PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 12, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 12, 2008.

Closed Session
3:00 p.m. Property and personnel

Work Session

4:00 p.m.	Council questions/comments	
4:10 p.m.	Public Areas Administrative Policy and naming of Dog Park	P. 8 - 12
4:30 p.m.	Planning Commission stipend	P. 13 - 15
5:00 p.m.	Outstanding budget issues	P. 16 - 31
5:45 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MAY 29, 2008
P. 32 - 44

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

1. Consideration of a Resolution proclaiming the week of June 15 – June 22, 2008 as IMBA World Mountain Biking Summit Week in Park City, Utah P. 45 - 46

2. Consideration of Main Street dining leases extending the period from May 15 to May 1 each year and from one year terms to a term of five years, in forms approved by the City Attorney: P. 47 - 57

- 317 Main Street- Eating Establishment
- 525 Main Street- Main Street Deli
- 227 Main Street- Uptown Fare
- 412 Main Street- Bistro 412
- 402 Main Steer- Java Cow Café & Bakery
- 530 Main Street- Main Street Pizza & Noodle

3. Consideration of a Resolution adopting a final revised budget for fiscal year 2008 and the budget for fiscal year 2009 for Park City Municipal Corporation and its related agencies P. 16 - 31

(a) Public hearing
(b) Motion to continue to June 19, 2008

4. Consideration of an Ordinance approving The Habitat Replat Amendment located at 154 Marsac Avenue, Park City, Utah P. 58 - 70

(a) Public hearing
(b) Action

5. Consideration of an Ordinance approving the Fourth Amendment to Trail's End at Deer Valley Record of Survey, located at 2100 Deer Valley Drive South, Park City, Utah

(a) Public hearing P. 71 - 79
(b) Action

6. Consideration of an Ordinance approving the Second Amended Double Jack Condominium Record of Survey located at 1313 Woodside Avenue, Park Avenue, Utah

(a) Public hearing P. 80 - 86
(b) Action

7. Consideration of an Ordinance approving the 369 Daly Avenue Subdivision creating two lots of record at 361 and 369 Daly Avenue, Park City, Utah P. 87 - 95

(a) Public hearing
(b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 06/09/08
See www.parkcity.org

PARK CITY REDEVELOPMENT AGENCY **TENTATIVE**
MUNICIPAL BUILDING AUTHORITY
AND CITY COUNCIL MEETINGS
SUMMIT COUNTY, UTAH
JUNE 19, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the Redevelopment Agency, Municipal Building Authority, and City Council of Park City, Utah will hold their regularly scheduled meetings at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 19, 2008.

Closed Session

Property

Work Session

3:00 p.m. Council questions/comments
3:15 p.m. Year in review – Park City Ice Arena
3:45 p.m. Park City Salt Lake City bus service
4:15 p.m. Police Board interviews
5:45 p.m. Break

Regular Meeting of the REDEVELOPMENT AGENCY

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT ***(Any matter of RDA business not scheduled on agenda)***

III MINUTES OF MEETING OF JUNE 5, 2008

IV NEW BUSINESS

1. Consideration of First Addendum to the sublease agreement with Park City Community Wireless and a purchase agreement in a form approved by the City Attorney
(a) Public hearing
(b) Action

2. Consideration of a Resolution adopting the Fiscal Year 2007 Revised Budget and the Fiscal Year 2008 Budget for the Park City Redevelopment Agency
(a) Public hearing
(b) Action

V ADJOURNMENT

Regular Meeting of the MUNICIPAL BUILDING AUTHORITY

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JANUARY 10, 2008 *(Any matter of MBA business not scheduled on agenda)*

IV NEW BUSINESS

Resolution adopting the Park City Municipal Building Authority revised Budget for Fiscal Year 2008 and the Budget for Fiscal Year 2009

V ADJOURNMENT

Regular Meeting of the CITY COUNCIL

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JUNE 5, 2008

V RESIGNATIONS AND APPOINTMENTS

Appointment of one member to the Planning Commission for a term expiring July 2012

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

1. Consideration of MFL – Triple Crown fast pitch softball opening ceremonies street closure and parade – July 7, 14, and 21, 2008
(a) Public hearing
(b) Action

2. Consideration of a Resolution – supplemental indenture for CIB bond
(a) Public hearing
(b) Action

3. Consideration of a three-year professional services agreement with Utah Outdoor Advertising Inc for sales and placement services for the interior advertising space on the Park City Transit Fleet

4. Consideration of the purchase of a bus – DD

5. Consideration of a soil removal contract – DG

6. Consideration of adoption of the revised Personnel and Policies Manual for Park City Municipal Corporation

7. Consideration of an Ordinance - 1375 Deer Valley Drive South, Pinnacle at Deer Valley – Third Amended Record of Survey
(a) Public hearing
(b) Action

8. Consideration of an Ordinance – 430 Main Street plat amendment – KW
(a) Public hearing
(b) Action

9. Consideration of a Resolution adopting a final revised budget for fiscal year 2008 and the budget for fiscal year 2009 for Park City Municipal Corporation and its related agencies
(a) Public hearing
(b) Action

10. Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR 248 and US40 Interchange in the Quinns Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and amending the Official Zoning Map of Park City to zone the property in the Community Transition Zoning District (CT)
(a) Public hearing
(b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 06/16/08
See www.parkcity.org

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

June 2008

13 *Management Team meeting*
Council/Planning Commission social – Wasatch Brewpub 5 p.m.
25 *Community open house – Police Building – 2:30 p.m. – 6:30 p.m.*
26 Joint work session with Planning Commission on Historic District Guidelines
Ordinance approving the Knoll Estates (aka Deer Valley Club Estates) Lots 17 and 18 Amended Subdivision Plat, located at 7888 Aster Lane, Park City, Utah
Ordinance approving a plat amendment for 154 McHenry Avenue, Park City, Utah
University of Utah lease
Ordinance – 1110 Empire Avenue plat amendment – FA
Ordinance – 601 A & B, 605 A & B Deer Valley Drive condo conversion – FA
Ordinance – 205 & 221 Main Street record of survey – JD
Construction agreement for the Boothill transmission line – KL

July 2008

3 **No meeting**
10 **Jim gone**
408 & 412 Deer Valley Drive Loop Road plat amendment – FA
Appointment to police board
Amendment to Water Code
17 **Tom gone**
24 **No meeting – Pioneer Day**
31

August 2008

7
14-15 Management Team meeting
14 **No meeting**
21
28

September 2008

1 Labor Day
3-7 City Tour
4 **No meeting**
11
18
25

Pending Items:

Update on “The Yard” operation on Kearns Blvd – 2008 Film Festival
Amendment to the Water Agreement between the City and Talisker Corp.

Affordable housing resolution
Update on water supply and demand
Consideration of an amendment to the Burbs LLC Annexation Agreement/Affordable Housing
Resolution - Trails Master Plan
Carrying capacity/market analysis survey
Wild land interface issues

City Council
Staff Report

Subject:	**Park City Naming of Public Areas Administrative Policy and Naming of Dog Park**
Author:	**Ken Fisher, Sharon Bauman**
Department:	**Recreation and Executive**
Date:	**June 12, 2008**
Type of Item:	**Administrative**

Summary Recommendations:
Affirm the Park City Naming of Public Areas Administrative Naming Policy and allow the dog park user group to make a recommendation to City Council on the naming of the new dog park.

Topic/Description: Park City Naming of Public Areas Administrative Policy and naming of the dog park.

Background:
Park City Naming of Public Areas Administrative Policy
In August, 2005, following a request from the Public Art Advisory Board to dedicate the Sound Garden as the Brian Hess Memorial Sound Garden, Staff developed a draft naming policy which Council reviewed but did not affirm. Staff has reviewed that naming policy, which was presented to City Council in 2005, and has incorporated suggestions based on Council input at that time.

Naming the Dog Park
The citizens group that has been working on the dog park is interested in holding a “naming contest” to allow citizens to vote on names for the new dog park. This brought up the Naming Policy and the need for Council direction with regard to the policy.

Analysis:
City Naming Policy
Per the Naming Policy, City Council would make the final determination on a name by passing or rejecting a resolution. Recommendations from concerned citizens and special interest groups may be considered.

Naming the Dog Park
The dog park citizens group would like to engage the community on the naming of the new dog park at the Park City Sports Complex. They plan to do this by having people vote online for a name. The three choices that the group has suggested are “City Bark”, “Happy Tails: and “Waggin’ Tails”. The official name would be the (Insert name) Dog Park at the Park City Sports Complex.

Department Review:
Executive, Recreation, Sustainability and Legal Departments have reviewed the staff report and Park City Naming of Public Areas Administrative Policy.

Alternatives:

A. Approve:
Affirm the Park City Naming of Public Areas Administrative Policy and allow the dog park user group to make a recommendation to City Council on the naming of the new dog park.

B. Deny:
Deny the Park City Naming of Public Areas Administrative Policy and don't provide direction to Staff regarding the naming process for the new dog park.

C. Modify:
Modify the Park City Naming of Public Areas Administrative Policy and modify direction to Staff regarding the naming process for the new dog park.

D. Continue the Item:
Ask for the Park City Naming of Public Areas Administrative Policy and the naming process for the new dog park to come back to Council at a later date.

E. Do Nothing:
This would result in a lack of clarity about naming public areas..

Significant Impacts:
By approving the Park City Naming of Public Areas Administrative Policy Staff will have a clearer understanding of what steps need to be taken when naming city property; and, it will provide direction on the naming of the new dog park.

Consequences of not taking the recommended action:
There would be no policy for naming Public Areas. The dog park will likely be nameless and will feel like a stray, unwanted dog. In all seriousness, the name would likely become, by default, the "Park City Dog Park".

Recommendation:
Affirm the Park City Naming of Public Areas Administrative Policy and allow the dog park user group to make a recommendation to City Council on the naming of the new dog park.

Attachments:
Exhibit 1 - Park City Naming of Public Areas Administrative Naming Policy, January 31, 2008
Exhibit 2 - Work Session Notes, August 4, 2005 discussion on naming city property.

Exhibit 1

PARK CITY
NAMING OF PUBLIC AREAS
ADMINISTRATIVE POLICY
June 12, 2008

I. Purpose

The purpose of this policy is to establish a uniform procedure for the naming of public areas throughout Park City by selecting appropriate names that would add increased community recognition to the public area. Not all public areas must be named; however, this policy provides a mechanism to request naming of a public area. Recommendations from concerned citizens and special interest groups may be considered. If no citizen recommendations are made or consensus obtained, then City Staff may initiate naming recommendations.

II. Authorization

The City Council shall have the authority for naming public areas by passing or rejecting a resolution at the City Council meeting.

III. Definition

Public areas means publicly owned and/or operated facilities, city projects, significant public landmarks, parks, playgrounds, natural areas, streets, stairs, trails, and public spaces.

IV. Objectives

- Provide name identification
- Insure consistency for naming public areas
- Facilitate and encourage significant financial and civic contributions to the City
- Provide community recognition

V. Qualifying Name

- The geographic location of the public area
- An outstanding feature of the public area
- An adjoining subdivision
- A commonly recognized historical event, group, or individual
- Individual who has provided exceptional community service, typically in excess of ten years
- The articulated preference of residents of the neighborhood surrounding the public area and/or user groups of the public area
- Public areas may be named for living persons provided either (1) they have made a significant contribution of land or money and the donor stipulates naming of the facility as a condition of the donations or (2) when the individual has made an unusually outstanding public service contribution
- Recommendations from concerned citizens and special interest groups may be considered.

VI. Naming Public Areas

The following guidelines will be used when naming public areas:

1. A permanent name should be assigned as soon as possible.
2. Duplication of other public area names in the City should be avoided.
3 Recommendations from concerned citizens and special interest groups may be considered.

4.. Prominent geographic features or local reference points (i.e., hill, stream, notable tree, street, community or neighborhood) should be considered when possible for a potential name.

5. Consideration for naming a public area in honor of a person should only be given if one of the following criteria has been met:
   a. For an individual (excluding nationally significant individuals) to be considered, that person must have contributed significantly to the acquisition or development of the public area, or to the City overall. The suggested name must be accompanied by a biographical sketch, which shall provide evidence of contributions
   b. Major contribution must have been made to the City.
   c. Substantial donation made to the City for public park, trail on City land, City project or facility wherein the donor stipulates a name as being consideration of the donation for a specific period of time.
   d. Outstanding community leader who has made significant civic contributions to the City and has given highly productive support to the City. Typically, such service should be in excess of ten years, unless unique circumstances justify extra-ordinary recognition.
   e. Outstanding individuals who have demonstrated excellence or exceptional service to the citizens of the City. Typically such service should be in excess of ten years unless unique circumstances justify extra-ordinary recognition.

VII. Renaming

1. An existing name of a public area particularly one of local or national importance or outstanding feature, should not be changed unless there are extraordinary circumstances of local or national interest.
2. The renaming of public areas is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name or discount the value of the prior contributors.
3. Only those public areas named for location or subdivision should be considered for renaming. Property named by deed restriction shall not be considered for renaming, unless the City obtains the consent of the Grantor.
4. Public areas named after individuals should not be changed unless it is found that the individual's personal character is or was such that the continued use of the name for a park or facility would not be in the best interest of the community.
5. In order for a public area to be considered for renaming the following should occur:
   a. the recommended name must qualify according to Section V of this policy, and
   b. be accompanied by a petition from the particular public area users.

VIII. Other Naming Alternatives

1. Public areas that are donated to the City may be named by deed restriction by the donor. The naming and acceptance of land is subject to the guidelines set forth in Section VI and approval by the City Council.
2. A facility within a public area, i.e., playground, picnic shelter, meeting room, etc., may be named separately from the public area subject to Section V of this policy.

Exhibit 2
August 4, 2005 City Council Work Session Notes

4. Policy on naming city property. Alison Butz explained that Council directed staff on July 7 to formulate a naming policy draft and referred to her staff report. The City has not been consistent over the years and in addition to facilities, there are dedicated memorial benches and trees in town which were donated to the City. She investigated other polices from communities which are incorporated in the document. The objective is to provide name identification and ensuring control of naming a facility. Developers name private streets and the City names trails and she asked for direction on the level of involvement of the City Council on naming City property. She referred to the Boo Radley Forest, which is unofficial, but widely referred to by that name. There are many things named after mountains, other natural features, or history. Permanent names should be assigned as soon as possible and duplications are discouraged. Property named after individuals is addressed in the policy and she asked if the recognition should be based on the number of years of service to the City. Joe Kernan felt that the draft is a good start and Marianne Cone suggested that it also include provision for re-naming property. She recalled the Poison Creek Trail being renamed Coalition Trail which didn't make much sense and Alison Butz advised that the policy addresses renaming, which is not recommended.

Candace Erickson indicated that she has discussed this with Ms. Butz, and feels the policy needs to be more detailed and not so broad. For instance, *"exceptional service in the City's interest"* is an appropriate qualifier but she asked if that would apply to a one year resident or a citizen making contributions intermittently over many years. She indicated that she has no problem with the dedication of the Jim Santy Auditorium, which was very appropriate. Ms. Erickson added that not everything needs to be named, or named after people and was surprised and unaware that trails were being named after residents. Jim Hier believes that City projects and facilities should be named by the City Council but not necessarily everything and perhaps the policy should define those properties. He further recommended that action be taken by resolution. Candy Erickson expressed concerns about the nomination process and Ms. Butz explained that an option is to put forth the idea to the public a month in advance before a formal naming, and invite input. She advised that she will return to Council in September with a revised draft.

PARK CITY 1884

City Council Staff Report

PLANNING DEPARTMENT

Author: Gary Hill
Subject: Planning Commission Compensation
Date: June 12, 2008
Type of Item: Administrative

Summary Recommendations:

Review staff's analysis of Planning Commissioner compensation, consider possible alternatives and provide staff with direction.

Background:

Earlier this year City Council directed staff to revisit how the Planning Commission is compensated. The last review took place in 2005, at which time Council directed staff to follow a benchmarking analysis similar to that performed for other city positions (Council and staff). At that time Council decided to provide the following total compensation (pay and benefits) to the Commission:

- $100 per meeting (same as previously provided). There are typically two meetings per month. The Planning Commission does not currently receive compensation for joint meetings with the City Council, however. Staff recommends that the Commission receive the same stipend for these meetings.
- City-provided American Planning Association (APA) membership (approx. value: $75 - previously provided)
- Access to city-shared ski passes (not previously provided)
- Racquet Club passes (not previously provided) as long as the value does not exceed $50. Planning Commissioners are required to pay the taxes on the value.

Analysis:

Staff has surveyed a number of communities similar to the analysis completed in 2005 (see table on next page). Staff's analysis shows Park City's Planning Commissioners receive compensation at the high end of that paid to other communities:

City	Stipend	How Often	Recreation Passes Offered	Other Benefits?	Meetings / Month	Hours / Month
Bountiful, UT	$50	per meeting	None	APA dues	2	3 to 4
Breckenridge, CO	$200	per meeting	Don't Know	Conferences, professional magazine subscription	2	8
Draper, UT	$50	per meeting	None	APA dues for chair, meals at every meeting	2	8 to 12
Durango, CO	$0	N/A	None	APA dues, professional magazine subscriptions, annual dinner	1 to 4	3 to 6
Gunnison, CO	$50	per meeting	None	Meals at some meetings	1 to 2	6 to 8
Kaysville, UT	$30	per meeting	None	APA dues	2	4
Layton City, UT	$25	per meeting	None	None	2	5
Park City	**$100**	**per meeting**	**Monthly Racquet Club passes, ski passes**	**APA dues, occasional training costs**	**2**	**6 to 10**
St. George, UT	$100	per month	None	None	2	4 to 8
Town of Frisco, CO	$0	N/A	Annual Nordic Center Passes	None	2	8
Washington Terrace, UT	$0	N/A	None	None	1	3 to 5
West Jordan, UT	$50	per meeting	None	APA dues	2	4 to 6
West Valley, UT	$30	per meeting	None	None	Don't Know	Don't Know

Table 1 – Comparative Planning Commission Stipend and Benefits

In 2005 City Council limited the value of Racquet Club passes for commissioners at $50, which allowed commissioners to receive a 3-month pass. The cost of a 3-month pass to the Racquet Club has been increased since that time, and commissioners are now only eligible for monthly passes which must be renewed each time. Staff recommends that the dollar limit be removed, and that the policy simply state that Planning Commissioners are eligible to receive Racquet Club passes consistent with the employee use policy (he Racquet Club passes would remain taxable to individuals who receive them).

As mentioned above, staff also recommends that the Planning Commission receive compensation ($100) for joint meetings with the City Council.

Should City Council recommend an increase in compensation for the Park City Planning Commission, a budget adjustment would be made to the Planning Department budget prior to adoption on June 19th.

Department Review:

City Manager's Office, Planning and Legal Departments.

Alternatives:

Provide pay for joint meetings with the City Council and amend policy relative to Racquet Club passes.

Recommend an increase in compensation or other benefits:

Increase the stipend for Planning Commissioners.

Continue the Item:

Council could continue the item and direct staff to conduct further research for their consideration at a future date.

Do nothing:

Council could recommend the Planning Commissioners continue to be compensated at their current rate of $100/meeting plus ski pass use, Racquet Club passes, and professional memberships.

Recommendation:

Review and consider alternatives for Park City Planning Commission compensation and provide staff with direction.

City Council
Staff Report

Subject:	**City Manager Recommended Budget**
Author:	**Bret Howser**
Department:	**Budget, Debt, & Grants**
Date:	**June 12, 2008**
Type of Item:	**Informational**

Summary Recommendations:
Hold a public hearing on the Adoption of the Final Budget. Provide direction on outstanding budget issues.

Topic/Description:
FY 2008 Adjusted Budget and FY 2009 Budget

Background:
The City's budget process began in January with the Council Visioning Session. Staff received direction from Council at Visioning Session concerning topics, requests, and discussions to include in the upcoming budget. Department heads then compiled operating budget requests to present to the City Manager. These requests were considered during a series of meetings between functional teams and the City Manager in March. The requests were then approved or denied (or in some cases modified). Capital requests were sent to the CIP Committee in March for prioritization. The CIP Committee forwarded its recommendation to the City Manager. The City Manager made final decisions on operating and capital requests in April.

On April 28th, staff delivered the City Manager's Recommended Budget (Tentative or Proposed Budget) to City Council. Council discussion and public hearings were held on May 1st, 15th, 22nd, 29th, and June 5th. In these meetings, Council and staff discussed long-range financial impacts, departmental operating budget requests, and capital requests, including the Energy Efficiency Remodel, Marsac Seismic Upgrade, Walkability Projects, and the Racquet Club Renovation. Council and staff also discussed the Water Fund (infrastructure projects, fee analysis and proposal), Ice Facility Fee Structure, Pavement Management, and Budget Policies. Further public hearings are currently scheduled for June 12th, and 19th. Discussion/action is slated for these dates as follows, barring changes as needed:

June 12 – Outstanding Budget Issues; Planning Commission Stipend

June 19 – Personnel Policies and Procedures, Planning Commission Stipend, and Presentation & Adoption of Final Budget

Analysis:

During the June 5th budget discussion, Council instructed staff to return with additional information concerning the following topics: 1) Review of CIP Budget and detail on the funding strategies and fund balances, 2) a $45,000 budget request for Carbon Footprint base-level analysis, and 3) changes to the budget between the City Manager's proposed budget and the final budget adoption, including reductions to departmental budgets resulting from approved options.

<u>Review of CIP Funding and Fund Balances</u>

Council requested a summary of capital funding. Attachment A gives this summary. The report divides capital funding into funding for new capital appropriations and carryforward. These categories are subdivided into funding from cash on hand and funding from anticipated revenue sources. The report shows $30 million of newly appropriated funding for FY 2008 from cash on hand and $36 million for FY 2009 ($2 million from cash on hand, and $34 million from anticipated revenues). The report also details the carryforward amounts, which total $55.6 million.

Carryforward has been a point of confusion in the past. Quite simply, carryforward is simply money which has been appropriated in previous years but was unspent and must be re-appropriated. For example, $635,000 was budgeted for Quinn's Ice/Fields Phase III project in FY 2007. $300,000 was from interest earnings and $335,000 was from General Fund surplus. During FY 2007, $333,175 of the General Fund surplus money was spent as well as $24,594 of the interest earnings. The remainder ($1,825 of General Fund surplus and $275,406 of interest earnings) should be re-appropriated to the project as part of the FY 2008 adjusted budget. So carryforward is always cash on hand for projects already approved in the previous year's budget. It is a method for re-appropriating remaining budgets for projects that weren't completed during the prior fiscal year.

Additionally, during the budget process, the capital budget for the current fiscal year is re-evaluated to assure that anticipated revenue sources became realized revenues during the fiscal year. Sometimes, the funding sources for projects must be shifted due to unrealized revenues. By the time the budget process is completed, the capital budget for the current year adjusted budget is funded entirely by cash on hand. Future years' capital budgets, however, are largely funded with anticipated revenues.

<u>Carbon Footprint Baseline Analysis</u>

Park City signed on to the Mayor's Climate Protection Act on May 19, 2005, and adopted that Act as part of the Environmental Action Plan on June 28, 2007 (Attachment B in this staff report, see Environmental Policies). The Mayor's Climate Protection Act (see Attachment C), like the Kyoto Protocol, commits the whole Park City community to reducing our collective carbon footprint to seven percent below 1990 levels by the year 2012.

Before we can make a concerted and coordinated effort to tackle this challenge, we need to understand:

1. Our community's current carbon emissions; and

2. Our community's 1990 carbon emissions.

To do this, city staff will work with an outside consulting firm who has experience conducting Community Carbon Footprint Analysis and can provide the knowledge and expertise necessary.

Staff has informally contacted several firms with expertise in this area and has found this type of project for a community of our size will cost between $40,000 and $50,000. The Sustainability team is recommending an increase to the Professional Services budget in the amount of $45,000.

Staff believes there may be an opportunity for partial reimbursement by interested businesses and community groups, however staff will not know the level of commitment until it explores the concept with these parties later in the summer.

The Sustainability team will not spend any of these monies prior to conducting an RFP and seeking approval from Council.

Additionally, the Environmental Affairs Manager will be coming to Council later this summer to review the Environmental Sustainability Action Plan – and to discuss how the Community Carbon Footprint can act as a framework for measuring the outcomes of all of the City's and the community's environmental initiatives.

Lastly, rest assured that within this framework we will not only be looking at carbon reduction, but also at the benefits of these actions to our community and our local economy.

Alternatives: Instead of approving the entire $45,000 budget, Council could approve a lesser amount which would require community funding contributions to proceed. Council could approve the $45,000 budget request but direct staff to not proceed with the RFP until further review of the Sustainability Action Plan.

<u>Changes between the Proposed and Final Budget</u>
The following list details the changes made to the City Manager's Recommended Budget between the time it was presented in early May and now. These changes have resulted from either 1) a request from Council for adjustment, 2) a request for adjustment from the City Manager and staff, or 3) a technical adjustment necessitated by changing projections, correction of previous errors, etc. Changes in the first two categories have been discussed with Council during the budget hearings. The last category is largely inconsequential from a policy standpoint. Nonetheless, significant technical adjustments are included in the list below.

1) Interfund Transfer changes: A number of technical adjustments were made to the interfund transfers. These include changes to the transfers from operating funds to the Fleet Fund for increased fuel and maintenance costs ($510,000 total - $226,500 from

General Fund, $271,000 from Transit Fund, $7,000 from Water Fund, and $5,500 from Golf Fund).

2) Final General Fund Transfer: $7.075 million is being transferred from the General Fund to capital projects funds. $900,000 of that is actually from the MBA fund, but for accounting purposes must be transferred back to the General Fund before going to capital. The amount that would normally be considered the General Fund surplus, then, is $6,175,000. $1,575,000 of this is going to the Water Fund to pay for the electronic meter reading technology. $700,000 of it goes to the Equipment Replacement Fund for vehicle and computer replacement. $1.7 million was already budgeted in the FY 2008 Original Budget for capital. $2.2 million is newly appropriated to projects included in the FY 2008 Adjusted Budget. These projects have already been discussed and include the Racquet Club Remodel, Energy Efficiency Project, Marsac Seismic Upgrade, Emergency Operations Center, BioCell Remediation, and Neighborhood Parks.

3) The Marsac Seismic Upgrade project was reduced from $7.4 million to $6.8 million in line with the guaranteed maximum price.

4) $7.7 million of anticipated bond revenue was put in the FY 2009 budget for Walkability projects, according to Council's direction to proceed with WALC recommendations.

5) Operating budget changes have already been discussed with Council. These include: $100,000 for contract services for the Planning Department to assist with historic preservation program and general planning; $45,000 for contract services for the Sustainability Department to establish a baseline carbon output; a reclassification for the Water Manager and the proposed Water Project Manager to E10 and E07 respectively; $91,500 for water asset security ($16,000 ongoing, $75,500 one-time); and the retraction of a $25,000 contract services option in the Finance Department.

6) $27,000 of RAP Tax money was added to the Display Screens and Security CIP account for the Ice Facility.

7) Technical changes were made to Funds 21 and 22 (special revenue funds) to account for revenues received. These are not significant amounts.

8) Debt Service adjustments were made to Fund 35 to account for the museum expansion pass-through debt payments.

9) Much of the Water Fund budget was adjusted to be in line with the strategy presented to Council on May 29th. This includes revenue adjustments to account for the rate increase, bond proceed adjustments, and capital expense adjustments. The only operating budget changes are listed in #5 above.

10) A small handful of projects were adjusted to reflect earmarked revenues. These include Pavement Management, the Conservation Reserve Program, Affordable Housing, the 5-Yr CIP, and Asset Management.

11) The Norfolk and Woodside project was adjusted to accurately reflect carryforward.

12) The Shell Space project was adjusted so that all of the funding came from the RDA fund. This was a zero-sum change.

13) The Emergency Management Grant funds were added to the CIP.

14) Revenues were adjusted for FY 2008 to reflect the latest year-end estimates. Aside from the Water Fund (see #9 above) and interest earnings (which weren't previously budgeted) and some non-operating revenues directly tied to capital projects, there were no significant changes. The General Fund sales tax estimate increased a mere $50,000 from the proposed budget.

The question was raised whether there would be an adjustment to the Golf Maintenance budget due the purchase of a new vehicle. While the new vehicle would eradicate the need for mileage reimbursements in the department, there never was an appropriation for mileage reimbursement. The department had been forgoing materials purchases to meet the budget constraints caused by the actual mileage reimbursement expenditures. Being that the current strategy of the golf operation is to move toward an expanded level of service for course maintenance, and the current materials budget will be necessary to continue in this direction, staff finds it imprudent at this time to reduce the department's materials budget.

Lastly, consistent with the vacancy factor administrative policies, departmental budgets will be adjusted as necessary.

Department Review:
Budget, Debt, & Grants, Sustainability, and the City Manager reviewed this report.

Alternatives:

A. Approve:
Staff recommends that Council hold a public hearing regarding the final budget and provide direction on outstanding budget issues.

B. Deny:
State statute requires at least one public hearing before the adoption of a final budget. The City has traditionally held a public hearing accompanying each discussion of the budget. If Council decides to forgo a public hearing at this time, another must be held before adoption of the Final Budget.

C. Modify:

D. Continue the Item:
This has the same effect as Alternative B.

E. Do Nothing:
This also has the same effect as Alternative B.

Significant Impacts:
This public hearing would satisfy the requirements of state statute to hold a public hearing before the adoption of a final budget.

Consequences of not taking the recommended action:
If Council decides to forgo a public hearing at this time, another must be held before adoption of the Final Budget.

Recommendation:
Hold a public hearing on the Adoption of the Final Budget. Provide direction on outstanding budget issues.

Attachments:
A – CIP Funding Summary
B – Environmental Action Plan Resolution
C – Mayor's Climate Protection Act

Attachment A - CIP Funding Summary

	2008	2009	2010	2011	2012
New Capital Appropriations					
Funding from Cash On Hand					
BEGINNING BALANCE*	$3,614,310	$2,025,000	$25,000	$25,000	$25,000
OUTSTANDING WATER REVENUE BONDS	$273,984	-	-	-	-
CLASS "C" ROAD	$412,981	-	-	-	-
COUNTY/SP DISTRICT CONT	$50,000	-	-	-	-
DONATIONS	$19,113	-	-	-	-
FEDERAL GRANTS	$6,664,066	-	-	-	-
FEE IN LIEU HOUSING	$692,880	-	-	-	-
GOLF FEES	$164,000	-	-	-	-
IMPACT FEES	$7,456	-	-	-	-
INTEREST EARNINGS	$576,160	-	-	-	-
LOAN PROCEEDS	$32,000	-	-	-	-
METER REVENUE	$472,483	-	-	-	-
OPEN SPACE IMPACT FEES	$800,000	-	-	-	-
OTHER CONTRIBUTIONS	$1,740,275	-	-	-	-
OTHER MISCELLANEOUS	$1,520,000	-	-	-	-
PROP TAX INCREMENT RDA	$300,000	-	-	-	-
RECR, ARTS&PARK-RAP TAX GRANT	$27,000	-	-	-	-
REGIONAL TRANSIT REVENUE	$163,043	-	-	-	-
SALE OF ASSETS	$2,040,000	-	-	-	-
STATE CONTRIBUTION	$98,072	-	-	-	-
STREETS IMPACT FEES	$31,537	-	-	-	-
TRANS FR GEN FUND	$4,800,000	-	-	-	-
TRANS FR GEN FUND-EQUIP REPLAC	$700,000	-	-	-	-
TRANS FROM DEBT SERVICE FUND	$1,600,000	-	-	-	-
TRANSFER FROM CIP	$725,300	-	-	-	-
TRANSIT SALES TAX	$244,037	-	-	-	-
WATER IMPACT FEES	$1,180,087	-	-	-	-
WATER SERVICE FEES	$1,480,723	-	-	-	-
	$30,429,507	**$2,025,000**	**$25,000**	**$25,000**	**$25,000**
Funding from Anticipated Revenues					
BOND PROCEEDS	-	$14,666,659	-	$7,678,875	-
CLASS "C" ROAD	-	$300,000	$300,000	-	-
COUNTY/SP DISTRICT CONT	-	$50,000	$50,000	$50,000	$50,000
FEDERAL GRANTS	-	$1,240,000	$1,348,000	$1,260,000	-
GOLF FEES	-	$130,000	$130,000	$130,000	$130,000
IMPACT FEES	-	$7,456	$7,456	$7,456	$7,456
METER REVENUE	-	$20,000	-	-	-
OPEN SPACE IMPACT FEES	-	$500,000	$400,000	$300,000	-
OTHER CONTRIBUTIONS	-	-	-	$750,000	-
OTHER MISCELLANEOUS	-	$24,000	$24,000	-	-
PROP TAX INCREMENT RDA	-	$200,000	$200,000	-	-
REGIONAL TRANSIT REVENUE	-	$30,000	-	$30,000	-
TRANS FR GEN FUND	-	$4,520,209	$1,475,558	$998,979	$890,709
TRANS FR GEN FUND-EQUIP REPLAC	-	$700,000	$700,000	$750,000	$750,000
TRANS FROM DEBT SERVICE FUND	-	$1,956,583	-	-	-
TRANSIT SALES TAX	-	$144,794	$107,594	$137,594	-
WATER IMPACT FEES	-	$6,313,022	$3,078,805	$2,837,780	$1,705,994
WATER SERVICE FEES	-	$3,495,438	$2,344,438	$2,396,438	$965,438
	$0	**$34,298,161**	**$10,165,851**	**$17,327,122**	**$4,499,597**

Attachment A - CIP Funding Summary

	Year 2008	2009	2010	2011	2012
Carryforward					
Funding from Cash On Hand					
BEGINNING BALANCE*	$8,649,723	-	-	-	-
OUTSTANDING WATER REVENUE BONDS	$2,886,139	-	-	-	-
CLASS "C" ROAD	$197,719	-	-	-	-
COMPUTER REPLACEMENT	$25,000	-	-	-	-
COUNTY/SP DISTRICT CONT	$13,998	-	-	-	-
DONATIONS	$102	-	-	-	-
EQUIP REPLACEMENT CHG-FILM EQU	$14,762	-	-	-	-
FEDERAL GRANTS	$1,840,174	-	-	-	-
FEE IN LIEU HOUSING	$155,182	-	-	-	-
GOLF FEES	$47,197	-	-	-	-
IMPACT FEES	$31,868	-	-	-	-
INTEREST EARNINGS	$282,896	-	-	-	-
LIB. UNRES-DONATIONS	$306	-	-	-	-
METER REVENUE	$24,000	-	-	-	-
OPEN SPACE IMPACT FEES	$1,562,263	-	-	-	-
OTHER CONTRIBUTIONS	$3,279,563	-	-	-	-
OTHER MISCELLANEOUS	$688,071	-	-	-	-
PROP TAX INCREMENT RDA	$1,759,028	-	-	-	-
PUBLIC SAFETY IMPACT FEES	$9,926	-	-	-	-
RECR, ARTS&PARK-RAP TAX GRANT	$6,134	-	-	-	-
REGIONAL TRANSIT REVENUE	$102,674	-	-	-	-
RENTAL INCOME	$6,361	-	-	-	-
RESORT TAX TRANSPOR	$617,853	-	-	-	-
RESTAURANT TAX GRANT	$96,381	-	-	-	-
SALE OF ASSETS	$4,555,948	-	-	-	-
OUTSTANDING SALES TAX BONDS	$3,003,762	-	-	-	-
STATE CONTRIBUTION	$194,603	-	-	-	-
STREETS IMPACT FEES	$788,463	-	-	-	-
TRANS FR GEN FUND	$15,709,604	-	-	-	-
TRANS FR GEN FUND-EQUIP REPLAC	$2,549,539	-	-	-	-
TRANS FROM DEBT SERVICE FUND	$3,842,956	-	-	-	-
TRANSFER FROM CIP	$159,239	-	-	-	-
TRANSIT SALES TAX	$852,414	-	-	-	-
WATER IMPACT FEES	$4,632	-	-	-	-
WATER SERVICE FEES	$1,706,958	-	-	-	-
	$55,665,438	**$0**	**$0**	**$0**	**$0**
Grand Total	**$86,094,945**	**$36,323,161**	**$10,190,851**	**$17,352,122**	**$4,524,597**

* Beginning Fund Balance is comprised of unappropriated revenues accumulated in capital funds from previous years.

$5 million reserved in the "5-Yr CIP" is included here.

Resolution No. 18-07

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

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

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

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

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

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

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

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

ENVIRONMENT

ENVIRONMENTAL VISION

PCMC views the environment as air, surface/ground/culinary water, land, soil, native vegetation, etc. Park City will provide long-term environmental health for the region through efficient use of resources, protection of the quality and diversity of the local environment upon which the community depends. As a guiding principle, the City will consistently strive to sustain its vibrant multi-seasonal destination resort community in a manner that protects and enhances its natural environment.

ENVIRONMENTAL GOALS

1. Preserve and enhance the ecological diversity of the City and the Region.
2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply, safe/reliable water, and clean air.
3. Encourage environmental stewardship and protection of Park City's natural environment through sharing of information and collaboration with the community, community groups, as well as local, state and federal agencies.
4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation strategies and development proposals, and overall sustainable community design.

5. Continue to review and investigate best practices that have the potential of substantially improving the environment.

ENVIRONMENTAL POLICIES

- o Comply with the U.S. Mayors Climate Protection Agreement signed on May 19, 2005
- o Mitigate historic mining impacts
- o Promote implementation of conservation programs that assist in maintaining wildlife habitat and wildlife corridors.
- o Pursue open space protection opportunities
- o Improving surface water quality to the East Canyon Creek watershed and Silver Creek watershed
- o Encourage best available green building practices for city and private development
- o Look to increase the amount of clean and renewable energy purchased and utilized
- o Encourage year-round community water conservation programs
- o Pursue model environmental sustainability projects that are working symbols of the city's commitment
- o Increase recycling levels in City operations and in the community
- o Continue the City's strong leadership example through participation on boards, groups and working together with other organizations
- o Direct and comment on environmental regulatory policy that has the potential of impacting Park City, citizens and other stakeholders.
- o Reduce sprawl, preserve open space, and create compact, walkable urban communities
- o Promote Alternative Transportation
- o Promote "reasonable accommodation"/"complete streets" practices in City's annexation, MPD and CUP processes.

ACTION PLAN

Complete	Action #	
GOAL 1. Preserve and enhance the ecological systems and diversity of the City and, in turn, the Region		
X	1.1	Join ICLEI - Local Governments for Sustainability. Through the membership ICLEI will provide the City tools to inventory global warming emissions of municipal operations and community emissions.
	1.2	Inventory CO2 emissions from City operations
	1.3	Discuss and consider conducting an ecological footprint for municipal operations
	1.4	Adopt a Resolution outlining the process to measure progress in meeting the target of reducing the municipal operation's climate pollution by seven percent or greater by 2012 compared to 1990 levels.
	1.5	Implementation and technical support for this Municipal Action Plan including convening an interdepartmental Climate Team that will coordinate, track and report on implementation progress and develop climate protection performance measures to be integrated into departments' existing performance measures
	1.6	Inventory Park City community's CO2 emissions
X	1.7	Launch an employee education program including anti-idling messages
	1.8	Launch a program promoting employee use of alternative sustainable transportation
	1.9	Continue to monitor the environment with representative air, water, and soil sampling protocol.

	1.10	Fund and administer the Environmental Management System
	1.11	Improve City input to watersheds
	1.12	Increase property owner use of the top soil assistance program
	1.13	Fund the Environmental Management System (EMS) as approved by UDEQ and USEPA and as obligated for delisting Prospector Development.
	1.14	Fund City's Storm Water Management Plan as approved by UDEQ and USEPA and required under the Phase II Rule of the Clean Water Act.
	1.15	Meet regulatory the requirements for the Comprehensive Environmental Response, Clean Air Act, Clean Water Act, Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, and the Conservation Reserve Program.
	1.16	Comply with State and Federal Environmental Laws that are applicable to City Departments.
	1.17	Enforce institutional controls that are designed to protect human health and the environment from historic impacts (i.e. soils ordinance, EMS Program).
GOAL 2. Encourage the efficient use of all resources in order to ensure a future with a secure and sustainable energy supply		
	2.1	Develop General Municipal Building Efficiency Measures.
X	2.1a	Adopt a Green Building Policy for Capital Projects
	2.1b	Perform building efficiency audits to identify upgrades for all types of building systems
	2.1c	Prioritize and implement needed efficiency upgrades
	2.2	Implement Citywide green purchasing policy
	2.3	Improve the efficiency of all city vehicles
	2.4	Continue with quarterly energy use challenges among all city facilities
	2.5	Increase recycling rates in City operations
	2.5a	Contract for recycling services for Main Street and City Parks
	2.6	Review, identify and prioritize available Control Technology that minimizes air and water pollution for City use.
	2.7	Increase the community's recycling percentages
	2.7a	Investigate single stream collection of recyclables
	2.7b	Establish a municipal green waste and construction waste recycling program
GOAL 3. Encouraging environmental stewardship and protection of Park City's natural environment through sharing of environmental information with the community and active, meaningful community participation		
	3.1	Support local organizations that educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.
	3.2	Support discussions for transit options between Park City and surrounding areas.
	3.3	Support Wasatch Environmental Alliance Community Action Plan by participating in action awareness campaign
	3.4	Strengthen the State Residential Energy Code through strongly advocating for state and national policies that: o increase investment in public transit and other infrastructure that makes alternatives to motor vehicles more convenient and

		affordable; o increase the fuel efficiency of motor vehicles as well as development and use of alternative fuels; o encourage energy utilities to fully support and implement cost effective conservation and meet new demand with renewable energy sources; o and other measures to reduce our state and national impact on the global climate.
	3.5	Launch a quarterly award recognizing a community member or business for their positive environmental impact.
	3.6	Investigate launching either solely or in cooperation with other entities a Community Climate Partnership. The Partnership would work together to help set and meet community-wide reduction goals.
X	3.7	Promote use of bio-diesel fuel to other businesses with fleet vehicles
	3.8	Support the Summit County Health Department in their investigation and programs regarding air quality.
	3.9	Increase water conservation education.
	3.10	Continue to educate ourselves on concepts and best management practices in environmental initiatives through conferences & seminars
	3.11	Co-sponsor & promote educational programs
	3.12	Direct and comment on environmental regulatory policy that has the potential of impacting Park City, citizens and other stakeholders.
GOAL 4. Incorporate environmental considerations as an integral part in assessing growth management options, land use plans, transportation plans and development proposals.		
X	4.1	Promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
	4.2	Adopt "reasonable accommodation"-"complete street" standards as part of annexation and LMC requirements.
	4.3	Education series for City employees to help identify green building elements in projects when reviewing plans with applicants
	4.4	Set minimum standards that require energy efficiency and green building design for construction projects in the General Plan, annexation policies and Land Management Code amendments to the MPD and CUP sections.
	4.5	Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
	4.6	Review and adopt any needed changes to the Night Sky Ordinance
	4.7	Adopt Code changes that work to keep our Air Quality at current levels
	4.8	Make water conservation a priority through funding and supporting water conserving landscape enforcement through code enforcement.
	4.9	Promote transportation options such as bicycle trails, commute trip reduction programs, flex hour schedules, incentives for car pooling and public transit;
	4.10	Implement recommendations from the Walkability Study which Significantly Expand Bicycling and Pedestrian Infrastructure
	4.11	Develop an Employee Carpooling Campaign
	4.12	Target a location for a Park and Ride lot and investigate alternative transportation options from the lot
	4.13	Enhance current trail system and identify new trail opportunities
GOAL 5. Continue to review and investigate best practices that have the potential of substantially improving the environment		

	5.1	Update the City Council biannually on the City's Environmental Action Plan
	5.2	Return on a yearly basis to recommend and implement modifications to improve program effectiveness.

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

PASSED AND ADOPTED this 28th day of June 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

~~Mark D. Harrington, City~~ Attorney

Polly Samuels McLean, Ass. City Attorney

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

ENDORSING THE US MAYORS' CLIMATE PROTECTION AGREEMENT

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, is clear that there is no longer any credible doubt that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40% decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves, more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, entered into force in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25% of the world's global warming pollutants yet is not a party to the Kyoto Protocol; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S., had it ratified the treaty, would have been 7% below 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection

Agreement (list attached) which reads:

The U.S. Mayors Climate Protection Agreement

A. We urge the federal government and state governments to enact policies and programs to meet or beat the Kyoto Protocol target of reducing global warming pollution levels to 7% below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methan recovery for energy generation, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;

B. We urge the U.S. Congress to pass the bipartisan Climate Stewardship Act sponsored by Senators McCain and Lieberman and Representatives Gilchrist and Olver, which would create a flexible, market-based system of tradable allowances among emitting industries; and

C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:

   1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
   2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
   3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
   4. Increase the use of clean, alternative energy by, or example, investing in "green tags", advocating for the development of renewable energy resources, and recovering landfill methane for energy production;
   5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
   6. Purchase only Energy Star equipment and appliances for City use;
   7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
   8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
   9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
   10. Increase recycling rates in City operations and in the community;
   11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO_2; and
   12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED that the U.S. Conference of Mayors endorses the US Mayors Climate Protection Agreement and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED, The U.S. Conference of Mayors will establish a formal relationship with International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection Program to track progress and implementation of the US Mayors Climate Protection Agreement.

US Conference of Mayors Climate Protection Agreement – Signature Page

DATE: May 19, 2005

You have my support for the US Mayors Climate Protection Agreement.

Mayor Dana Williams

____

Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, Utah 84060

Staff Contact: Alison Butz, Special Events and Facilities Manager
(435)615-5151
butz@parkcity.org

Please add my comments in support of the US Mayors Climate Protection Agreement. We will add these to the Website *(optional)*:

____
____
____
____

Please return completed form at your earliest convenience to: **US Mayors Climate Protection Agreement**

c/o City of Seattle ***OR*** FAX 206-684-3013
Office of Sustainability and Environment
PO Box 94729
Seattle Municipal Tower
Seattle, WA 98124-4729

email PDF file to:
dena.gazin@seattle.gov

PARK CITY COUNCILWORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 29, 2008

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

Gary Hill, Acting City Manager; Mark Harrington, Assistant City Attorney; Kent Cashel, Deputy Public Works Director; Kathy Lundborg, Water Manager; Pace Erickson, Public Works Operations Manager; Jonathan Weidenhamer, Sustainability Project Manager; Max Paap, Matt Twombly and Heinrich Dieters, Sustainability Team Members; Bret Howser, Budget Analyst; Tamara Lindsay, Water Department;

1. Council questions/comments. Roger Harlan reported the Memorial Day Service, was well organized, and provided an excellent reminder of the service and sacrifice that provides us with the Country we have. The Mayor's comments were appropriate and there was a good spirit. He also attended the Employee Service Awards dinner and praised the Human Resource Department staff for their extra efforts in honoring people who have given great service to Park City.

Candace Erickson also expressed appreciation for the dinner and noted the City has many great employees who have devoted years of service. While attending the National Ski Area Convention in San Francisco, she had walked to Sausalito from her hotel, which was very fun and provided a very different perspective that one sees from a vehicle. She had participated in the scholarship awards presentation at Park City High School where 148 students received scholarships from the community. She thanked everyone in Park City who had participated and contributed.

Jim Hier also added thanks for the awards banquet. He reported that Kent Cashel had participated in the HMBA meeting, requesting that they form a committee to study Main Street circulation. The Chamber Board of Directors is finalizing their budget and has created a new strategic plan. The Inter Agency Task Force heard a presentation from UDOT about Innovate80 projects which involve bridge replacement and road resurfacing in several locations along I-80 this year, some in Summit County.

Mayor Williams thanked public safety personnel who participated in the recent Presidential visit to Park City, as well as people who promoted their interpretations of democracy.

2. Review of SR-248 corridor study. Kent Cashel noted Council had authorized Staff to execute a contract with Interplan Transportation Consultants to consolidate exiting SR-248 studies into one corridor plan. The Phase One study accomplished the consolidation of six existing studies; explored alternatives and developed recommendations for reducing transit travel times; and completed an inventory of existing UDOT right-of-way and needs analysis for additional right-of-way. Staff has prepared an analysis of five alternatives and seeks feedback and direction from Council before spending additional money on planning and engineering. Phase Two will focus on Council's preferred alternatives.

Mr. Cashel stated the study pulled together interesting information on existing conditions. Average single vehicle occupancy during morning peak hours was 1.3, which indicated opportunities for promoting car/van pooling and ride sharing. Travel time from US 40 to SR-224 was studied using traffic counts and traffic engineering software and travel during peak times showed significant delays.

Five alternatives were analyzed; details of each were included in the Staff Report as well as the Interplan Study which Council had received.

No Action is not a viable option. Levels of congestion by 2020 would be untenable, affecting Park City's economic viability as well as quality of life. Staff does not recommend this approach.

Reversible Lanes work well when there is a good directional split; however, modeling shows that patterns will change over time, the split will be less pronounced, and the effectiveness of the option will decrease. Staff does not recommend pursuing this option; however, if Council feels strongly, Staff can look into it more deeply.

Transit queue jump/HOV lanes appear to be an effective tool for managing traffic along that road. It is important to consider options to prioritize high occupancy vehicles and bus traffic in order to move people and Staff recommends pursuing this option.

Bypass road running from SR-248 along the North 40, connecting in deep Park Meadows. Because this discussion has occurred over the years, Staff presented it, but does not feel it would divert a significant amount of traffic in terms of dealing with traffic issues along the corridor. Joe Kernan was interested in Park Meadows peak hour traffic percentages. Jim Hier noted the School District was not supportive of diverting traffic through the school campus.

Widening entire corridor to four lanes offers the greatest benefit to intersection level of service and corridor travel times, but does not promote use of the park and ride, carpooling, or alternative modes. Staff recommends that the City plan for this improvement, but to pursue construction only after the other mitigation efforts have been implemented.

Mr. Cashel explained Phase Two studies would overlay the WALC recommendations, looking at pedestrianization and bicycles, in addition to vehicular traffic, so all modes of transportation are addressed. Completion of a comprehensive plan will require public review and input and more detailed engineering. Phase Two would result in a narrower scope of work, based on the alternatives Council directs Staff to pursue.

Mayor Williams asked if widening the corridor meant cutting into PC Hill or encroaching into the wetlands. Mr. Cashel responded that was yet to be determined as UDOT was changing their approach and trying to be more creative with their general standards. He noted UDOT's deputy regional director is working with the City to develop solutions. Mayor Williams expressed concerns about safety in an already dangerous section of the highway.

Mayor Williams believed reversible lanes worked really well. He requested that Staff continue to look into them because it would require less highway construction and he believed HOV lanes could be included. Matt Rifkin explained that as the directional split flattened the effectiveness decreased. He indicated they could buy five to ten years, and maybe that is all they need. Candace Ericson felt it was a good solution to take the pressure off immediately unless it was very expensive.

Council members briefly discussed additional traffic signals and Mr. Cashel explained that the Corridor Preservation Agreement with UDOT identifies locations, but installation must be warranted by turning activities, volume of traffic, accidents, etc., and Wyatt Earp was not yet warranted.

Mayor Williams supported the HOV concept but was concerned about widening the corridor. He strongly encouraged reversible lanes. Mr. Kernan expressed concerns about how the reversible lanes would work and Mr. Cashel explained Phase Two would allow Staff to study potential impacts on turning movements at major intersections.

Jim Hier concurred that reversible lanes were worth consideration. He believed Staff should also proceed with identification and acquisition of rights-of-way with matching funds to provide transit queue jump/HOV lanes; and widening to four lanes, based on the steps and timeline delineated in the Staff Report. He did not support taking no action or the bypass road.

Roger Harlan concurred that reversible lanes were worthy of consideration in the short term, because the park and ride lot, and acquisition of additional equipment to service that, were a few years off.

All Council Member concurred that taking no action and the bypass road would not be considered and Staff should pursue further study on the other alternatives (reversible lanes, transit queue jump/HOV lanes, and widening entire corridor to four lanes).

3. Budget Review. Bret Howser explained Staff would wrap up Capital Budget discussions in preparation for adoption of the tentative budget on June 5th and adoption of the final budget on June 19th. Tonight's discussions include walkability projects; the Racquet Club; water fund infrastructure projects; ice arena fees; pavement management; and an update on Fire District Fee increases. Council directed Staff to return with additional information of Little Kate and Lucky John sidewalks as well as the proposed Comstock project. This discussion included analysis on high back curbs, opposed to rolled gutter, and discussions about traffic calming.

Walkability Projects. Jonathan Weidenhamer, explained that Council requested additional analysis about using Monitor Drive to get to the schools, rather than the entire length of Little Kate from Holiday Ranch Loop to Lucky John. Staff presented cost analyses for comparable sidewalks: Holiday Ranch Loop Road, the length of Little Kate and Lucky John Drive to the school drop-off zone, using high back curb, $358,000; and, Holiday Ranch Loop Road, along Little Kate to Monitor Dive, $122,000. Staff also included costs of covering additional requests they anticipate receiving from the Park Meadows neighborhood to rebuild the sidewalk along Monitor Drive, $651,000.

In response to Jim Hier's question about the estimated costs for work on Monitor Drive, Mr. Weidenhamer explained it would require reconstruction of that portion of Monitor to make the sidewalk wider and safer. Matt Twombly elaborated it would require removal of the old sidewalk, all curb and gutter, re-grading to address drainage issues, and installation of new curb, gutter, and sidewalk. He explained that installing new sidewalk behind existing gutters doesn't affect the gutters and drainage.

Roger Harlan was not convinced that the existing Monitor sidewalk was an unsafe pathway. He supported bringing sidewalks from Holiday Ranch Loop to Monitor and reworking the intersection for safety reasons. He also supported the extension of new sidewalk by the LDS Church on Lucky John headed east from Monitor Drive. He did not support sidewalk the full length of Little Kate and on the east side of Lucky John.

Joe Kernan believed the WALC Committee identified excellent projects and represented the community. He supported installing sidewalk the full way from Holiday Ranch Loop to Lucky John, and Lucky John to the school as recommended.

Mayor Williams asked if there was data showing people are safer with high back curbs. Mr. Weidenhamer explained the technical document from Interplan indicated there are safety benefits.

Candace Erickson stated this was no longer a school related issue; it was a universal walking recommendation to create a walkable/bikable community. She changed her mind and now supported a sidewalk the length of Little Kate to Lucky John and to the school drop zone. She is very concerned about taking peoples' front yards and encouraged mitigation measures to ensure compatibility with the existing built environment. Jim Hier concurred and supported replication of disturbed landscaping. Jonathan Weidenhamer clarified that the project would have high back curb, and would include the length of Little Kate from Holiday Ranch Loop to Lucky John and extend along Lucky John to the school drop off area.

Based on Council support for using an incremental approach on <u>Comstock Drive,</u> Mr. Weidenhamer reported it was likely that Staff could designate the 5-foot wide existing parking on the east side of the street as a sidewalk, or pedestrian pathway, this summer. This would be accomplished through a combination of signing and pavement marking.

Mr. Weidenhamer referred to the <u>traffic calming</u> measures in the WALC recommendation and noted their approach would be to select a traffic engineer, through an RFP process, who would return with a series of recommendations for each of the identified neighborhoods. Therefore, Staff did not recommend that Council consider incremental approaches for traffic calming improvements on Comstock this summer. He clarified for Joe Kernan they weren't skipping steps, but wanted to ensure that any projects under consideration were consistent with overall neighborhood traffic management programs and policies, and engineering recommendations.

Gary Hill, Acting City Manager, clarified that the WALC recommended projects satisfied the Phase I requirement through that process, and suggested that any ideas not on the WWALC list go through the established process. He noted they had changed the Traffic Calming Process to make Phase I faster, but it does require a petition, and meetings with petitioners to identify issues and initiate mitigating impacts. Phase I can last anywhere from three to six months. Ms. Erickson placed an emphasis on "neighborhoods" and indicated these were not street by street issues.

Mr. Weidenhamer added that with the exception of Little Kate and Lucky John which were recommendations specifically for high back curb, the remaining WALC recommendations were for sidewalks with rolled gutters. It is possible Staff will consider high back curbs along major spine roads.

Shirin Spangenberg, Prospector resident, supported the interim measures on Comstock and wanted to ensure that the neighborhood received feedback in terms of how well it worked. She asked consideration for using paint to narrow Sidewinder going down to Wyatt Earp. Mr. Weidenhamer clarified Staff would consider it if they could meet requirements for the buses.

Kyle Jesson clarified the WALC recommendations for Comstock were not slated until next year, but the parking lane would be turned in a pedestrian/bike lane. Regarding his request for driver feedback signs, Mr. Weidenhamer explained the policy did not consider placement of signs within in an existing neighborhood.

Jim Hier requested a work session to address all feedback signs and consider a study of areas that should be addressed.

Racquet Club Remodel. Bret Howser explained a needs assessment done in 2007 identified racquet club renovation as a priority. Council reviewed a feasibility study outlining options and Council directed Staff to return with a budget request. The City Manager's Proposed Budget includes a request for $8 million for racquet club renovation, which includes funding for the site and lobby portions of the project. The City Manager's Recommended Budget also includes $2 million to partially fund a second phase of the project, the construction of an indoor pool.

Ken Fisher explained VCBO Architecture had created three schemes ranging in price from $8.1 million to $23 million which considered an array options from bringing the club up to code and improving circulation patterns to tearing a majority of the building down and adding tennis courts and indoor aquatic facilities. Staff submitted a CIP request for $8 million based on updated cost estimates from VCBO minus the splash pool and restaurant. This renovation would bring the building to code; provide larger fitness/cardio areas; enhanced tennis viewing; larger group fitness areas; new locker rooms including family locker rooms; and new child care and pro shop. Conceptual plans were presented to the public in an open house format, which Staff realized was not optimum given the large turnout. They did, however, receive good input and heard support for the remodel that was consistent with the needs assessment. A summary of comments was included in the staff report. Many attendees were interested in options that would provide expanded aquatics and tennis; however, the budget does not provide for this expansion at this time. While the renovation improves circulation and functionality, energy and operating efficiencies, and allows for future expansion, it doesn't change current programming. The ultimate goal is to create a community recreation center for people of all ages, and this remodel is a first step.

Mayor Williams felt energy efficiency should be a goal of the remodel and was interested in seeing what the cost provides in terms of increased efficiency.

Candace Erickson relayed comments about operating two programs at the same time if aerobics rooms were expanded and learned there will be two studios. She also heard comments about people not wanting to drive to Ecker Hill to use the lap pool and asked how much it would cost to repair the existing pool. Mr. Fisher explained the damage was not that extensive and he has received a repair estimate of about $20,000. He noted that the program would remain "as is" outdoors and the demand is for an indoor facility which costs approximately $6 million.

Jim Hier was concerned about the $2 million set aside for a future pool. He questioned why it would not be part of the next budget cycle. Gary Hill suggested they place it into the 5 Year CIP as opposed to budgeting it toward the project so it is earmarked for the project. Mr. Hier didn't see any purpose in earmarking funds for a project that was not defined. Ms. Erickson expressed concern about it being diverted to another use and the money would no longer be earmarked for the pool. This sets the tone that at some point they are going to upgrade the pool.

Ken Fisher explained the needs assessment identified an indoor aquatics facility as the highest unmet need. Joe Kernan commented that the Silver Mountain pool contained the standard leisure pool and suggested money should be spent to accomplish other needs such as a running, walking track, mountain bike skills, climbing wall, outdoor tennis, and indoor children's playground.

Roger Harlan stressed the need to ensure that the design will meet future expansions and modifications. He supported the project, noting we are blessed with good revenues, but cautioned that we must scrutinize expenditures. Mr. Fisher emphasized the goal of the renovation was to accommodate future expansions.

Jim Hier pointed to the example of setting aside $3.4 million to refurbish Marsac and the cost is now $7.5 million. He believed they would have spent more time deliberating the basics and requirements had they said it was $7.5 million. He suggested keeping the pool in mind as an objective, but was opposed to creating a $2 million placeholder. He supported the $8 million for the remodel.

Ms. Erickson strongly supported the pool and believed it was a partially funded project. Councilmen Harlan and Kernan indicated they go either way.

Acting Manager Hill explained Staff's thought process that there is a perceived need/want for a pool and that there may be opportunities to partner with other agencies for which the $2 million provided the flexibility.

Mayor Williams invited public input.

Resident Dennis Wong stated he was at the Racquet Club virtually every day and had been an employee for two years. He complimented Council for being fiscally responsible. In his recent campaign for City Council, he supported allocating resources for recreation. He discussed deficiencies of the building and the need for a cohesive, overall plan. He applauded John Halsey, a Recreation Advisory Board member, for providing information he was unable to find on the website and answering his questions. Many people had not attended the open house because they thought the remodel was a done-deal. He encouraged Council to make sure people feel they have a voice in the process.

Joe Kernan felt it was reasonable to spend $8 million on recreation. He expressed concern that current programming did not adequately address needs that appeared to rank higher than indoor fitness and exercise facilities (chart on page 71 of packet). Mr. Fisher explained that chart represented respondents who said their needs were being met by 50% or less. Mr. Fisher felt the chart on page 91 presented a more accurate representation, showing areas of higher importance from the same list.

Mr. Kernan expressed concern that there would continue to be unmet community needs. He also wondered if the renovation would create a really nice membership gym that would put another one out of business in Prospector Square, yet not provide that many more recreational amenities for the community. He suggested adding things at the racquet club that didn't exist in the community to provide more bang for the buck. He asked whether there was excess demand over capacity for the tennis courts. Mr. Fisher explained tennis was very inefficient in terms as numbers of people who can use the square footage. They track usage on a year round basis based on prime and non-prime hours. In the winter, during prime hours they average 70% capacity, with 35% in off-prime hours. Mr. Kernan didn't see any analysis showing projections of recreations hours per dollar investment; he felt it would be helpful in making these decisions

Mr. Kernan asked whether RAB had discussed the impact on the private community or made any efforts to cooperate and "grow the pie". Mr. Fisher felt they were complementary and noted that private facilities could offer higher levels of service than a public facility. Mr. Halsey joined the discussion and commented the missing piece when discussing the $8 million was that the building is subpar. They have to decide whether or not to maintain it and make it better.

Mr. Halsey continued that Stanton Jones had stood before Council in support of the renovation, but requested that aerobic and cardio expansions be limited in size. He stressed that the drawings were highly conceptual and as they moved forward, there may be room for additional amenities such as a climbing wall and indoor children's recreation. Regarding Mr. Wong's' comments, he noted they have heard from the public and have yet to find anyone who hasn't felt they have the ability to get answers to their questions in the administrative offices.

Roger Harlan clarified they were discussing several things and needed to separate them: 1) structural renovation of facility, 2) additional recreation/exercise space, and 3) a desire to get more recreation from the investment. A significant portion of the investment will go toward the structural renovation. We are not getting as much recreational benefit as we might like, and he appreciated Mr. Halsey's clarification. He believes it wise to include $2 million in the budget, not earmarked for anything specific, but for future unmet needs.

Mayor Williams was in agreement with Mr. Harlan, noting that Council had made a commitment to allocate funds on a regular basis for maintenance of facilities. He agreed, as did Joe Kernan, they should include the $2 million as a placeholder for future needs within the club. Jim Hier clarified that the $2 million would be used for future unmet needs.

Ms. Erickson heard from a lot of tennis players at the open house. She emphasized the structural needs are great and need to be done now. There is not enough money in this initial phase to fix the building and build tennis courts, but there is a section of land that could eventually be used for a number of things.

Tony Aguilar, four year resident, stated he found the compilation inadequate for the purpose of spending $8 million. He believed they needed a more accurate profile of users of the racquet club so they could embark on improvements the community could be proud of. His observation was that adults occupy the indoor courts regularly in the morning and students take over the courts and indoor areas in the afternoon. There are also lessons and clinics and Park City is very generous with special events. The racquet club is a community resource and the aquatics and fitness program are well used. He felt a restaurant was a must, but didn't understand what child care had to do with recreation. He noted the gym was underused and the cardio loft was a storage area full of junk.

Acting Manager Hill summarized that Council's direction was to approve $8 million in the budget for his particular renovation and to set aside $2 million for Racquet Club/Recreation Phase II, which could include a pool. Council members agreed.

Water Fund. Water Manager Kathy Lundborg explained Staff recommended a 24% rate increase this year across the board which is driven by bonding requirements for borrowing for major projects, primarily finishing the water importation project which is building a pipeline to deliver water. Costs for all major projects are allocated between existing users and anticipated growth. Staff scaled back the schedule for capital projects that are discretionary in nature and moved forward those that are required to overcome existing and future deficits. Among new projects are the automatic meter reading technology, the Boothill Transmission Line and Gap

Water Supply projects. Conservation alone would not prevent these projects, as we are at a point where everybody in town would have to conserve 40% and we would have to stop all growth in order to cover current deficits; however, conservation can help lower future source development. She clarified that Staff's analysis assumes no federal funding.

Joe Kernan suggested the City should be considering what can be accomplished in terms of reducing sod and investing in water distribution methods that are more efficient

Tamara Lindsay explained the City was instituting a water audit program to evaluate efficiency and recommend changes, and they were reviving the water conservation task force. Mayor Williams felt it was worth exploring viable alternatives. Roger Harlan added that one of the annexation applications Council will be discussing includes limitations on outside watering.

Ice Arena fees. Bret Howser noted the Staff Report was not included in the packet and asked Council if they were comfortable discussing the fees. No action was being requested and a fee resolution would be included in the June 5, 2008 packet.

Jon Pistey explained their approach was for Summit and Wasatch County residents to have minimal increases which cover some of the increased operational costs, most of which are due to utility price increases. The average hourly operating budget for the rink is $245. They propose to raise non-local rates to a point that would cover those costs. Council members concurred with the suggested fee increases and remarked on the success of the rink.

Pavement management. Pace Erickson briefly discussed the philosophy of pavement management and Staff efforts to develop the pavement management program. In the past, they used a pavement quality index and budgeted to maintain pavement quality of 7 out of 10. Staff has changed to a "remaining service life" method and develops programs to extend the life of the pavement. Micro-seal is a new process used to fill major cracks and rutting and it proved to be the best surface of the sealing techniques used in test areas of Park Meadows last year. Another new project is rejuvenator, which prevents micro-cracks in the asphalt.

Fire District property tax. Kent Cashel, the City's representative on the Administrative Control Board of the Fire District, indicated they do not know yet whether there will be a increase, but the Board has signaled their intent. The Board has been adamant about exploring a range of options to keep costs down.

Prepared by Sharon C. Bauman

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 29, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:00 p.m. at Council Chambers in the Library Building on Thursday, May 29, 2008. Members in attendance were Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Liza Simpson was excused. Staff present was Gary Hill, Acting City Manager; Mark Harrington, City Attorney; Brooks Robinson and Katie Cattan, Planning Staff; Jonathan Weidenhamer and Max Paap, Sustainability Team; Pace Erickson, Public Works Operations Manager; Dave Gustafson, Project Manager; Bret Howser, Budget Analyst

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were none.

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

Bob Burube, Prospector Square, addressed the ongoing issue of overcrowding in units that Talisker had acquired in Prospector Square. He wanted to know whether they were classified al worker housing, employee housing or low income housing and wanted to know who was responsible for maintaining occupancy limitations in the units.

Mayor Williams responded they were all of the above, and noted the City had been working with the management companies and checking into Mr. Burube's complaints. He wanted to be clear for the record that it is not the City's role to put people on the streets, and we need to have a little bit of heart in this matter. They are dealing with individual unit owners, which is not an easy process. Jim Hier added that almost all of the leases are up on the units purchased by Talisker, and while exiting leases will be honored, over-occupancy will not be allowed. He believed there would be much stronger monitoring with Talisker ownership and control through the City's affordable housing ordinance. He offered to check into whether or not existing leases with overcapacity would be renewed.

Mr. Burube believed tenants should be evicted if occupancy exceeded the building code. He didn't believe there should be any heart at all. It hurts him in the pocketbook, directly impacts his expenses, and affects his comfort level in the building. He brought up another code issue and noted that the tops of electrical panels had been cut out.

Joe Kernan asked Staff whether occupancy restrictions were determined by the zone. Mr. Burube stated thirty days or more was considered a long-term rental. City Attorney Mark Harrington explained that Staff would present a comprehensive report on this issue in two weeks that will explain the standards for each type of unit.

Michael Watson thanked the WALC Committee for their work in consideration of the use of bond funds. He emphasized that paved, separated 8' wide multi-use pathways are not bike lanes. Bike lanes used for commuting should be incorporated into the arterial transportation format. He believed it was important to have "complete streets", and hoped WALC plans would incorporate Park Avenue, Deer Valley Drive, and SR-248/SR-224 within the City limits, as designated bike lanes. In addition, visibility of bike lanes used by locals increases awareness for visitors and provides an economic stimulus. He wanted Park City to be an example for other communities.

Jonathan Weidenhamer and Alex Butwinski, WALC member, explained the committee included recommendations for arterial roads in town and acknowledged a long-term desire to have bike lanes within pavement areas of SR-248 from Olympic Plaza to the new park and ride. SR-224 has an existing striped shoulder into town and they included recommendations to extend it through the Kearns Boulevard intersection. In some areas, for example on Park Avenue, the goal is to provide a safer place to ride, and that would be a separate lane. SR-224 has limited rights-of-way and, balanced with getting cars to resorts, so there is no black and white answer. The group is trying to find a balance that will serve the greater good, and the person who is not comfortable being in traffic

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MAY 15, 2008

Roger Harlan, "I move we approve the work session notes and minutes of May 15, 2008." Jim Hier seconded. The motion carried as follows:

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

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

1. Consideration of an Ordinance approving plat amendment at 430 Main Street, Park City, Utah - Planner Brooks Robinson explained the Planning Commission had previously continued the item and reviewed it last night. Staff will return to Council on June 19, 2008. The Mayor opened the public hearing. Receiving no input, he closed the hearing. Roger Harlan, "I move we continue this item to June 19, 2008**."** Joe Kernan seconded. The motion carried as follows:

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

2. Consideration of a Resolution adopting a tentative revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies - Mayor Williams opened the public hearing and receiving no input, closed the hearing. Joe Kernan, "I move we continue the public hearing to June 5, 2008." Candace Erickson seconded. The motion carried as follows:

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

3. Consideration of a Master Festival License for Savor the Summit (aka Taste of Park City) to be held on June 20 and 21, 2008 including closure of Main Street and use of City Park - Max Paap introduced event managers Ginger Ries and Kris Severson. He explained the Park City Jazz Foundation, in conjunction with Park City Restaurant Association, submitted an application for a Master Festival License for Savor the Summit to hold a "Grande Table" food and music event on Main Street, June 20th, and "Grande Picnic" food and music event at City

Park on June 21st. They require a MFL for amplified music, partial street closures, and use of city property. Mayor Williams opened the public hearing. Sandy Geldhof praised the event and offered support and assistance from the Historic Main Street Business Alliance. Mayor Williams opened the public hearing. Receiving no input, he closed the hearing. Jim Hier, "I move approval of the Master Festival License for Savor the Summit". Candace Erickson seconded. Motion carried as follows:

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

4. Consideration of a Master Festival License for the Wasatch Back Relay to be held June 21, 2008 at the Quinn's Junction Sports Complex - Max Paap introduced event representative Janine Hodges. The Ragnar Relay, Inc. submitted an application requesting a Master Festival License to have the finish line of their annual relay race Quinn's Junction Sports Complex. He explained the event had outgrown previous finish line areas in town. They require a MFL for amplified music, partial street closures, and use of city property. Mayor Williams opened the public hearing. Receiving no input, he closed the hearing. Joe Kernan, "I move approval of the Master Festival License for the Wasatch Back Relay". Roger Harlan seconded. The motion was approved as follows:

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

5. Consideration of an award of the 2008 Pavement Management Program contracts, in forms approved by the City Attorney as follows:

(a) Staker Parsons Co. for pavement overlays in the amount of $366,401.
(b) M&M Asphalt for slurry seals in the amount of $77,492.
(c) Kilgore Paving for crack seal in the amount of $52,500 and Bike Path sealing in the amount of $4,938.
(d) Intermountain Slurry Seal for Micro-seal in the amount of $85,204 and Asphalt Rejuvenator in the amount of $6,228
(e) CTS Utilities for utility adjustments in the amount of $62,000

Pace Erickson clarified there were only 5 contracts, and Micro-seal and Asphalt Rejuvenator are both with Intermountain Slurry Seal . Roger Harlan, "I move approval of the 2008 Pavement Management Program contracts" . Joe Kernan seconded. The motion carried as follows:

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

6. Consideration of Contract Amendment No. 4 to the Jacobsen Construction Inc. Agreement for Phase 4 of the Downtown Projects and the Marsac Building Seismic Upgrade for $4,656,379.00 in a form approved by the City Attorney - Dave Gustafson, Project Manager, explained that the original scope of work for the Marsac remodel did not include exterior work. During the pre-bid walkthrough, they noticed deteriorating conditions of windowsills on east side

of building as well as the parapet columns on the east side. With the addition of the cost of interior repairs to the exterior repairs to the original scope of work, pricing is below the February estimate of $5.3 million. Staff is seeking approval of the Guaranteed Maximum Price element of the contract for $4,656,379. Jim Hier, "I move approval of Contract Amendment No. 4 to the Jacobsen Construction Inc. Agreement for Phase 4 of the Downtown Projects and the Marsac Building Seismic Upgrade for $4,656,739 in a form approved by the City Attorney". Roger Harlan seconded. The motion carried as follows:

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

7. Consideration of an Ordinance extending the approval of the Amended Plat of Lots 21 and 22, Block 26 Snyder's Addition to Park City at 1287 Empire Avenue, Park City, Utah - Planner Katie Cattan explained the applicant requested a one year extension of their approval. They have not yet recorded the plat, and prior to that they must remove the non-historic home on the lots. Mayor Williams opened the public hearing and receiving no input, closed the hearing. Candace Erickson, "I move approval of a one year extension of the approval of the Amended Plat of Lots 21 and 22, Block 26 Snyder's Addition to Park City at 1287 Empire Avenue, Park City, Utah". Jim Hier seconded. The motion carried as follows:

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

8. Consideration of an Ordinance approving the Nakoma Condominiums first amended and restated record of survey plat located at 8800 Marsac Avenue, Park City, Utah - Principal Planner Brooks Robinson explained the Nakoma Condominiums are part of Pod B1, Village at Empire Pass. In conjunction with recent MPD amendments, the Record of Survey amends the Nakoma and Nakoma II Records of Survey by combining units 17 and 18 into one unit. Plat note #1 memorializes recent MPD amendments on the square footage of the 127 units, the Unit Equivalent total, restates the maximum footprint and the need to amend the plat in the future to reflect as-built conditions. Mayor Williams opened the hearing, and with no public input, closed the hearing. Jim Hier, "I move approval of the Nakoma Condomiums first amended and restated record of survey plat located at 8800 Marsac Avenue". Roger Harlan seconded. The motion carried as follows:

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

9. Consideration of an Ordinance amending Section 4-3-10 of the Municipal Code of Park City, Utah to update outdoor sales regulations to limit the duration of sales to three days each, but additionally allow them up to 15 Sundays per year and allow only retail and service based businesses to be eligible for outdoor sales - Jonathan Weidenhamer explained Council had directed Staff to prepare alternatives that would allow merchants to hold sidewalk sales during

all Sundays of the Park Silly Sunday Market. Staff recommends amending the ordinance to reduce the duration of each sale to three days (instead of 5) and provide a new allowance for additional Sundays, which would increase the total days allowed from 25 to 30. He clarified that nothing in the Municipal Code or Master Festival License regulations preclude allowing a sidewalk sale to allow during a concurrent MFL, but the City retains the ability to not allow sidewalk sales in certain cases, i.e., long-term contracts with events. He clarified this would apply throughout Park City. Mayor Williams opened the public hearing. Mike Sweeney stated the HMBA and merchants approve the proposed changes. Mayor Williams closed the hearing.
Roger Harlan, "I move approval of amendments to Section 4-3-10 of the Municipal Code to update outdoor sales regulations". Joe Kernan seconded. The motion carried as follows:

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

10. Consideration of an Ordinance amending Section 4-5-3(C) and Section 4-6-5 of the Municipal Code of Park City to be consistent with Section 32A-7-102 of the State Code - Jonathan Weidenhamer explained the City's ordinance needed to be updated to ensure consistency between the City Code and State regulations. Mayor Williams opened the hearing and with no public input, closed the hearing. Joe Kernan, "I move approval of amendments to Sections 4-5-3(C) and 4-6-5 of the Municipal Code to be consistent with Section 32A-7-102 of the State Code". Candace Erickson seconded. The motion carried as follows:

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

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

There was no additional discussion on agenda items.

VII ADJOURNMENT

Mayor Williams adjourned the Council Meeting at approximately 7:15 p.m.

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

Prepared by Sharon C. Bauman

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Sharon C. Bauman, Analyst II

City Council Staff Report

Sustainability Department

Author: Heinrich Deters
Subject: IMBA World Mountain Bike Summit Proclamation
Date: June 12, 2008
Type of Item: Administrative

Summary Recommendations:
Consider proclaiming June 15th-22nd the 'IMBA World Mountain Biking Summit'.

Background:

Established in 1988, the International Mountain Biking Association's, mission is to protect, create, and enhance quality trail experiences for mountain bikers worldwide. In addition, they actively promote responsible mountain biking, support volunteer trail work, assist land managers with trail management issues, and improve relations among trail user groups. IMBA is the foremost trail advocacy organization in the world, and thanks to the efforts of the Mountain Trails Foundation, along with Park City Municipal Corporation, the Park City Chamber of Commerce and Snyderville Basin Recreation, IMBA selected Park City as the host city for its 2008 World Summit.

Exhibits
Exhibit A (IMBA Proclamation)

Resolution No.

RESOLUTION PROCLAIMING THE WEEK OF JUNE 15 – JUNE 22, 2008 AS IMBA WORLD MOUNTAIN BIKING SUMMIT WEEK IN PARK CITY, UTAH

WHEREAS, Park City has established itself as a model 'trails' community by purchasing open spaces, protecting public easements and providing recreational facilities; and

WHEREAS, public entities, private resorts and non-profit organizations work diligently toward a balance between outdoor recreation and the conservation of nature; and

WHEREAS, as a world class resort community, Park City welcomes a variety of events and visitors and promotes global tourism; and

WHEREAS, the citizens of Park City continue to support healthy lifestyles and sustainable sports, practices and programs;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby proclaim the week of June 15th-22nd, 2008 as

IMBA World Mountain Biking Summit Week in Park City, Utah

and call upon the people of Park City to observe this week by participating in the planned activities and opportunities associated with the Biking Summit.

PASSED AND ADOPTED this 12th day of June, 2008.

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

PLANNING DEPARTMENT

Author: Heinrich Deters
Subject: **Sidewalk Dining Leases**

- **317 Main Street- Eating Establishment**
- **525 Main Street- Main Street Deli**
- **227 Main Street- Uptown Fare**
- **412 Main Street- Bistro 412**
- **402 Main Steer- Java Cow Café & Bakery**
- **530 Main Street- Main Street Pizza & Noodle**

Date: **June 12, 2008**
Type of Item: **Administrative**

Summary Recommendations:

- Consider expanding the time frame of the sidewalk dining lease, from an annual renewal, to a 5 year lease.
- Consider approving a series of 5 year leases to conduct sidewalk dining on City property.
- Consider increasing the annual sidewalk dining start date from May 15 to May 1

Background:

Section 15-2.6-12 of the Land Management Code allows Outdoor Dining on "leased public property" as an Administrative Conditional Use Permit. On May 24, 2004, the City Council provided direction that they would like to continue sidewalk dining, but preferred to continue to approve only annual leases. The lease under consideration is consistent with the direction provided by City Council on May 24, 2004 but has a longer term. The Council in April of 2005 provided favorable consideration to extend the sidewalk dining season from the 3rd weekend of April through the end of October.

The following establishments submitted applications to do sidewalk dining:

- Eating Establishment, 317 Main Street
- The Main Street Deli, 525 Main Street
- Uptown Fare, located at 227 Main Street
- Bistro 412, located at 412 Main Street
- Java Cow Café & Bakery, 402 Main Street
- Main Street Pizza & Noodle, 530 Main Street

Analysis:

The City did not receive any complaints regarding the sidewalk dining program conducted during the summers of 2004-2007. Any seasonal lease the City enters would: regulate the time and duration of the use, provide for consistency in look and materials, ensure the aesthetic value of the Historic District by preventing visual clutter, prevent conflicts with Special Events/MFL's, mitigate for conflicting uses in the public right-of-way, ensure for cleanly sidewalks, and provide an ongoing monitoring mechanism and revocation provision for failure to comply with regulation.

Staff has prepared a draft lease template that would be executed with each individual applicant prior to approving any Outdoor Dining on City Sidewalks (Exhibit A). At this time staff has made a preliminary determination that applications submitted by the business stated above, meets the standards for outdoor dining provided at LMC Section 15-2.6-12 as well as the proposed operational restrictions (Exhibit C):

All businesses stated in the report have an approved Administrative Conditional Use Permit for Outdoor Dining on City Sidewalks (conditioned upon a current, approved lease). Their Administrative Conditional Use Permit does not have an expiration date, and runs with the land, or until City Council provides direction to not allow use of City-side walks for outdoor dining. The site plans for the applications are attached as Exhibit B.

Alternatives:

A) Provide direction to continue Outdoor Dining on City sidewalks, including an earlier start date (May 1), and; approve the leases for sidewalk dining for the six businesses presented for an extended term of 5 years; **This is staff's recommendations;** or

B) Provide direction to continue Outdoor Dining on City sidewalks, but modify the lease language or operational restrictions and then provide direction to approve the lease(s) as amended; or

C) Continue the hearing for more information or discussion.

Recommendation:

- Consider expanding the time frame of the sidewalk dining lease, from an annual renewal, to a 5 year lease.
- Consider approving a series of 5 year leases to conduct sidewalk dining on City property.
- Consider increasing the annual sidewalk dining start date from a May 15- May 1

Exhibits

Exhibit A Typical Lease
Exhibit B Site Plans
Exhibit C – Operational Restrictions

Exhibit A

MAIN STREET SIDEWALK
OUTDOOR DINING LEASE
The Eating Establishment – 317 Main Street

This LEASE AGREEMENT is made and executed this ___ day of June, 2008, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and the Eating Establishment, a Utah LLC, located at 317 Main Street, Park City, Utah ("Tenant").

Based upon good and valuable mutual consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. PROPERTY. The property affected by this lease is generally described as the sidewalk area directly fronting Tenant's restaurant located at 317 Main Street, and more specifically described

via site plan at Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the “Premises”).

2. RENT. Annual rent is hereby waived in exchange for other indirect and intangible benefits provided to the City. Tenant shall be solely responsible for payment of any and all costs associated with Tenant’s performance under this lease, including but not limited to City additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall be from the date of execution until October 30, 2013, with an annual use period limited to May 1 through October 30 each year, unless terminated earlier as provided herein. This Agreement may be terminated by: a) Park City upon a finding of non-compliance; or b) either party by providing written notice by February 1 proceeding the next annual use period. In the event of termination for non-compliance, Tenant may request a hearing before the City’s Administrative Law Judge (ALJ) and use shall be suspended pending a final decision by the ALJ,. The ALJ hearing and decision shall be within 14 days unless otherwise agreed by both parties.

4. USE OF PREMISES. Tenant may use the Premises only for the provision of outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code, as may be amended, and the terms of this Agreement. Additional operational restrictions are attached hereto at Exhibit C, as applicable. Park City makes no warranty for particular purpose or other representations regarding the condition of the Premises and Tenant accepts the Premises “as is.”

5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City’s written consent, in addition to any permits that may be required from the Building Department. Any improvements approved by Park City shall be completed at Tenant’s sole expense and removed at Tenant’s sole expense upon expiration of this Agreement. All improvements must comply with applicable codes and regulations.

6. SIGNS. No signs shall be permitted on the Premises except as specifically approved pursuant to the Park City Sign Code and/or Tenant’s Master Sign Plan.

7. INSURANCE. Tenant shall, at Tenant’s sole expense, carry a policy of general liability insurance in an amount of at least Two Million Dollars ($2,000,000) per person and Three Million Dollars ($3,000,000.00) per incident or occurrence. Park City shall be named as an additional insured by endorsement on each policy. Tenant’s insurance is to be primary to Park City’s and Park City’s insurance shall be non-contributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant’s sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant’s use of the Premises.

8. HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter “Liability”) resulting from Tenant’ use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney’s fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

9. ASSIGNABILITY. The Lease and any rights herein are not assignable.

10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform its obligations under this Lease at the highest professional standards, and to the satisfaction of Park City.

11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

12. FORCE MAJEURE. Any delay or failure of either Party to perform its obligations under this Agreement shall be excused to the extent that it is caused by an event or occurrence beyond its reasonable control, including act of nature, terrorism or war.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
City Attorney's Office

Double E LLC & FBA Inc. (Eating Establishment)
317 Main Street
PO Box 1722
Park City, Utah 84060

____
Rick Anderson

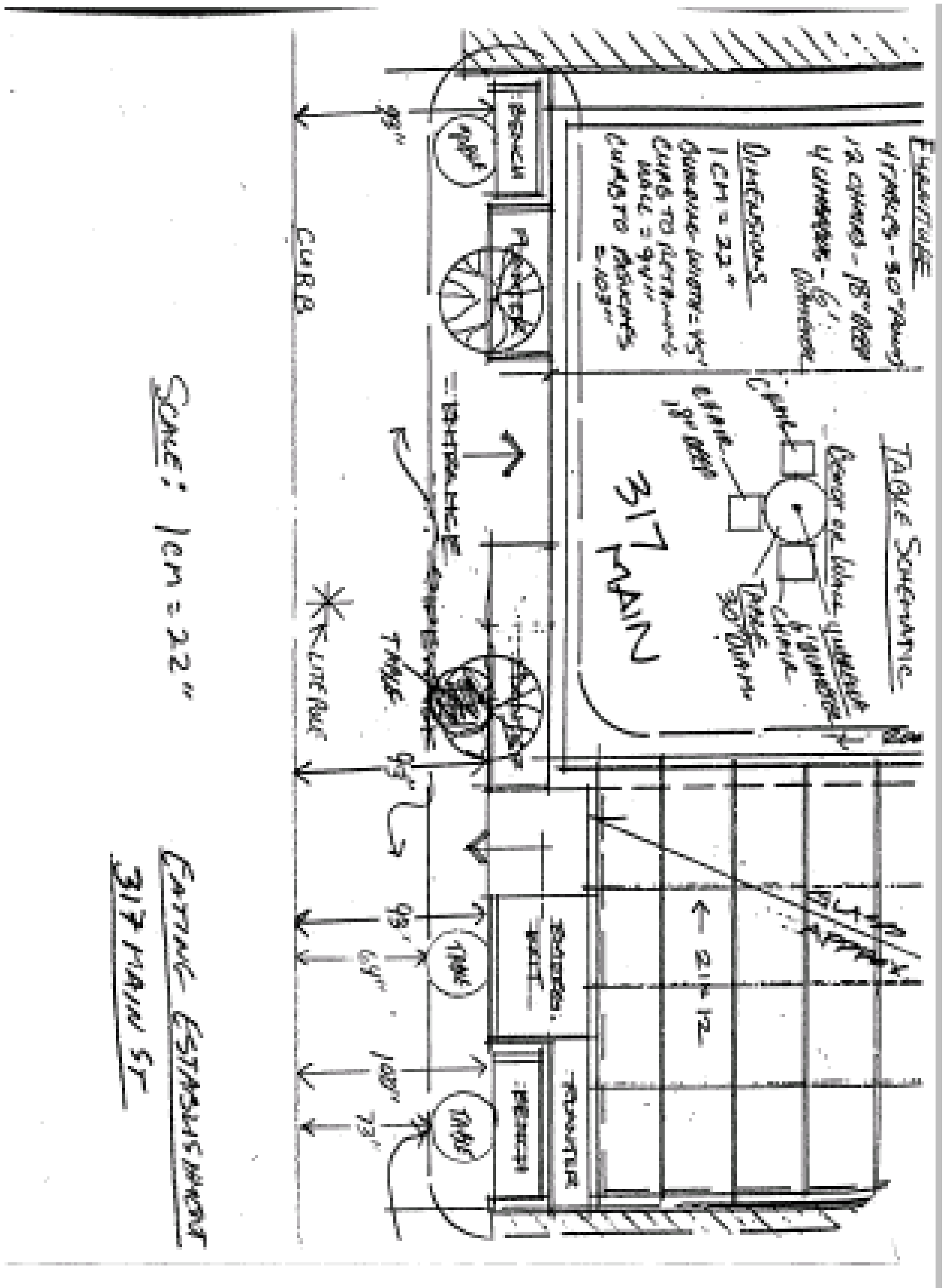
ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

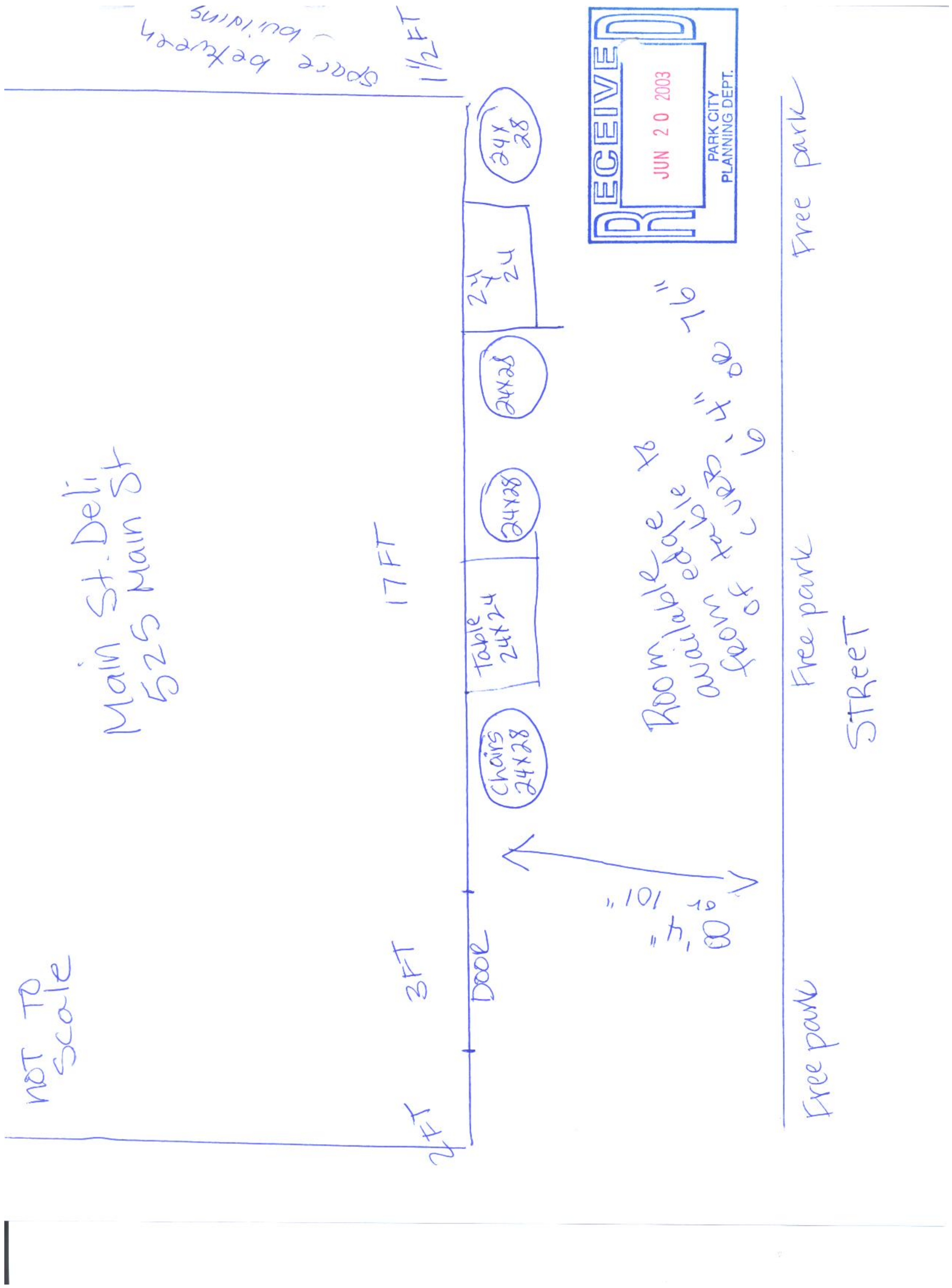
On this_________ day of _________________, 2008, personally appeared before me Rick Anderson, who being duly sworn, did say that he is the Owner of Double E LLC (Eating Establishment), and acknowledged to me that the preceding Agreement was signed on behalf of The Eating Establishment, and he acknowledged that the company did execute the same for its stated purpose.

____
Notary Public

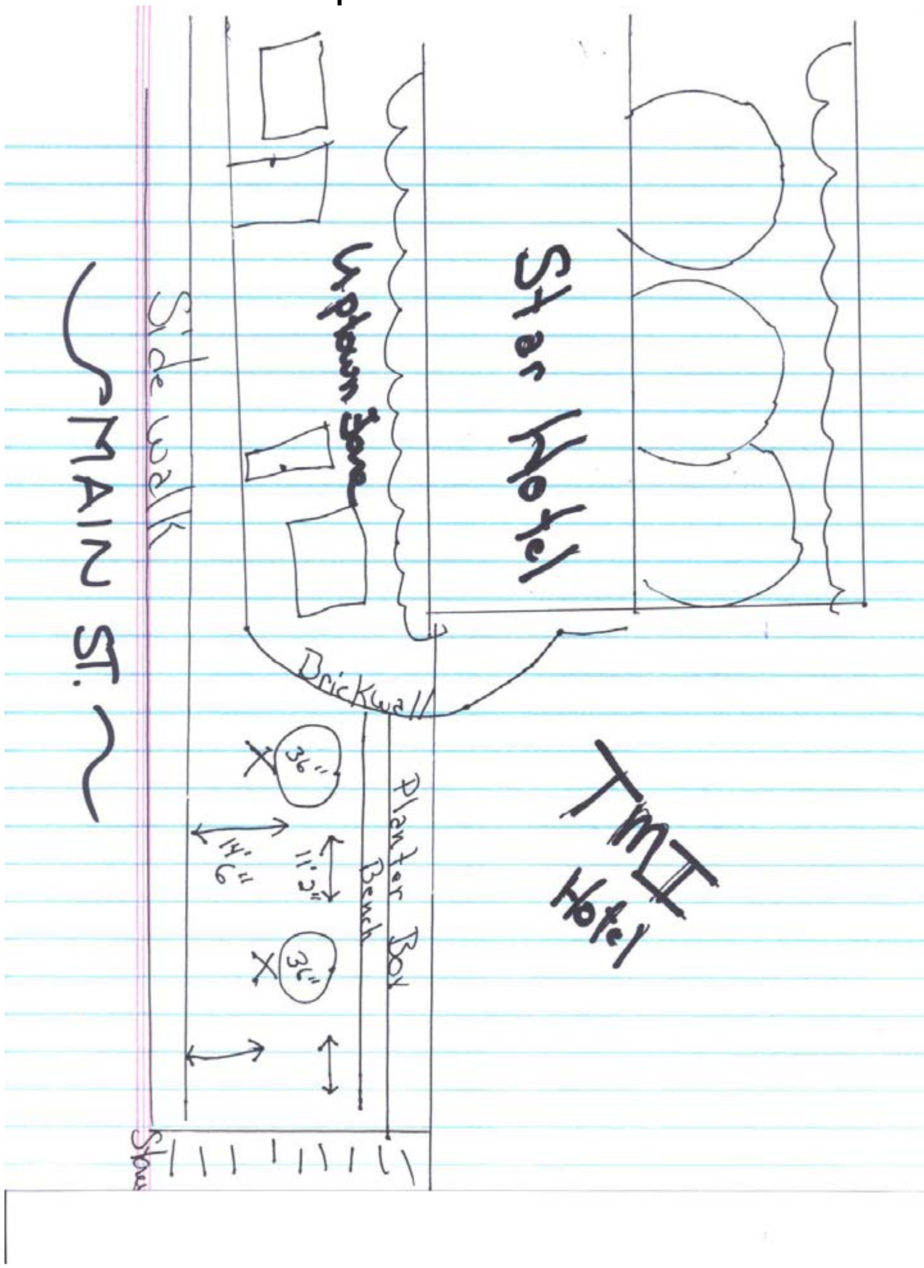
Eating Establishment Site Plan


CURB
SCALE: 1cm = 22"
EATING ESTABLISHMENT
317 MAIN ST
317 MAIN
TABLE SCHEMATIC
FURNITURE
DIMENSIONS
1 CM = 22"
BENCH
PLANTER
ENTRANCE
TABLE

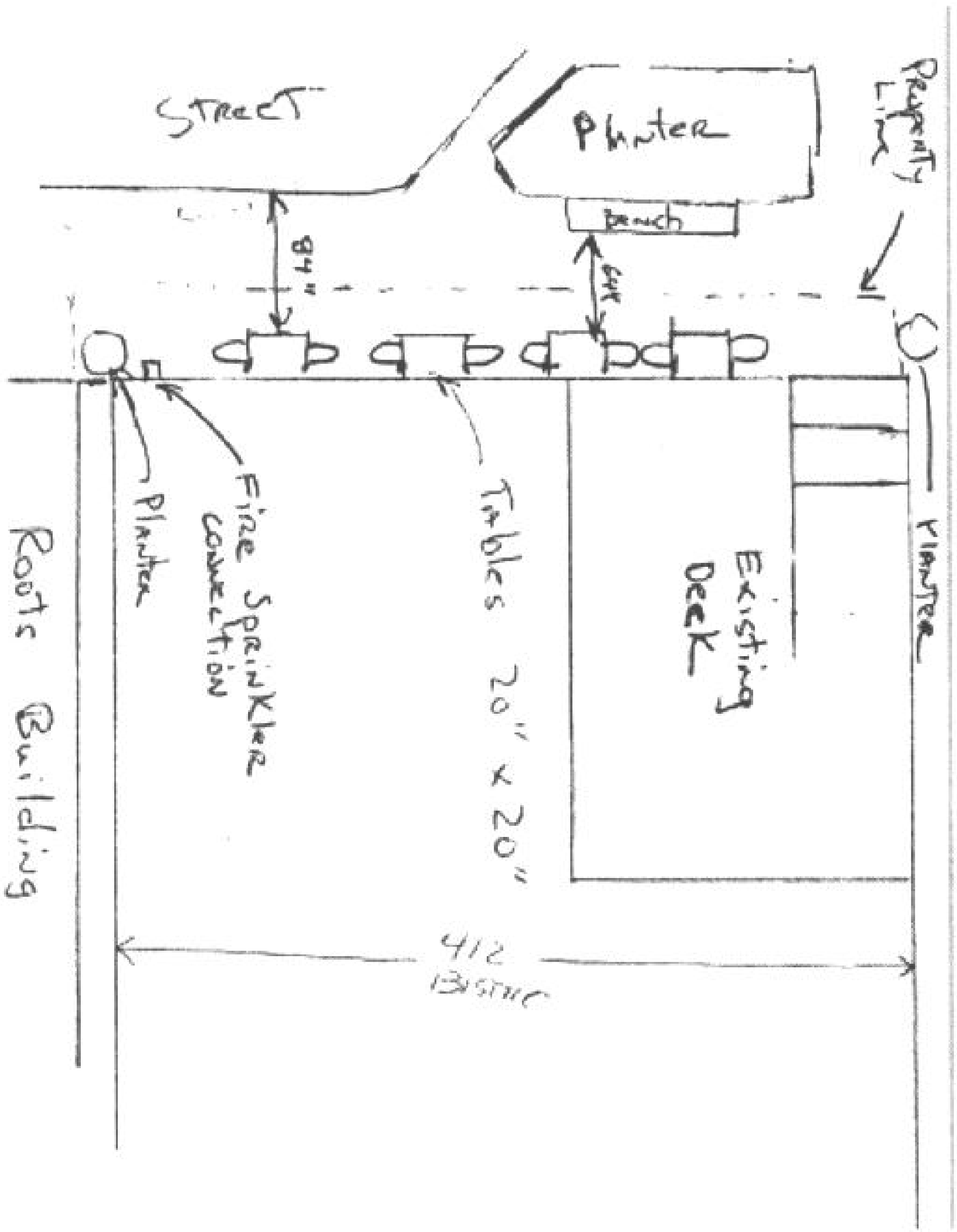
Main Street Deli Site Plan



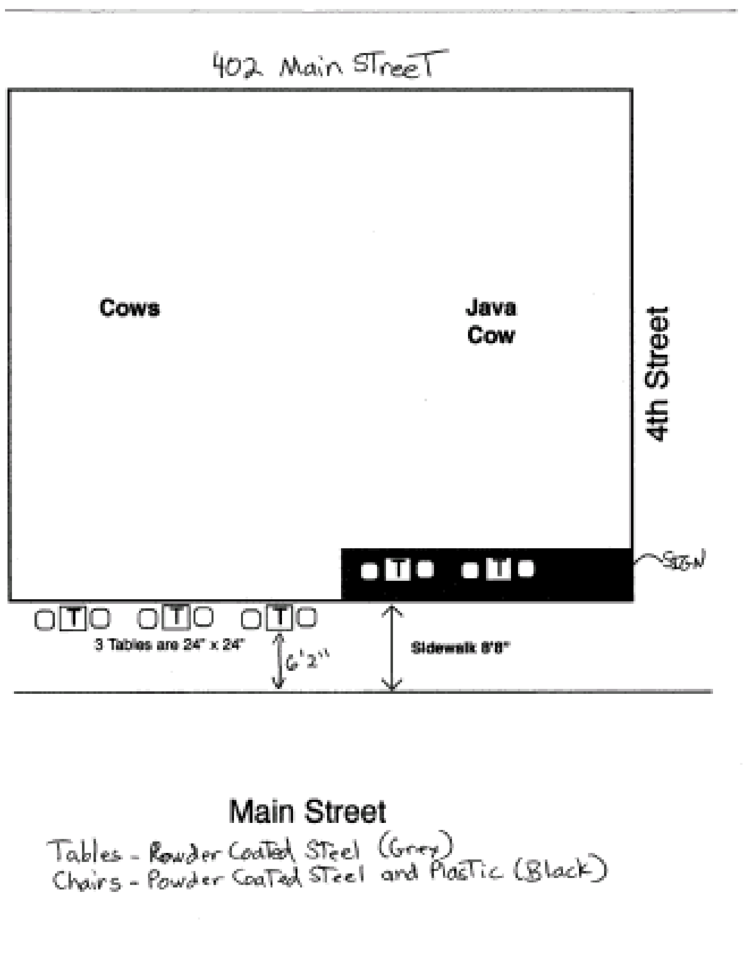
Uptown Fare Site Plan



Bistro 412 Site Plan



Java Cow Café & Bakery Site Plan



Main Street Pizza & Noodle Site Plan

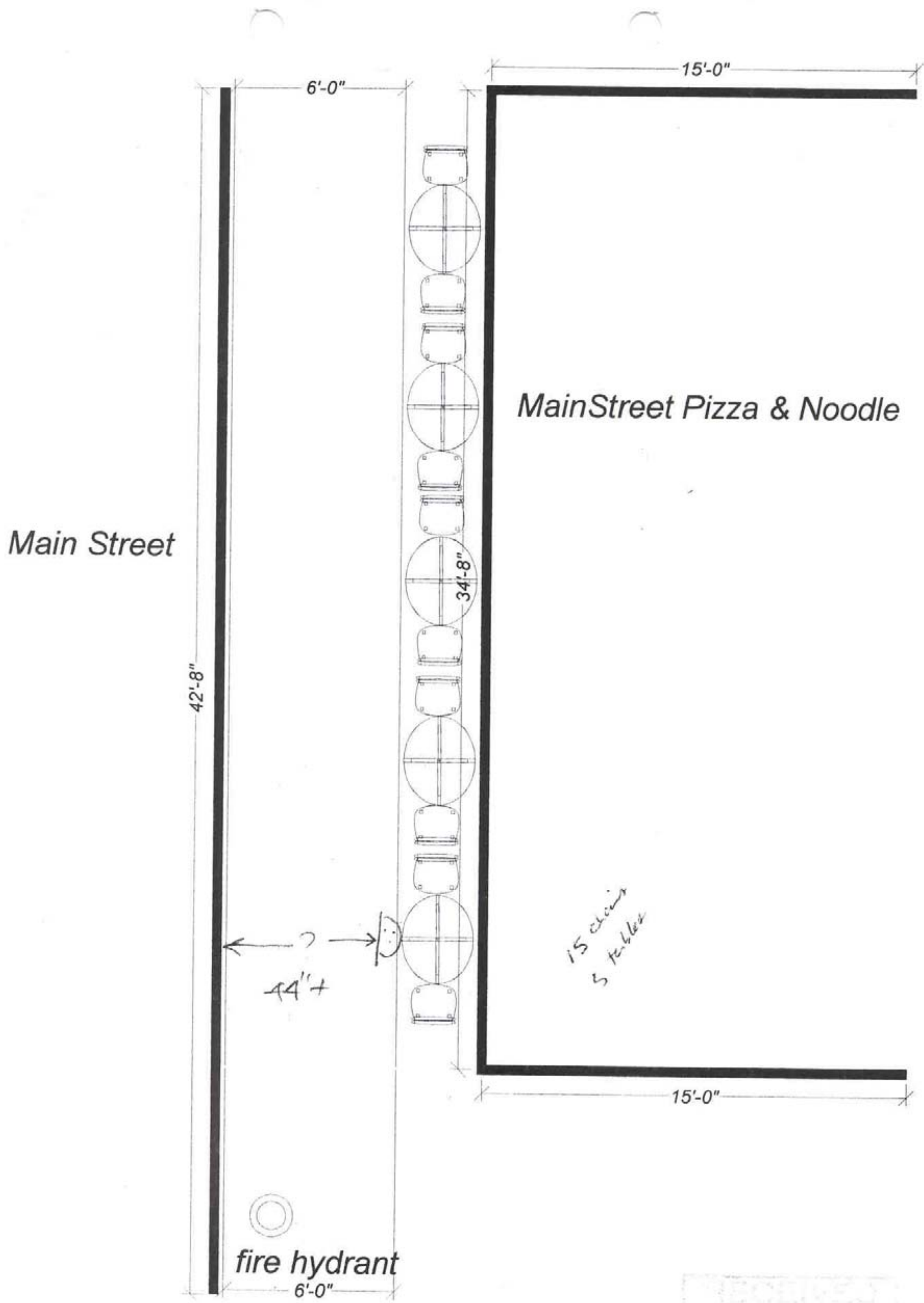


Exhibit N

SIDEWALK DINING
OPERATIONAL RESTRICTIONS

The following operational restrictions shall apply to all leases for outdoor dining on Main Street sidewalks:

1. Site Plan - This plan shall be to scale and indicate: the proprietors' building as it relates to the exact locations of chairs, tables, stanchions, umbrellas, heaters, curb (width of sidewalk), and any other existing public improvements (light fixtures, fire department connections, parking meters, utility covers, etc.).
2. Details/ Spec Sheets – Shall be submitted for each piece of equipment proposed with this application. This will include all tables, chairs, umbrellas, heaters, lighting sources, and crowd barricades, etc.
3. Parameters of Permit - Sidewalk Dining is allowed from May 1until October 30, from 8:00 am until 10:00 pm.
4. Violations - Ongoing Monitoring will be provided to ensure compliance with lease parameters. A revocation provision will be included for leasee's failure to comply.

Design Standards

1. SIZE. Sidewalk dining area shall be limited to the approved site plan and in no event shall exceed the linear frontage of Tenant's regularly licensed business on Main Street.
2. ADVERTISING. Additional signing or advertising is prohibited beyond what is allowed by the Sign Code. Umbrellas, table tents, or any other equipment must be free of branding or other promotion.
3. FURNITURE. All tables and chairs shall be metal and be either black or gray, and have a powder coated finish.
4. STANCHIONS. Any necessary crowd control barricades must be equivalent to the Crowd Controller TensaBarrier & Tape - Model 890 Standard, or T-Max, which has been approved by the Preservation Planner and chosen for its minimal visual intrusion, durability, and functionality. TensaBarrier poles shall be black and powder coated, and the tape shall be black also.
5. UMBRELLAS. Umbrellas are prohibited from having any advertising or signing and shall be in solid, primary colors. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas must meet international building code and standards and shall not create any public hazard.
6. HEATERS. Any proposed heaters shall be reviewed at the time of initial application. In most cases, additional heating elements may require additional building permits.
7. LIGHTING. No additional electric lighting is permitted, including exterior building lighting.
8. LANDSCAPING/ ATMOSPHERE. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter.
9. ADDITIONAL EQUIPMENT. To prevent unnecessary visual clutter, additional equipment beyond those outlined in this section is prohibited. This includes server or bus-stations, garbage receptacles, podiums, pedestals, etc.
10. LICENSING. The additional square footage of the dining area must be added to the existing City Business licensed area for the restaurant. The Applicant shall also comply with all applicable local and State licensing and tax laws.
11. HEALTH & SAFETY. The Use shall comply with all applicable codes and regulations, including the Summit County Health Code, the Fire Code, and the International Building Code.
12. MUSIC. The use of outdoor speakers and music is prohibited unless otherwise permitted in accordance with applicable City codes.
13. SPECIAL EVENTS. Operation of Sidewalk Dining during Special Events and Master Festival Licenses is prohibited when the boundary of that Special Event or MFL includes Main Street adjacent to the Lease unless expressly allowed in the sole discretion of Park City..
14. MAINTENANCE. The dining area shall be cleanly and maintained in a neat and orderly fashion. Pedestrian use of the adjacent sidewalk shall be maintained at all times.
15. STORAGE. All equipment and other associated materials must be removed from the sidewalk and stored on private property overnight and during prohibited times.

City Council
Staff Report

Subject: **Habitat Replat**
Author: **Francisco Astorga**
Date: **June 12, 2008**
Type of Item: **Administrative – Plat Amendment**

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

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

Description

Applicant:	Habitat for Humanity represented by Julie Bernhardt
Location:	154 Marsac Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Historic Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On April 8, 2008 the City received a completed application for the Habitat Replat plat amendment. The property is located at 154 Marsac Avenue in the Historic Residential (HR-1) zoning district. The proposed plat combines portions of lots 13, 14, & 15 (Pechnik parcels) on Block 52 of the Park City Survey, a requested portion of the Marsac Avenue street vacation, and two parcels of the Millsite Reservation into three lots of record.

During the May 28, 2008, Planning Commission Meeting, a positive recommendation was forwarded to the City Council for the plat amendment and the street vacation. The Planning Commission found good cause for the street vacation because of the affordable hosing component. Habitat for Humanity is a non-profit housing organization that provides affordable housing for modest-income families. The property is deed restricted and it also has multiple additional restrictions.

Analysis

Staff finds good cause for this plat amendment as several parcels and a portion of the platted Marsac right-of-way will be reconfigured into three lots of record. The applicant requests a street vacation of a portion of platted Marsac Avenue as shown on the proposed plat. Two of the proposed new lots will be utilized for the purpose of creating two individual homes; the lots will be 3,792.8 sq. ft. and 3,145.4 sq. ft. respectively. The third lot will be dedicated to Park City as open space.

The lot sizes are consistent with the pattern of development in the neighborhood. The table below shows the proposed lot sizes which yield the corresponding maximum footprints allowed in each lot. The minimum front and rear yard setback in the HR-1 for lots 75 feet deep are 12 feet minimum with a total of 25 feet. The minimum side yard setback for these lots is five feet minimum with a total of 14 feet. The zone height is 27 feet measured from existing grade.

	Permitted	Lot 1	Lot 2	OS Lot
Lot size	1,875 sq. ft.	3,792.8 sq. ft.	3,145.4 sq. ft.	4,483.4 sq. ft.
Footprint	844 sq. ft.	1,532.4 sq. ft.	1317.9 sq. ft.	N/A

Vacation of Right of Way
The applicant is requesting the vacation of a portion of platted Marsac Right-of-Way. In order to execute the vacation, the City Council, after receiving a recommendation from the Planning Commission must make findings of compliance with Resolution No. 8-98, "Resolution adopting a policy statement regarding the vacation of public right-of-ways within Park City, Utah." The resolution is divided into three sections; each with reviewable criteria necessary for a finding of compliance.

SECTION 1 Good Cause: The City may generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. Affordable housing is being created.

Criteria 1: No increase in density. Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street right-of-ways will generally not be vacated to facilitate greater density, floor area or area disturbance.

The applicant is proposing to develop two residential single family lots and one lot to be dedicated to the city for open space. The three Pechnik lots (lots 13, 14, and 15) on Block 52 of the Park City Survey front onto the platted, but unbuilt, Marsac Avenue Right-of-Way although each lot does not have the minimum square footage required without a variance or lot combination. Parcels A & B of the Millsite Reservation are sufficient size and have access from existing Ontario Avenue and Marsac Avenue.

Criteria 2: Neighborhood Compatibility. The proposal shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall consider the 15 criteria for a conditional use located in Chapter 15-1-10 of the LMC when considering compatibility.

The vacating of platted Marsac Right-of-Way allows for Lot 1, Lot 2, and the open space lot to be accessed of existing Ontario Avenue. The lot sizes are consistent with the pattern of development in the neighborhood. The proposal complies with LMC requirements as shown on the table above. The proposed lot sizes yield the corresponding maximum footprints allowed in each lot. The minimum front and rear yard setback in the HR-1 is ten feet (10'). The minimum side yard setback is five feet (5'). The zone height is 27 feet measured from existing grade. The single family homes and open space are consistent with the General Plan.

Criteria 3: Consideration. Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any public amenity deemed in the best interests of Park City's citizens.

The applicant is requesting the vacation of platted Marsac Right-of-Way (approximately 3,836.2 square feet) in exchange for a dedicated lot on Ontario Avenue (approximately 4,483.4 square feet) for open space and a dedicated area located west of proposed Lot 1 of 108.5 square feet as part of the existing Marsac Avenue Right-of-Way. The City finds good cause for the vacation of the Marsac Right-of-Way based on the net tangible benefit of the affordable housing aspect of this replat.

Criteria 4: Utility of existing ROW. The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant use to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan, the recommendation to the City Engineer, existing improvements and utilities within the right-of-way and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer.

In exchange for the vacation of Marsac Right-of-Way (approximately 3,836.2 square feet), the applicant will dedicate an open space lot on Ontario Avenue lots (approximately 4,483.4 square feet). The 1984 Streets Master Plan lists the platted Marsac R-O-W as "Existing Rights of Way considered Unbuildable".

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference there from, and shall not merely be conjecture nor public clamor.

The proposed street vacation will not materially injure the adjoining properties. Currently the platted Right-of-Way is unusable as determined by the 1984 Streets Master Plan.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council and Historic Preservation Board, as necessary are encouraged early in the process for large projects and master planned developments, which propose vacation and reconfiguration of public right-of-ways. Staff does not recommend a joint meeting with City Council; however, the Planning Commission may request one.

Process

The applicant will have to submit application for Historic District Design Review. A design review is reviewed and approved or denied by the Planning Department Staff. The applicant may have to submit application for Steep Slope Conditional Use Permit if they wish to build on slopes that are 30% or greater. CUPs are reviewed by the Planning Commission. The City Council approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

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

Notice

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

Public Input

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

Alternatives

- The City Council may approve the Habitat Replat as conditioned or amended; or
- The City Council may deny the Habitat Replat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Habitat Replat.
- 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 parcels would remain as they are and no construction could take place.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the Habitat Replat 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 Amendment
Exhibit B – Existing Conditions with Aerial Topography
Exhibit C – Boundary Surveys
Exhibit D – Site Plan & Elevations

Exhibit A – Draft Ordinance

ORDINANCE NO. 08-

AN ORDINANCE APPROVING THE HABITAT REPLAT PLAT AMENDMENT LOCATED AT 154 MARSAC AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 154 Marsac have petitioned the City Council for approval of the Habitat Replat plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2008, to receive input on the Habitat Replat plat amendment;

WHEREAS, the Planning Commission, on May 28, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Habitat Replat plat amendment.

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 Habitat Replat plat amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 154 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed plat reconfigures the parcels and the platted right-of-way and creates three lots of record.
4. The Land Management Code requires a minimum lot width in the HR-1 zoning district of 25'. The lot widths of the Habitat Replat Subdivision Plat are 61 feet for Lot 1, 51 feet for Lot 2, and 68 feet for Lot 3.
5. The Land Management Code requires a minimum lot area in the HR-1 zoning district of 1,875 square feet. The lot areas of the Habitat Replat plat are 3,792.8 square feet for Lot 1, 3,145.4 square feet for Lot 2, and 4,483.4 square feet for Lot 3.
6. The proposed replat creates a snow storage easement 10 feet wide along the front property lines off Ontario Avenue
7. A remnant parcel of land will not be created by this plat amendment.

8. Access to the lots is from Ontario Avenue.
9. There is no increase in density.
10. The project is compatible with the neighborhood.
11. One lot containing 4,483.4 square feet will be dedicated to the city for open space.
12. A portion of 108.5 square feet located west of Lot 1 is dedicated to the city as part of the existing Marsac Avenue Right-of-Way.
13. The platted right-of-way is unusable as determined by the 1984 Streets Master Plan.
14. All findings within the Analysis section are incorporated within.

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

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lot containing 4,483.4 square feet is dedicated to the city for open space.
4. The City finds "good cause" for the vacation of the Marsac Right-of-Way based on the net tangible benefit of the affordable housing aspect of this replat.

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

PASSED AND ADOPTED this 12th day of June, 2008.

Attachment A – Record of Survey plat

Attachment A – Record of Survey Plat

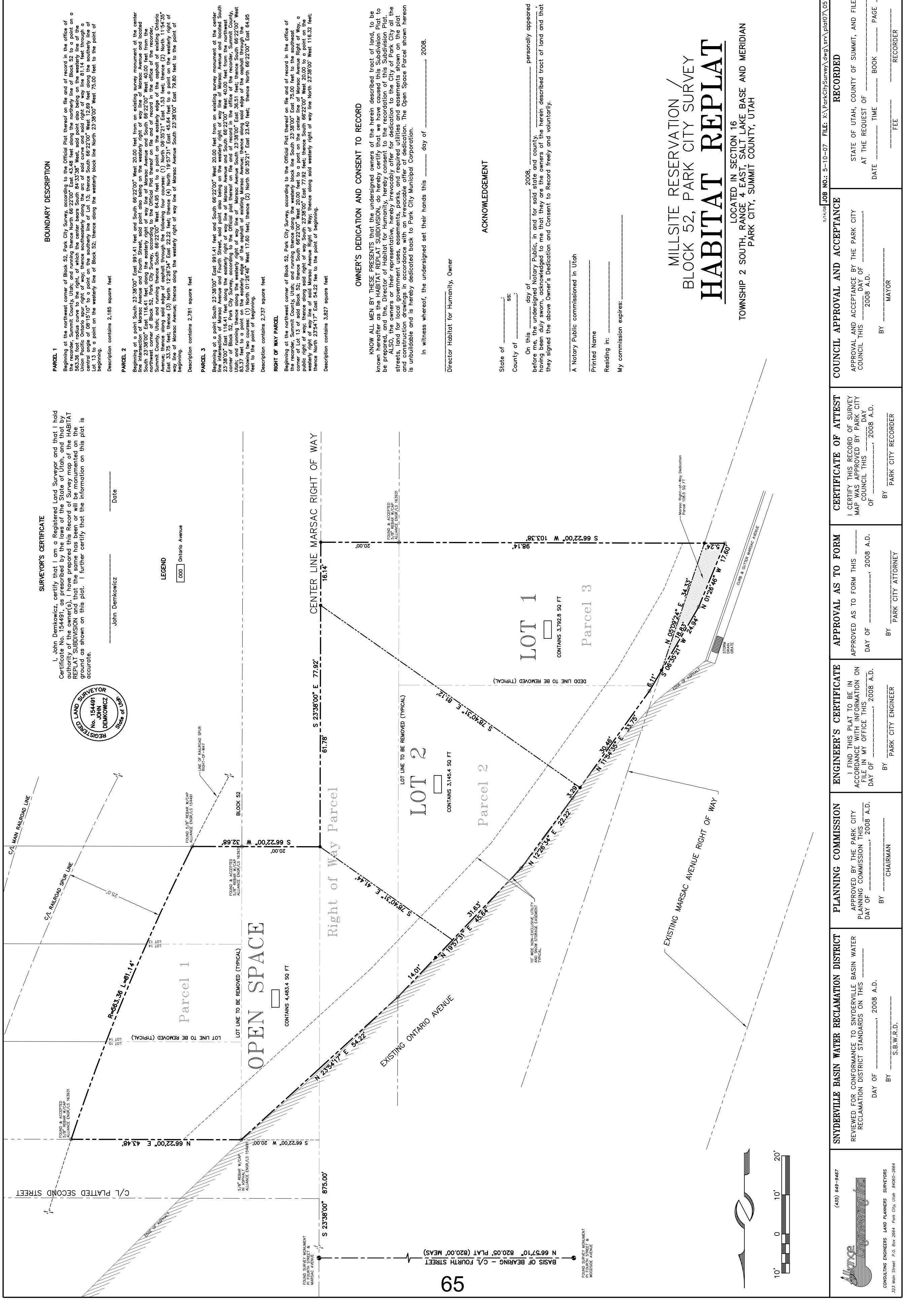
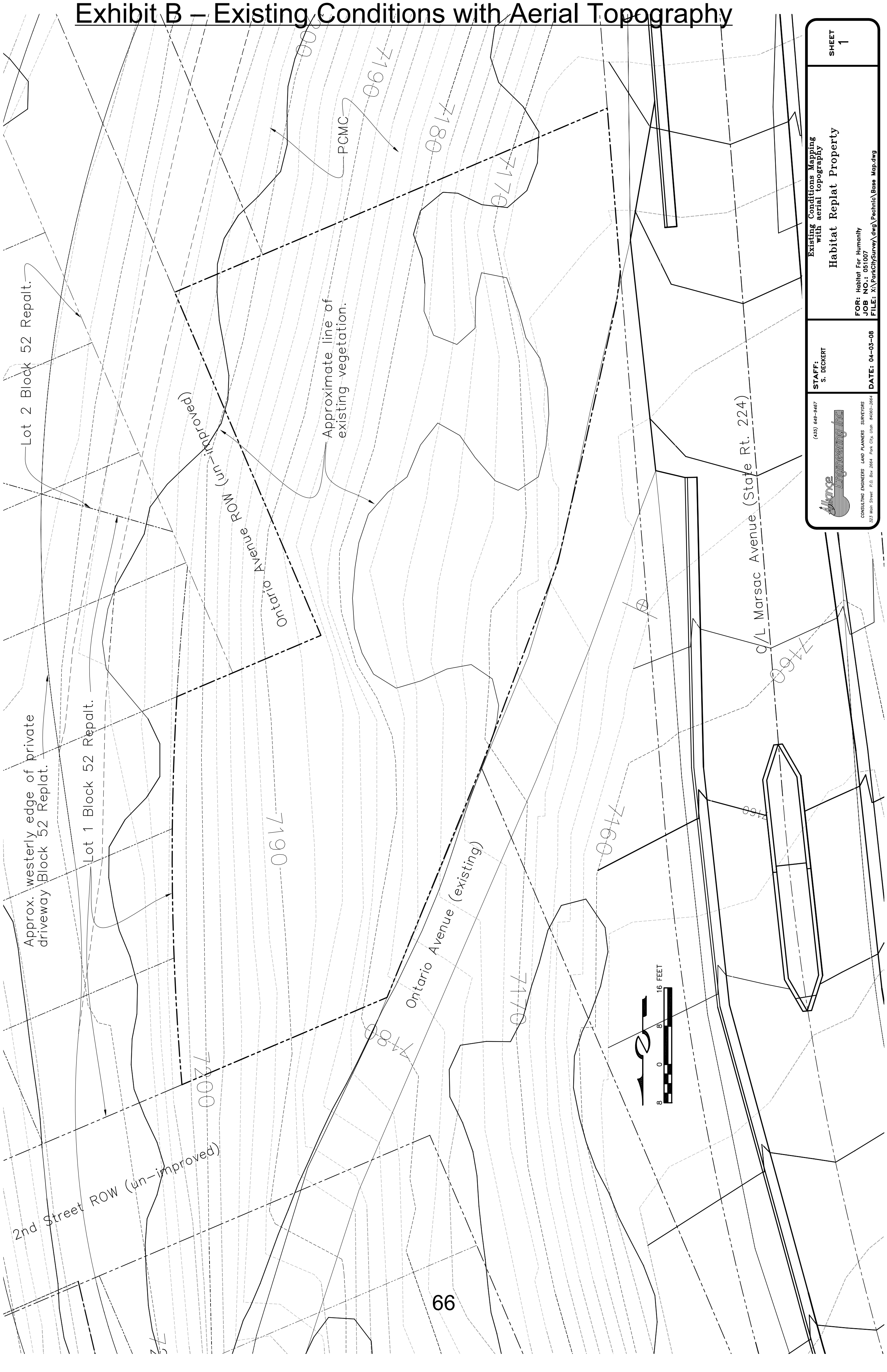
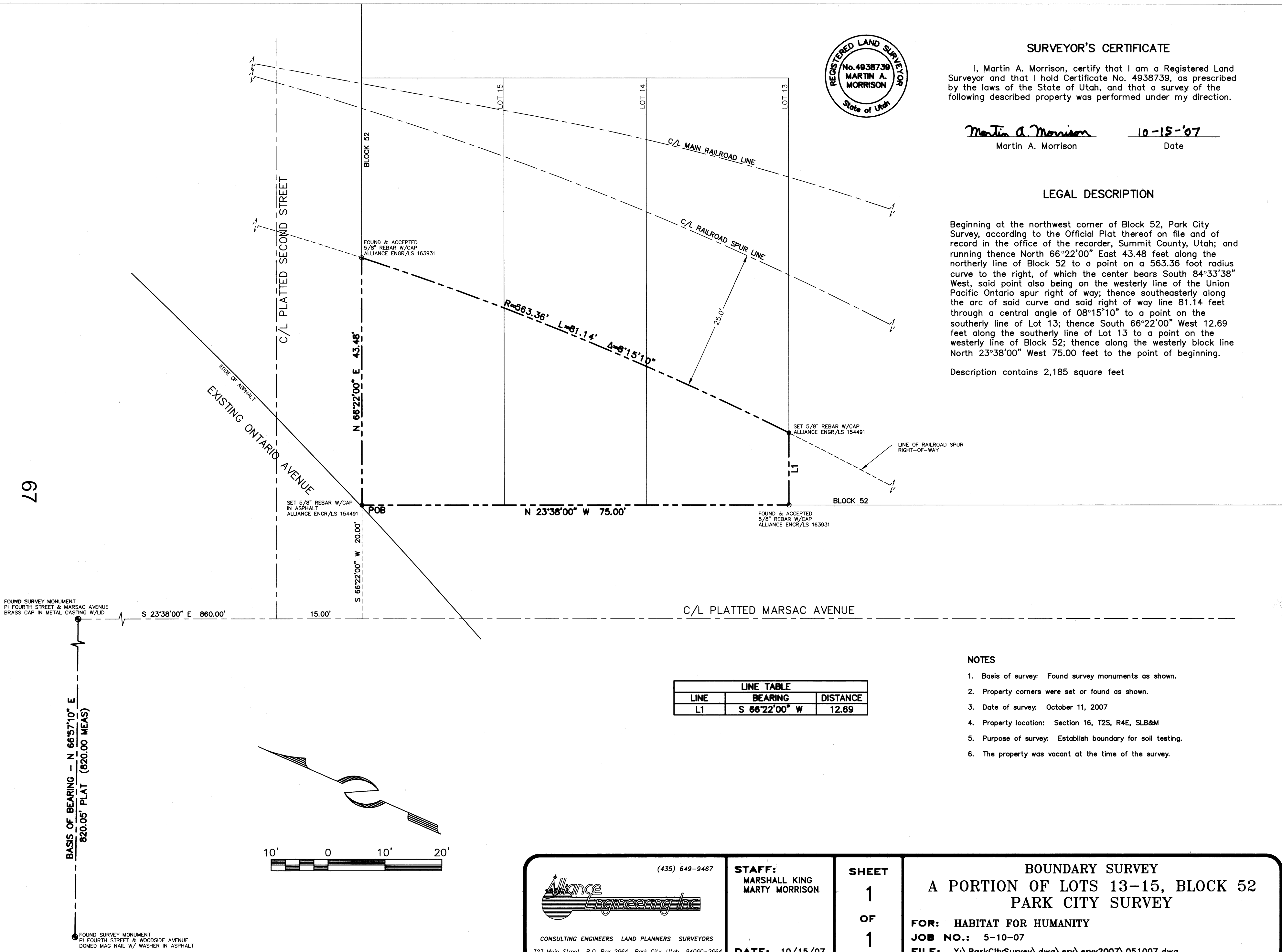


Exhibit B – Existing Conditions with Aerial Topography





SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

Martin A. Morrison — 10-15-'07
Martin A. Morrison — Date

LEGAL DESCRIPTION

Beginning at the northwest corner of Block 52, Park City Survey, according to the Official Plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence North 66°22'00" East 43.48 feet along the northerly line of Block 52 to a point on a 563.36 foot radius curve to the right, of which the center bears South 84°33'38" West, said point also being on the westerly line of the Union Pacific Ontario spur right of way; thence southeasterly along the arc of said curve and said right of way line 81.14 feet through a central angle of 08°15'10" to a point on the southerly line of Lot 13; thence South 66°22'00" West 12.69 feet along the southerly line of Lot 13 to a point on the westerly line of Block 52; thence along the westerly block line North 23°38'00" West 75.00 feet to the point of beginning.

Description contains 2,185 square feet

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 66°22'00" W	12.69

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: October 11, 2007
4. Property location: Section 16, T2S, R4E, SLB&M
5. Purpose of survey: Establish boundary for soil testing.
6. The property was vacant at the time of the survey.

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF: MARSHALL KING, MARTY MORRISON
DATE: 10/15/07
SHEET 1 OF 1

BOUNDARY SURVEY
A PORTION OF LOTS 13-15, BLOCK 52
PARK CITY SURVEY

FOR: HABITAT FOR HUMANITY
JOB NO.: 5-10-07
FILE: X:\ParkCitySurvey\dwg\srv\srvy2007\051007.dwg

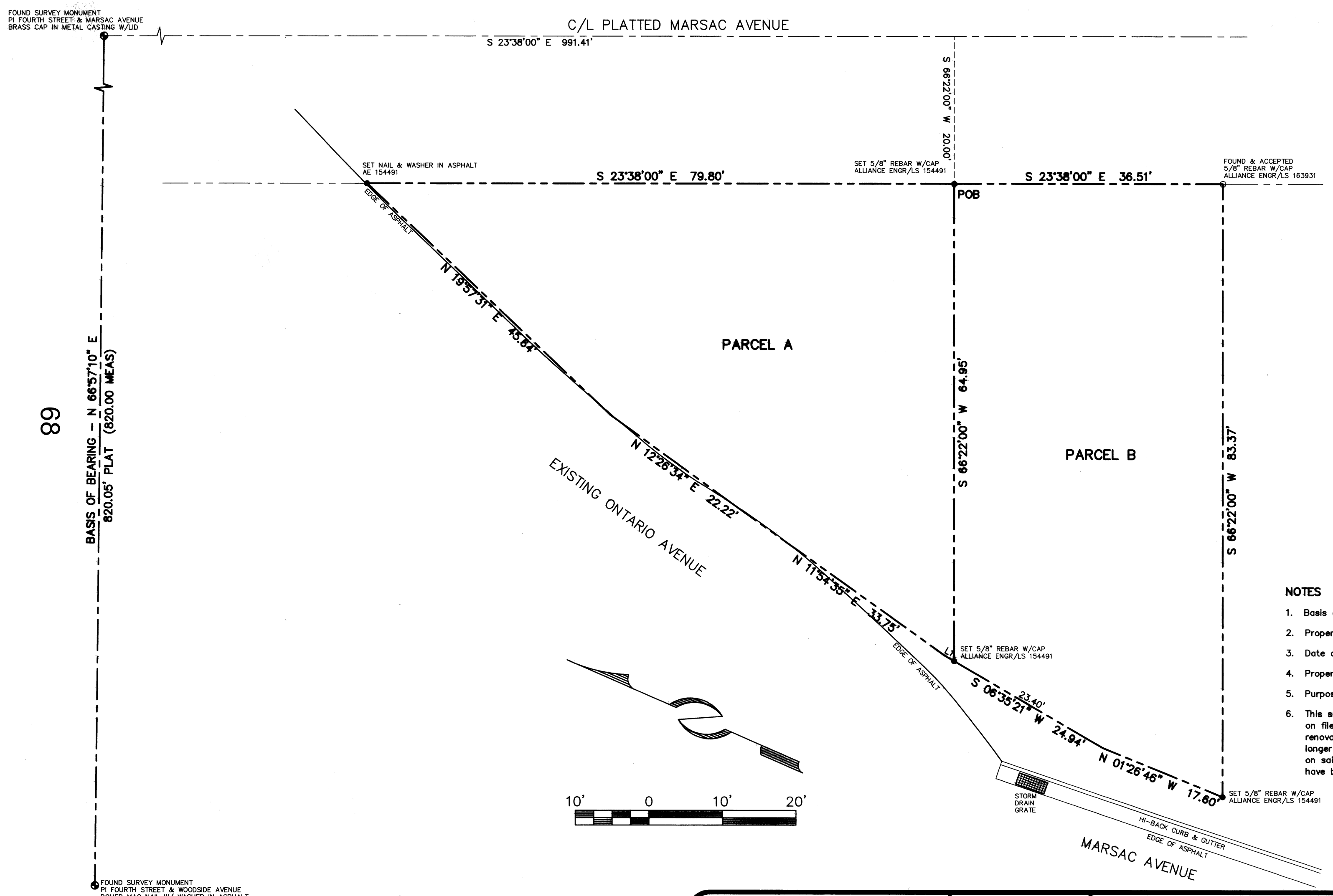
SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

Martin A. Morrison — 10-18-'07

Martin A. Morrison — Date



LEGAL DESCRIPTIONS

PARCEL A

Beginning at a point South 23°38'00" East 991.41 feet and South 66°22'00" West 20.00 feet from an existing survey monument at the center line intersection of Marsac Avenue and Fourth Street, said point also being on the westerly right of way line of Marsac Avenue and located South 23°38'00" East 116.41 feet along the easterly right of way line of Marsac Avenue and South 66°22'00" West 40.00 feet from the northwest corner of Block 52, Park City Survey, according to the Official Plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 66°22'00" West 64.95 feet to a point on the easterly edge of the asphalt of existing Ontario Avenue; thence along said edge of asphalt through the following four courses: (1) North 06°35'21" East 1.53 feet; thence (2) North 11°54'35" East 33.75 feet; thence (3) North 12°26'34" East 22.22 feet; thence (4) North 19°57'31" East 45.64 feet to a point on the westerly right of way line of Marsac Avenue; thence along the westerly right of way line of Marsac Avenue South 23°38'00" East 79.80 feet to the point of beginning.

Description contains 2,781 square feet

PARCEL B

Beginning at a point South 23°38'00" East 991.41 feet and South 66°22'00" West 20.00 feet from an existing survey monument at the center line intersection of Marsac Avenue and Fourth Street, said point also being on the westerly right of way line of Marsac Avenue and located South 23°38'00" East 116.41 feet along the easterly right of way line of Marsac Avenue and South 66°22'00" West 40.00 feet from the northwest corner of Block 52, Park City Survey, according to the Official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along the westerly right of way line of Marsac Avenue South 23°38'00" East 36.51 feet; thence South 66°22'00" West 83.37 feet to a point on the easterly edge of the asphalt of existing Marsac Avenue; thence along said edge of the asphalt through the following two courses: (1) North 01°26'46" West 17.60 feet; thence (2) North 06°35'21" East 23.40 feet; thence North 66°22'00" East 64.95 feet to the point of beginning.

Description contains 2,737 square feet

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: October 16, 2007
4. Property location: Section 16, T2S, R4E, SLB&M
5. Purpose of survey: Establish boundary for soil testing
6. This survey is a partial retracement of recorded survey S-3271 on file in the Summit County Recorder's Office. Due to recent road renovations, the edge of asphalt is as shown on this survey and no longer matches the westerly boundary of Parcels A and B as shown on said recorded survey S-3271. Structures shown on survey S-3271 have been removed.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 06°35'21" E	1.53

(435) 649-9467

Alliance Engineering Inc

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISION

DATE: 10/18/07

BOUNDARY SURVEY
A PORTION OF MILLSITE RESERVATION
154 MARSAC AVENUE

FOR: HABITAT FOR HUMANITY
JOB NO.: 5-10-07
FILE: X:\ParkCitySurvey\dwg\srv\srvy2007\051007-pcl a and b.dwg

SHEET 1 OF 1

Exhibit D – Elevations

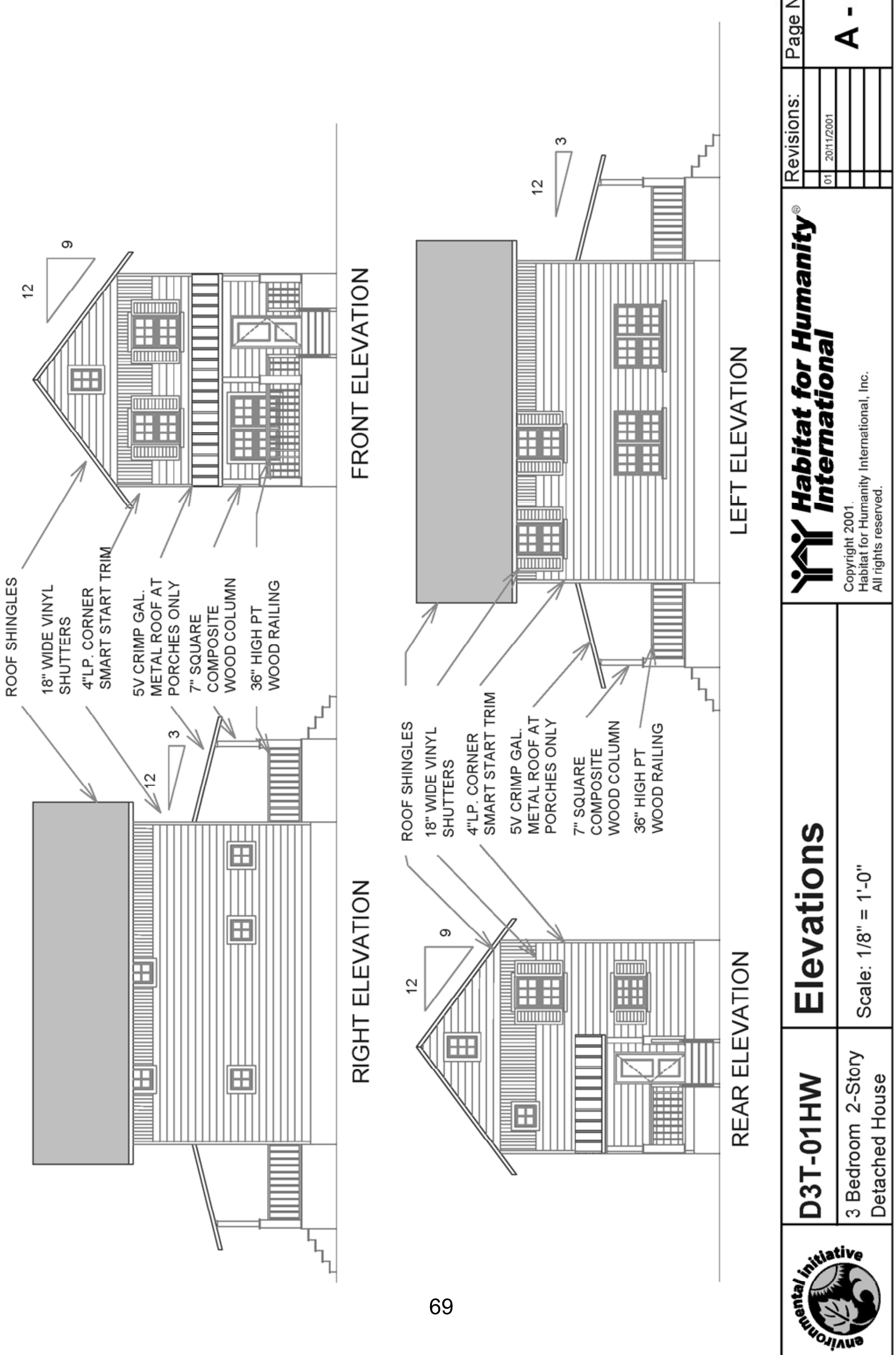
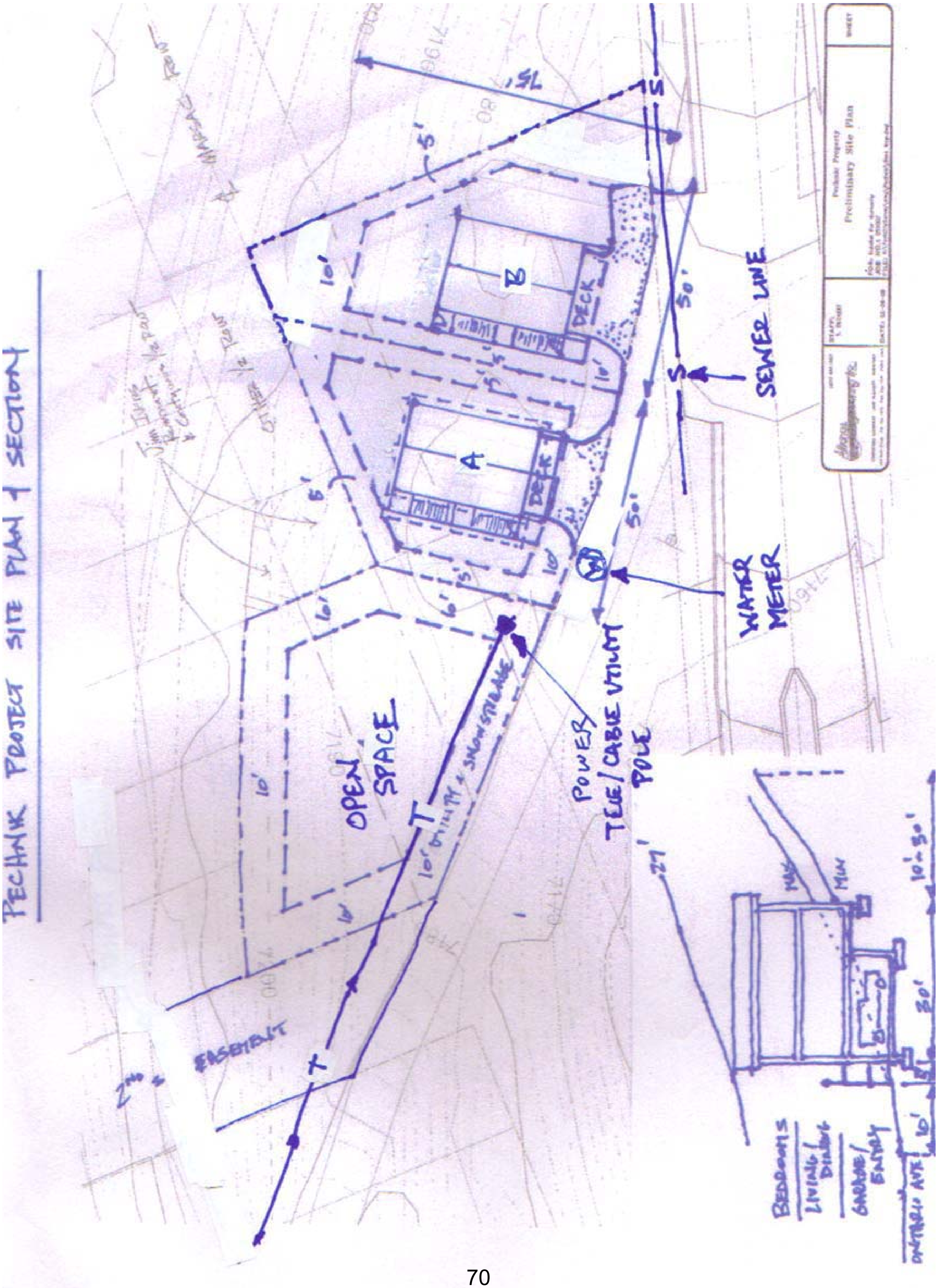


Exhibit D – Site Plan



City Council Staff Report

Subject: Trail's End at Deer Valley
Author: Francisco Astorga
Date: May 28, 2008
Type of Item: Administrative – Record of Survey Plat Amendment

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the Fourth Amendment to Trail's End 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:	Trail's End at Deer Valley Homeowners Association represented by Jonathan DeGray
Location:	2100 Deer Valley Drive South
Zoning:	Residential Development (RD) with Master Planned Development Overlay (MPD)
Adjacent Land Uses:	Residential development
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On April 14, 2008, the City received a completed application for the Fourth Amendment to Trail's End at Deer Valley Record of Survey Plat. The property is located at 2100 Deer Valley Drive South in the Residential Development (RD) zoning district with Master Planned Development Overlay (MPD). The proposed record of survey plat amendment is for a remodel and structural changes to a common building within the development. The building is used as a lobby, meeting place, locker room and work out facilities for the Trail's End at Deer Valley development.

Analysis

Staff finds good cause for this plat amendment to remodel the common building and improve the site. There will be structural changes to the building which include an expansion of 475 square feet of the Lobby on the first level, removing 39 square feet from the second level, expansion of 183 square feet of the locker room of the third level, and expanding the fourth level by 238 square feet. The changes indicated above do not change any of the private area. All improvements are proposed to take place within the existing common area. No increase in parking is required. An analysis based on the plans suggests that with the proposed changes, the Deer Valley Master Planned Development open space requirement will still be met.

Process
The applicant has applied for an at-risk Building Permit application prior to the review of this Record of Survey Plat Amendment. Planning staff has reviewed this at-risk request by the applicant with the Chief Building Official and the Legal Department and that at-risk Building Permit application has been reviewed and approved with a condition.

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

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

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

Alternatives

- The City Council may approve the Fourth Amendment to Trail's End at Deer Valley Record of Survey Plat as conditioned or amended; or
- The City Council may deny the Fourth Amendment to Trail's End at Deer Valley Record of Survey Plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Fourth Amendment to Trail's End at Deer Valley Record of Survey Plat.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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

Consequences of not taking the Suggested Recommendation
The condominium entry area would remain as is and any construction that has taken place with the at-risk permit will need to be removed.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the Fourth Amendment to Trail's End 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
Exhibit B – HOA Correspondence

Exhibit A – Draft Ordinance No. 08-

AN ORDINANCE APPROVING THE FOURTH AMENDMENT TO TRAIL'S END AT DEER VALLEY RECORD OF SURVEY LOCATED AT 2100 DEER VALLEY DRIVE SOUTH, PARK CITY, UTAH

WHEREAS, the owners of the property located at 2100 Deer Valley Drive South have petitioned the City Council for approval of the Fourth Amendment to Trail's End at Deer Valley Record of Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2008, to receive input on the Fourth Amendment to Trail's End at Deer Valley Record of Survey;

WHEREAS, the Planning Commission, on May 28, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Fourth Amendment to Trail's End at Deer Valley Record of Survey.

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 Fourth Amendment to Trail's End at Deer Valley as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2100 Deer Valley Drive, South.
2. The zoning is Residential Development (RD) with the Master Planned Development Overlay (MPD).
3. The structural changes include an expansion of 475 square feet of the Lobby on the first level, removing 39 square feet from the second level, expansion of 183 square feet of the locker room of the third level, and expanding the fourth level by 238 square feet.
4. All improvements are proposed to take place within the existing common area.
5. No increase in parking is required by this application.
6. There is no proposed change of ownership; therefore, there is no need for new condominium declarations.

7. An at-risk building permit has been issued. Any improvements under this permit will be required to be removed if the amended Record of Survey is not approved or recorded.

Conclusions of Law:

1. There is good cause for this amended Record of Survey.
2. The amended Record of Survey 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 plat amendment.
4. Approval of the Record of Survey Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey Plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Deer Valley Master Planned Development shall continue to apply.

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

PASSED AND ADOPTED this 12th day of June, 2008.

Attachment A – Record of Survey Plat

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	N 47°53'34" E	2.23'
L2	S 64°07'09" W	1.90'

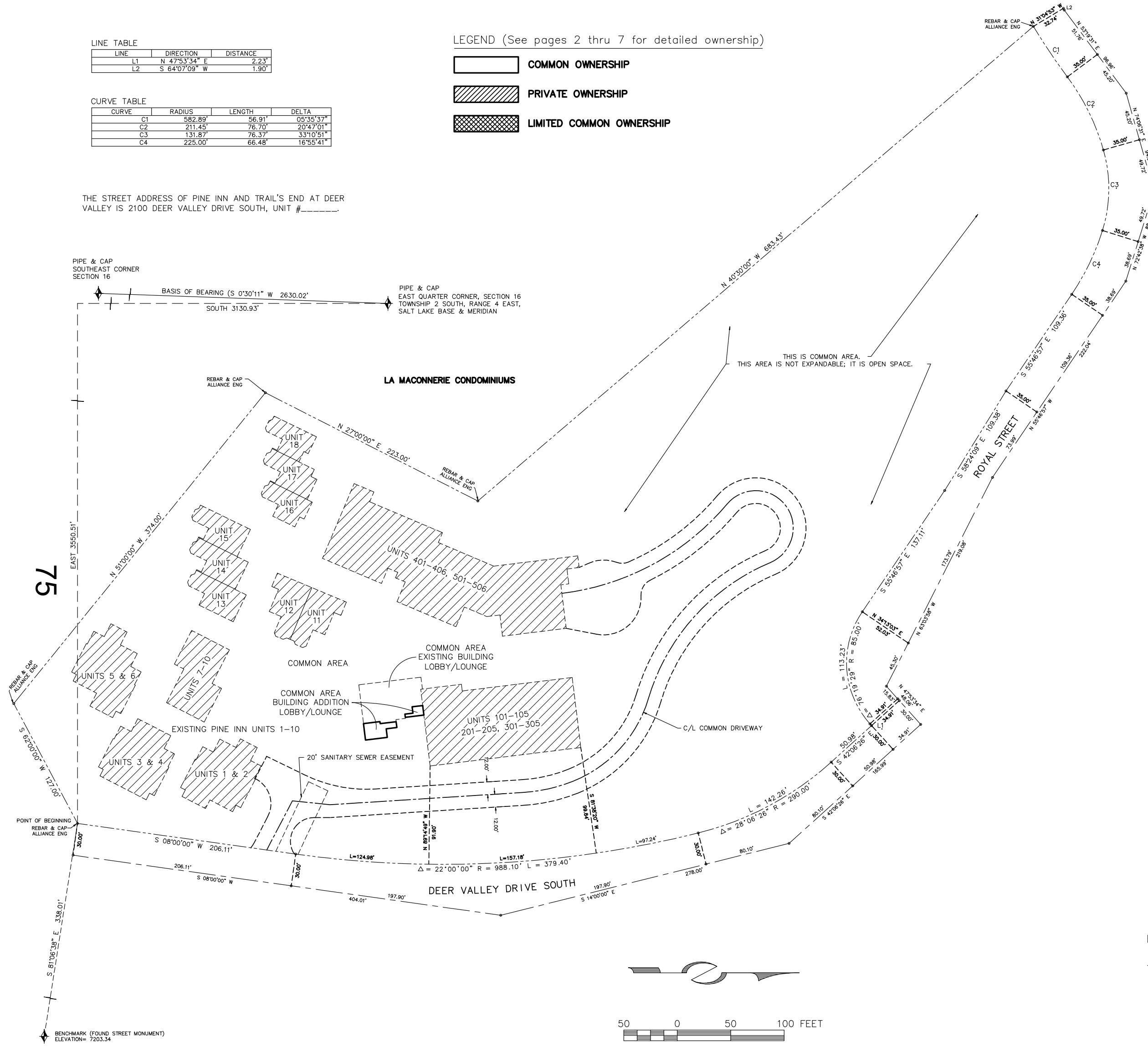
CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	582.89'	56.91'	05°35'37"
C2	211.45'	76.70'	20°47'01"
C3	131.87'	76.37'	33°10'51"
C4	225.00'	66.48'	16°55'41"

THE STREET ADDRESS OF PINE INN AND TRAIL'S END AT DEER VALLEY IS 2100 DEER VALLEY DRIVE SOUTH, UNIT #______.

LEGEND (See pages 2 thru 7 for detailed ownership)

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP



HOMEOWNERS ASSOCIATION CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That pursuant to authority of ARTICLE VIII of the Declaration of Condominium for Pine Inn, a Utah Expandable Condominium, recorded on December 24, 1985 as Entry No. 243914 in Book 367, beginning at Page 94, in the official records of the Summit County Recorder, the undersigned Pine Inn Association at Deer Valley, a Non–Profit Utah Corporation, do hereby consent to the recording of this Forth Amendment to TRAIL'S END AT DEER VALLEY, an Amendment of the Record of Survey Map of Pine Inn, a Utah Expandable Condominium Project. The undersigned further acknowledge that this Record of Survey Map amends the Record of Survey Map of Pine Inn, a Utah Expandable Condominium Project recorded on December 24, 1985 as Entry No. 243913 in the official records of the Summit County Recorder, and the undersigned, pursuant to the authority referenced herein, does hereby consents to such amendments and modifications.

IN WITNESS WHEREOF, the undersigned sets its hand this _____ day of ___________, 2008.

PINE INN ASSOCIATION AT DEER VALLEY, a Utah Non–Profit Corporation

By: ____________________

ACKNOWLEDGMENT

State of ___________)
) ss.
County of ___________)

On the _____ day of ________________, 2008, before me, ____, who did acknowledge to me that _he_ executed the foregoing as President of the PINE INN ASSOCIATION AT DEER VALLEY, A UTAH NON–PROFIT CORPORATION, who further acknowledged to me that _he_ executed the foregoing document, for and on behalf of the aforementioned corporation by express authority of its bylaws.

Notary Public ________________

My Commission Expires: ________________

Notes:

1. The Pine Inn Homeowners Association is responsible for the maintenance of all common sanitary sewer lines.
2. The Manager's Unit shall be owned in common by all Members of the Association and shall not be sold separately. The lounge may be used only by Owners, Tenants, or their respective Guest and Invitees.
3. The Homeowners Association is responible for all water line maintenance and repair.
4. The purpose of this Amendment is to show additional and modified common space within and attached to the building containing Units 101–305. Units 101–305 shown hereon are for reference only. For information relating to these units, see the Third Amendment to TRAIL'S END AT DEER VALLEY, an Amendment and Expansion of the Record of Survey Map of PINE INN, a Utah Expandable Condominium Project, on file and of record in the office of the Summit County Recorder, Entry No. 501198.
5. Units 11–18 & 101–506 Inclusive of existing TRAIL'S END AT DEER VALLEY shall continue to be known as TRAIL'S END AT DEER VALLEY. Units 11–18 & 101–506 and the floor plans, sections and elevations of said Units, recorded as Entry no. 501198 are unchanged by this Record of Survey Map.
6. Units 1–10 inclusive of existing PINE INN shall continue to be known as PINE INN. Units 1–10 and the floor plans, sections and elevations of said Units, recorded as Entry No. 243913 are unchanged by this Record of Survey Map.
7. The 20' Wide Sanitary Sewer Easement carries all rights and uses as dedicated on the Record of Survey Map for the Pine Inn, on file and of record in the office of the Summit County Recorder, Entry No. 243913.

SURVEYOR'S CERTIFICATE

I, Gregory R. Wolbach, certify that I am a Professional Land Surveyor and that I hold License No. 187788 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the owner(s), this Forth Amendment to TRAIL'S END AT DEER VALLEY, an Amendment of the Record of Survey Map of Pine Inn, a Utah Expandable Condominium Project, in accordance with the provisions of Section 57–8–13 of the Utah Condominium Ownership Act.

Gregory R. Wolbach, PLS 187788 Date

LEGAL DESCRIPTION

Beginning at a point which is 3130.93 Feet South and 3550.51 feet East from the East Quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian. (Basis of Bearing: South 00°30'11" West from said East Quarter corner of the Southeast corner of said Section 16), said point also being at the South and West Right–of–Way lines of Deer Valley Drive South, Section "D", as recorded and running thence South 62°00'00" West 127.00 feet; thence North 51°00'00" West 374.00 feet; thence North 27°00'00" East 223.00 feet; thence North 40°30'00" West 683.43 feet to a point on the Southerly Right–of–Way line of Royal Street (formerly Lake Flat Road, as dedicated), said point being on a non–tangent 582.89 foot radius curve concave Northwesterly, the radius point bears North 31°04'53" West 582.89 feet of which the central angle is 5°35'37", and following said Southerly Right–of–Way line of Royal Street the next nine courses: thence 1) Northeasterly along said curve an arc distance of 56.91 feet to the point of reverse curvature of a 211.45 foot radius curve to the right, the radius point bears South 36°40'30" East 211.45 feet of which the central angle is 20°47'01"; thence 2) Northeasterly along said curve an arc distance of 76.70 feet to the point of compound curvature of a 131.87 foot radius curve to the right, the radius point bears South 15°53'29" East 131.87 feet of which the central angle is 33°10'51"; thence 3) Easterly along the arc of said curve 76.37 feet to the point of a compound curvature of a 225.00 foot radius curve to the right, the radius point bears South 17°17'22" West 225.00 feet, of which the central angle is 16°55'41"; thence 4) Southeasterly along said curve an arc distance of 66.48 feet; thence 5) South 55°46'57" East 109.36 feet; thence 6) South 58°24'09" East 109.38 feet; thence 7) South 55°46'57" East 137.11 feet to the point of curvature of a 85.00 foot radius curve to the left, the radius point bears North 34°13'03" East 85.00 feet of which the central angle is 76°19'29"; thence 8) Easterly along said curve an arc distance of 113.23 feet; thence 9) North 47°53'34" East 2.23 feet to a point on the Westerly Right–of–Way line of Deer Valley Drive South Section "D", as recorded, and following on said Westerly Right–of–Way line the next four courses: 1) thence South 42°06'26" East 50.98 to the point of curvature of a 290.00 foot radius curve to the right, the radius point bears South 47°53'34" West 290.00 feet of which the central angle is 28°06'26"; thence 2) Southeasterly along the curve an arc distance of 142.26 feet to the point of compound curvature of a 988.10 foot radius curve to the right, the radius point bears South 76°00'00" West 988.10 feet of which the central angle is 22°00'00"; thence 3) Southerly along said curve an arc distance of 379.40 feet; thence 4) South 08°00'00" West 206.11 feet to the point of beginning.

Contain 8.52 Acres or 371,199 Square Feet.

Less and excepting units 1–10 of the Pine Inn Condominiums.

FORTH AMENDMENT TO

TRAIL'S END AT DEER VALLEY

AN AMENDMENT OF THE RECORD OF SURVEY MAP OF

PINE INN

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 15 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SHEET 1 OF 4
PLOT DATE: APRIL 3, 2008

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1670 Bonanza Drive * Suite 104
P.O. Box 2861 * Park City * Utah * 84060
Phone: (435) 649–4667 * Fax: (435) 649–9219
E-mail: office@evergreen–eng.com

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ___________, 2008 A.D.

BY ________________
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ___________, 2008 A.D.

BY ________________
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ___________, 2008 A.D.

BY ________________
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF ___________, 2008 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 ___________, 2008 A.D.

BY ________________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

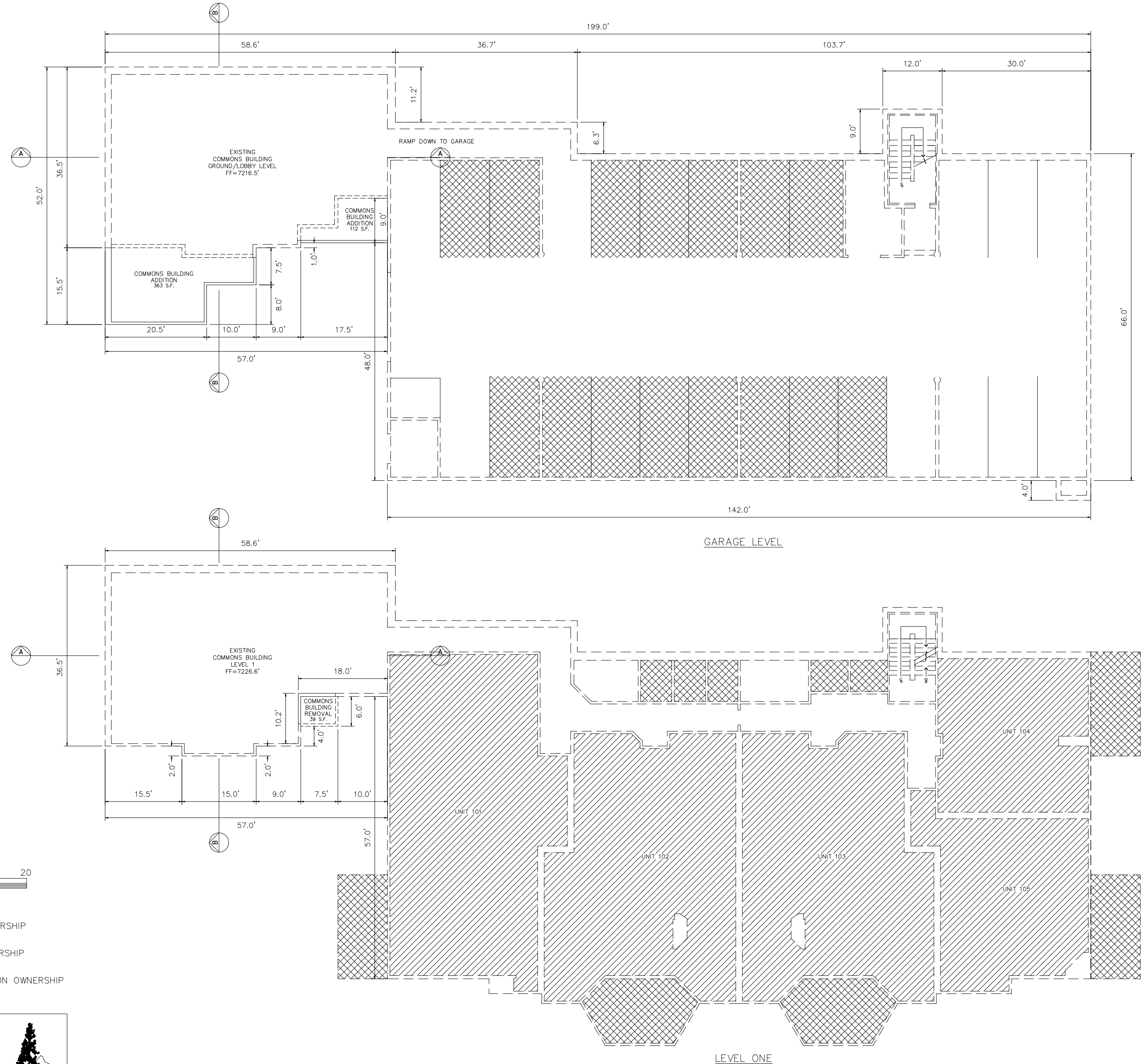
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ___________, 2008 A.D.

BY ________________
MAYOR

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ____________________
DATE _______ TIME _____ BOOK _____ PAGE _____

_______ FEE ________________ RECORDER



10 0 10 20

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

FORTH AMENDMENT TO

TRAIL'S END AT DEER VALLEY

AN AMENDMENT OF THE RECORD OF SURVEY MAP OF

PINE INN

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 15 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

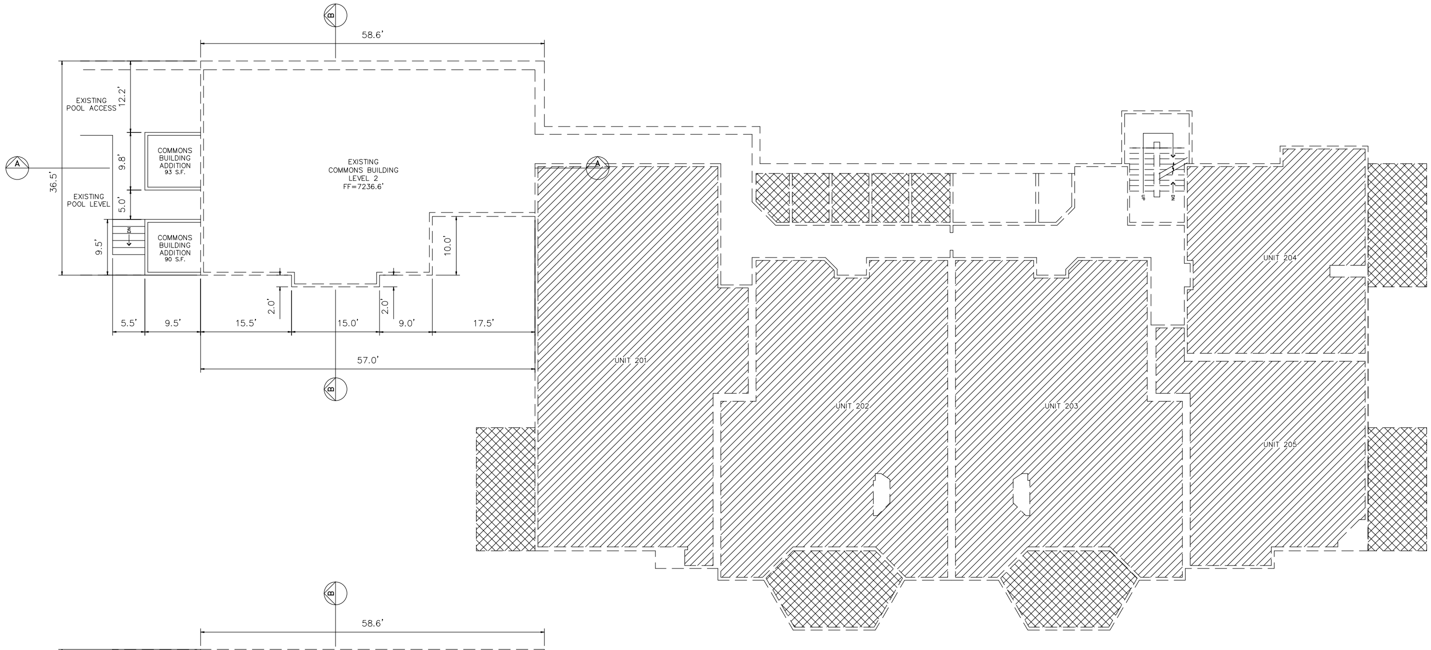
SHEET 2 OF 4
PLOT DATE: APRIL 3, 2008

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
1670 Bonanza Drive * Suite 104
P.O. Box 2861 * Park City * Utah * 84060
Phone: (435) 649-4667 * Fax: (435) 649-9219
E-mail: office@evergreen-eng.com

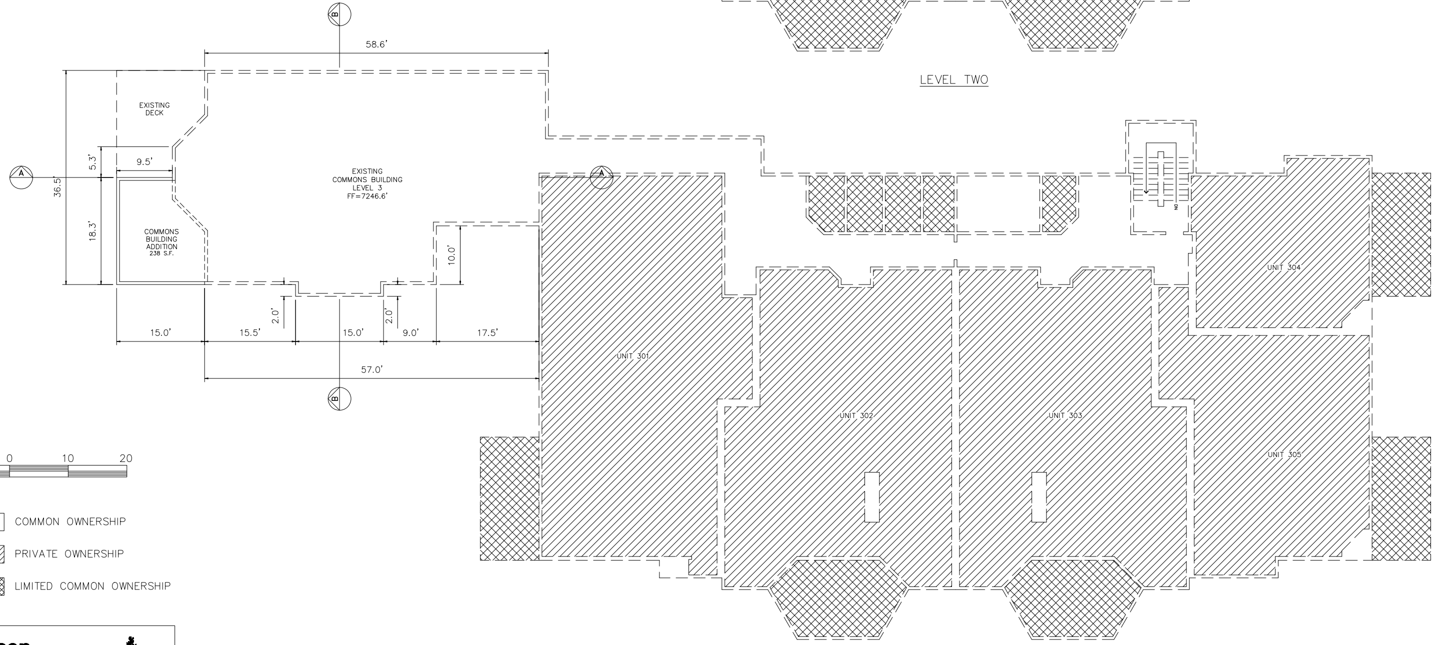
RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF ____________________
DATE _______ TIME _____ BOOK _____ PAGE _____

_______ ______________
FEE RECORDER



LEVEL TWO



LEVEL THREE

10 0 10 20

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

FORTH AMENDMENT TO

TRAIL'S END AT DEER VALLEY

AN AMENDMENT OF THE RECORD OF SURVEY MAP OF

PINE INN

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 15 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SHEET 3 OF 4
PLOT DATE: APRIL 3, 2008

Evergreen Engineering, Inc.
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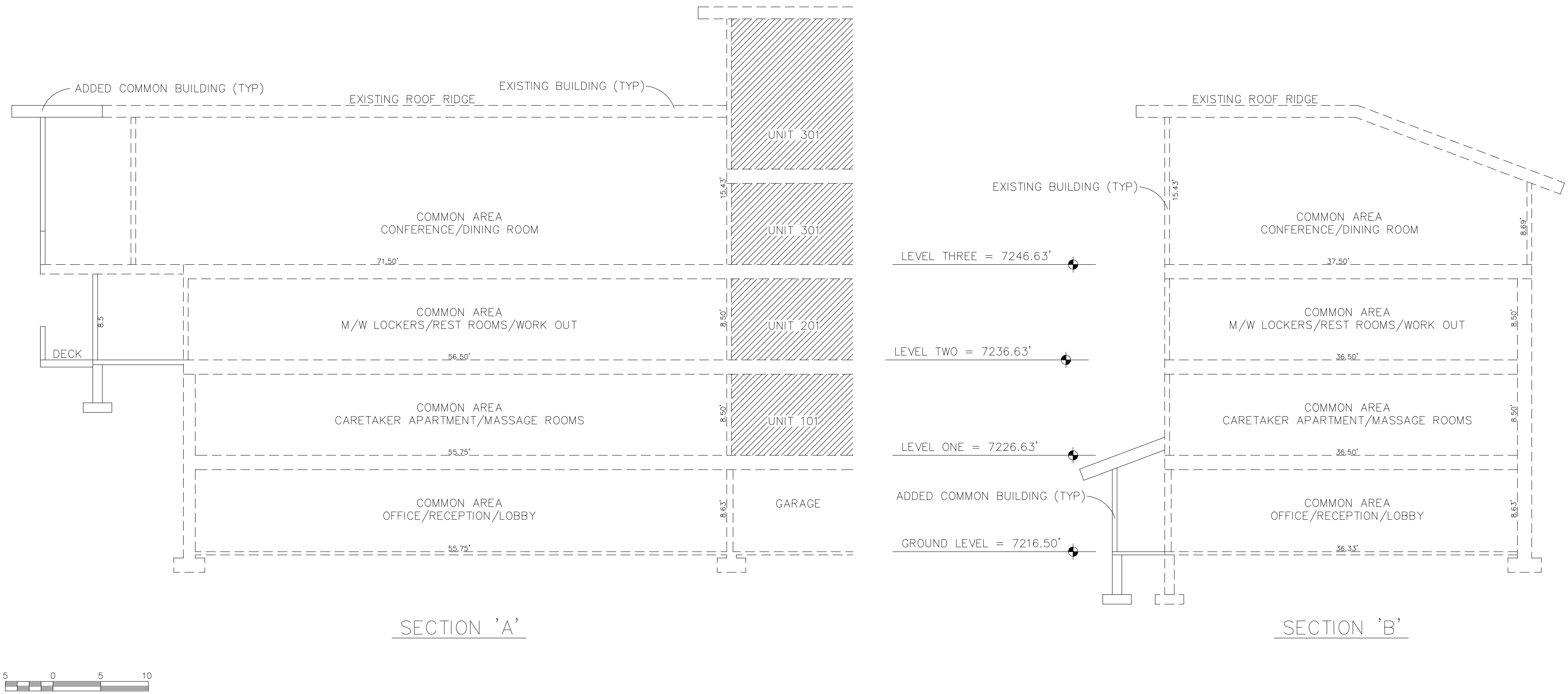

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

FORTH AMENDMENT TO

TRAIL'S END AT DEER VALLEY

AN AMENDMENT OF THE RECORD OF SURVEY MAP OF

PINE INN

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 15 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SHEET 4 OF 4
PLOT DATE: APRIL 3, 2008

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E-mail: office@evergreen-eng.com

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF ____________________
DATE _______ TIME _____ BOOK _____ PAGE _____

_______ ______________
FEE RECORDER

Exhibit B – HOA Correspondence

Trail's End Lodge
AT DEER VALLEY

BD- 08-13408

January 18th, 2008

To Whom It May Concern:

Please allow this letter to serve as confirmation that the Pine Inn/Trails End Homeowner's Association and the Board of Trustees have complied with all requirements outlined in our governing documents in regards to the remodel and construction project being planned for Pine Inn/Trails End in the Spring/Summer of 2008.

In November of 2007 the Pine Inn/Trail's End Homeowner's Association received approval from the Pine Inn/Trails End homeowners to proceed with an assessment and the associated construction. This approval was obtained in accord with the Declaration of Condominium of Pine Inn recorded on December 24, 1985 and amended from time to time. The Declaration requires an affirmative vote of 51% of its membership to approve a special assessment and the Association received an affirmative vote of 67.37% from its membership.

All ballots and applicable documents are kept in the offices of the Pine Inn/Trails End Homeowners Association located at 2100 Deer Valley Drive South.

If you have any questions or concerns please feel free to contact our General Manager. Mr. Joel Moskal can be reached at 435-647-3527 or via e-mail at jmoskal@deervalleylodging.com.

Thank you for your consideration.

Sincerely,

Debra B Bartel

Deborah Bartel
Secretary of the Board of Trustees
Pine Inn / Trail's End Homeowner's Association

P.O. Box 3000 • 2100 Deer Valley Drive
Park City, Utah 84060
435-647-3527 • Fax 435-647-3528

City Council
Staff Report

Subject: **Double Jack Condominiums**
Author: **Francisco Astorga**
Date: **May 28, 2008**
Type of Item: **Administrative – Amendment to Record of Survey Plat**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the Second Amended Double Jack Condominiums Record of Survey based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	Double Jack Condominiums HOA
Location:	1313 Woodside Avenue
Zoning:	Recreational Commercial (RC)
Adjacent Land Uses:	Recreational commercial to the north and west, recreational open space to the south, and historic residential to the west
Reason for Review:	Record of Survey Plat Amendments require Planning Commission review and City Council approval

Background
On April 1, 2008 the City received a completed application for the Second Amended Double Jack Condominiums record of survey plat. The property is located at 1313 Woodside Avenue. The purpose of the application is to convert 216 square feet from common to limited common area adjacent to Unit 1 at ground level and to revise the limited common designation in the below ground parking area regarding Units 1 through 4 to match the as built assignments. The original condominium Record of Survey was recorded on March 3, 1982. The first amended Record of Survey was recorded on November 17, 1989.

Analysis
Staff finds good cause for this amendment to Record of Survey plat to improve the site and show existing conditions in the underground parking garage. The application includes a conversion of an area approximately 216 square feet outside of Unit 1 from common area to limited common area for the purpose of construction of a patio for the use of Unit 1. It also includes a reassignment of spaces in the parking garage. The proposed change reflects the as-built assignments and the way parking has always been assigned. A tally report was submitted to the city indicating approval from 100% of the unit owners. The proposal does not change the percentage of ownership and the Condominium Declaration does not need to be amended.

Process
The applicant will have to submit applications for a building permit for the patio. The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

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

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

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

Alternatives
- The City Council may approve the Second Amended Double Jack Condominiums Record of Survey as conditioned or amended; or
- The City Council may deny the Second Amended Double Jack Condominiums Record of Survey and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Second Amended Double Jack Condominiums Record of Survey.
- 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
No construction could take place for the purpose of a patio and the condominium plat would not reflect the as-built parking spaces assignment.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the Second Amended Double Jack Condominiums Record of Survey 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 amended Record of Survey
Exhibit B – Double Jack Condominiums Amended Plat

Exhibit A - Draft Ordinance No. 08-

AN ORDINANCE APPROVING THE SECOND AMENDED DOUBLE JACK CONDOMINIUMS RECORD OF SURVEY LOCATED AT 1313 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1313 Woodside have petitioned the City Council for approval of the Second Amended Double Jack Condominiums Record of Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2008, to receive input on the Second Amended Double Jack Condominiums Record of Survey;

WHEREAS, the Planning Commission, on May 28, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah, to approve the Second Amended Double Jack Condominiums Record of Survey.

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 Fourth Second Amended Double Jack Condominiums Record of Survey as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1313 Woodside.
2. The zoning is Recreational Commercial (RC).
3. A six unit condominium exists on the property.
4. The proposed area conversion adjacent to Unit 1 is from common to limited common.
5. The proposed change in the parking area reflects the as-built assignments and the way parking has always been assigned.
6. The condominium’s Home Owner’s Association has approved the proposed changes by a vote of 100%.
7. The proposal does not change the percentage of ownership
8. The Condominium Declaration does not need to be amended.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

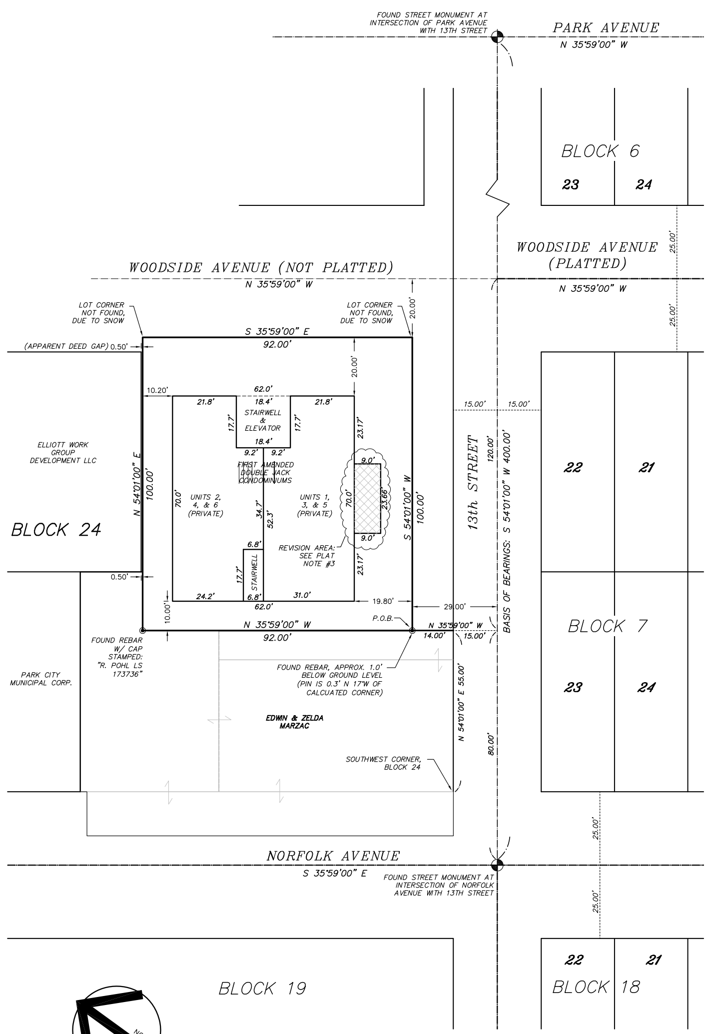
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 12th day of June, 2008.

Attachment A – Record of Survey Plat

SECOND AMENDED DOUBLE JACK CONDOMINIUMS PROJECT

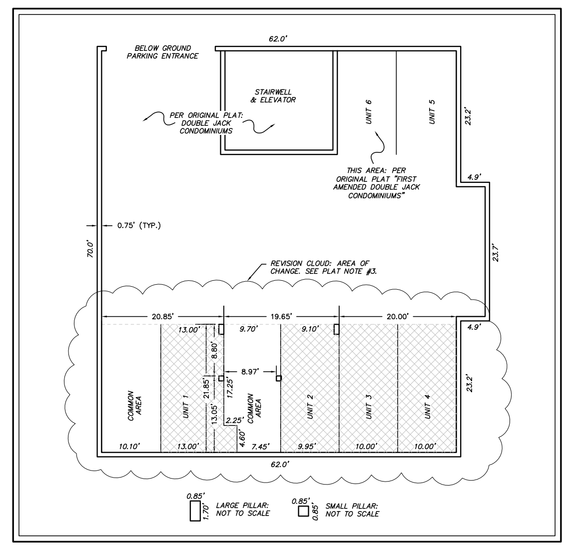
A UTAH CONDOMINIUM PROJECT, LOCATED IN BLOCK 24 OF SNYDER'S ADDITION TO PARK CITY, UTAH, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



SITE VIEW
SCALE: 1"=20'

LEGEND

- FOUND STREET MONUMENT
- FOUND PROPERTY MONUMENT (AS DESCRIBED)
- LIMITED COMMON AREA
- COMMON AREA



BUILDING DETAILS
BELOW GROUND PARKING AREA
SCALE: 1"=10'

PLAT NOTES:

1. All Plat notes from the First Amended Double Jack Condominiums, of record and on file at the Summit County Recorder's Office, are in full force and effect. See said First Amended Double Jack Condominiums, Record Number 315896, recorded 11-17-1989.

2. See previously recorded Double Jack Condominiums Owner's Association Covenants, Conditions & Restrictions.

3. The purpose of this plat is twofold:
One, to incorporate additional Limited Common Area adjacent to Unit 1 at ground level. The total square feet is 213 square feet.
Two, to revise the limited common designation in the below ground parking area regarding Units 1 through 4.

4. Building wall dimensions are per original "First Amended Double Jack Condominiums" survey plat of record, and were field verified by Park City Surveying in March, 2008.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner of the herein described tract of land, to be known hereafter as the "Second Amended Double Jack Condominiums Project", do hereby certify that I have caused this Plat to be prepared, and I, Michael Witte, hereby consent to the recordation of this Plat. ALSO, the owner, or his representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, I have hereunto set my hand this ______ day of ______________, 2008.

____
Michel Witte

ACKNOWLEDGMENT

State of Utah:
County of Summit:

On this ______ day of ______________, 2008, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, Michael Witte, the person that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that he is the owner of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____________________________ My commission expires: ________________
Notary Public

SURVEYOR'S CERTIFICATE

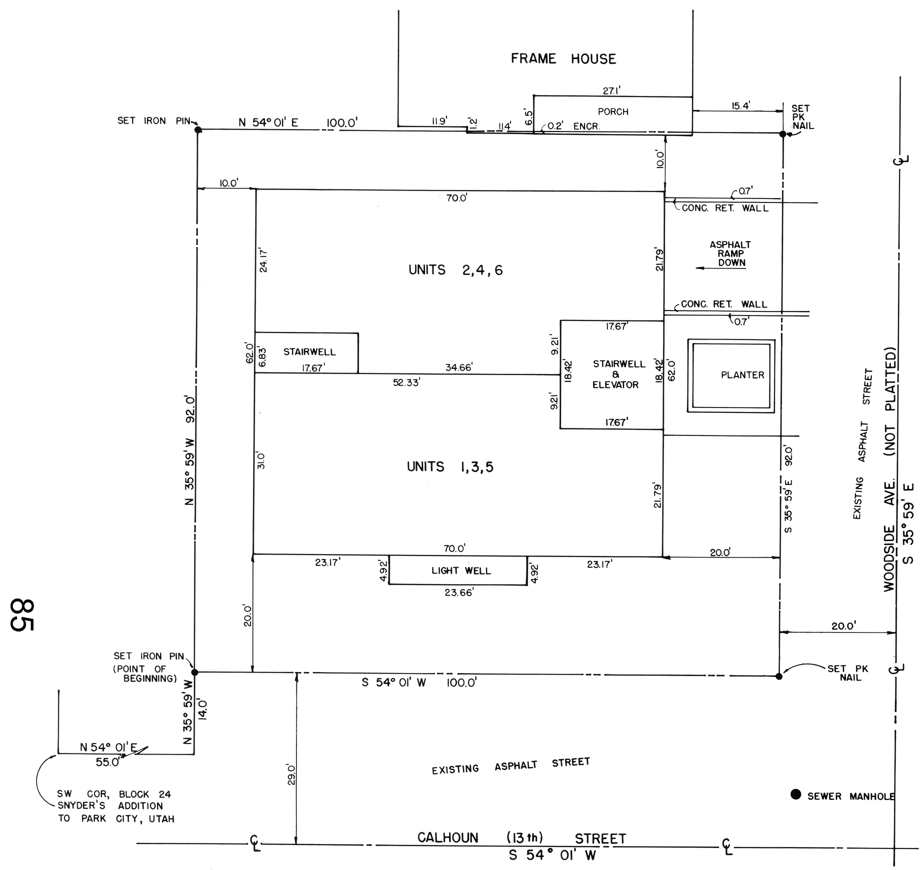
I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

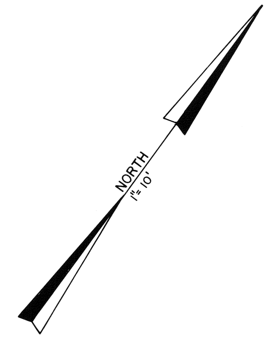
________________________ ________________________
Christopher R. Braun Date
PLS 5152604

Park City Surveying

PAGE 1 of 1

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _________ DAY OF ______________, 2008, A.D. CHAIRMAN	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ____________, 2008 A.D. BY ______________ PARK CITY RECORDER	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _______ DAY OF ____________, 2008 A.D. BY ______________ S.B.W.R.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF ____________, 2008 A.D. BY ______________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF ____________, 2008 A.D. BY ______________ PARK CITY ATTORNEY	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _________, 2008 A.D. BY ______________ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______________ DATE ________ TIME ______ BOOK ______ PAGE ______ ______ FEE ______ RECORDER





BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS N 54° 01' E 55.0 FEET AND N 35° 59' W 14.0 FEET FROM THE SOUTHWEST CORNER OF BLOCK 24, SNYDER'S ADDITION TO PARK CITY, UTAH;
THENCE N 35° 59' W 92.0 FEET;
THENCE N 54° 01' E 100.0 FEET;
THENCE S 35° 59' E 92.0 FEET;
THENCE S 54° 01' W 100.0 FEET TO THE POINT OF BEGINNING. CONTAINS 9200 SQUARE FEET.

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THOSE PRESENT THAT, RUFUS FREEMAN, BEING DULY SWORN CERTIFIES THAT HE IS THE SECRETARY OF THE DOUBLE JACK CONDOMINIUM OWNER'S ASSOCIATION AND THAT PURSUANT TO ARTICLES XXVII AND XXVIII OF THE DECLARATION OF CONDOMINIUM OF THE DOUBLE JACK CONDOMINIUMS AND THE UTAH CONDOMINIUM ACT, CONSENTS IN WRITING FROM ALL OF THE UNIT OWNERS IN THE DOUBLE JACK CONDOMINIUMS TO RECORD THIS AMENDED RECORD OF SURVEY MAP HAVE BEEN RECEIVED AND VERIFIED BY AFFIANT, THAT LESS THAN NINETY (90) DAYS ELAPSED BETWEEN THE FIRST SUCH CONSENT AND THE LAST SUCH CONSENT AND THAT THE SECRETARY HAS RETAINED THE ORIGINALS OF ALL CONSENTS IN THE FILES OF THE CORPORATION.

Rufus Freeman Secretary

ACKNOWLEDGEMENT

STATE OF ILLINOIS } S.S.
COUNTY OF Lake

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF NOVEMBER, 1988.

MY COMMISSION EXPIRES:

9/14/92

Paula A. Riener
NOTARY PUBLIC

"OFFICIAL SEAL"
PAULA A. RIENER, Notary Public
Lake County, State of Illinois
My Commission Expires 9/14/92

RESIDING AT Wauconda, Ill

SURVEYOR'S CERTIFICATE

I, JAMES G. WEST, A REGISTERED LAND SURVEYOR, HOLD CERTIFICATE NO. 3082 AS PRESCRIBED BY THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT, BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH, TO BE HEREAFTER KNOWN AS <u>REVISED DOUBLE JACK CONDOMINIUMS</u> AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

I FURTHER CERTIFY THAT ALL BUILDING SPECIFICATIONS ARE AS SHOWN ON PAGES 1 AND 2 OF THIS RECORD OF SURVEY MAP.

James G. West
JAMES G. WEST #3082

Feb 14, 1989
DATE

AMENDED PLAT OF
RECORD OF SURVEY MAP OF

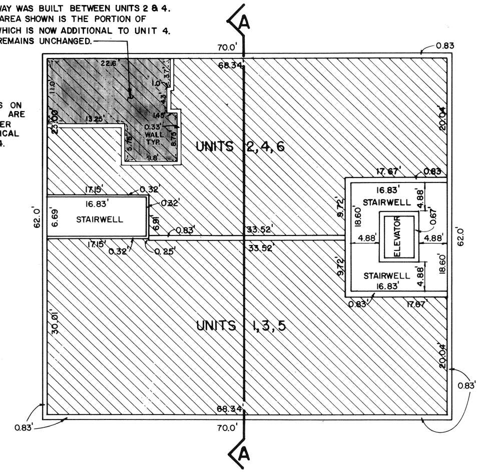
DOUBLE JACK CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 24 OF SNYDER'S ADDITION TO PARK CITY, UTAH

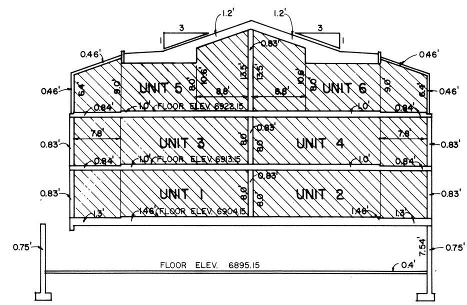
CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED	J.J.Johnson & Associates
PRESENTED TO THE BOARD OF Park City CITY COUNCIL THIS 8th DAY OF Sept. A.D. 1989, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. Seal: SUMMIT COUNTY UTAH, PARK CITY CORPORATE SEAL, MARCH 1, 1884 MAYOR CITY RECORDER	APPROVED AND ACCEPTED BY THE Park City CITY ENGINEERING DEPARTMENT ON THIS 9th DAY OF September A.D. 1989. Eric W. DeHaan CITY ENGINEER	APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS 8th DAY OF Sept A.D. 1989 Ronald R. Whaley CHAIRMAN	APPROVED AS TO FORM ON THIS 8th DAY OF September A.D. 1989 CITY ATTORNEY	at: 3:55 p.m. 11-17-89 A 11-29-89 № 315896 STATE OF Utah COUNTY OF Summit RECORDED AND FILED AT THE REQUEST OF: Jim Kennicott $43.00 FEES Alan Spriggs COUNTY RECORDER	Park Meadows Plaza, Highway 248, Park City, Utah 84060 (801) 649-9811

NOTE: A STAIRWAY WAS BUILT BETWEEN UNITS 2 & 4. SHADED AREA SHOWN IS THE PORTION OF UNIT 2 WHICH IS NOW ADDITIONAL TO UNIT 4. UNIT 6 REMAINS UNCHANGED.

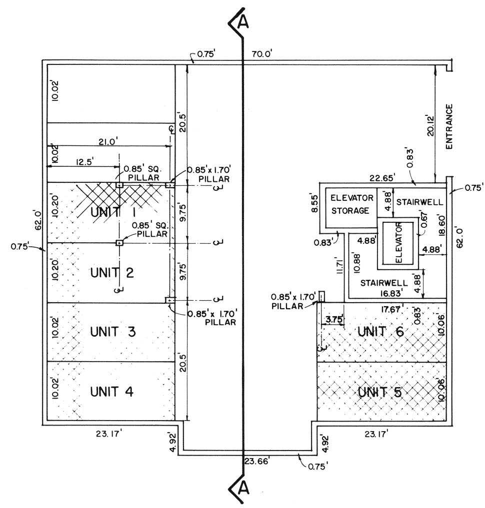
NOTE: EXTERIOR WALLS ON UNITS 5 & 6 (LEVEL 4) ARE 0.46' THICK. ALL OTHER DIMENSIONS ARE IDENTICAL FOR LEVELS 2,3, & 4.



LEVELS 2,3,4



SECTION A—A



PARKING LEVEL
(LEVEL 1)

LEGEND

PRIVATE OWNERSHIP

LIMITED COMMON AREA

COMMON AREA

FLOOR AREA (PRIVATE OWNERSHIP)	
UNIT	AREA
1	1866 SQ. FT.
2	1425 SQ. FT.
3	1866 SQ. FT.
4	2045 SQ. FT.
5	1866 SQ. FT.
6	1743 SQ. FT.

ELEVATIONS		
UNIT	FLOOR	CEILING
1	6904.15	6912.15
2	6904.15	6912.15
3	6913.15	6921.15
4	6913.15	6921.15
5	6922.15	VARIES
6	6922.15	VARIES

NOTE: BENCHMARK - FIRE HYDRANT ON PARK AVE. AT 14th STREET. ELEVATION, TOP - 6886.96

SCALE: 1"=10'

AMENDED PLAT OF
RECORD OF SURVEY MAP OF

DOUBLE JACK CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN BLOCK 24 OF SNYDER'S ADDITION TO PARK CITY, UTAH

PAGE 2 OF 2

at 3:55 p.m. 11-17-89 RECORDED
No 315896
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
$43.00
FEES
COUNTY RECORDER

J.J.Johnson & Associates
Park Meadows Plaza,
Highway 248
Park City, Utah 84060
(801) 649-9811

DOUBLE JACK 2 of 2

City Council Staff Report

Subject: 361 and 369 Daly Avenue
Author: Jeff Davis
Date: May 28, 2008
Type of Item: Administrative - Subdivision

PARK CITY 1884

PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the 369 Daly Avenue Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Michael J Mazzone as agent for R. Dale Bowen
Location:	361 and 369 Daly Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Recreation and Open Space (ROS) to the south and east and Estate (E) to the west
Reason for Review:	Subdivisions require Planning Commission review and City Council approval

Background
On March 18, 2008, the City received a completed application to create two lots of record at 361 and 369 Daly Avenue.

The subject property currently consists of 3 metes and bounds parcels, parcels A, B, and C. Parcel A has an existing non-historic home on the property and parcel B is a vacant parcel. Parcel C is a "scrap" piece deeded to the owner from the Daly West Subdivision, a subdivision that was never recorded. This piece is approximately 107 feet long and approximately 14 feet deep. The applicant is proposing to divide parcel C in half and incorporate the 2 halves into parcels A and B. Currently parcel A is approximately 3,825 square feet and parcel B is 4,200 square feet. The recorded addresses for these two properties are 361 and 369 Daly, even though the plat proposal uses 367 Daly Ave.

According to the City Engineer no additional right of way (R.O.W.) is needed on that side of the street. No building plans have been submitted to the City at the time of the writing of this document. Planning Staff will review all future plans for compliance with the Land Management Code.

Planning Commission heard this application on May 28, 2008 and forwarded a positive recommendation.

Analysis
The purpose of the application is to create two lots of record. This subdivision will create one lot of record (Lot 1) with approximately 4,607 square feet in area, and

another lot of record (Lot 2) with approximately 4,985 square feet in area. The dimensions of the lots are similar. The width of lot 1 is 51.55 feet and the width of lot 2 is 56.77 feet. Depths vary from 87.62 feet to 90.71 feet. The existing non-historic home will be located on Lot 1. The lots will be big enough to have duplexes under the LMC as a conditional use.

Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code. All future development will be reviewed for compliance with requisite Building and Land Management Code requirements and will convert parcels to lots of record.

	Permitted	Proposed
Height	27'	N/A
Front and Rear Setbacks	12' minimum, minimum total of 25'	N/A
Side Setbacks	5' minimum, minimum total of 14'	N/A
Lot Size	1,875 sq ft minimum for a single family dwelling. 3,750 sq ft minimum for a duplex	Lot 1- 4,607 sq ft Lot 2- 4,985 sq ft
Lot Width	25 feet minimum	Lot 1- 51.55' Lot 2- 56.77'
Parking	2 spaces per single family home, 4 spaces per duplex	N/A
Footprint	Lot 1- 1778 sq ft Lot 2- 1883.5 sq ft	Lot 1- approx. 880 sq ft. (existing) Lot 2- currently vacant

Based on a Daly Avenue study and previous Planning Commission recommendations, to limit house sizes to be compatible with the surrounding neighborhood; staff recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to 115% of the maximum footprint allowed, see table below.

	Max. Footprint Allowed	Gross Floor Area restriction recommended (115% of maximum footprint allowed)
Lot 1	1778 sq ft	2,045 square feet
Lot 2	1883.5 sq ft	2,166 square feet

The approximate footprint of the home on Lot 1 is 880 square feet with an approximate total square footage of 1,800-1,900. No plans for remodeling and/or additions have been submitted for the home on Lot 1 at this time of the report.

Process
The property is located in the HR-1 zone. Therefore, prior to the issuance of a Building Permit for any conditional or allowed use, the Planning Department must review the proposed plans for compliance with Historic District Design Guidelines and the Land Management Code. A Steep Slope Conditional Use Permit will be required on construction of any structure 1,000 square feet or more on a grade of 30% or more.

Department Review
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting where representatives from local utilities and City Staff were in attendance.

Notice
Notice of this hearing was sent to property owners within 300'. Legal notice was also put in the Park Record.

Public Input
No comments have been received by staff at the date of this writing.

Alternatives
1. The City Council may approve the 369 Daly Avenue Subdivision as conditioned or amended; or
2. The City Council may deny the 369 Daly Avenue Subdivision and direct staff to make Findings for this decision; or
3. The City Council may continue the discussion on the 369 Daly Avenue Subdivision.
4. 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 parcels would remain as they are.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the 369 Daly Avenue Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A - Proposed Subdivision Plat
Exhibit B - Site Topographic Map
Exhibit C - Daly Avenue Study

Ordinance No. 08-

AN ORDINANCE APPROVING THE 369 DALY AVENUE SUBDIVISION CREATING TWO LOTS OF RECORD AT 361 AND 369 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the three metes and bounds parcels located at 361 and 369 Daly Avenue, has petitioned the City Council for approval of a subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2008 to receive input on the 369 Daly Avenue subdivision; and

WHEREAS, the Planning Commission, on May 28, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 369 Daly Avenue subdivision.

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

<u>SECTION 1. APPROVAL</u> The above recitals are hereby incorporated as findings of fact. The 369 Daly Avenue subdivision as shown in Exhibit A, are approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

<u>Findings of Fact:</u>

1. The property is located at 361 (Lot 1) and 369 (Lot 2) Daly Avenue.
2. The two lots are close to equal dimensions. The lot area of lot 1 is approximately 4,607 square feet. The lot area of lot 2 is approximately 4,985 square feet
3. The zoning is Historic Residential (HR-1).
4. A duplex in the Historic Residential (HR-1) zone is a conditional use.
5. The neighborhood is characterized by single family new and historic homes, as well as duplexes and multi-family homes.
6. The subdivision will create two lots of record from three metes and bounds parcels.
7. Lot 1 currently has an existing non-historic home on the property and Lot 2 is a vacant lot
8. The property is located within a defined flood zone.
9. Access to the property is from Daly Avenue.
10. The minimum lot size in the HR-1 zone is 1,875 square feet for a single

family home.

11. The minimum lot width in the HR-1 zone is 25 feet.
12. The maximum height limit in the HR-1 zone is 27 feet from existing grade.
13. Setback requirements for each of the lots are 5' minimum and 14' total on the side yard, 12' minimum in the front and rear yard with a minimum of 25' total.
14. The maximum footprint for a building on Lot 1 is 1778 sq. ft.
15. The maximum footprint for a building on Lot 2 is 1883.5 sq. ft.
16. Minimal construction staging area is available along Daly Avenue.
17. All findings within the Analysis section are incorporated herein.
18. Based on a Daly Avenue study and previous City decisions, house sizes have been limited in order to be compatible with the surrounding neighborhood. Based upon Daly Avenue house sizes which average 2,379 square feet and Floor Areas that are approximately 115% of the allowable footprint, Gross Floor Area, as defined by the LMC, is limited to 115% of the maximum footprint allowed.

Conclusions of Law:

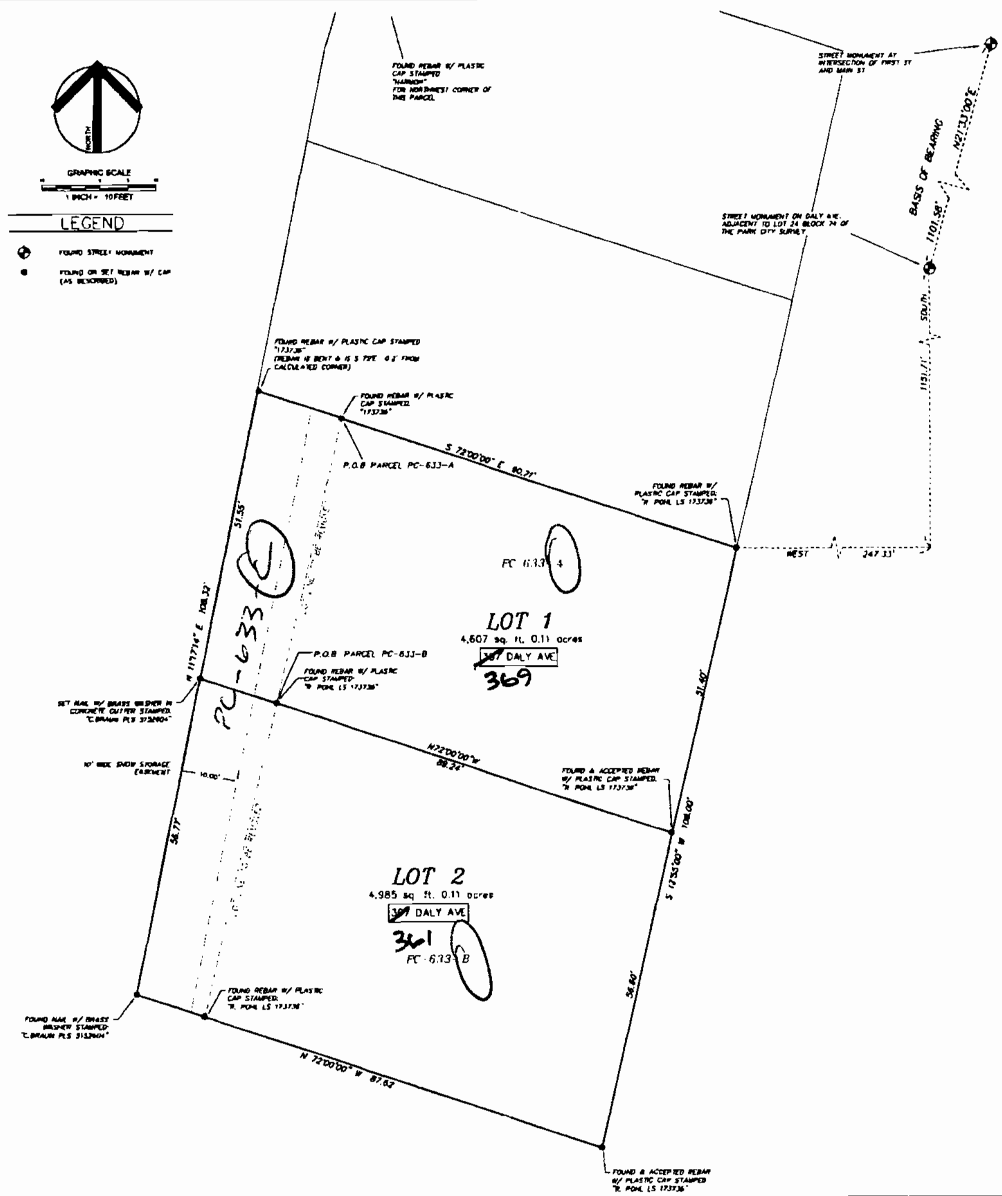
1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. Prior to the receipt of a building permit for construction on the lots, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines and the Land Management Code.
4. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. The name of the subdivision plat is 369 Daly Avenue Subdivision.
6. Addresses for the two lots are 361 Daly Avenue and 369 Daly Avenue.
7. A note shall be added to the plat stating that the maximum Gross Floor Area, as defined by the LMC, for Lot 1 is 2,045 square feet and for Lot 2 is 2,166 square feet.

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

PASSED AND ADOPTED this 12th day of June 2008.



369 DALY AVENUE SUBDIVISION

A PARCEL OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
ALSO KNOWN AS LOTS 1 & 2 OF THE DALY WEST SUBDIVISION, AN UNRECORDED SUBDIVISION

PLAT NOTES

1. ALL LOTS WITHIN THIS SUBDIVISION ARE BUILDABLE. ANY FURTHER SUBDIVISION OF SUCH LOTS, WHETHER BY DEED BEQUEST, DIVORCE DECREE, OR OTHER RECORDED INSTRUMENT SHALL NOT RESULT IN A BUILDABLE LOT UNTIL THE SAME HAS BEEN APPROVED IN ACCORDANCE WITH THE PARK CITY LAND USE ORDINANCE.

2. DESIGN OF ACCESS TO AND FIRE PROTECTION FOR ALL PROPOSED BUILDINGS MUST MEET THE REQUIREMENTS OF THE PARK CITY FIRE SERVICE DISTRICT. MODIFIED 13-D SPRINKLERS ARE REQUIRED IN EACH HOUSE.

3. NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY DEVELOPABLE.

LEGAL DESCRIPTION

Commencing at the survey monument located in Daly Avenue adjacent to Lot 24 of Block 74, Park City Survey, according to the official plat thereof on file and of record in the office of the the Summit County Recorder, (basis of bearing is North 21°33'00" East 1101.58 feet between said monument and a survey monument located adjacent to the intersection of Daly Avenue with King Road as shown on the Park City Monument Control Map, on file and of record in the office of the Summit County Recorder); thence South a distance of 1151.71' feet, thence West a distance of 247.33 feet to the POINT OF BEGINNING; thence South 12°35'00" West, a distance of 108.00 feet; thence North 72°00'00" West, a distance of 87.62 feet, thence North 11°15'14" East, a distance of 108.32 feet; thence South 72°00'00" East, a distance of 90.71 feet; to the POINT OF BEGINNING

Containing 8592 square feet or 0.22 acres, more or less

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE 367 DALY AVENUE SUBDIVISION, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I/WE, ________________ HEREBY CONSENT(S) TO THE RECORDATION OF THIS PLAT

ALSO, THE OWNER(S) OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF ____________ 2008

____
MICHAEL MAZZONE

ACKNOWLEDGEMENT

STATE OF UTAH;
COUNTY OF SUMMIT;

ON THIS _____ DAY OF ____________, 2008, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT, IN SAID STATE OF UTAH, MICHAEL MAZZONE THE PERSON THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PERSON, BEING DULY SWORN ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY

______________________ ______________________
NOTARY PUBLIC MY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER R. BRAUN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152604 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT

______________________ ______________________
CHRISTOPHER R. BRAUN DATE
PLS 5152604

Park City Surveying

PAGE 1 of 1

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ________, 2008 A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ________ DAY OF ________, 2008 A.D.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ________, 2008 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 2008 A.D.	APPROVED AS TO FORM THIS ____ DAY OF ________ 2008 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 2008 A.D.	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ________ DATE ______ TIME _____ BOOK _____ PAGE _____
________ CHAIRMAN	BY ________ PARK CITY RECORDER	BY ________ S.B.W.R.D.	BY ________ PARK CITY ENGINEER	BY ________ PARK CITY ATTORNEY	BY ________ MAYOR	____ FEE ________ RECORDER

RECORD OF SURVEY & TOPOGRAPHIC MAP A PARCEL OF LAND KNOW AS 367 DALY AVE ALSO KNOWN AS LOTS 1 & 2 DALY WEST SUBDIVISION (AN UNRECORDED SUBDIVSION)

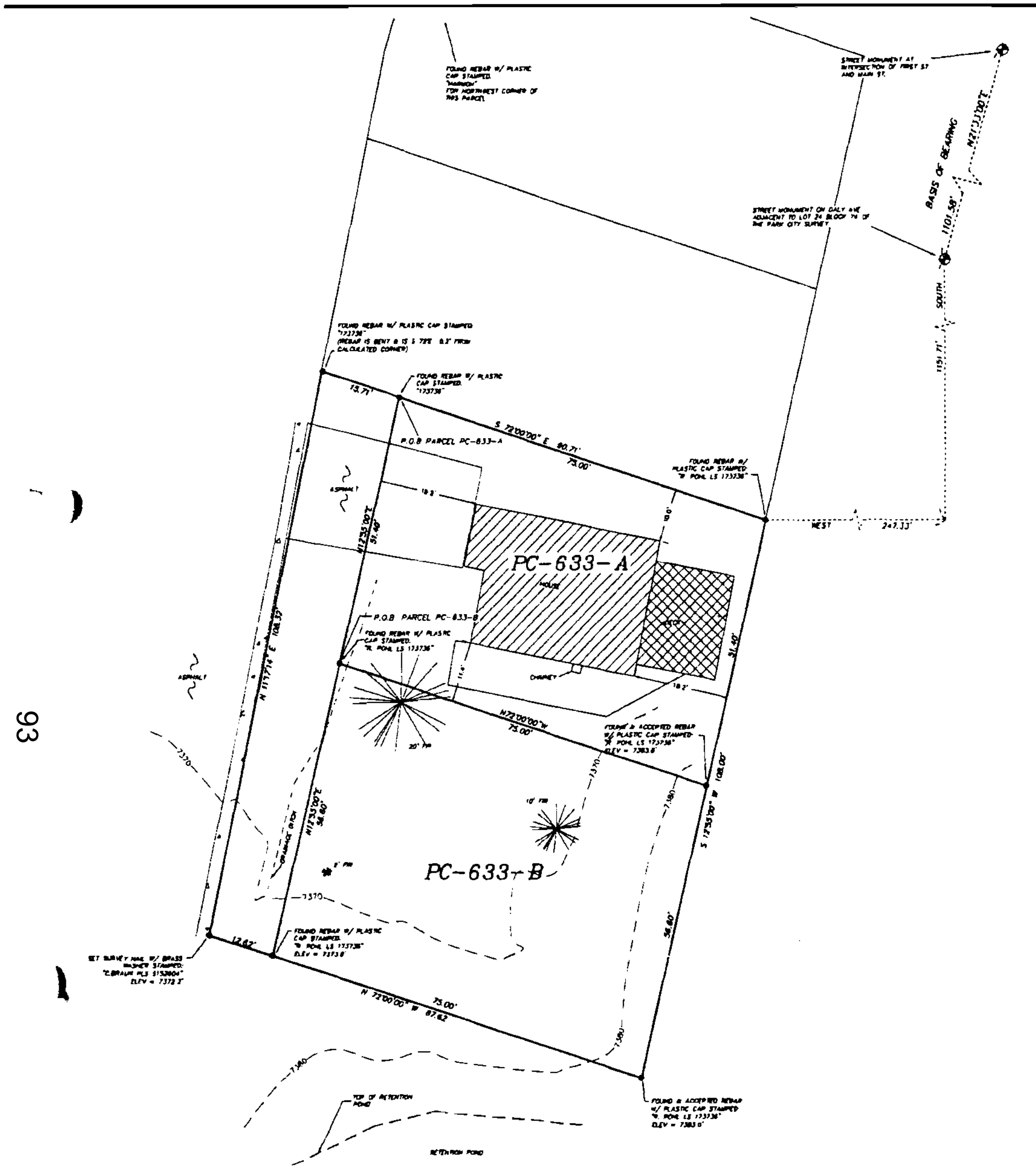
Park City Surveying

SURVEYED BY: TM/GC
DRAWN BY: CRB
DATE: JANUARY 2008

FOR: MIKE MAZZONE

367 DALY ROS-TOPO

SHEET 1 OF 1



RECORD OF SURVEY & TOPOGRAPHIC MAP

A PARCEL OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH ALSO KNOWN AS LOTS 1 & 2 OF THE DALY WEST SUBDIVISION, AN UNRECORDED SUBDIVISION

SCALE: 1" = 10'

LEGEND

FOUND STREET MONUMENT

FOUND OR SET REBAR W/ CAP (AS DESCRIBED)

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY AND TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.

EXISTING SURVEY MONUMENTS ON ADJACENT LOTS/ROADWAYS WERE USED TO REESTABLISH THE PROPERTY CORNERS.

THE BASIS OF BEARINGS IS BETWEEN FOUND LOT CORNERS.

SURVEY COMPLETED 12/18/2007

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

NOTE:

SURVEY WAS PERFORMED WITH APPROXIMATELY TWO FEET OF SNOW ON THE GROUND COVERING THE ENTIRE PROPERTY. ANY VISIBLE UTILITIES OR IMPROVEMENTS ARE SHOWN HEREON, HOWEVER IT IS POSSIBLE THAT SOME NATURAL FEATURES, UTILITIES AND IMPROVEMENTS MAY HAVE BEEN OBSCURED.

COMPOSITE DESCRIPTION OF PARCELS

Commencing at the survey monument located in Daly Avenue adjacent to Lot 24 of Block 74, Park City Survey, according to the official plat thereof on file and of record in the office of the the Summit County Recorder, (basis of bearing is North 21°33'00" East 1101.58 feet between said monument and a survey monument located adjacent to the intersection of Daly Avenue with King Road as shown on the Park City Monument Control Map, on file and of record in the office of the Summit County Recorder); thence South a distance of 1151.71' feet; thence West a distance of 247.33 feet to the POINT OF BEGINNING; thence South 12°55'00" West, a distance of 108.00 feet; thence North 72°00'00" West, a distance of 87.62 feet; thence North 11°17'14" East, a distance of 108.32 feet, thence South 72°00'00" East, a distance of 90.71 feet, to the POINT OF BEGINNING.

Containing 9592 square feet or 0.22 acres, more or less.

LEGAL DESCRIPTION

PARCEL 1.

BEGINNING AT A POINT WHICH IS NORTH 89°08'04" WEST 1431.46 FEET FROM THE EAST QUARTER CORNER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 72°00' EAST 75.00 FEET, THENCE SOUTH 12°55' WEST 51.40 FEET, THENCE NORTH 72°00' WEST 75.00 FEET; THENCE NORTH 12°55' EAST 51.40 FEET TO THE POINT OF BEGINNING.

PC-633-A, ALSO KNOWN AS LOT 2 DALY WEST SUBDIVISION, AN UNRECORDED SUBDIVISION;

TOGETHER WITH THE FOLLOWING PARCEL
COMMENCING AT THE SURVEY MONUMENT LOCATED IN DALY AVENUE ADJACENT TO LOT 24 OF BLOCK 74, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, (BASIS OF BEARING IS NORTH 21°33'00" EAST 1101.58 FEET BETWEEN SAID MONUMENT AND A SURVEY MONUMENT LOCATED ADJACENT TO THE INTERSECTION OF DALY AVENUE WITH KING ROAD AS SHOWN ON THE PARK CITY MONUMENT CONTROL MAP, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER); THENCE SOUTH A DISTANCE OF 1128.66' FEET; THENCE WEST A DISTANCE OF 318.71 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 12°55'00" WEST, A DISTANCE OF 108.00 FEET, THENCE NORTH 72°00'00" WEST, A DISTANCE OF 12.62 FEET, THENCE NORTH 11°17'14" EAST, A DISTANCE OF 108.32 FEET, THENCE SOUTH 72°00'00" EAST, A DISTANCE OF 15.71 FEET TO THE POINT OF BEGINNING.

PARCEL 2

BEGINNING AT A POINT WHICH IS NORTH 88 DEGREES 10'03" WEST 1422.98 FEET FROM THE EAST QUARTER CORNER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 72 DEGREES 00'00" EAST 75.00 FEET; THENCE SOUTH 12 DEGREES 55'00" WEST 56.80 FEET; THENCE NORTH 72 DEGREES 00'00" WEST 75.00 FEET; THENCE NORTH 12 DEGREES 55'00" EAST 56.80 FEET TO THE POINT OF BEGINNING.

PC-633-B; ALSO KNOWN AS LOT 1 DALY WEST SUBDIVISION, AN UNRECORDED SUBDIVISION;

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152804. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

CHRISTOPHER R. BRAUN 1/14/08
DATE

Exhibit C - Daly Avenue Study

Lower Daly Avenue

House No.	Lot Size (Acres)	Lot Size (Sq Ft)	Max Footprint Allowed	Living Area	Basement Area	Attached/Built-in Garage Area	Totals (Sq Ft)	Year Built	Subdivision (if applicable)
10	0.10	4356	1,705	2218	597	406	3,221	1901	First Amended 10 Daly Avenue Sub (2004)
17-19	0.12	5,150	1,928	4,130			4,130	2002	#17 & #19 Daly Avenue Condo (2002)
24	0.07	3,021	1,275	1,022			1,022	1901	
25	0.07	3,200	1,337	2,110	824	461	3,395	1995	
32	0.09	3,770	1,525	4,358			4,358	1982	Empire Canyon Condominiums (1981)
37	0.10	4,300	1,689	2,907		369	3,276	1994	
40	0.13	5,609	2,046	4,365			4,365	1982	Empire Canyon Condominiums (1981)
45	0.08	3,485	1,433						
48	0.09	4,051	1,613	4,365			4,365	1982	Empire Canyon Condominiums (1981)
51	0.11	4,792	1,830	2,195		456	2,651	1993	
55	0.06	2,500	1,086						
56	0.08	3,336	1,383	4,468			4,468	1982	Empire Canyon Condominiums (1981)
57	0.06	2,614	1,128	2,111	310	290	2,711	2005	Daly No. 8 Sub (2003)
59	0.07	3,049	1,284	2,159	1,023	286	3,468	2005	Daly No. 8 Sub (2003)
61	0.11	4,792	1,830	861			861	1900	
62	0.06	2,614	1,128	1,339	406		1,745	1997	62 Daly Avenue Replat (1996)
64	0.06	2,614	1,128	1,339	406		1,745	1997	62 Daly Avenue Replat (1996)
68	0.05	2,178	964	1,521			1,521	1983	
71	0.09	3,920	1,573	816			816	1900	
80	0.13	5,663	2,060						
81	0.22	9,583	2,796						
96	0.19	8,451	2,628	8,036			8,036	1984	Daly Doubles Condo (1984) (10' side yard, 13' rear yard)
97	0.19	8,276	2,599	1,214			1,214	1900	Landmark Replat Sub (1997)
100	0.07	3,049	1,284					1979	
102	0.10	4,356	1,705	2,652	1,111		3,763	1979	
103-105	0.10	4,500	1,747	3,027			3,027	1983	Daly Avenue Twin Home Condo (1983)
109	0.05	2,178	964						
110	0.08	3,485	1,433	2,101	567	420	3,088	1996	Fisher Sub (1992)
111	0.06	2,614	1,128	1,818		336	2,154	1993	Four Aces Sub (1992)
115	0.06	2,614	1,128	1,890		400	2,290	1993	Four Aces Sub (1992)
118	0.09	3,920	1,573	707			707	1895	Fisher Sub (1992)
121	0.06	2,614	1,128	1,874		400	2,274	1993	Four Aces Sub (1992)
124	0.05	2,178	964						Fisher Sub (1992)
125	0.06	2,614	1,128	1,874		400	2,274	1993	Four Aces Sub (1992)
130	0.09	3,920	1,573	1,926	465	399	2,790	1997	
131	0.08	3,485	1,433	746			746	1900	
135	0.07	3,049	1,284	1,702			1,702	1976	
136	0.08	3,485	1,433	1,734	156	409	2,299	1997	
139	0.09	3,820	1,541	4,130			4,130	1988	Canyon Road Condo (1988)
141	0.11	4,780	1,827	3,821			3,821	1988	141 Daly Condo (1988)
142	0.11	4,792	1,830	1,626		486	2,112	1904	
145	0.09	3,920	1,573	2,388			2,388	1927	
146	0.10	4,356	1,705	2,146		713	2,859	1983	
156	0.08	3,485	1,433	1,204		416	1,620	1976	
157	0.06	2,614	1,128	1,882		252	2,134	1997	

	House No.	Lot Size (Acres)	Lot Size (Sq Ft)	Max Footprint Allowed	Living Area	Basement Area	Attached/Built-in Garage Area	Totals (Sq Ft)	Year Built	Subdivision (if applicable)
Lower Daly Avenue	161	0.09	3,920	1,573	1,287			1,287	1900	
	162	0.11	4,792	1,830	794			794	1900	
	166	0.10	4,356	1,705	1,112			1,112	1928	
	167	0.19	8,276	2,599	3,826	1,749		5,575	1927	
	172	0.06	2,614	1,128	542			542	1900	
	173	0.12	5,227	1,948	1,217			1,217	1916	
	180	0.12	5,227	1,948	739			739	1925	
	187	0.08	3,417	1,410	2,522			2,522	2001	187 Daly Avenue Sub (2000)
	191	0.09	3,712	1,507	2,611		338	2,949	2007	187 Daly Avenue Sub (2000)
	199	0.13	5,663	2,060	1,521			1,521	1899	199 Daly Avenue Sub (2003)
	200	0.10	4,356	1,705	1,895	210	483	2,588	1996	
	203	0.13	5,663	2,060	1,092			1,092	1966	
	207-209	0.10	4,356	1,705	2,315			2,315	1993	
	210-212	0.17	7,225	2,407	3,256			3,256	1996	210 Daly Condo (1996)
	214	0.06	2,614	1,128	1,750	598		2,348	1996	
	220-222	0.14	6,203	2,189	3,082			3,082	1997	Potter's Corner Condo (1997)
	234	0.18	7,841	2,523	2,030	430	473	2,933	2006	
Upper Daly Avenue	239	0.14	6,098	2,164	890			890	1901	
	240	0.20	8,684	2,665	1,800			1,800	1995	Washington Mill Sub (1994)
	243	0.06	2,614	1,128	609	759		1,368	1900	
	249	0.07	3,049	1,284	1,808		273	2,081	1996	
	250	0.10	4,236	1,669	1,922			1,922	1995	Washington Mill Sub (1994)
	255	0.11	4,792	1,830	1,334			1,334	1901	255 Daly Avenue Sub (1995)
	257	0.11	4,792	1,830						
	260	0.21	9,191	2,742	1,800			1,800	1995	Washington Mill Sub (1994)
	269	0.17	7,405	2,442	805			805	1901	
	270	0.13	5,567	2,036	1,800			1,800	1995	Washington Mill Sub (1994)
	279	0.08	3,485	1,433	842			842	1906	
	280	0.24	10,522	2,913						Washington Mill Sub (1994)
	291	0.15	6,534	2,263	2,307		234	2,541	2006	291 Daly Sub (2005)
	295	0.09	4,137	1,639						291 Daly Sub (2005)
	297	0.19	8,158	2,579						291 Daly Sub (2005)
	309	0.39	16,988	3,270	958			958	1901	
	314	0.25	10,890	2,953	884			884	1901	
	325	0.17	7,405	2,442	2,792	1,838	378	5,008	2004	325 Daly Sub (2003)
	330	0.09	3,920	1,573						The Canyon Sub (1997)
	336	0.08	3,485	1,433						The Canyon Sub (1997)
	337	0.09	3,920	1,573						Daly West Sub lots 5 & 6 Lot Line Adj. (2007)
	345	0.09	3,920	1,573	2,289		418	2,707	1996	
	353	0.09	3,920	1,573	2,362		400	2,762	1998	
	369	0.09	3,920	1,573						
Averages	**Lower Daly**	**0.10**	**4,236**	**1,618**	**2,225**	**632**	**410**	**2,535**		
	Upper Daly	**0.14**	**6,151**	**2,024**	**1,575**	**1,299**	**341**	**1,844**		
	Overall	**0.11**	**4,770**	**1,732**	**2,079**	**716**	**396**	**2,379**		

	Lower Daly	Upper Daly	Overall
Sq. Ft. (total) to Lot Size Ratio:	**0.60**	**0.30**	**0.50**
Sq. Ft. (total) to Max. Footprint Allowed Ratio:	**1.57**	**0.91**	**1.37**

Source: Summit County, Public Records, EagleWeb (Property), Downloaded by Francisco Astorga, Park City Planning Dept. April 2008