit 9 is served by private wastewater lateral lines. The Empire Pass Water Homeowners Association, Inc. (the "Water Association") shall be responsible for the maintenance and repair of the lateral lines serving Unit 9. The Water Association shall be responsible for the cost of such maintenance and replacement; shall be paid by The Belles at Empire Pass Homeowners Association, Inc. as part of the Common Expenses.
- Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
- All conditions of approval of the Village of Empire Pass Water Development Plan and the Silver Strike Subdivision plat shall continue to apply.

LINE	BEARING	DISTANCE
L1	S 23°12'27" W	39.50
L2	S 63°22'22" E	16.74
L3	N 63°22'22" W	38.68
L4	S 72°49'39" E	17.99

CURVE	RADIUS	LENGTH	DELTA
C1	37.50	30.51	48.58.47"
C2	20.00	22.32	63.55.56"

LEGEND:
(EP) EJECTOR PUMP
[X] STREET ADDRESS ON SILVER STRIKE TRAIL
[] COMMON OWNERSHIP
[] PRIVATE OWNERSHIP
[] LIMITED COMMON OWNERSHIP

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

APR 1 1 2012

PAGE 1 OF 3

JOB NO.: 6-6-10 FILE: Snyderville Basin Water Reclamation District (SBWRD) Unit 9

RECORDED

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2012 A.D.

BY: MAYOR

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF DATE ____ TIME ____ BOOK ____ PAGE ____

(435) 466-9467



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2012 A.D.

BY: S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2012 A.D.

BY: CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2012 A.D.

BY: PARK CITY ENGINEER

APPROVAL AS TO FORM

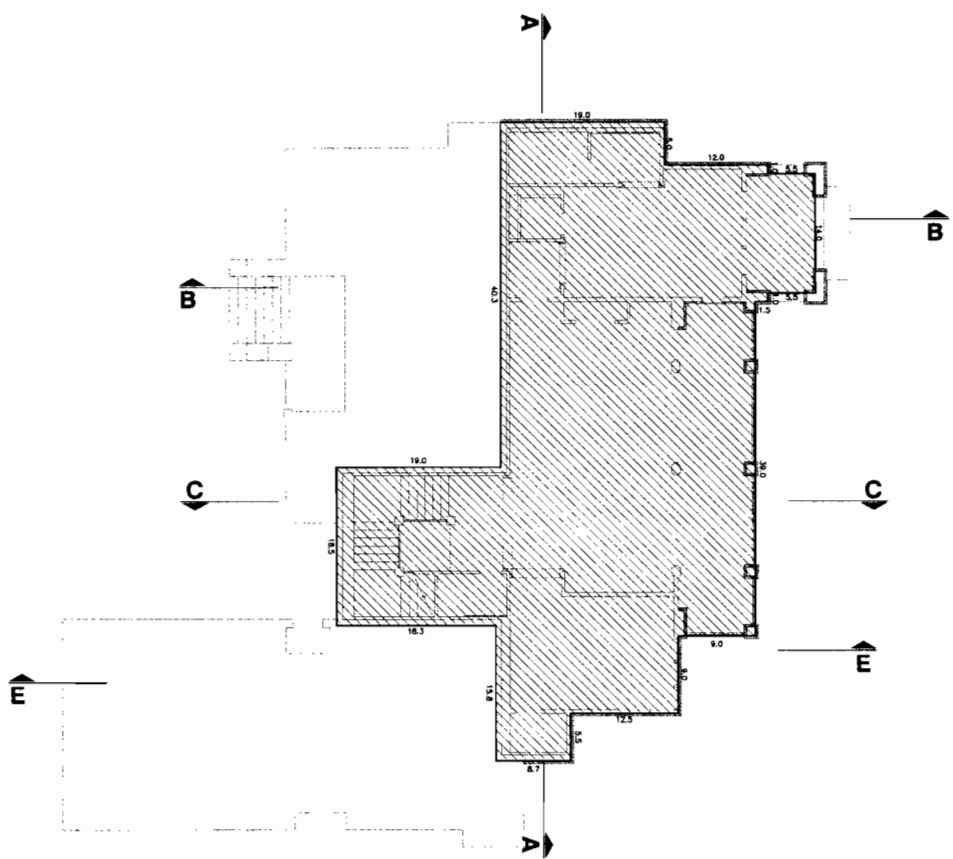
APPROVED AS TO FORM THIS ____ DAY OF _____, 2012 A.D.

BY: PARK CITY ATTORNEY

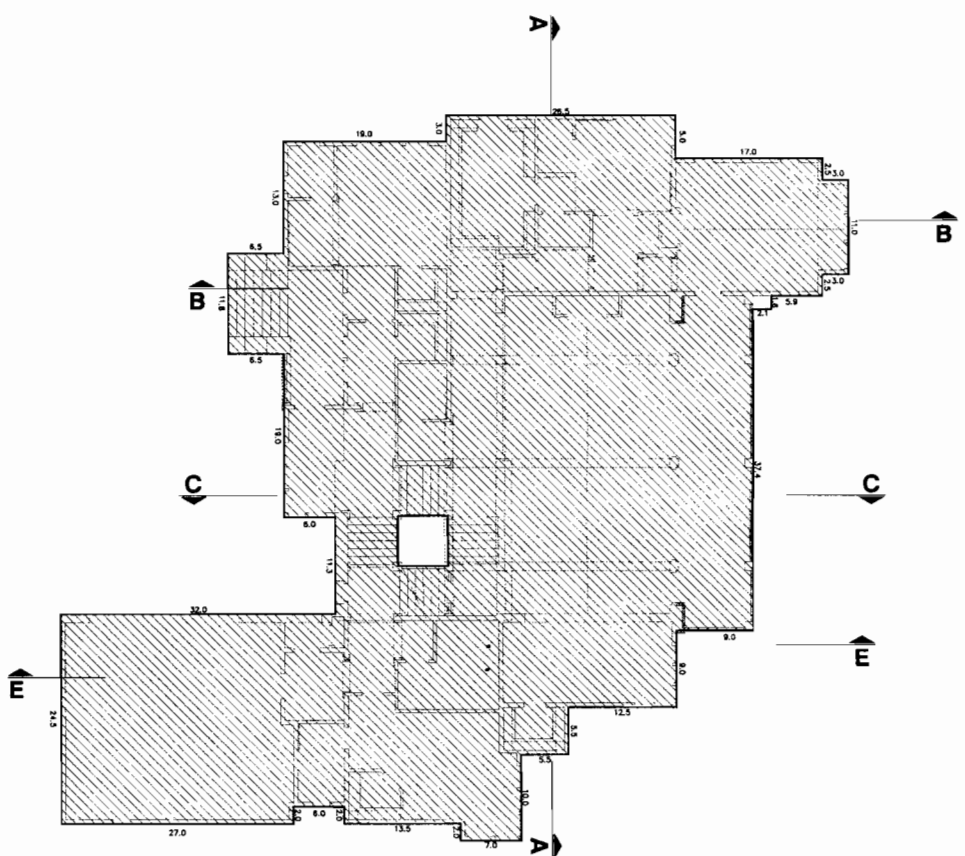
CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2012 A.D.

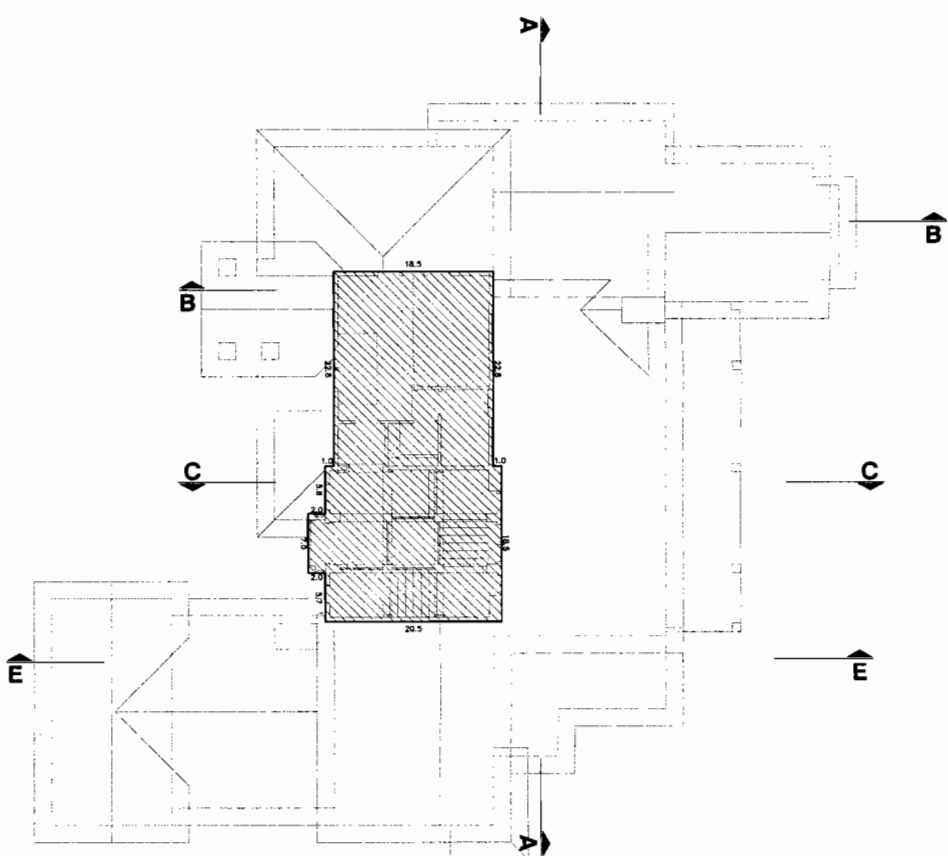
BY: PARK CITY RECORDER



1 LOWER LEVEL AREAS
SCALE: 1" = 10'



2
MAIN LEVEL AREAS
SCALE: 1" = 10'



3 UPPER LEVEL AREAS
SCALE: 1" = 10'

UNIT SQUARE FOOTAGE TABLE*

	UE-	GROSS FLOOR AREA (SF)
LEVELS		
LOWER	1,127 SF	967 SF
MAIN	3,504 SF	3,504 SF
UPPER	507 SF	507 SF
TOTAL SF	5,138 SF	4,986 SF
GARAGE	592 SF	592 SF

* Per Architectural Drawings

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9

LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

APR 11 2012

SHEET 2 OF 3

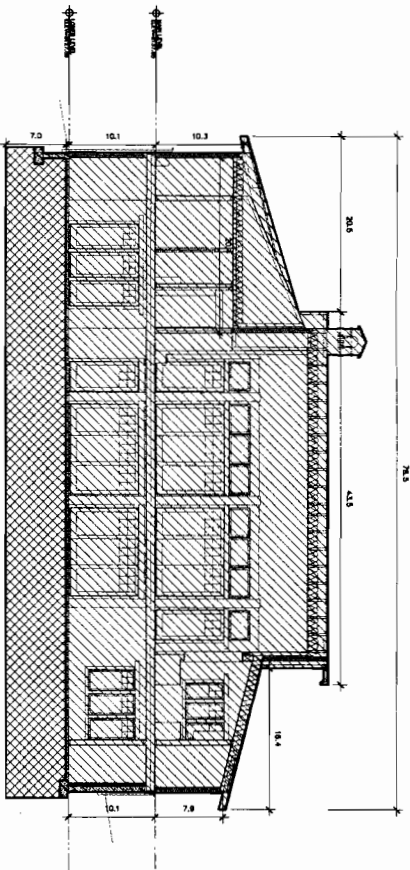
JOB NO: 6-6-10

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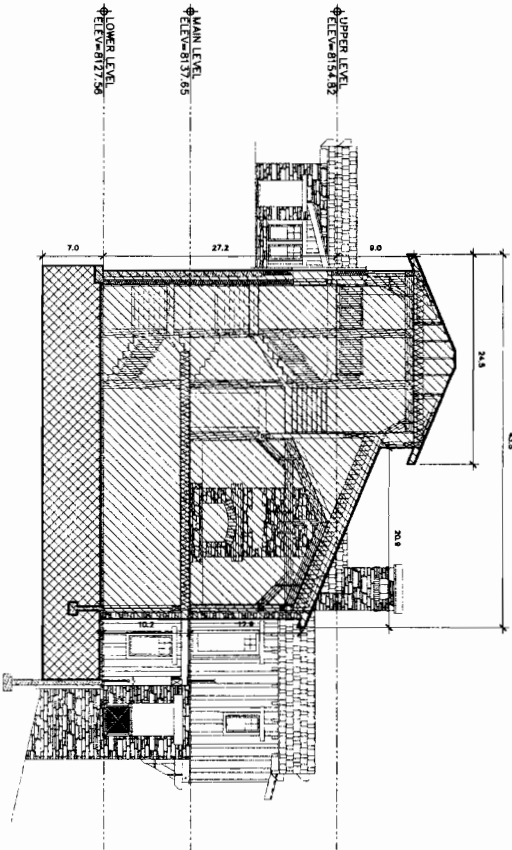
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

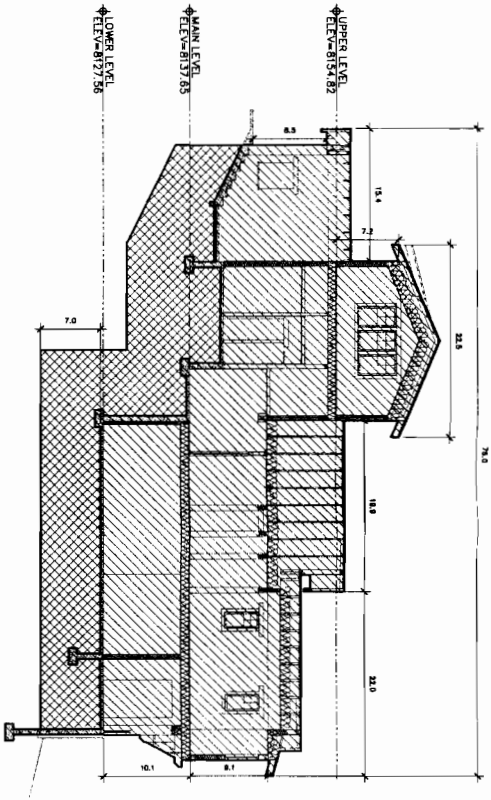
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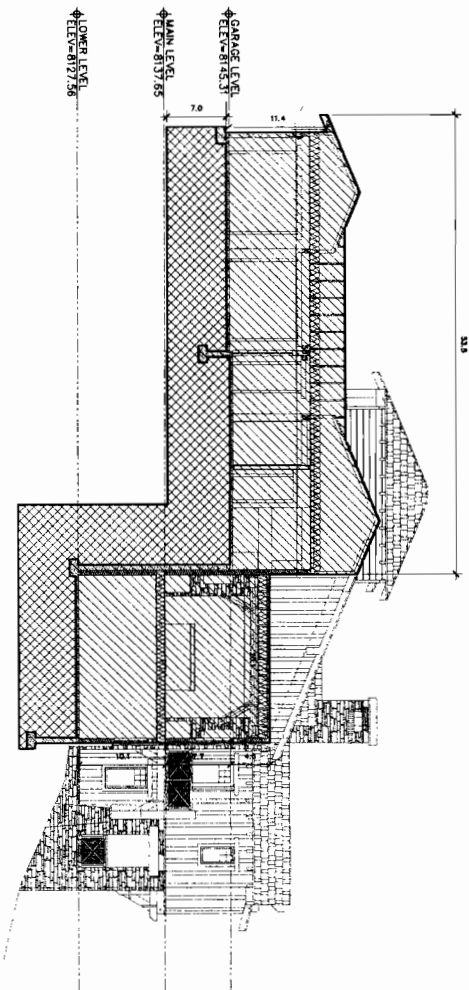
A BUILDING SECTION
SCALE: 1" = 10'



C BUILDING SECTION
SCALE: 1" = 10'



B BUILDING SECTION
SCALE: 1" = 10'



E BUILDING SECTION
SCALE: 1" = 10'

THE BELLES AT EMPIRE PASS

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 6-6-10

SHEET 3 OF 3

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF

DATE: TIME: BOOK: PAGE:

FEE RECORDER

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MICHAEL J. A. UTAH, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, hereby certify that they have caused this survey to be made and the Condominium Plat and Declaration of Condominium Ownership to be recorded in the Utah Condominium Ownership Act.

The owner certifies that units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformity with the approved Master Planned Development, Declaration of Condominiums, and the Land Management Code of Park City Sanitary Corporation.

In witness whereof the undersigned has executed this certificate and declaration on this 28 day of December, 2010.

Witness UP
By Michael J. A. Utah
My Attorney General Designee
By Paul A. Gorman
Notary Public
My Commission Expires 4/10/2012

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me the 28th day of December, 2010,
by Mark Reimold President
Teri Ekstrom
Notary Public
Printed Name
Residing in Summit County
My commission expires 4/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT STEVEN A. LEWNE and CYNTHIA SILVIA LEWNE, CO-TRUSTEES of the STEVEN AND CYNTHIA LEWNE TRUST, dated April 16, 1997, hereby certify that they have caused this survey to be made and the Condominium Plat and Declaration of Condominium Ownership to be recorded in the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and declaration on this 28th day of December, 2010.

By Steven A. Lewne
CYNTHIA SILVIA LEWNE
Notary Public
My Commission Expires 4/10/2012

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010,
by Steven A. Lewne and Cynthia Silvia Lewne Co-Trustees of the STEVEN AND CYNTHIA LEWNE TRUST, dated April 16, 1997.
Teri Ekstrom
Notary Public
Printed Name
Residing in Summit County
My commission expires 4/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT VAN D. GREENFIELD AND AMY GREENFIELD, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, hereby certify that they have caused this survey to be made and the Condominium Plat and Declaration of Condominium Ownership to be recorded in the Utah Condominium Ownership Act.

The owner certifies that units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformity with the approved Master Planned Development, Declaration of Condominiums, and the Land Management Code of Park City Sanitary Corporation.

In witness whereof the undersigned has executed this certificate and declaration on this 28 day of January, 2010.

By Van D. Greenfield
AMY GREENFIELD
Notary Public
My Commission Expires 4/10/2012

ACKNOWLEDGMENT

State of Utah
County of Salt Lake
This instrument was acknowledged before me this 28th day of January, 2010,
by Van D. Greenfield and Amy Greenfield Joint Tenants
William J. Fisher
Notary Public
Printed Name
Residing in 601 West 200 South, Salt Lake City, UT
My commission expires 4/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT JAY FLATLEY, TRUSTEE OF THE FLATLEY FAMILY TRUST, dated April 16, 2001, the owners of Unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, hereby certify that they have caused this survey to be made and the Condominium Plat and Declaration of Condominium Ownership to be recorded in the Utah Condominium Ownership Act.

The owner certifies that units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformity with the approved Master Planned Development, Declaration of Condominiums, and the Land Management Code of Park City Sanitary Corporation.

In witness whereof the undersigned has executed this certificate and declaration on this 16th day of January, 2011.

By Jay Flatley
JAY FLATLEY TRUST
Notary Public
My Commission Expires 4/10/2012

ACKNOWLEDGMENT

State of CALIFORNIA
County of SAN DIEGO
This instrument was acknowledged before me this 10th day of January, 2011,
by Jay Flatley Trustee of the Flatley Family Trust
William J. Fisher
Notary Public
Printed Name
Residing in SAN DIEGO COUNTY
My commission expires 4/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT JACOB D. GORMAN and JANE A. GORMAN, AS TRUSTEES OF THE GORMAN REVOCABLE TRUST, dated April 16, 2008, the owners of Unit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, hereby certify that they have caused this survey to be made and the Condominium Plat and Declaration of Condominium Ownership to be recorded in the Utah Condominium Ownership Act.

The owner certifies that units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformity with the approved Master Planned Development, Declaration of Condominiums, and the Land Management Code of Park City Sanitary Corporation.

In witness whereof the undersigned has executed this certificate and declaration on this 28th day of December, 2010.

By Jacob D. Gorman
JANE A. GORMAN
Notary Public
My Commission Expires 4/10/2012

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010,
by Jacob D. Gorman and Jane A. Gorman Trustees of the GORMAN REVOCABLE TRUST
Teri Ekstrom
Notary Public
Printed Name
Residing in Summit County
My commission expires 4/10/2012

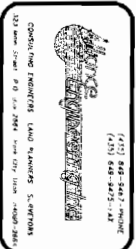
ACKNOWLEDGMENT

State of Utah
County of Salt Lake
This instrument was acknowledged before me this 28th day of December, 2010,
by Jacob D. Gorman
Teri Ekstrom
Notary Public
Printed Name
Residing in Summit County
My commission expires April 10, 2012

THE BELLES AT EMPIRE PASS

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

APR 11 2012



JOB NO.: 6-6-10 FILE: \\Trombly\wq\SS\proj\Belles_Plat-2.dwg SHEET 2 OF 2

RECORDED 11/23/10

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF CONTRIBUTOR TITLE
DATE 11/23/10 TIME 1:00 PM BOOK --- PAGE ---
BY David J. Gorman
FEE --- REC'D ---

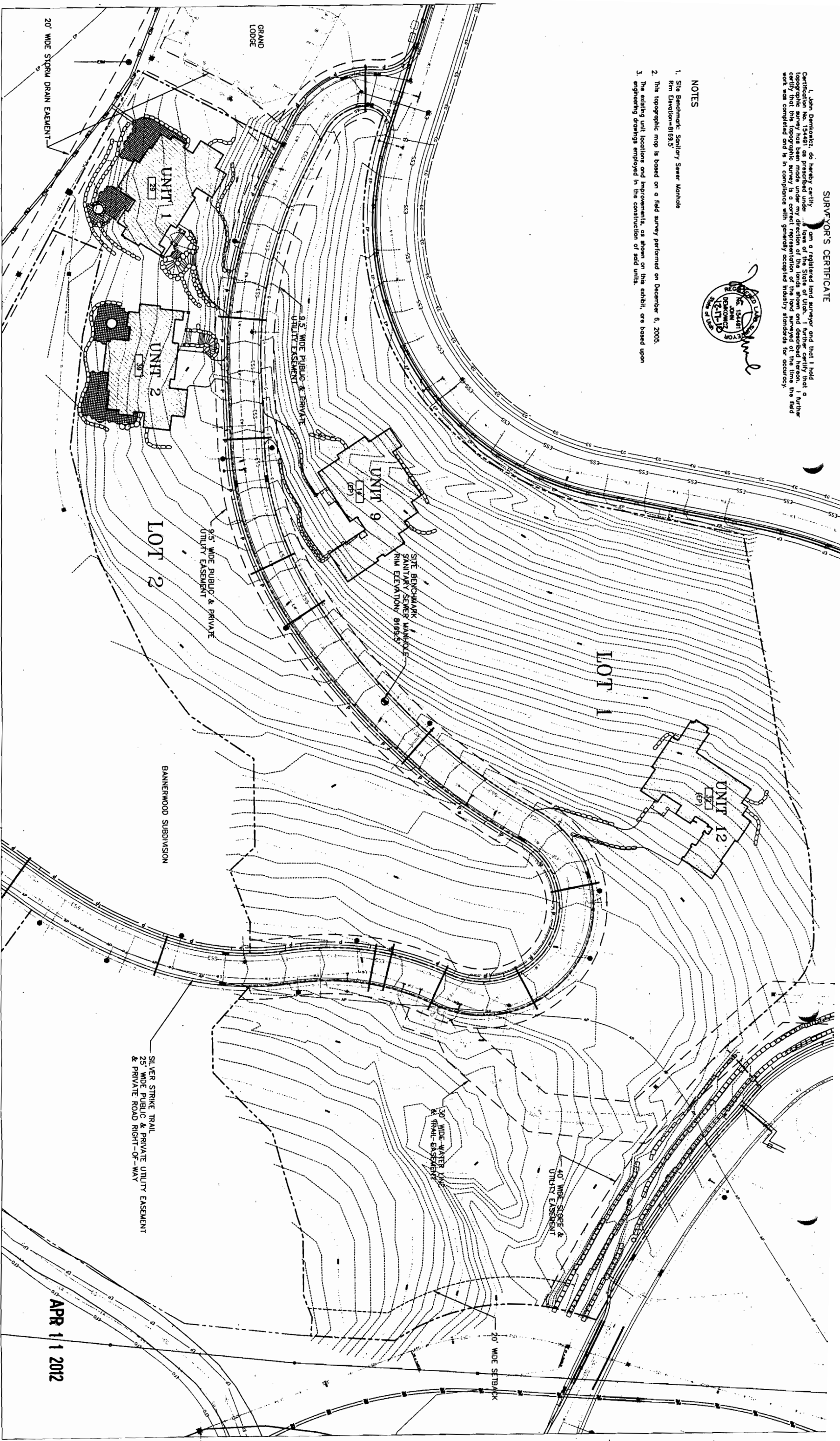
SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold Certificate No. 134491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Sanitary Sewer Manhole Rim Elevation=8169.5'
2. This topographic map is based on a field survey performed on December 6, 2005.
3. The existing unit locations and improvements, as shown on this exhibit, are based upon engineering drawings employed in the construction of said units.



LEGEND

EXISTING SANITARY SEWER	SS
EXISTING STORM DRAIN	SD
EXISTING WATER	W
EXISTING POWER	P
EXISTING TELEPHONE	T
EXISTING GAS	G
EXISTING FIBER OPTICS	FO
ABANDONED WATER	AW
ABANDONED POWER	AP



(435) 548-9447

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
223 West Street P.O. Box 2881 Salt Lake City, Utah 84102-2881

DATE: 12/15/10

STAFF:
J. DEMKOWICZ
M. KING
S. SCHUELER

FOR: Wenhig LLP
JOB NO.: 06-06-01
FILE: X:\Emp\dev\sherrill\sub\belles\existing topo 11-3-10.dwg

EXISTING CONDITIONS TOPOGRAPHIC SURVEY

THE BELLES AT EMPIRE PASS

SHEET
1
OF
1



50' 0 50' 100'

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 West Street, P.O. Box 2000, New City, NY 10956-2000	STAFF: J. DEMKOWICZ S. SCHUBERT	THE BELLES AT EMPIRE PASS POB: Wichita, LLP JOB NO.s 6-8-10 FILES: X:\wmpb\day\ssd\pdr\belles\ortho\ortho.dwg	RECEIVED APR 11 2012	SHEET 1 OF 1
	DATE: 4/11/12			



City Council Staff Report

Subject:
Authors: Nate Rockwood
Department: Budget, Debt, & Grants
Date: June 28, 2012
Type of Item: Legislative

Summary Recommendations:

Pass a resolution approving an additional .5% Resort Communities Sales and Use Tax with the intention of seeking voter approval during the November 2012 General Election.

Topic/Description:

Resort Communities Sales and Use Tax Resolution

Background:

On May 17th and 24th staff presented City Council with the Capital Improvement Plan (CIP) as part of the City Manager's Recommended Budget. The proposed plan did not include funding for several large projects including the remaining OTIS projects, Historic District/MainStreet projects, storm drain improvements and additional open space acquisitions. At that time City Council expressed interest in pursuing an additional .5% Resort Communities Sales Tax. On May 24th, June 7th and June 14th Council directed staff to prepare additional project and revenue modeling showing the potential programming of Resort Communities Sales Tax funds.

On May 24th staff outlined the process and timeline involved in adjusting the Resort Communities Sales Tax. Because the Resort Communities Sales Tax requires voter approval and a waiting period, the earliest that the tax could be applied would be April 2013 which would only allow for three months of collections in FY 2013 and would be after the large collection months in the winter. Therefore the Resort Communities Sales Tax revenue and potential project plan was not included in the FY2013 Adopted Budget but was included in the FY 2014 Budget Plan and 5 year Capital Improvement Plan. It should be noted that because the funding scenario begins in FY 2014, City Council will have the FY 2014 budget process to make adjustment and modifications before any project funding is implemented.

Staff recommended that all revenue generated with the additional .5% Resort Communities Sales Tax be received directly in to the Capital Improvement Fund (Fund 31) to be used for but not limited to the following capital projects, Historic Park City/ Main Street & Downtown Projects, OTIS, Storm Drain Improvements, Open Space Acquisitions and other capital improvement projects as determined appropriate by City Council. It is staff's recommendation that this will allow all funds to be programed towards capital improvement projects and will allow City Council the flexibility to determine, on a yearly basis, the most appropriate use of the additional funds.

Analysis:**Resort Communities Tax**

Some resort cities and towns are eligible to charge an additional general sales tax known as the Resort Communities Tax. This tax was first approved by the Legislature in 1988. It provided for an optional 1% tax in any city or town with a transient room capacity equal to or greater than its census population. In 1997, the eligibility requirements were adjusted, and the available tax was increased. Currently, any city or town with a transient room capacity that is equal to or greater than 66% of its census population may charge an additional 1.6% Resort Communities Sales Tax. Currently the City's Resort Communities Sales Tax is 1.1% increasing it to 1.6% is the full amount allowed under state code. Of the 15 resort communities which levy a Resort Communities Sales Tax, six are at or near the 1.6% amount.

The rationale behind the tax is to allow those cities and towns with higher than normal tourist populations to recoup some of the expense of providing basic municipal services to out-of-state visitors. Sales on items such as automobiles, watercraft and manufactured homes are exempt under the assumption that most purchases of this type are made by citizens of the municipality. Like the Local Option Sales Tax, the Resort Communities Sales Tax is not charged on the sale of unprepared food or food ingredients.

The citizens must approve the tax, using the normal voting process during a municipal or general election. The following details the timeline required for initiating the Additional Resort Communities Sales Tax as specified in Utah Code 59-12-204:

1. (June) City Council must first pass a resolution approving the tax
2. (November) The Municipality must then hold an "additional resort communities sales tax election" during:
 - (i) a regular general election; or
 - (ii) a municipal general election; and publish notice of the election:
 - (i) 15 days or more before the day on which the election is held; and
 - (ii) in a newspaper of general circulation in the municipality
3. (November) With voter approval Council shall pass an ordinance approving an additional resort communities sales tax and provide an effective date for the tax
4. (January 1st) The City must notify the Utah State Tax Commission of the ordinance approving the tax
5. The Tax Commission must then allow a 90 day contest period before enacting the tax on the next available tax quarter.
6. (April 1st) Tax levy is applied to all qualifying sales

The first step in enacting the Additional Resort Communities Sales Tax at .5% is for City Council to pass a resolution approving the tax (Attachment A). State code specifies that

the resolution by City Council approve the tax to be placed as a voter question on the General Election ballot. If the ballot question is approved by the voter, state code specifies that City Council would then pass an ordinance approving the tax.

Staff recommends that Council pass the resolution approving the sales tax and continues the process which includes placing the initiative on the November ballot. Even though a date is not stipulated in state code, staff feels that passing the Additional Resort Communities Sales Tax Resolution on this date would be beneficial since it coincides with the adoption of the budget in the same month and will allow Council and staff time to educate the community about the pros and cons of the tax.

Department Review:

This report has been reviewed by the Budget, Legal, and City Manager departments.

Alternatives:

A. Approve:

Pass a resolution approving an additional .5% Resort Communities Sales Tax with the intention of seeking voter approval during the November 2012 General Election.

B. Deny:

Passing a resolution adopting the tax is the first step in increasing the Resort Communities Sales Tax. Without a resolution the Resort Communities Sales Tax Initiative cannot be placed on the November ballot.

C. Modify:

Council may modify the language of the resolution.

D. Continue the Item:

Staff recommends that Council pass the resolution approving the sales tax and continues the process which includes placing the initiative on the November ballot. Even though a date is not stipulated in state code, staff feels that passing the resort sales tax resolution on this date would be beneficial since it coincides with the adoption of the budget in the same month and will allow Council and staff time to educate the community about the pros and cons of the tax.

E. Do Nothing

This would have the same effect as alternative B.

Significant Impacts:

Passing a resolution adopting the tax is the first step in increasing the Resort Communities Sales Tax. Passing the resolution will allow Council and staff to continue the process of placing an additional .5% Resort Communities Sales Tax Initiative on the November 2012 General Election ballot. If approved by popular vote, it is anticipated that the revenue generated will be used exclusively for capital projects in the Capital Improvement Plan as designated by City Council.

Recommendation:

Pass a resolution approving an additional .5% Resort Communities Sales Tax with the intention of seeking voter approval during the November 2012 General Election.

Attachments:

A – Resolution Adopting a .5% Additional Resort Communities Sales Tax

Resolution No. __-12

A RESOLUTION APPROVING AN ADDITIONAL RESORT COMMUNITIES SALES AND USE TAX IN PARK CITY UTAH AND AUTHORIZING STAFF TO PLACE THE MATTER FOR VOTER APPROVAL DURING THE NOVEMBER 2012 GENERAL ELECTION

WHEREAS, the City Council has the power to establish a sales tax on retail sales where the city has a transient room capacity greater than or equal to 66% pursuant to UCA Section 59-12-402; and

WHEREAS, Park City has a permanent census population of 7,558 and a transient room capacity of 27,178; and

WHEREAS, Park City enacted a resort community sales tax of 1% in 1986 and increased the tax to 1.1% in 2007; and

WHEREAS, the State of Utah enables cities to increase the resort community sales tax by an additional .5% pursuant to UCA Section 59-12-402, provided such increase is voter approved at the next regular or municipal general election; and

WHEREAS, pursuant to a full reprioritization of the 5 Year Capital Plan, the City Council intends to allocate all revenue generated with the additional .5% Resort Communities Sales Tax directly in to the Capital Improvement Fund (Fund 31) to be used for but not limited to the following capital projects: Historic Park City/ Main Street & Downtown Projects, OTIS, Storm Drain Improvements, Open Space Acquisitions and other capital improvement projects as determined appropriate by City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Park City, Utah that:

SECTION 1. APPROVAL. In addition to any other tax authorized by the laws of the State of Utah and/or of this municipality, the City Council hereby approves an additional .5% resort communities sales and use tax on the transactions described in UCA Subsection 59-12-103(1) located within the municipality, as authorized by UCA Subsection 59-12-402(1) and as limited in UCA Subsection 59-12-402(2), for a total resort sales tax of one and sixth tenths percent (1.6%).

SECTION 2. AUTHORITY TO PLACE VOTER QUESTION ON THE BALLOT. City staff is hereby authorized to take all necessary steps to place the matter on the 2012 General Election ballot and publish voter information including pros and cons of the question.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective immediately.

PASSED AND ADOPTED this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



City Council Staff Report

Subject: Emergency Fire Restrictions
Authors: Wade Carpenter, Fire Marshal/Chief of Police
Kurt Simister, Deputy Fire Marshal
Chad Root, Fire Code Official
Department: Public Safety
Date: June 25, 2012
Type of Item: Legislative

Summary Recommendation: Hold a public hearing and adopt the proposed Fireworks Ordinance Regulating the Use of Fireworks within Park City during the 2012 Fire Season.

Topic: Fireworks Ordinance

Background:

The use of consumer fireworks has been an ongoing problem over the years and has caused fires in Park City. In Utah, the greatest fire risks generally start in southern Utah and move north. Most fires are started by either lightning, fireworks or discharge of weapons. Due to the high level of light fuels (grasses and other light vegetation) in the Park City area and from all current forecasts we are at a high risk now. Park City and the Fire District desire to adopt legislation aimed at protecting Park City from the potential hazard of wildfires ignited by the use of fireworks.

Due to the high fire risk to Park City, threat to public safety and risk of property loss, I am of the opinion that we should ban fireworks during the proposed period.

Fireworks could be used during professional displays with fire protection, such as the Chamber's 4th of July celebration.

The last time a similar ban was adopted was for the 2007 fire season.

Consistent with Council direction, staff has coordinated with the Park City Fire District and Summit County in order to create a uniform fireworks regulatory scheme.

Cost Recovery

As it is the position of the City and the Utah League of Cities and Towns that counties are responsible for the costs of wildland fires, the City wishes to extend the County's cost recovery authority to within the City limits. Therefore, the City should adopt Summit County Code 5-4-10 within the City limits.

Department Review:

Building Department, Engineering/Planning/Building Team, City Attorney and City Manager.

Alternatives:

- Approve the Request:

City Council should adopt the attached Fireworks Ordinance which will prohibit the use of fireworks within Park City during the 2012 fire season. **This is the recommended option.**

- Deny the Request:

Council could choose to deny the request. Arguably, residents would still be subject to restrictions as adopted by the Park City Fire District.

- Continue the Item:

Council could choose to continue the item and direct the staff to return with more information.

- Do Nothing:

This would be the same as denying the request.

Significant Impacts/Consequences of not taking the recommended action:

Not adopting the ordinance would leave the City in a vulnerable position because of the high threat of fires resulting from the use of fireworks.

Recommendation:

Council should adopt the Fireworks Ordinance Regulating the Use of Fireworks within Park City during the 2012 Fire Season.

Attachment: Fireworks Ordinance

Ordinance No. 12-__

**AN ORDINANCE PROHIBITING OPEN FIRES AND THE USE OF FIREWORKS WITHIN
PARK CITY DURING THE 2012 FIRE SEASON AND ADOPTING THE SUMMIT COUNTY
PROCESS FOR RECOVERY OF COSTS FOR RESPONDING TO EMERGENCIES CAUSED
BY AN AGGRAVATED FIRE EMERGENCY**

WHEREAS, the City Council of Park City Municipal Corporation, Utah, (herein "City"), in conjunction with the Park City Fire Marshal and the Park City Fire District, has a desire to reduce the threat of wild fires within the City limits; and

WHEREAS, based on the forecasted drought, the fire risk for the year 2012 is expected to be high from June 28th through October 1, 2012; and

WHEREAS, weather and natural resource conditions have combined with high temperatures to produce a very high level of light fuels (grasses and other light vegetation) in the Park City area; and

WHEREAS, there have been several fires in Summit County already this season and limited resources are available to respond to new fires due to existing capacity and statewide demands; and

WHEREAS, Park City and Summit County have the greatest amount of wildland/urban interface in the state of Utah; and

WHEREAS, the City and the Fire District desire to reduce the risk of wild fires which may cause extensive damage within the City; and

WHEREAS, the use of explosive and other fireworks within the City substantially increase the risk of fires and under current conditions is a direct threat to the community at large; and

WHEREAS, the State of Utah has created the Utah Fireworks Act as found in U.C.A. Section 53-7-220 et seq. which allows discharge of Class C common state approved explosives from June 26th thru July 26th.

WHEREAS, pursuant to the authority of the Fire Marshall and U.C.A. Sections 10-8-56 and 84, it is the intent of the City Council to adopt a valid, time, place and manner regulations on the use of fireworks that do not conflict with U.C.A. Sections 53-7-220 through 53-7-225; and

WHEREAS, this ordinance based on specific environmental factors identified by the Park City Fire Marshal as being ripe for wildfire and is effective for only one "fire season" and is not a general or permanent regulation in conflict with U.C.A. Sections 53-7-220 through 53-7-225.

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

SECTION 1. FIRE SEASON. The City hereby finds and determines that the fire season for the year 2012 shall be from June 28, 2012 through October 1, 2012.

SECTION 2. FIREWORKS. The use of any and all class "C" fireworks shall be prohibited during the entirety of the 2012 high risk fire season. Class "C" fireworks as defined by UTAH CODE ANN. ("U.C.A.") § 53-7-202(4)-(6) include:

- a) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
- b) a bottle rocket, skyrocket or any device other than a model rocket that uses combustible or explosive material;
- c) a roman candle or other device that discharges balls of fire;
- d) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or similar devices; and
- e) a chaser, whistler, or similar device.

Such prohibition shall not apply to displays expressly permitted by a special event license with a state licensed operator pursuant to U.C.A. § 53-7-223.

SECTION 3. OPEN FIRES. All open fires are prohibited during the 2012 high risk fire season. "Open fire" does not include use of LPG gas/and charcoal briquettes in approved fire pits.

SECTION 4. VIOLATIONS. Violations of this Ordinance shall be deemed a Class B misdemeanor and shall be punishable by a fine not to exceed \$1,000 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months.

SECTION 5. AGGRAVATED FIRE EMERGENCY. The City Council hereby adopts and extends the Summit County Code 5-4-10 to within the City limits. Additionally, an Aggravated Fire Emergency shall include a fire caused or contributed to by the failure to comply with state law, this Ordinance or an order from any City agency, department or official, or from the Park City Fire District.

SECTION 6. EFFECTIVE DATE; SEVERENCE CLAUSE. Due to immediate fire danger and the City Council's finding of necessity due to the immediate preservation of the peace, health and safety of the City, this Ordinance shall become effective immediately upon its approval and passage. If any provision of this ordinance or the application of any provision of this ordinance is found invalid the remainder of this ordinance shall be given effect without the invalid provision or application.

Dated this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

DRAFT

5-4-10: RECOVERY OF COSTS FOR RESPONDING TO EMERGENCIES:

Recovery for recovering costs incurred by the county for assistance rendered by the county in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated emergency medical responses.

A. Definitions:

AGGRAVATED FIRE EMERGENCY: A fire proximately caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, and the fire:

1. Is caused or contributed to by the failure to comply with an order from any county agency, department or official, or
2. Occurs as a direct result of a deliberate act in violation of the ordinances or regulations of the county, or
3. Is caused by arson, or
4. Is an alarm that results in a county fire unit being dispatched, and the person transmitting, or causing the transmission of, the alarm knows at the time of said transmission that no fire or fire related emergency exists.

AGGRAVATED MEDICAL EMERGENCY: An alarm that results in a county fire unit or a county emergency medical unit being dispatched, and the person transmitting, or causing the transmission of, the alarm knows at the time of said transmission that there are no reasonable grounds for believing that a medical emergency exists.

EXPENSES: The actual costs of government and volunteer personnel including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal and the costs of any contract labor and materials.

HAZARDOUS MATERIALS EMERGENCY: A sudden or unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

- B. Procedure For Recovery Costs: The county is hereby empowered to recover expenses incurred by virtue of the county's response to a hazardous materials emergency,

aggravated fire emergency or an aggravated medical emergency from any person, corporation, partnership or other individual or entity who caused such an emergency, pursuant to the following procedure:

1. The county LEPC shall notify the responsible party by mail of the LEPC's determination of responsibility and the expenses to be recovered.
 2. The notice shall specify that the determined responsible party may appeal the LEPC's decision before a hearing officer designated by the county manager and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.
 3. In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal, at which hearing the appealing party and the county shall be entitled to present evidence in support of their respective positions.
 4. After the hearing, the hearing officer shall make a recommendation to the county manager who shall issue a decision determining responsibility and assessing expenses. The county manager may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The county manager may, in his sole discretion, hear additional evidence prior to issuing his decision.
 5. Any money recovered to reimburse expenses incurred by the county in responding to hazardous materials emergency, aggravated fire emergency or an aggravated medical emergency shall be paid to the LEPC. The LEPC shall determine which entity or individual is entitled to receive the money.
- C. Liability: The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages or a criminal fine.
- D. Civil Suit To Collect Expenses: In the event the parties determined to be responsible for the repayment of expenses incurred due to the county's response to such an emergency fail to make payment to the county within thirty (30) days after a final administrative determination of any appeal to the county or thirty (30) days from the deadline for appeal in the event no appeal is filed, the county may initiate legal action to recover from the determined responsible parties the expenses determined to be owing, including the county's reasonable attorney fees. (Ord. 710, 12-17-2008, eff. 1-1-2009)

ORDINANCE NO. 773

AN ORDINANCE PROHIBITING THE USE OF FIREWORKS AND OPEN FIRES WITHIN SUMMIT COUNTY DURING THE FIRE SEASON 2012

WITNESSETH

WHEREAS, the governing body of Summit County, Utah, in conjunction with the Park City Fire District, the South Summit Fire District and the North Summit Fire District, have a desire to reduce the threat of wild fires within the County; and

WHEREAS, based upon the forecasted drought, and the history of wild fires thus far in Utah, the fire risk for the year 2012 is expected to be high from June 25, 2012 through October 1, 2012; and

WHEREAS, Summit County and each of the fire districts desire to reduce the risk of wild fires which may cause extensive damage within the county; and

WHEREAS, the use of explosive and other fireworks, as well as open fires within the county substantially increase the risk of wildfires; and

WHEREAS, the State of Utah has created the Utah Fireworks Act as found in UTAH CODE ANN. § 53-7-220 - 225 which prohibits the sale and use of fireworks except on specific days; and

WHEREAS, Summit County has determined that the increased fire risk and risk to the health, safety and welfare of its citizens and their property warrant the need to restrict the use of fireworks and open fires completely during the high risk period;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH, AS FOLLOWS:

Section 1. Summit County hereby finds and determines that the high risk fire season for the year 2012 shall be from June 25, 2012 through October 1, 2012.

Section 2. The use of any and all class "C" fireworks, shall be prohibited during the entirety of the 2012 high risk fire season. Class "C" fireworks as defined by UTAH CODE ANN. § 53-7-202(4)-(6) include:

- a) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
- b) a bottle rocket, skyrocket or any device other than a model rocket that uses combustible or explosive material;
- c) a roman candle or other device that discharges balls of fire;
- d) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or similar devices; and
- e) a chaser, whistler, or similar device.

Section 3. All open fires are prohibited during the 2012 high risk fire season.

Section 4. Violations of this Ordinance shall be deemed a class B misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months.

Section 5. All resolutions, ordinances, orders, and regulations or parts thereof heretofore adopted or passed which are in conflict with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the county and the county's inhabitants this Ordinance shall become effective immediately upon its approval and passage and posting at the courthouse door.

APPROVED, ADOPTED AND PASSED this ____ day of June, 2012.

COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By: _____
Chair

ATTEST:

Kent Jones
County Clerk

Approved as to Form
David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Elliott	_____
Councilmember Robinson	_____
Councilmember Ure	_____
Councilmember Hanrahan	_____
Councilmember McMullin	_____