PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
April 24, 2014

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 24, 2014.

Closed Session
2:00pmProperty, Personnel and Litigation

Study Session
2:15pm Water Conservation: Water Portal, Water Conservation and Rate Structure PG 3
3:15pm Renewable Energy discussion PG 10
4:15pm Break

Work Session
4:20pm Council Questions and Comments and Manager's Report PG 35
4:30pm Deer Valley Phase II Update PG 36
4:50pm Street Dining on Main PG 68
5:00pm Rocky Mountain Power
5:20pm Nathan Rafferty, Ski Utah
5:50pm Break

Regular Meeting
6:00 pm

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV. CONSIDERATION OF MINUTES FROM APRIL 17, 2014 PG 71

V. NEW BUSINESS

1. Consideration of Resolution Proclaiming May 3, 2014 as Arbor Day and Celebrating Park City's 21st Anniversary as a Tree City USA Community. PG 82

2. Consideration of approval of a subdivision plat for the Roundabout Subdivision Record of Survey for 300 Deer Valley Loop, Park City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney.

(a) Public Hearing
(b) Motion to Continue to May 8, 2014

2. Consideration of the Portico Condominiums Record of Survey amendment for 670 Deer Valley Loop, Park City based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinances in a form approved by the City Attorney. PG 83
   (a) Public Hearing
   (b) Action

3. Consideration of an Ordinance approving the re-establishment of Lots 30 and 31 of Holiday Ranchettes Subdivision, located at 2519 and 2545 Lucky John Drive, Park City, Utah PG 118
   (a) Public Hearing
   (b) Motion

4. Consideration of approval of a Master Festival License for the International Mountain Bike Cup PG 174
   (a) Public Hearing
   (b) Motion

5. Consideration of approval of Street Dining on Main leases, in a form approved by the City Attorney: PG 179

   (a) Cisero's Ristorante, 306 Main Street
   (b) Bistro 412, 412 Main Street
   (c) 501 on Main, 501 Main Street
   (d) Main Street Pizza & Noodle, 530 Main Street
   (e) Bandits' Grill & Bar, 440 Main Street
   (f) Bangkok Thai on Main, 605 Main Street
   (g) The Eating Establishment, 317 Main Street
   (h) Shabu, 442 Main Street
   (i) Flanagan's, 438 Main Street.

VI. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.
Posted: 04/21/2014 See: www.parkcity.org

City Council
Staff Report

Subject: Water Conservation and Water Rates
Author: Clint McAffee and Jason Christensen
Department: Water
Date: 4/24/2014
Type of Item: Study Session

Background:

Staff has prepared for a general discussion of water conservation and water rates. In the Analysis section, there are three subsections: Comparison of Conservation Factors in Two Different Systems; Existing Park City Water Conservation Programs; and Future Conservation Opportunities. These sections are intended to create jumping off points for discussion, after staff starts the meeting with a presentation. As this is a Study Session, there are no recommended actions in this staff report.

Analysis:

Comparison of Conservation Factors in Two Different Systems

	Las Vegas	**Park City**
Supply	Basically one reservoir (Lake Mead) and a small amount of ground water. Las Vegas is at the limit of its water supply.	Multiple Sources: Uncontrolled Variable Flows (tunnel flows, spring), More Fixed Flows (JSSD, Weber Basin/Lost Canyon, Wells). Park City currently has surplus water all year. As Park City's population increases or other factors such as climate change affect water supply, Park City will approach the limit of its supply during peak demand periods. During the remainder of the year Park City will continue to have surplus water.
Unused Water	Stored for future use; either in Lake Mead or intentionally stored in groundwater aquifers.	Flows downstream, and is subsequently used by other water rights holders. A portion remains in local aquifer until saturation, and then it surfaces through seeps and springs and flows downstream.
Economics of Conservation for the Utility	Conservation can increase revenue. Water that would have otherwise been used outdoor is converted to indoor use or stored and later sold. Indoor use is treated by a sewage treatment plant and	Conservation reduces revenue year around. Future infrastructure requirements will be based on demand occurring during the peak irrigation season. Reductions of

	placed back in Lake Mead were it is credited to Las Vegas. One gallon of outdoor water converted into indoor water becomes 1.7 gallons of water to use or store.	peak irrigation demand may delay or reduce infrastructure costs and water acquisition costs.
Natural Environment Impact of Conservation	Any water saved through conservation either remains in Lake Mead or is stored underground for future use.	Some portion of water saved through conservation remains in the natural environment or enters a stream channel where it is available to downstream users. This conserved water over the long-term is reallocated to new customers.
Impact on Future Development [1]	Positive. Conservation allows future development to occur at a lower cost. This is because conserved water is dramatically cheaper than purchasing/developing new water.	Positive. Conservation allows future development to occur at a lower cost. This is because conserved water is cheaper than purchasing/developing new water.
Carbon Footprint Impact	Positive on a per person served basis.	Positive on a per person served basis.
Gallons per User	Trend is Decreasing.	Trend is Decreasing.
Cost of New Water	Dramatic. See the proposed Snake Valley aquifer project.	Costly, but available under the regional water agreement with Weber Basin Water Conservation District and other area water providers.
Conservation Goals	Southern Nevada Water Authority set a goal of 25% reduction in gallons per capita per day by 2010. This goal was met by 2004. In 2005, SNWA set a new goal of an addition 20% by 2035.	In 2000, Utah set a goal of a 25% reduction by 2050. In 2013 Gov. Herbert changed that goal to 25% by 2025.
State Water Use by Sectors	78% Agricultural 22 % Municipal and Industrial [However very limited agricultural water use in the Las Vegas area]	82% Agricultural 18% Municipal and Industrial
Economics of Conservation for rate payers.	Water utility costs are predominately fixed, and not directly tied to water production costs. (Debt service, asset management, Water Contracts that require payment regardless of use, payroll, vehicle and equipment replacement.) By way of example, Charlotte Water found that 93% of its expenses were independent of water usage. Assuming Park City has the same expense structure as Charlotte Water for every $1 a customer saves through conservation, Park City water reduces costs by 7 cents and 93 cents of revenue is eliminated. There are four possible scenarios to address this revenue shortfall, and in reality a mix of these four things can happen: • New Development uses the conserved water, replacing lost revenue.	

[1] Although not Las Vegas, it is instructive to view the proposed impact fees for new development in St. George if the proposed Lake Powell pipeline is built.

	• Rates are increased, replacing lost revenue. • Existing Development increases its water use, replacing lost revenue. • Utility fails to meet its revenue needs, and system deteriorates.

Existing Park City Water Conservation Programs

Regulatory:

Every other day watering

Outdoor irrigation is limited to every other day. In Park City watering every day is simply not necessary, and likely represents wasteful watering. Watering is restricted to even or odd days based on street address. An additional reason for the restriction is that Park City's water supply might not be able to accommodate everyone watering on the same day.

Hourly Watering Restrictions

Watering is prohibited from 10:00am to 7:00 pm. Watering during the day in our dry climate is wasteful. By restricting watering during this time, a higher percentage of water actually reaches the plants it is intended to reach.

Prohibition on Wasteful Watering

Municipal Code prohibits watering deemed wasteful, such as watering streets or sidewalks.

Education/Highlight Savings:

WaterSmart Home Water Reports /Customer Portal

This is the conservation program staff is currently working to deploy. Around April 15, 2014 a welcome letter went out to Single Family Residential customers. This welcome letter included a survey. Staff is collecting the results of the survey now. The survey data will be used to improve an individual's conservation recommendations in the customer portal. It will also allow staff to establish a baseline to evaluate the success of this program.

On or around May 15th the first Home Water report will be received. Only Single Family Residential accounts will receive a home water report. The Home Water Report will rank a user against similarly situated water users. It will compare a customer's water use against average usage, and efficient usage of similar customers. The Home Water Report will also provide users with suggested actions they can take to use water more efficiently. Finally, the report will provide login credentials so that a customer can logon to the WaterSmart Portal.

A goal of the Home Water Report is for people to log onto the WaterSmart portal. At the portal, a customer can do several things. First, they can sign up to receive future Home Water reports by email. Second, if they chose to they can provide the WaterSmart program with additional information about their home. If this information is provided, the WaterSmart system will provide more accurate comparisons and conservation suggestions. Third, customers can get more information about suggested conservation measures. This additional information may include rebates, how to videos, and links to local or national resources.

Finally, the WaterSmart portal provides access to near real-time consumption data for all users, including all non-Single Family Residential account holders. This consumption data also identifies consistent usage that appears to be a leak and highlights that for the user.

The Water Department is working to make sure our customers are aware of this new tool. As mentioned above each customer will receive a welcome letter explaining the program. Staff has also conducted a radio interview on the program, and plans on providing additional outreach. With the help of Phyllis Robinson, the Water Department has secured a grant from the Park City Board of Realtors to assist us with outreach concerning the WaterSmart program.

Tailgate Wraps [Upcoming]

Staff is working with Weber Basin to "wrap" the tailgate of Park City Water Department trucks with conservation messaging. The original wrap is used by Weber Basin on their vehicles. Weber Basin is interested in increasing their presence in Summit County and reached out to Park City to ask for suggestions. Staff suggested that Park City and Weber Basin build on the tailgate wrap already completed by Weber Basin and brand that product with the logos of the Western Summit County Regional Water Project participants. Park City will be the first Regional participant to install these tailgate wraps.

Turf Water Audits

Turf Water Audits are a service offered by Park City in cooperation with Weber Basin. A trained Weber Basin staffer will check the function of turf irrigation sprinkler zones, calculate distribution uniformity, note any apparent system defects, and provide a recommended system schedule. These appointments take about 3 hours for commercial sites, and about 1.5 hours for a residential site. Since turf irrigation is often the largest use of water at a home this program is well positioned to reduce water usage.

Every-third Day Watering Program

Municipal Code restricts watering to every other day. Many residents can actually water even less often than this. In order to highlight those who chose to water less than ever other day, and to let their neighbors know why they may be watering on the wrong day for their address Park City offers the voluntary every-third day watering program. As part of the program, a sign is available that can be placed in the front yard.

Rebates:

Smart Controller Park City $100 account Credit & Weber Basin rebate of up to $150

Park City offers a $100 dollar account credit towards the purchase of a Smart Controller. A smart controller is one that automatically adjusts how long a sprinkler system runs based on weather data. It has access to one of the following; its own weather data, weather data provided by a local weather station, or a database of historic weather patterns. Smart Controllers represent an excellent tool to reduce water usage. Many users may turn their irrigation controller on in the summer, and then fail to think about it again until it is turned off in the winter. It is likely that the controller is set for the hottest week of the year, and because of that overwaters the majority of the irrigation season. While a smart controller is not perfect, it does a better job of matching water need with water supplied through irrigation.

Weber Basin Rebates

Weber Basin offers rebates on several water saving devices. These rebates are available to residents of Weber Basin's service area. This includes everyone within Summit County. Weber Basin offers rebates on Rotary Spray Nozzles, which put down water more evenly than traditional spray nozzles. Weber basin also offers rebates on Pressure Regulators, an important component of drip irrigation systems. Weber Basin also offers rebates on efficient Rotary Heads and as noted above on Smart Controllers. All of Weber Basin's rebates will be highlighted in the WaterSmart customer portal. In general these rebates are for half of the purchase price, up to $150 dollars.

Financial:

Rates

Over the past 10 years, Park City has had dramatic increases in water rates which have outpaced the CPI and the average utility. These past rate increases were the result of water supply projects such as the Rockport Importation Project. Future rate increases will be attributed to water quality improvements associated with treatment improvements to the Judge and Spiro Tunnel water.

We currently have a conservation rate structure. Our current rate structure is available at http://www.parkcity.org/index.aspx?page=260.

Fines for Non-Compliance

For the programs identified in the regulatory section, the municipal code provides fines for non-compliance. These fines are listed below:

$ 150.00 first violation

$ 200.00 second violation

$ 400.00 third violation

$ 500.00 fourth violation

$ 750.00 for the fifth violation and for each subsequent violation within that

Consistent with prior Council direction staff currently issues warnings on the first offense, and reserves the use of fines for continued violations. This past irrigation season, staff hired a part-time water code enforcer to respond to complaints staff received about non-compliant watering. Staff is currently evaluating how to structure code enforcement for the coming irrigation season.

Infrastructure:

Weather Stations

Park City maintains three weather stations. These stations help support smart controllers in town either by directly providing data or by creating a historical record that controller manufactures can use. These weather stations are located at Bald Eagle, Solamere, and the Golf Course. Council has previously requested staff look at adding an additional station with weather more like lower Park City. Staff discussed this with Eric Klotz, Water Conservation Section Chief at the Utah Division of Water Resources, and his recommendation was not to install an additional station. This is because in his opinion Park City is already over covered. As discussed under the smart controller section, the data need not be perfect to dramatically improve the efficiency of an automatic controller. In staff's opinion, it has become more and more common for smart controllers to rely on its own sensors, rather than communications from a local weather station. This change has decreased the reliance on the local weather stations.

Water Emergency:

A Water Emergency is triggered when water demand nears the limit of water supply. More often than not this is caused by a water source going down or extended drought reducing available water from sources. The Water Department coordinates with the Parks Department to help manage demand during water emergencies. Often times the Park Departments short-term reductions are sufficient to allow water demand to be met. If after this effort, water demand is still approaching supply staff can deploy the drought restrictions found in Park City Municipal Code 13-1-26. http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=238 . This drought ordinance manages demand by restricting water demand until demand drops below 85 percent of supply. The code section above outlines the progressive measures used to reduce demand.

Future Park City Water Conservation Opportunities:

- The WaterSmart Portal and Home Water Reports were discussed above. Staff is currently working on preparing for deployment of this program. Because of the many opportunities presented by this program such as: high visibility, customized suggestions, access to close to real-time data, it will take some time to fully maximize the benefit of this program. Even after launch, efforts will continue to tune and evaluate this conservation tool. These efforts will require continued staff effort.

- Conversion of large City operated grass fields to raw water. The Quinns area, the North 40, and several areas around the schools are currently being converted to irrigation with raw water rather than potable water. While this does not necessarily save water on its own, it frees up significant capacity in the City's existing treatment, storage, and distribution systems.
- Additional data tools. This staff report mentions the various ways that the City restricts water. Through our water meter radio network we capture the data necessary to find out how many people actually comply with these restrictions. However, processing that data and targeting excess or untimely watering is not possible within our current data management system. Although not discussed in this report, leak detection is also hampered by the current data management system. A future upgrade would allow for more robust leak detection at the utility level and would allow for compliance style reporting on irrigation restrictions. Staff intends to pursue these options within our existing budget.
- Distribution efficiency. We have dramatically improved the tools that staff and our customers have to identify customer leaks—leaks after the meter. This same level of effort can be brought to bear on system leaks and meter inaccuracy. System leaks represent lost water that could otherwise be put to use or remain in the natural environment. Meter inaccuracy represents discounts that certain customers are receiving without them or staff being aware of it. Recent data has highlighted that there is opportunity within Park City's system to reduce both system leaks and meter inaccuracy. Such work is consistent with our conservation efforts. The recent dual-meter rebuild contract and upcoming change order represent staff's renewed effort on this front.
- Potential to phase in a more aggressive conservation rate structure over time to coincide with decreasing surplus water supply. Ten months of the year, Park City has surplus water supply allowing us to easily meet demand including our downstream obligations to McLeod and Silver Creek's. However, as growth occurs and demand increases, stronger pricing signals will become a major tool in demand reduction. This could be in the form of a blanket increase to the cost of water, or an increase targeted at high water users with steep tiered rates.

Department Review:

This report has been reviewed by Water, Executive & Legal.

PARK CITY: RENEWABLES

OFFICE OF SUSTAINABILITY

MATT ABBOTT

SCOPE

IN SCOPE TODAY

Municipal Renewables

- Solar
- Micro-hydro
- Large Offsite

Community Renewables

Georgetown University Energy Prize

UPCOMING CONVERSATIONS

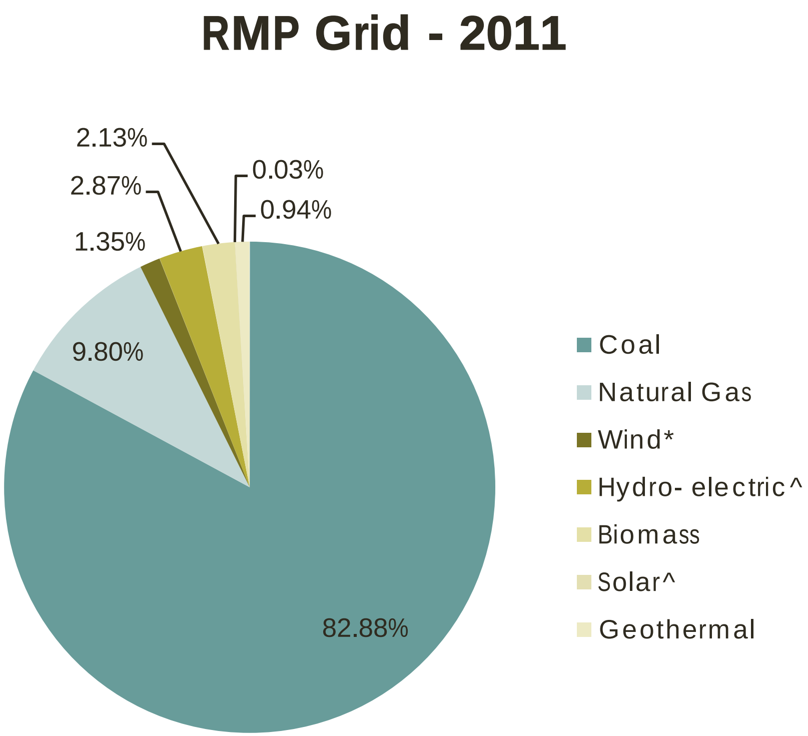
Green Building

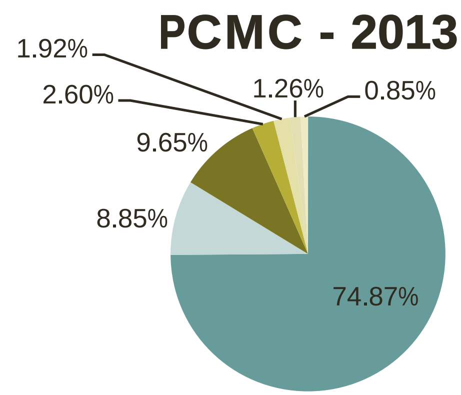
- Municipal
- Commercial
- Residential

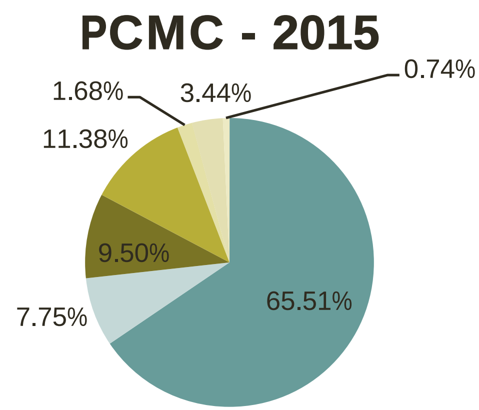
Energy Conservation

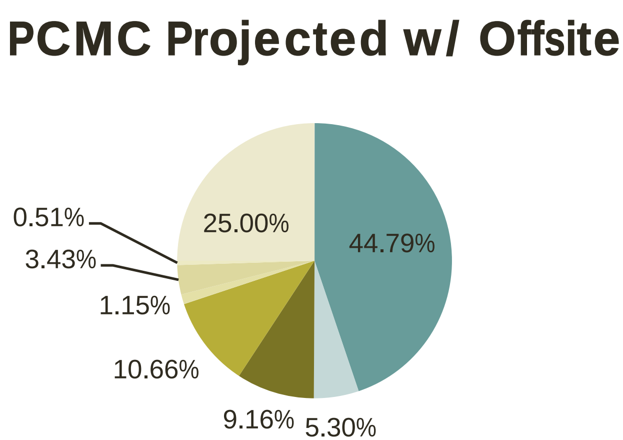
- PCMC Facilities & Operations
- Commercial PACE
- Residential
  - Weatherization

OUR GRID



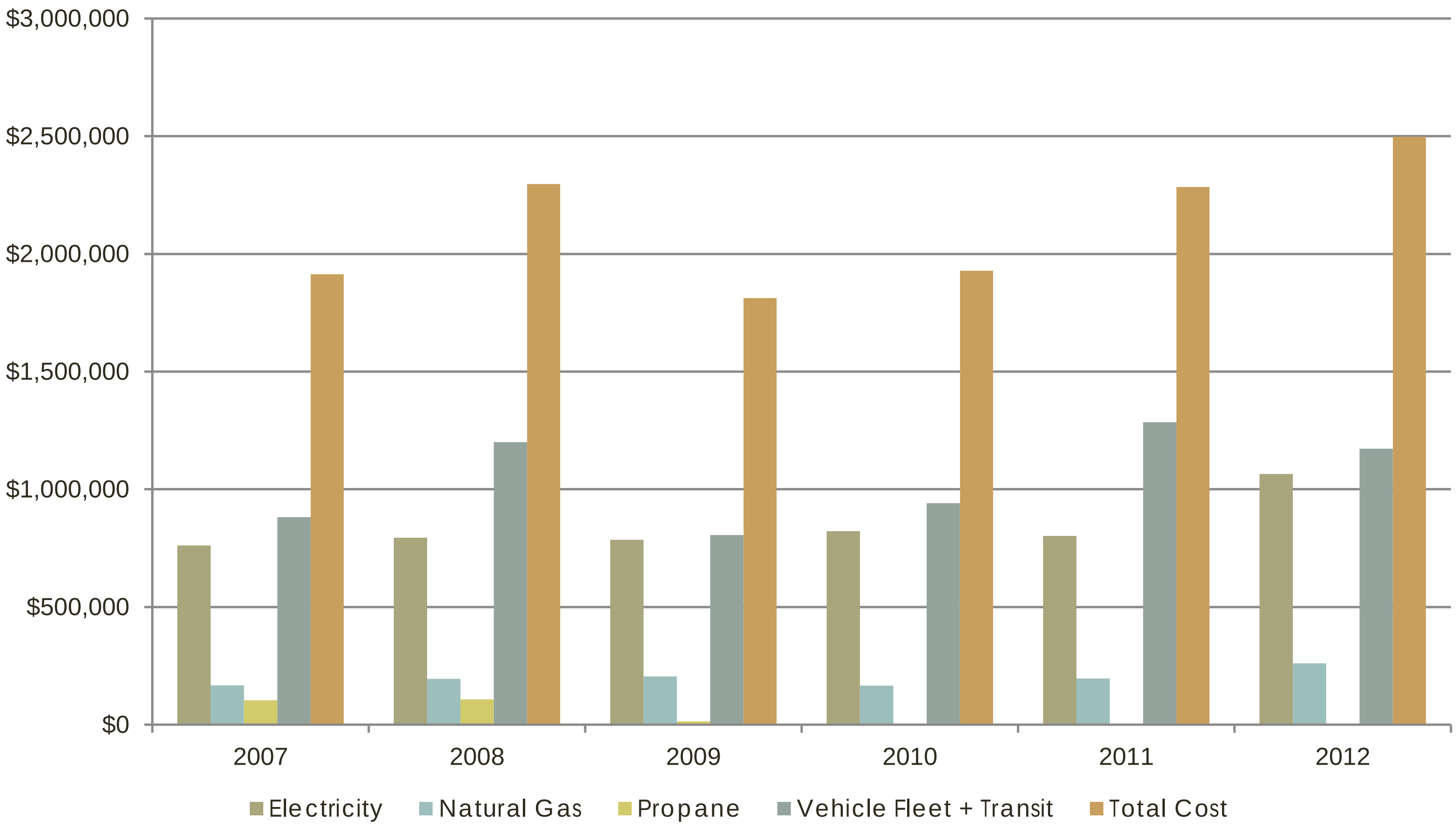




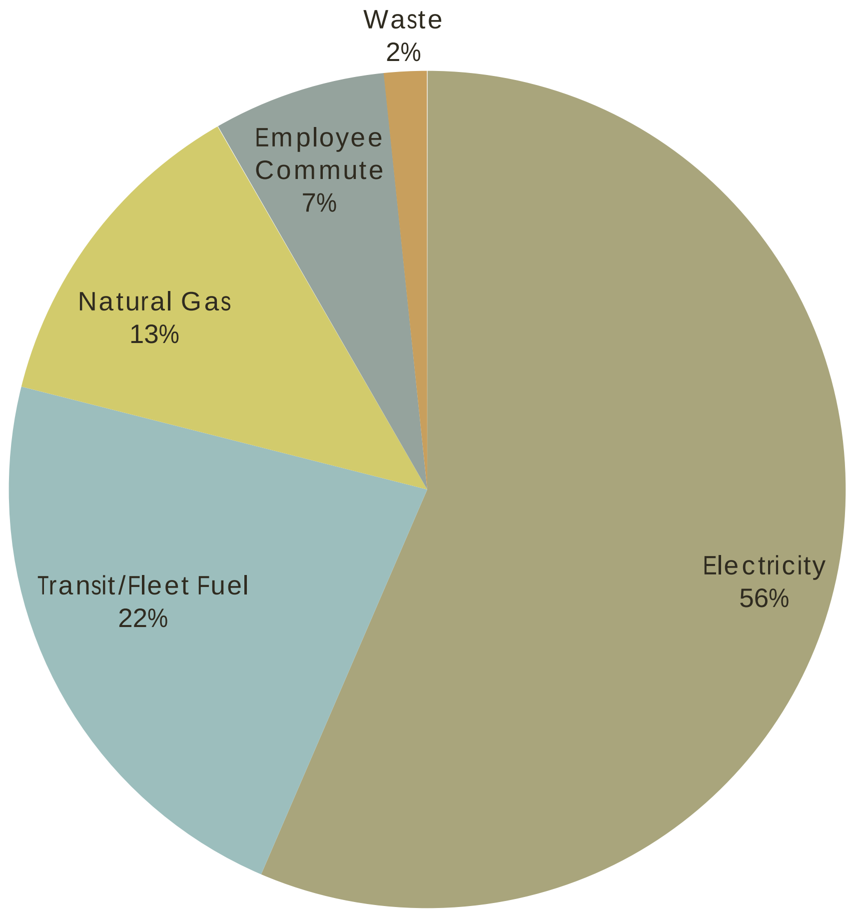


*RMP BlueSky
^ PCMC Renewables

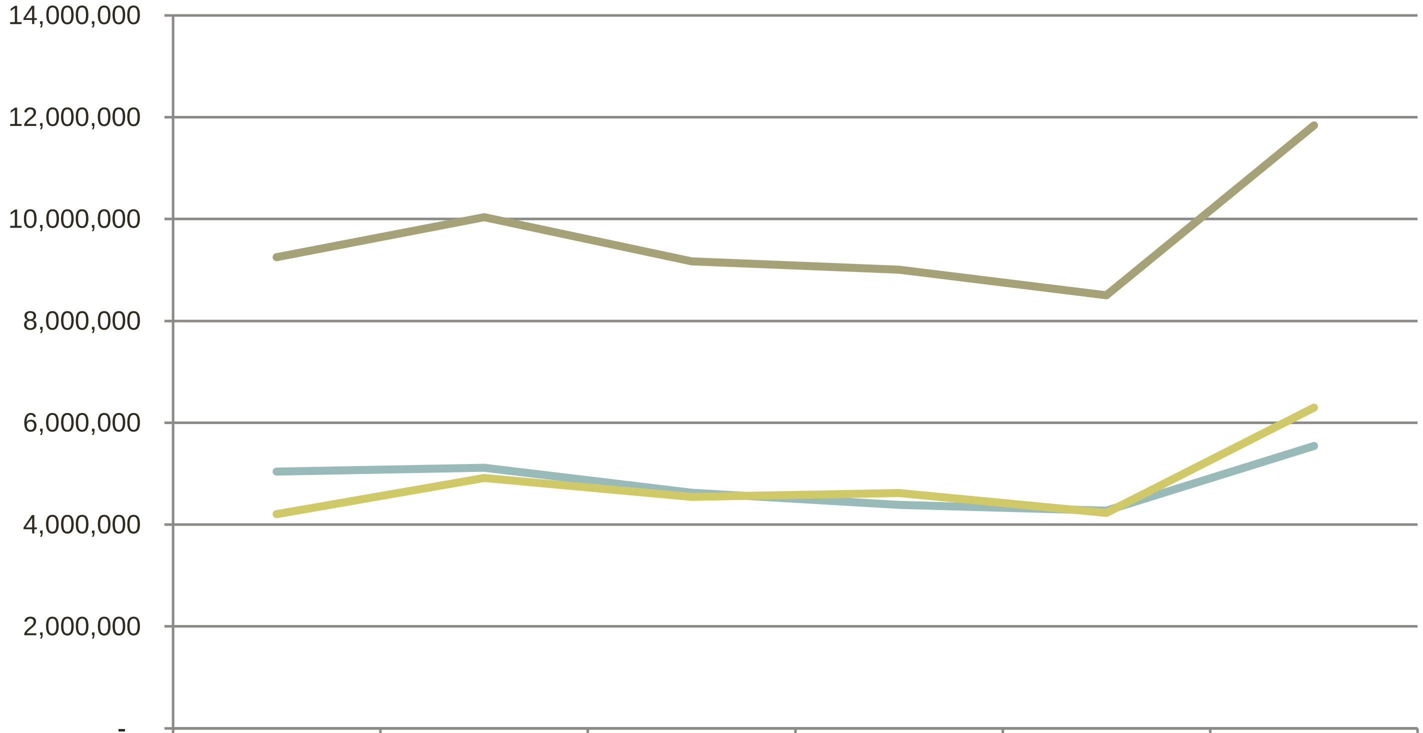
PCMC: ENERGY SPEND



PCMC'S CARBON FOOTPRINT (CO_2e) 2012



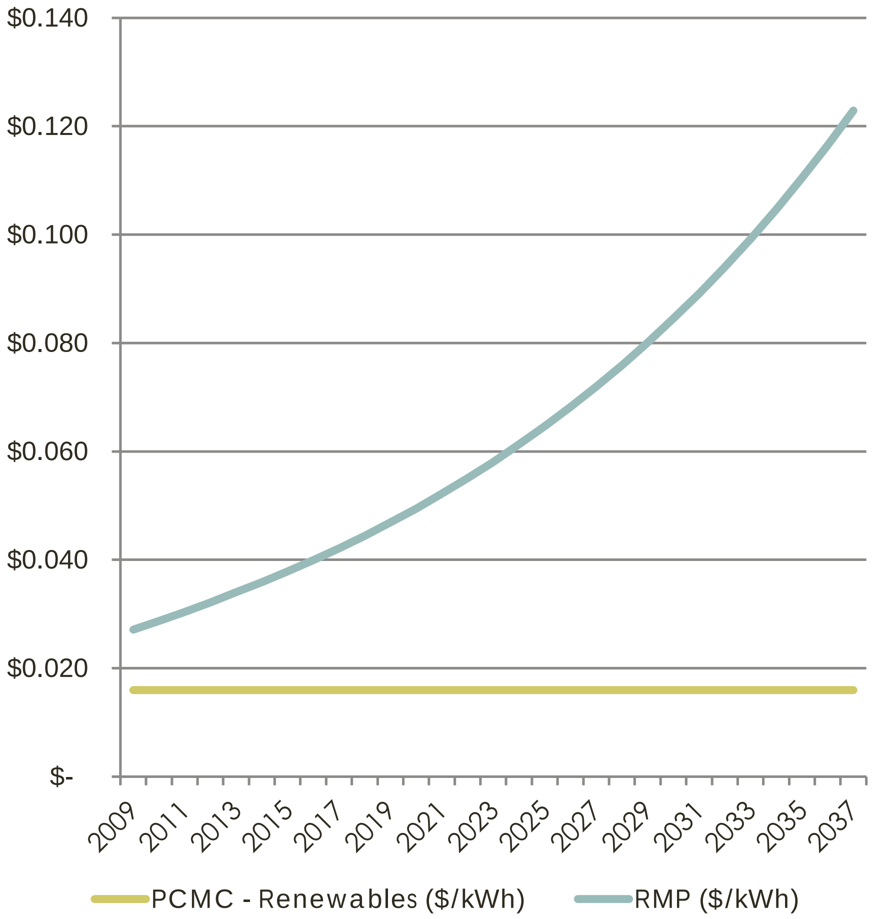
ELECTRICITY USE OVER TIME



	2007	2008	2009	2010	2011	2012
Total (kWh)	9,250,812	10,033,466	9,166,462	9,007,590	8,505,610	11,839,139
All Other (kWh)	5,043,484	5,115,666	4,624,469	4,389,570	4,276,413	5,544,425
Water (kWh)	4,207,328	4,917,800	4,541,993	4,618,020	4,229,197	6,294,714

PCMC: RENEWABLES PORTFOLIO

RENEWABLES PORTFOLIO



- We pay **$0.016 per kWh** for renewable energy
- RMP – $0.034 – $0.068 (per kWh)
- We save **53% – 76%** w/ our renewable energy portfolio
- RMP prices projected to increase by at least 70%

	Install Date	PV panels (#)	Capacity (kW)	Panel Efficiency (kW/panel)	$/kW	Performance
Ice Arena	6/1/2009	24	5.4	0.225	$ 11.11	Unknown
Creekside Park	1/15/2010	24	5.5	0.229	$ 6.62	Unknown
City Hall	12/1/2010	80	20.0	0.250	$ 5.40	+9%
Police Facility	8/8/2012	88	22.0	0.250	$ 5.16	+13%
Park City Transit Campus	10/15/2012	214	54.6	0.255	$ 4.38	+1%
Park City Transit Bus Driver Housing	12/1/2013	8	2.0	0.255	$ 5.21	N/A
Totals		438	109.5			

	Total Cost	Grant Funding	PCMC	Savings Generated	Savings Projected
Ice Arena	$ 60,000	$ 60,000	$ -	$ 520.50	$ 12,548.13
Creekside Park	$ 36,400	$ 36,400	$ -	$ 425.17	$ 12,624.79
City Hall	$ 108,095	$ 108,095	$ -	$ 1,546.06	$ 45,908.34
Police Facility	$ 113,500	$ 113,500	$ -	$ 854.60	$ 49,109.88
Park City Transit Campus	$ 238,986	$ 191,189	$ 47,797	$ 2,120.95	$ 121,881.79
Park City Transit Bus Driver Housing	$ 10,624	$ -	$ 10,624	$ 39.72	$ 4,482.20
Totals	$ 567,605	$ 509,184	$ 58,421	$ 5,507	$ 246,555
		90%	**10%**		**$ 188,134**

	Cost	NPV	IRR	ROI	Simple Payback (yrs)
Ice Arena	$ -	$11,381.53	N/A	N/A	0
Creekside Park	$ -	$11,451.06	N/A	N/A	0
City Hall	$ -	$41,640.22	N/A	N/A	0
Police Facility	$ -	$44,544.11	N/A	N/A	0
Park City Transit Campus	$ 47,797	$156,071.45	7%	255%	14
Park City Transit Bus Driver Housing	$ 10,624	$14,183.59	-5%	42%	77
Portfolio	**$ 58,421**	**$222,865.25**	**9%**	**422%**	**17 (2026)**

PROJECTED RENEWABLES PORTFOLIO

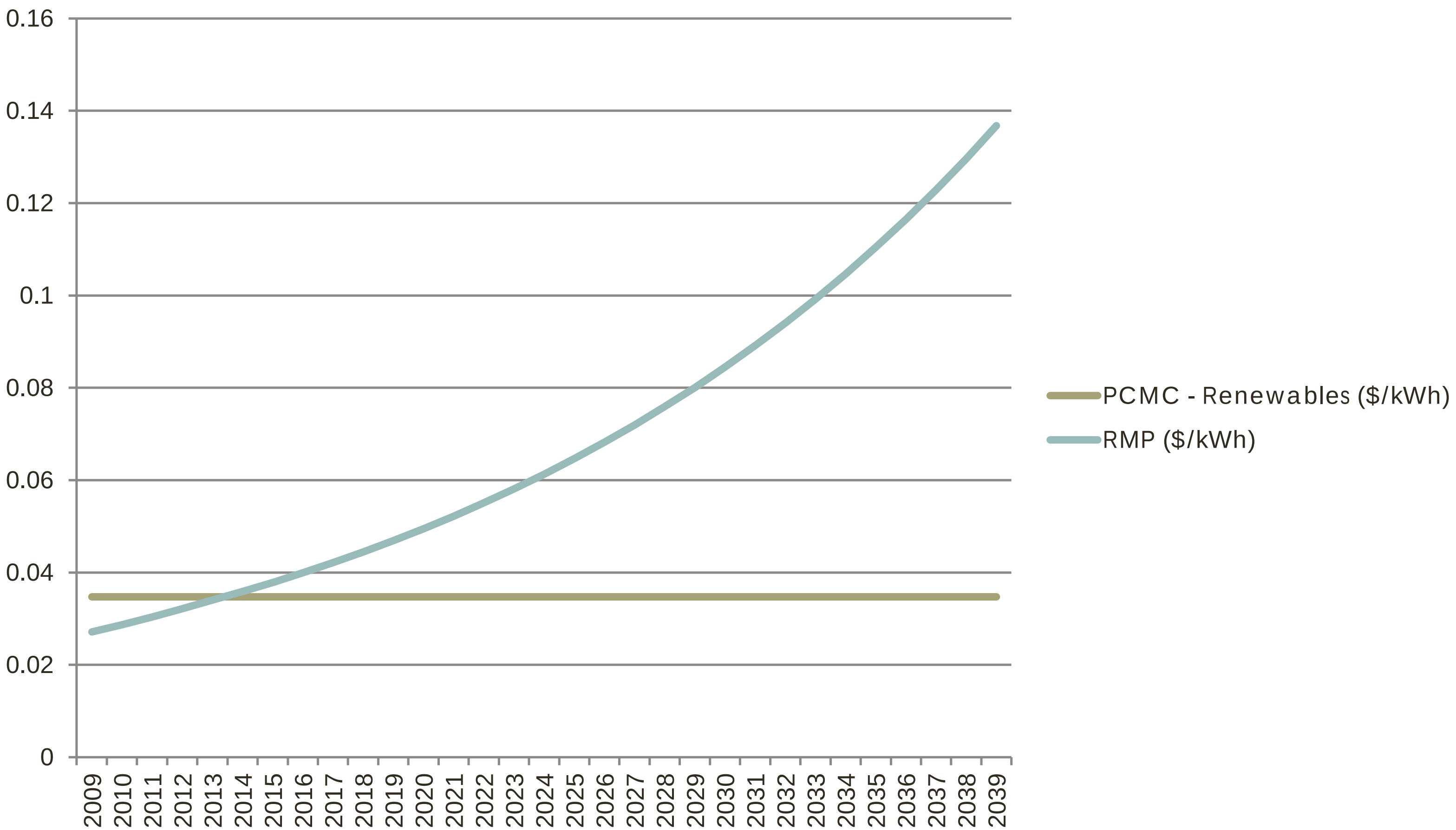
We would pay $0.035 per kWh for renewable energy through 2039

- RMP is projected to exceed $0.035 in 2015
- RMP is projected to charge $0.137 per kWh by 2039

Includes projections for:

- Micro-hydro at Quinn's Water Treatment Plant
- Micro-hydro at Judge Tunnel
- 194kW Solar PV array at MARC

PROJECTED RENEWABLES PORTFOLIO



	Total Cost	Grant Funding	PCMC	Savings Generated	Savings Projected
Ice Arena	$ 60,000	$ 60,000	$ -	$ 520.50	$ 12,548
Creekside Park	$ 36,400	$ 36,400	$ -	$ 425.17	$ 12,625
City Hall	$ 108,095	$ 108,095	$ -	$ 1,546.06	$ 45,908
Police Facility	$ 113,500	$ 113,500	$ -	$ 854.60	$ 49,110
Park City Transit Campus	$ 238,986	$ 191,189	$ 47,797	$ 2,120.95	$ 121,882
Park City Transit Bus Driver Housing	$ 10,624	$ -	$ 10,624	$ 39.72	$ 4,482
QWTP - Microhydro	*$ 300,000*	*$ -*	*$ 300,000*	*$ -*	*$ 293,800*
Judge Tunnel - Microhydro	*$ 400,000*	*$ -*	*$ 400,000*	*$ -*	*$ 1,432,273*
MARC Solar	*$ 582,000*	*$ 155,200*	*$ 426,800*	*$ -*	*$ 394,080*
Totals	**$ 1,849,605**	**$ 664,384**	**$ 1,185,221**	**$ 5,507**	**$ 2,366,708**
		36%	**64%**		**$ 1,181,487**

	Cost	NPV	IRR	ROI	Simple Payback
Ice Arena	$ -	$11,382	N/A	N/A	0
Creekside Park	$ -	$11,451	N/A	N/A	0
City Hall	$ -	$41,640	N/A	N/A	0
Police Facility	$ -	$44,544	N/A	N/A	0
Park City Transit Campus	$ 47,797	$156,071	7%	255%	14
Park City Transit Bus Driver Housing	$ 10,624	$14,184	-5%	42%	77
QWTP - Microhydro	*$ 300,000*	*$552,200*	*1%*	*98%*	*24*
Judge Tunnel - Microhydro	*$ 400,000*	*$1,680,066*	*12%*	*358%*	*10*
MARC Solar	*$ 426,800*	*$763,918*	*1%*	*92%*	*24*
Portfolio	**$ 1,185,221**	**$2,717,860**	**4%**	**200%**	**21 (2030)**

LARGE OFFSITE

Project X

- Develop Project (PCMC, Private, or Partnership)
  - Wind
  - Solar
  - Other

BHAG: NET ZERO ENERGY 2025

Big Hairy Audacious Goal

Jim Collins

- **Reduce energy related carbon emissions to zero by 2025**
    - Electricity
    - Natural Gas
    - Fuel
    - Employee Commute
    - Waste
- Combination of conservation, generation, and offsets

THE ROAD TO NET ZERO

Baseline	• 100%
Energy Conservation	• -30%
Renewable Energy	• -50%
Ecosystem Services & Offsets	• -10%
Behavior Change	• -10%
Technology & Design	• -10%
Other	• -10%

COMMUNITY RENEWABLES

COMMUNITY RENEWABLES

Countywide – **1MW**

330kW (33%) from SCS

- 551kW in 2013 (55%)
- PCMC – 110kW (11%)

SCS Program Details

- $15k, grant funded effort
- Revenue neutral for PCMC
- $1.15M in new economic activity
- 6 permanent jobs created

SUPPORTING COMMUNITY RENEWABLES

Renew Fee Waiver

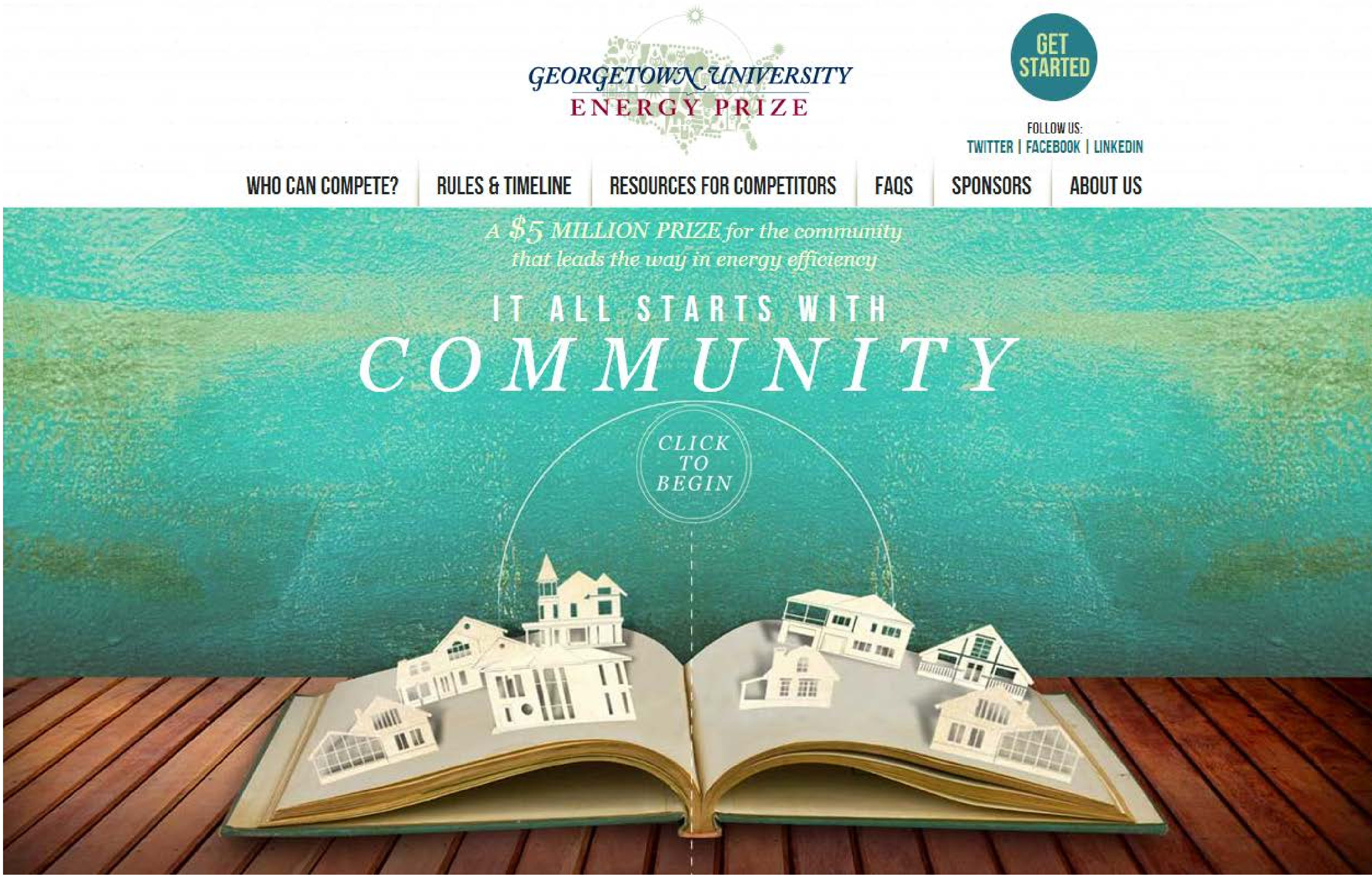
- Recommend changing language
  - From: $1,000 max
  - To: 25kW max
  - Recommendation from building department
  - Recommendation from solar installers

Pursue Solar Friendly Community Certification

- Reduces the soft costs of solar

SCS II – 2015

GUEP


GEORGETOWN UNIVERSITY
ENERGY PRIZE
GET STARTED
FOLLOW US:
TWITTER | FACEBOOK | LINKEDIN
WHO CAN COMPETE?
RULES & TIMELINE
RESOURCES FOR COMPETITORS
FAQS
SPONSORS
ABOUT US
A $5 MILLION PRIZE for the community
that leads the way in energy efficiency
IT ALL STARTS WITH
COMMUNITY
CLICK
TO
BEGIN

GUEP

PARAMETERS

Communities of 5,000 – 250,000

- Aspen is competing

Timeline: Now → Dec. 2016

Objectives:

1. Foster innovative approaches to energy efficiency
2. Educate the public and engage students in energy issues
3. Grow markets for products and services that facilitate energy efficiency.

Judging will be based on:

- Reductions in residential energy use
- Innovation of approach
- Quality of community outreach
- Sustainability
- Replicability

PRIZE

- $5,000,000
- National Media Attention
- Intangibles

GUEP: RESOURCES & TEAM

RESOURCES

~~Funder's Network – Local Sustainability Matching Fund~~

Georgetown University

- Seed Funding
- Deloitte

PCMC

- Existing budget

PARTNERS

Summit County

Summit Community Power Works

- Citizens

Utah Clean Energy

- Clean Energy Business Coalition

Rocky Mountain Power

Questar

501(c)3's

WHAT WOULD WE DO WITH $5,000,000?

- **District Heat**
- **Anaerobic Digester**
- **Endowment**
- **???**

To: Honorable Mayor/Members of City Council
From: City Manager's Office

MANAGER'S REPORT – April 24, 2014

Art Pianos for All – submitted by Sharon Bauman.

Art Pianos for All is a local non-profit group whose goal is to bring back the piano as a centerpiece of music, community, art and fun in Park City and Summit County, Utah. Mark Maziarz and Alison Butz began the program with two pianos in 2012. To date, nine pianos have been installed at indoor and outdoor locations throughout Park City and Summit County; five are painted.

Mark Maziarz presented a request for additional funding at the April 14, 2014 Public Art Advisory Board meeting. This would assist with the delivery of additional four pianos that are currently available in Salt Lake City, artist stipends to paint murals for four pianos, and tuning of all thirteen pianos. The Board supports the requests and recommends approval of additional $4,000 to support Art Pianos for All. Should Council want to discuss this item in a work session, staff can prepare a more detailed staff report. Otherwise PAAB will move forward with this project.

Cormac Harrington enjoying the Transit Center Piano

City Council
Staff Report

Subject:	**Deer Valley Drive, Phase 2 Beautification Project**
Author	**Matt Cassel**
Department:	**Engineering**
Date:	**April 24, 2014**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends that Council affirm the goals for the Deer Valley Drive Phase 2 Beautification Project.

Topic/Description:
Through the Small Urban Fund program, Park City was granted $1,000,000 to be used for infrastructure improvements to Deer Valley Drive. This work, designated as Deer Valley Drive, Phase 1, has been completed. There are numerous other elements that staff would have liked to be included in this project, but funding was not available. Additionally, changing or expanding project scope when federal money is involved is not well received by UDOT or the federal government. Council approved $950,000 during the FY 14 budget process for a second phase to this project to address these improvements, which help to beautify the corridor and address numerous improvements requested from a 2004 **R**equest for **E**levated **L**evel of **S**ervice (RELS) process from the neighborhood.

During our September 26, 2013 work session meeting with Council, staff indicated that the project would be brought back to Council once the preliminary design was completed and anticipated construction costs identified. This work session meeting is to accomplish the previously stated action.

Background:
Two distinctly different paths led to this project:

> *Deer Valley Drive Reconstruction Project*
> Park City was awarded $1,000,000 in Small Urban Fund grant money in 2009 for the reconstruction of Deer Valley Drive. This grant money does have a matching requirement. Park City is responsible to provide matching funds in the amount of 7.2% of the total Federal grant. In this case Park City was required to provide $72,616 in matching funds. This original grant did not have a defined scope. In 2010, Park City was requested by UDOT to further define the project. The updated application included modifications to the existing round-about and pedestrian lighting from the existing round-about to the intersection of Deer Valley Drive and Deer Valley Drive North. Other beautifications or enhancements were not included in our proposal because they would not have been eligible for the Federal dollars.

As the design for Phase 1 commenced, staff reached out to Deer Valley Resort to garner their concerns with the upcoming construction and to see if they were interested in a partnership to improve way finding, pedestrian improvements and transit improvements and to make a statement with this entry corridor. Deer Valley Resort was interested and met with staff monthly to help develop the attached concept plan.

Deer Valley Drive Neighborhood RELS Project

On October 6, 2003, staff met with the Deer Valley Drive and Sunnyside Neighborhood group to discuss their concerns over issues that impact their neighborhood. On February 19, 2004, Michael Martin, a neighbor, presented these concerns to Council. From this presentation, a formal request for elevated level of service was made by the neighborhood. Staff reviewed the request through the Traffic Calming and Neighborhood Assessment Committee on May 25, 2004. After a neighborhood meeting early in December 2004, staff developed a list of improvements. These improvements included:

- Pedestrian Lighting along the south sidewalk,
- Crosswalks especially at the corner of Deer Valley Drive and Sunnyside Drive,
- Adding a bus shelter at the intersection of Deer Valley Drive and Sunnyside Drive,
- Providing driver feedback signs along the corridor,
- Adding sidewalks along the north side of Deer Valley Drive,
- Adding a neighborhood park,
- Underground utilities along the corridor,
- Lower the density in the area,
- Cleaning up the creek,
- Addressing the burnt out homes on the BLM property,
- Providing landscaping improvements along the corridor.

After numerous internal and neighborhood meetings and after the appropriate studies were conducted, staff submitted a request for funds through the CIP process in the winter/spring of 2005. Funds in the amount of $50,000 were allocated in the CIP as part of the FY2006 adopted budget. These funds were never used for improvements and ultimately were de-obligated in order to fund other capital projects within the CIP.

Analysis:

At the start of this Deer Valley Drive Phase Two project, staff developed numerous goals for the project:

- Provide better/consistent pedestrian safety, way finding and connectivity infrastructure throughout the corridor,

- Creation of an entry way into the Deer Valley Resort area through the use of key visual elements and beautification,
  Continue to build relationship with Deer Valley as a community economic development partner
- Significantly address the neighborhood RELS requests from 2003, and
- Improve alternative modes of transportation;
  - Increase ridership by improving the experience,
  - Determine if consolidation of bus stops (initially incorporated as part of phase 1) in warranted. Determine necessity feasibility and costs of additional transit pullouts at Greyhawk/Foxglove stops.
  - Improve the corridors walkability with an increase in pedestrian lighting.

Deer Valley Drive Phase One Project

The Deer Valley Drive Phase 1 project included the repair and lining of the existing collapsed storm drain, replacement of sections of the gas line, replacement of the existing distribution water line, pedestrian modifications at the round-about, addition of a left turn lane at the intersection of Deer Valley Drive and Deer Valley Drive North, bus pullouts, speed limit feedback signs, pedestrian lighting and sidewalks from the round-about to the intersection of Deer Valley Drive and Sunnyside Drive, updated signage and road resurfacing.

Addressing RELS Requests

As noted in the background section of this report, the RELS process identified eleven issues to be addressed:

- Pedestrian lighting along the south sidewalk – As part of the phase one project, pedestrian lights were installed from the roundabout to the intersection of Deer Valley Drive and Sunnyside Drive with a spacing of 200 feet. The pedestrian lights as proposed in this phase 2 would be continue with lights at 200 foot spacing from Sunnyside Drive to Snow Park Lodge and to replace the other existing shoe box lights on the Deer Valley Drive loop with the updated light. Additionally, Deer Valley has agreed to replace their shoe box style lights in their parking lot with matching light fixtures,
- Crosswalks especially at the corner of Deer Valley Drive and Sunnyside Drive as well as Deer Valley Drive North – Cross walks were installed in the Deer Valley Drive and Sunnyside Drive intersection as part of Phase one,
- Adding a bus shelter at the intersection of Deer Valley Drive and Sunnyside Drive – After researching our files, staff could not find an actual request. The idea of a bus shelter was discussed during the stakeholder meeting with very little support. Therefore, a bus shelter at Deer Valley Drive and Sunnyside Drive will not be installed,
- Providing driver feedback signs along the corridor – Feedback signs were installed as part of phase one construction,

- Adding sidewalks along the north side of Deer Valley Drive – During the design of phase one, staff and the design team discussed adding to the existing sidewalk on the north side of Deer Valley. The decision was to maintain the existing stretches of sidewalk but not to add additional stretches. The thought was that the existing terrain on the north side of the road would make a continuous sidewalk extremely expensive and intrusive during construction and that improvements to the south side sidewalk with lights and crosswalks will augment the pedestrian flow along the corridor,
- Adding a neighborhood park – The location requested for a neighborhood park (corner of Mellow Mountain Road and Deer Valley Drive) is too steep for a park. As part of the preliminary design, staff will be landscaping this are in lieu of creating a park,
- Underground utilities along the corridor – During Deer Valley Drive Phase One, the design team evaluated the possibility of installing conduits for undergrounding utilities along the corridor. During the phase one open house, a group of residents inquired about undergrounding utilities. After describing the process to the group, they were asked to let staff know if they would like to look further into undergrounding. No requests were submitted. During our OTIS update discussion two and a half years ago, staff proposed, and Council agreed, to removing the conduit portion from the projects because not one conduit installed had been used to date as it was designed. This philosophy was carried through on the Deer Valley Drive project,
- Lower the density in the area – This issue will not be addressed as part of this phase,
- Cleaning up the creek – The creek will be cleaned up and re-vegetated as part of phase two,
- Addressing the burnt out homes on the BLM property – This issue will not be addressed as part of this phase,
- Providing landscaping improvements along the corridor – The areas identified by the neighborhood will be landscaped as part of this phase two.

Elements of the Project

The elements of the Deer Valley Drive Phase 2 project include the following:

- Additional pedestrian lighting
  - Pedestrian lighting every 200 feet extending from Sunnyside Drive to Snow Park Lodge,
  - Replacement of existing shoe box lights along the Deer Valley loop,
  - Replacement of the shoe box lights in the Deer Valley parking lot.
- Consistent sidewalks throughout the corridor
  - Relocation of the electrical box at the intersection of Deer Valley Drive North to allow the sidewalk to be straightened out,
  - Eight foot widths from Deer Valley Drive North to Snow Park Lodge,

    - Eight foot widths from Snow Park Lodge along east edge of Deer Valley Resort parking lot extending to existing pathway near the north edge of the parking lot.
- Crosswalks
    - Re-painting of crosswalks at intersection of Sunnyside Drive,
    - Decorative crosswalk at the intersection of Deer Valley Drive North,
    - Re-painting of crosswalk at Snow Park Lodge,
    - Painting of crosswalk across Royal Street at Silver Lake Lodge.
- Bus stop amenities,
- Cleaning of trash out of the creek and re-vegetation near the Sunnyside Drive intersection,
- Landscaping improvements along the corridor
    - Landscaping around the pressure reduction valve (PRV) station just recently constructed on Deer Valley Loop,
    - Landscaping at the corner of Deer Valley Drive and the west entrance to Deer Valley Loop,
    - Landscaping of the northwest hillside at the intersection of Deer Valley Drive and Mellow Mountain Road,
    - Landscaping in other small infill areas along the Deer Valley Drive corridor.
- Entry feature near the intersection of Deer Valley Drive and Deer Valley Drive north. The feature will be located on the southeast corner just before the bridge,
- Bridge façade restoration and code update. Work includes the addition of LED façade accent lighting along the bridge. The lighting is located below the top cover rock on each side,
- Fiber optic conduit from Sunnyside Drive to Snow Park Lodge, and
- Addition of bus pullouts at Greyhawk and Foxglove condominiums.

Elements **NOT** installed as part of Deer Valley Drive Phase 2 include:

- Updating the existing Deer Valley information sign located at the southeast corner of the roundabout. This sign has been discussed by numerous departments at several meetings. Though some thoughts and ideas have been developed, staff recognized that we are not very close in being able to bring this item back to Council for further discussion. Staff has elected to separate this item from the Deer Valley Drive Phase 2 package, continue analyzing this issue and then come back to Council for further discussion, and
- Bus shelter – As indicated above, after researching our files, staff could not find an actual request. The idea of a bus shelter was discussed during the stakeholder meeting with very little support. Therefore, a bus shelter at the Sunnyside Drive intersection will not be installed

Public Meetings
Numerous public meetings were held during the development of the preliminary design. These meetings include:

- A stakeholder meeting was held on January 29, 2014 with those residents involved with the RELS project from ten years ago and those residents who raised concerns during the first phase of the Deer Valley Drive project. It should be noted that only three residents remain from the original RELS project. Two of these residents attended the meeting (Mary and John Demkowicz). This meeting was held to confirm their issues and communicate the possible elements of the project,
- A meeting was held with Deer Valley on February 14, 2014 to understand issues that Deer Valley may have and to provide a tentative schedule for the design and construction of this project,
- A meeting was held with Deer Valley on March 13, 2014 to review the design elements that would be part of the preliminary design,
- An open house was held on March 18, 2014 in the Park City High School library along with many other projects. Numerous people approached the booth to ask questions and several comments were provided, and
- A meeting was held with Deer Valley on April 8, 2014 to discuss the preliminary design elements and to agree to cost sharing for the project.

The following are the additional public meetings that will be held over the remaining course of the project:

- A meeting with the Greyhawk and Fox Glove HOAs will be held in the next couple of weeks. The goal of this meeting is to work through the finer design issues as they relate to the installation of bus pullouts in front of both condominium complexes.
- The information from this work session meeting will be posted on-line so residents can access and review the design direction. An e-mail blast will occur directing the residents to this information and to also request them to provide staff with any personnel activities that may conflict with our anticipated construction such as installing a driveway with a snow melt system in an area that will impact our construction,
- Another open house will be held to kick off the start of construction. This meeting will be held after the contractor is selected and will give the residents an opportunity to meet the contractor and obtain better information on the construction timeline. It is anticipate that this meeting will be held in mid-July.

Project Costs
When the original concept plan was developed, the consultant, at that time, looked at all areas along Deer Valley Drive that could be modified to help beautify and create a sense of arrival including the Deer Valley Resort parking lots. As the design of this project has moved forward, it was anticipated that numerous elements would be funded by Deer Valley. The improvements proposed to be funded by the City

and the improvements proposed to be funded by Deer Valley Resort are independent of each other. On April 8, 2014, staff and Deer Valley Resort negotiated a cost sharing agreement on the improvements.

The total estimated construction cost for this project is approximately $927,261, which includes both Park City and Deer Valley costs, with the cost breakdown as follows:

Construction Costs Funded by City	
Additional lighting fixtures from Sunnyside Drive to Snow Park and replacement of existing shoe box type light fixtures with decorative light along the Deer Valley Drive loop (fiber conduit is included in this item)	$142,656
Eight foot wide sidewalks from Deer Valley Drive North to Snow Park	$198,225
Restriping crosswalks and road edges	$5,860
Bridge restoration and crosswalk	$42,164
Greyhawk bus pullout	$19,274
Fox Glove bus pullout	$11,388
Eight foot wide sidewalk along east Deer Valley Drive east	$42,000
Miscellaneous work	$2,000
Electrical equipment relocation to eliminate jog in sidewalk	$30,000
Landscaping along corridor	$11,600
Hillside landscaping	$70,925
Deer Valley Drive median landscaping*	$43,500
PRV Landscaping	$4,000
Landscaping Maintenance	$39,600
Replace bus stop sign fixtures	$15,000
ADA ramps along road crossings	$4,000
General conditions	$53,500
Contingency at 20%	$73,569
Total Estimated Costs to Park City	**$809,261**
*Deer Valley has committed to the operations and maintenance of this area after initial construction	
Construction Costs Funded by Deer Valley	
Replacement shoe box type light fixtures in parking lot	$68,000
Deer Valley entry feature near intersection of Deer Valley Drive and Deer Valley Drive North	$50,000
Total Estimated Costs to Deer Valley	**$118,000**

The Council has approved funding for this project in the amount of $950,000 (CP0317). In addition to the estimated City construction cost of $809,261 are the design and construction management costs at $129,867 and approved by Council on December 19, 2013. Total estimated cost to the City is $939,128.

Future Operation and Maintenance Costs
Deer Valley Drive Phase 2 will have future operation and maintenance costs associated with this project. These future costs include:

- Maintaining the paint at the crosswalks (starting the summer of 2015) ,
- Additional plowing for the new sections of sidewalk from Deer Valley Drive North to Snow Park Lodge and possibly from Snow Park Lodge north to the end of the Deer Valley parking lot (starting the winter of 2014/2015),
- Maintaining the hillside landscaping at the intersection of Mellow Mountain and Deer Valley (starting the summer of 2016),
- Pedestrian lighting – As part of our agreement with Rocky Mountain Power (RMP) to energize the lights, the City will pay the first five years of the power bill up front. This contract is similar to the one signed for the lights installed as part of Deer Valley Drive phase one, and
- Maintenance of landscaping in island as you approach Snow Park – Deer Valley Resort has agreed to maintain this landscaped area and thus the operating and maintenance cost will not be carried by the City.

At this point in the design, there is not enough information available for staff to determine with any accuracy, the operation and maintenance cost for each of these activities. When staff returns to Council in early July to authorize the City Manager to execute a construction agreement with the lowest responsible and responsive bidder, we will provide an anticipated operation and maintenance costs, when these costs will commence and how these costs will be managed.

Project Schedule
The construction of Deer Valley Drive Phase 1 is complete with some warranty work needing to occur this spring.

The estimated project schedule for the remainder of Deer Valley Drive Phase 2 is:

- Complete the design and bid package by mid-May 2014,
- Bid the project from mid-May 2014 until mid-July,
- Start the construction in mid-July of 2014 with construction to be completed by October 15, 2014.

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

Alternatives:

A. Agree with the Direction:

This is staff's recommendation.

B. Add/Change Goals/Specific Accomplishments:

If this alternative is chosen and the scope of work increases over the current preliminary plan, staff may need to go through the CIP process again for the additional work scope. This would not occur until February of 2015. Staff would request to continue through design and bid the project with any additional scope items to be listed as an alternative bid item. In this way, if bids are low and funds are available, the additional work scope could then be constructed with this phase. Otherwise, the additional scope of work would need to be delayed until the next construction season.

C. Deny the Project:

If Council does not want the project to go forward, staff will stop work and our Budget Department will reallocate the funds.

D. Continue the Item

If the Council needs more information, the item can be brought back to Council at a later date.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able + Multi-seasonal destination for recreational opportunities Internationally recognized & respected brand	Managed natural resources balancing ecosystem needs		+
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive	Positive	Neutral	Neutral
Comments:				

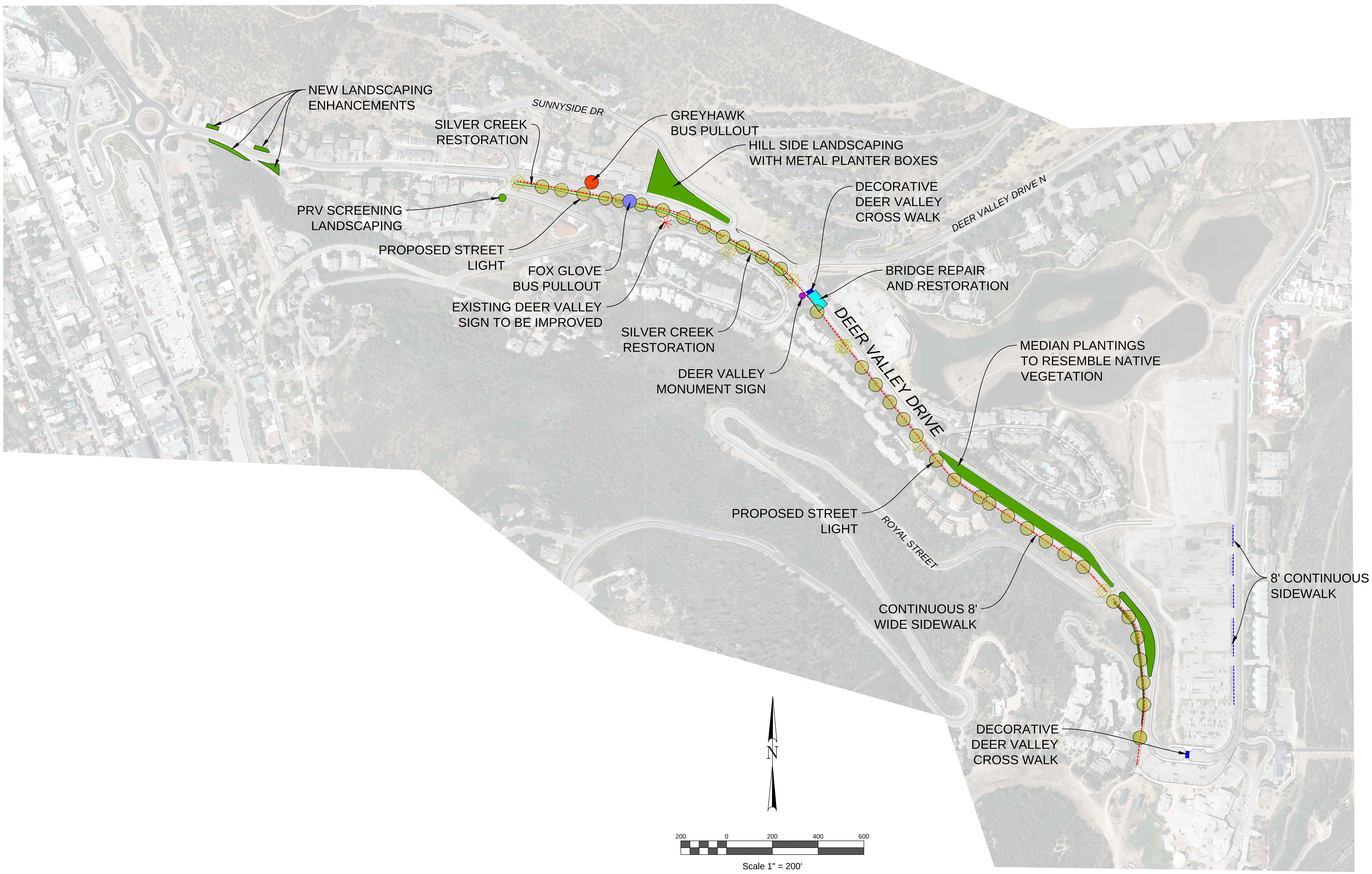
The construction of Deer Valley Drive Phase 2 will slightly impact the adjacent homeowners and may cause very short access issues for the Solamere neighborhood and Deer Valley Resort. These impacts will be addressed through the use of neighborhood meetings and electronic and social media updates throughout the project.

Deer Valley is one of the two major economic generators in Park City and should be seen as a partner. Adding elements to strengthen their entry statement and sense of arrival, providing safe, lighted pedestrian connectivity to Snow Park Lodge and further transit amenities should enhance the experience of their guest and minimize vehicular impacts. This project will help to beautify this corridor along with creating an entry statement as visitors drive toward Deer Valley Resort.

Consequences of not taking the recommended action:
By not doing the project, this beautification and entry statement will not be achieved. Additionally the City will not fulfill the improvements identified through the RELS process by the neighborhood.

Recommendation:
Staff recommends that Council provide direction to staff to affirm the goals for the Deer Valley Drive Phase 2 Beautification Project.

Exhibit A – Deer Valley Drive Plan Concept
Cost Estimate for Park City
Cost Estimate for Deer Valley
Bridge Restoration with Lights
Deer Valley Entrance Monument
Hillside Landscape Concept
Street Furniture Concepts
September 26, 2013 City Council Meeting Minutes



DEER VALLEY DRIVE PHASE 2 IMPROVEMENTS
PARK CITY, UT
DEER VALLEY PH 2 IMPROVEMENTS

231 West 800 South Suite A Salt Lake City, Utah 84101
Ward Engineering Group
Planning Engineering Surveying
PH: 801 . 487 . 8040 FX: 801 . 487 . 8668

CLIENT: PARK CITY
DWG:
JOB No: PC003
DO NOT SCALE THIS DRAWING. DRAWING IS REDUCED IF LESS THAN 22-in x 34-in - DIMENSIONS AND NOTES TAKE PRECEDENCE

DRAWN BY: JEW
DESIGN BY: JEW
CHECKED BY: BHT
DATE: 04/14/2014

REVISIONS

SHEET
1

FILENAME: T:\Park City\Planning\Plan Concept-Labeled.dwg TAB: C-100 PLOT DATE AND TIME: 4/14/2014 4:09 PM

Ward Engineering Group
Planning. Engineering. Surveying
231 West 800 South Suite A, Salt Lake City, UT 84101
Tel. 801.487.8040 • Fax. 801.487.8668

Deer Valley Drive Phase II (Park City Infrastructure)

Park City Cost Estimate Summary

Date: 4/14/2014

Park City Improvments		
General Conditions	$	53,500.00
Communications, Power and Lighting	$	142,656.00
Greyhawk Bus Pullout	$	19,274.00
Fox Glove Bus Pullout	$	11,388.00
Re-Striping Deer Valley Drive Int.	$	4,060.00
Re-Striping After Median	$	1,800.00
Equipement Relocation for New Sidewalk	$	30,000.00
Bridge Restoration and Crosswalk	$	42,164.00
8' Wide Sidewalk Installation	$	198,225.00
Bus Stop Fixtures	$	15,000.00
Deer Valley Drive North Sidewalk (Snowpark Parking)	$	42,000.00
Additional Work	$	2,000.00
Total Park City Improvments=	**$**	**562,067.00**

Park City Landscaping Improvements		
Landscaping Near Round About (Sheet L100)	$	11,600.00
Park City Hillside Landscaping (Sheet L120-L130)	$	70,925.00
Deer Valley Drive Median Plantings (Sheets L140-L160)	$	43,500.00
Landscaping Maintanence (1 Season)	$	39,600.00
PRV Landscaping	$	4,000.00
Total Park City Landscaping Improvments=	**$**	**169,625.00**

Additional Work					
ADA Ramps @ Driveway Entrances	EA	10	$	400.00	$4,000.00
				Additional Work=	$4,000.00

Park City Cost (8' Sidewalks) =	**$**	**735,692.00**
Construction Contingency (10%)	**$**	**73,569.20**
Total Park City Cost (8' Sidewalks) =	**$**	**809,261.20**

Park City Roadway Quantities

Park City Improvements Description		Estimate Unit	Qty	Cost	Total
General Conditions					
Mobilization		LS	1	$ 37,000.00	$ 37,000.00
Traffic Control		LS	1	$ 15,000.00	$ 15,000.00
Erosion Control/BMP Oversight		LS	1	$ 1,500.00	$ 1,500.00
				General Conditions Total=	$ 53,500.00

Park City Improvements Description		Unit	Qty	Cost	Total
Communications, Power and Lighting					
Pedestrian Lighting (Inc. Junction Box)		EA	22	$ 4,000.00	$ 88,000.00
2-2" Sch. 40 Conduits (Power and Fiber)					$ -
Total Trench Length is 4110 LF	Shared Trench in Native Soil	LF	1,200	$ 5.25	$ 6,300.00
	Shared Trench Under Pave (Includes Structural Fill, 8" Asphalt, and 8" UTBC)	LF	175	$ 20.25	$ 3,543.75
	Shared Trench Under SW	LF	2,735	$ 5.25	$ 14,358.75
11" X 17" Power Junction Box		EA	4	$ 700.00	$ 2,800.00
17" X 30" Fiber Optic Junction Box		EA	14	$ 1,200.00	$ 16,800.00
Remove Existing Light and Base		EA	3	$ 750.00	$ 2,250.00
Pull Electrical Wires		LF	4,110	$ 1.85	$ 7,603.50
Remove Lights on Power Poles		EA	2	$ 500.00	$ 1,000.00
				Communications and Lighting Total=	$ 142,656.00

Park City Improvements Description	Unit	Qty	Cost	Total
Greyhawk Bus Pullout				
Saw Cutting/Asphalt Removal	LF	87	$ 4.00	$ 348.00
Sidewalk/Rolled Curb Removal	SF	546	$ 2.00	$ 1,092.00
8" Asphalt Paving and 8" Roadbase	SF	190	$ 5.00	$ 950.00
30" Rolled Curb	LF	84	$ 20.00	$ 1,680.00
4' Sidewalk/ Inlcudes Base	LF	84	$ 22.00	$ 1,848.00
Rock Wall Relocation	LS	1	$ 9,856.00	$ 9,856.00
Bus Stop (Type 1 W/Bench)	LS	1	$ 2,000.00	$ 2,000.00
Miscellaneous Landscaping Restoration	LS	1	$ 1,500.00	$ 1,500.00
			Greyhawk Bus Pullout Total=	$ 19,274.00

Park City Improvements Description	Unit	Qty	Cost	Total
Fox Glove Bus Pullout				
Saw Cutting/Asphalt Removal	LF	92	$ 4.00	$ 368.00
Rolled Curb Removal	SF	1200	$ 2.00	$ 2,400.00
8" Asphalt Paving and 6" Roadbase	SF	220	$ 5.00	$ 1,100.00
30" Rolled Curb	LF	92	$ 20.00	$ 1,840.00
8' Sidewalk/Includes 6" UTBC	LF	92	$ 40.00	$ 3,680.00
Bus Stop (Type 1 W/Bench)	LS	1	$ 2,000.00	$ 2,000.00
			Fox Glove Bus Pullout Total=	$ 11,388.00

Re-Striping (Deer Valley Drive Intersection)				
Striping Removal	LF	1500	$ 1.00	$ 1,500.00
Double Yellow	LF	600	$ 2.00	$ 1,200.00
4" White Striping	LF	280	$ 2.00	$ 560.00
Turn Arrow	EA	2	$ 400.00	$ 800.00
			Re-Striping Deer Valley Intersection=	$ 4,060.00

Re-Striping (After Median)				
Striping Removal	LF	600	$ 1.00	$ 600.00
Double Yellow	LF	300	$ 2.00	$ 600.00
4" White Striping	LF	300	$ 2.00	$ 600.00
			Re-Striping Double Yellow After Restriping=	$ 1,800.00

Equipement Relocation for New Sidewalk				
Sidewalk Installation and Removal included in 8' Sidewalk Installation Category				
Relocation Power Transformer	LS	1	$ 20,000.00	$ 20,000.00
Relocation Communcations	LS	2	$ 5,000.00	$ 10,000.00
			Sidewalk Relocation Total=	$ 30,000.00

Bridge Restoration and Crosswalk				
Cross Walk Striping (Type Pending)	EA	1	$1,000.00	$1,000.00
Bridge Restoration Install Top Cap Clean Grout Repair Grout Seal Rock and Grout	LS	1	$25,000.00	$25,000.00
Rock Wall Lighting (LED)	LF	234	$40.00	$9,360.00
Lighting Drivers	EA	4	$100.00	$400.00
Lighting Mounting Strip	LF	234	$6.00	$1,404.00
Miscellaneous Rock Wall Repair	LS	1	$5,000.00	$5,000.00
			BridgeRestoration and Crosswalk Total=	$42,164.00

8' Sidewalk Installation From Deer Valley N Int. to Snow Park Lodge				
Saw Cutting/Asphalt Removal	LF	2700	$ 2.75	$ 7,425.00
6'-4' Wide Sidewalk/Rolled Curb Removal	LF	2700	$ 4.00	$ 10,800.00
8' Sidewalk Installation/Includes 6" UTBC	LF	2700	$ 40.00	$ 108,000.00
30" Rolled Curb	LF	2700	$ 20.00	$ 54,000.00
Storm Drain Catch Basin Relocation	EA	3	$ 3,500.00	$ 10,500.00
Driveway Transition Fix Asphalt Replace Curb	EA	5	$ 1,500.00	$ 7,500.00
			8' Sidewalk Installation From Deer Valley N Int. to Snow Park Lodge Total=	$198,225.00

Bus Stop Fixtures				
Bus Stop Benches for pullouts included in Bus Pullout Quantities.				
Bus Stop Type 1 with Bench	EA	1	$ 2,000.00	$ 2,000.00
Bus Stop Type 2 only Post W/ Sign	EA	13	$ 1,000.00	$ 13,000.00
			Re-Striping Double Yellow After Restriping=	$ 15,000.00

Deer Valley Drive North Sidewalk (Snowpark Parking Connection)				
30" Rolled Curb	LF	700	$ 20.00	$ 14,000.00
8' Sidewalk/Includes 6" UTBC	LF	700	$ 40.00	$ 28,000.00
			Snow Park Lodge Parking Total=	$ 42,000.00

Additional Work				
Cross Walk Striping (Type Pending)	EA	2	$1,000.00	$2,000.00

Additional Work=	$2,000.00

Park City Landscaping Quantities

Park City Landscpaing Description	Estimate			
	Unit	Qty	Cost	Total
Landscaping Near Round About (Sheet L100)				
Landscaping/Grading	LS	1	$ 2,000.00	$2,000.00
Coniferious Tree	EA	0	$ 400.00	$0.00
Decidious Tree	EA	24	$ 400.00	$9,600.00
Shrub	EA	0	$ 70.00	$0.00
			Landscaping Near Round About Total=	$ 11,600.00

Park City Hillside Landscaping (Sheets L120-L130)				
Steel Edge Planters	EA	10	$ 2,500.00	$25,000.00
Irrigation	SF	35,000	$ 0.75	$26,250.00
PPs at 24" O.C.	EA	1,054	$ 5.00	$5,270.00
PVm at 24" O.C.	EA	881	$ 5.00	$4,405.00
Silver Creek Restoration	SF	10,000	$ 1.00	$10,000.00
			Park City Hillside Landscaping Total=	$70,925.00

Deer Valley Drive Median Plantings (Sheets L140-L160)				
Coniferious Tree	EA	14	$ 400.00	$ 5,600.00
Decidious Tree	EA	78	$ 400.00	$ 31,200.00
Shrub	EA	60	$ 70.00	$ 4,200.00
Irrigation (Hand Watering)	LS	1	$ 1,000.00	$ 1,000.00
Miscellaneous Landscaping Restoration	EA	1	$ 1,500.00	$ 1,500.00
			Deer Valley Drive Median Plantings=	$ 43,500.00

PRV Landscaping Screening				
PRV Landscaping	LS	1	$ 4,000.00	$ 4,000.00
			Landscaping Maintanence=	$ 4,000.00

Landscaping Maintanence (1 Season)				
Handwatering Un-Irrigated Areas	LS	1	$ 39,600.00	$ 39,600.00
			Landscaping Maintanence=	$ 39,600.00

Ward Engineering Group
Planning. Engineering. Surveying

231 West 800 South Suite A, Salt Lake City, UT 84101
Tel. 801.487.8040 • Fax. 801.487.8668

Deer Valley Drive Phase II (Deer Valley Infrastructure)

Park City Cost Estimate Summary

Date: 4/14/2014

Deer Valley Improvements		
Snow Lodge Parking Lot Improvements	$	68,000.00
Deer Valley Entrance Feature	$	50,000.00
Entrance Sign and Frame (Removed from Phase 2)	$	-
Total Deer Valley Improvments=	**$**	**118,000.00**

Deer Valley Landscaping Improvements		
Snow Park Parking Lot Landscaping	$	40,550.00
Total Deer Valley Landscaping Improvments=	**$**	**40,550.00**

Total Deer Valley Cost =	**$**	**158,550.00**

***Cost Estimate does not include regrading, drainage, or other measures necessary for parking lot and sidewalk improvements.**

Deer Valley Parking Lot Improvement Quantities

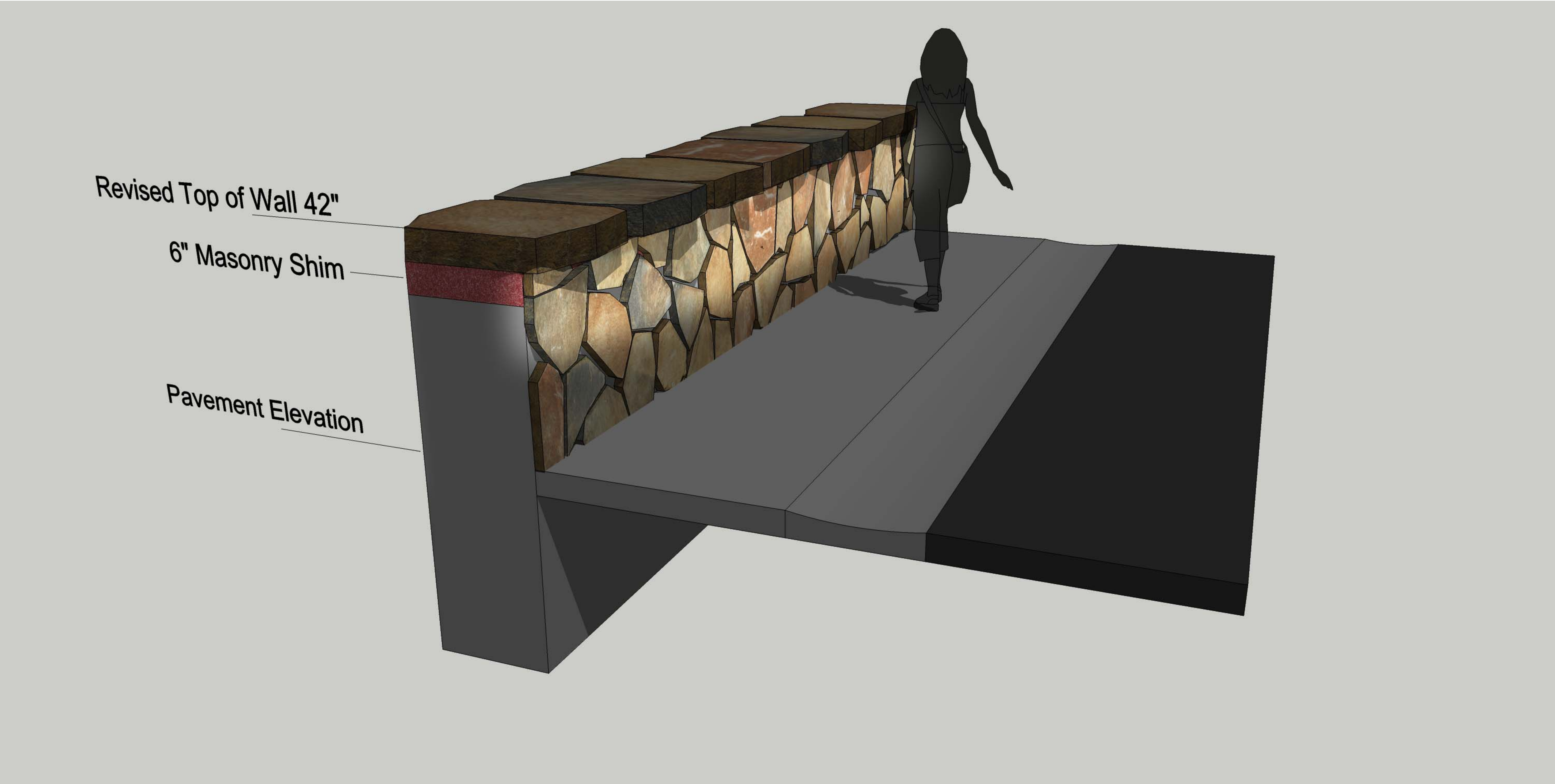
Deer Valley Improvements Description	Estimate			
	Unit	Qty	Cost	Total
Snow Park Lodge Parking Lot				
Pedestrian Lighting (BNA Consideration)	EA	17	$ 4,000.00	$ 68,000.00
Pavemenent Restoration (Qty Unknown)	SF	0	$ 5.00	$ -
*Does not include regrading and drainage Improvements				
Snow Park Lodge Parking Total=				$ 68,000.00

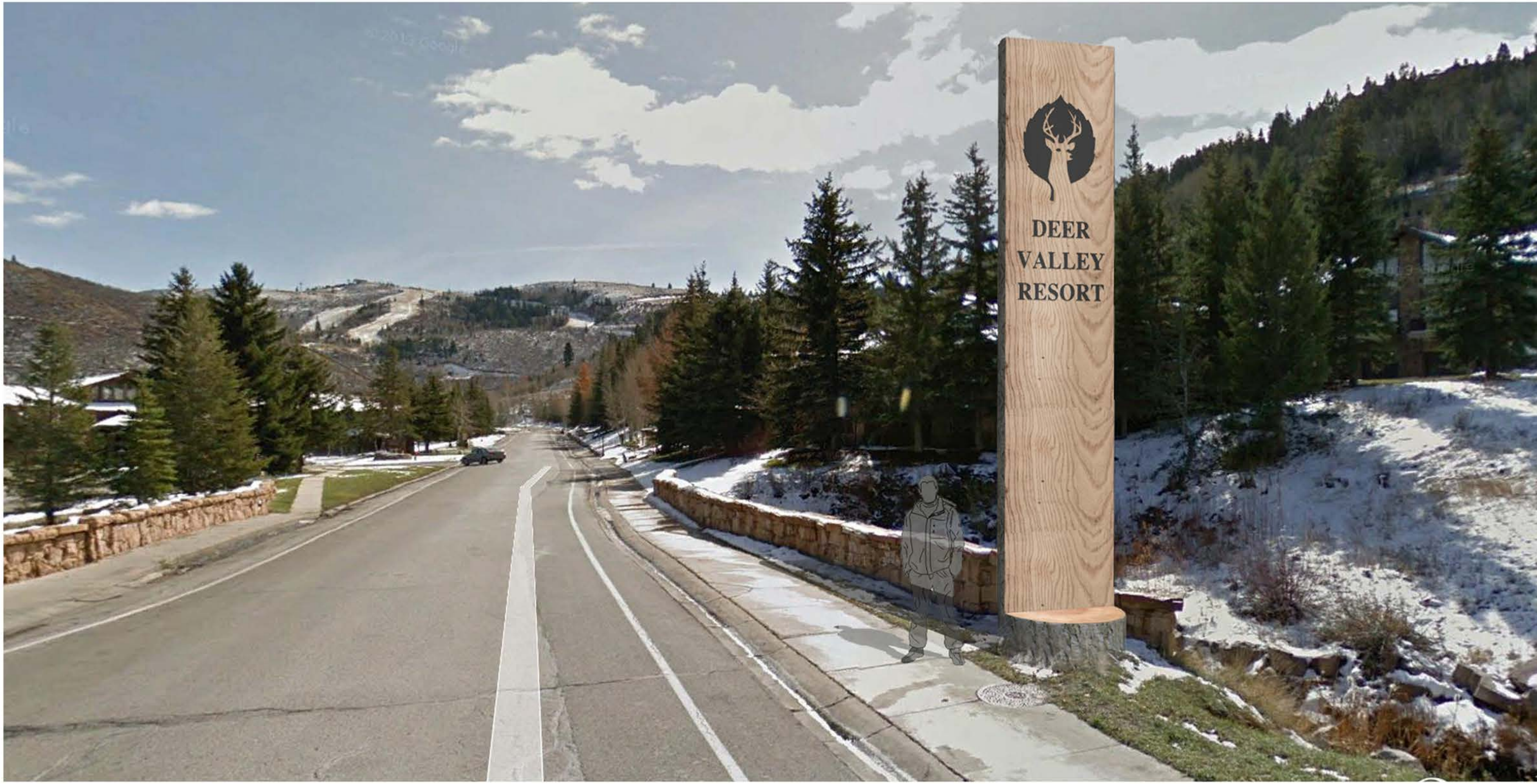
Deer Valley Entrance Feature				
Monolithic Log	LS	1	$ 50,000.00	$ 50,000.00
Deer Valley Archway Total=				$ 50,000.00

Entrance Sign and Frame <u>(Removed from Phase 2)</u>				
Frame Structure	EA	0	$ 10,000.00	$ -
Screen	EA	0	$ 2,000.00	$ -
Communicaitons Connection (Software)	EA	0	$ 1,200.00	$ -
Entrance Sign=				$ -

Deer Valley Parking Landscaing Improvement Quantities

Deer Valley Landscpaing Description	Estimate			
	Unit	Qty	Cost	Total
Snow Park Lodge Parking Area				
Coniferious Tree	EA	15	$ 400.00	$6,000.00
Decidious Tree	EA	47	$ 400.00	$18,800.00
Shrub	EA	50	$ 70.00	$3,500.00
Natural Vegetation	SF	10000	$ 1.00	$10,000.00
Irrigation (Hand Watering)	SF	1	$ 750.00	$750.00
Miscellaneous Landscaping Restoration	EA	1	$ 1,500.00	$1,500.00
Deer Valley Drive Median Plantings=				$40,550.00


Revised Top of Wall 42"
6" Masonry Shim
Pavement Elevation

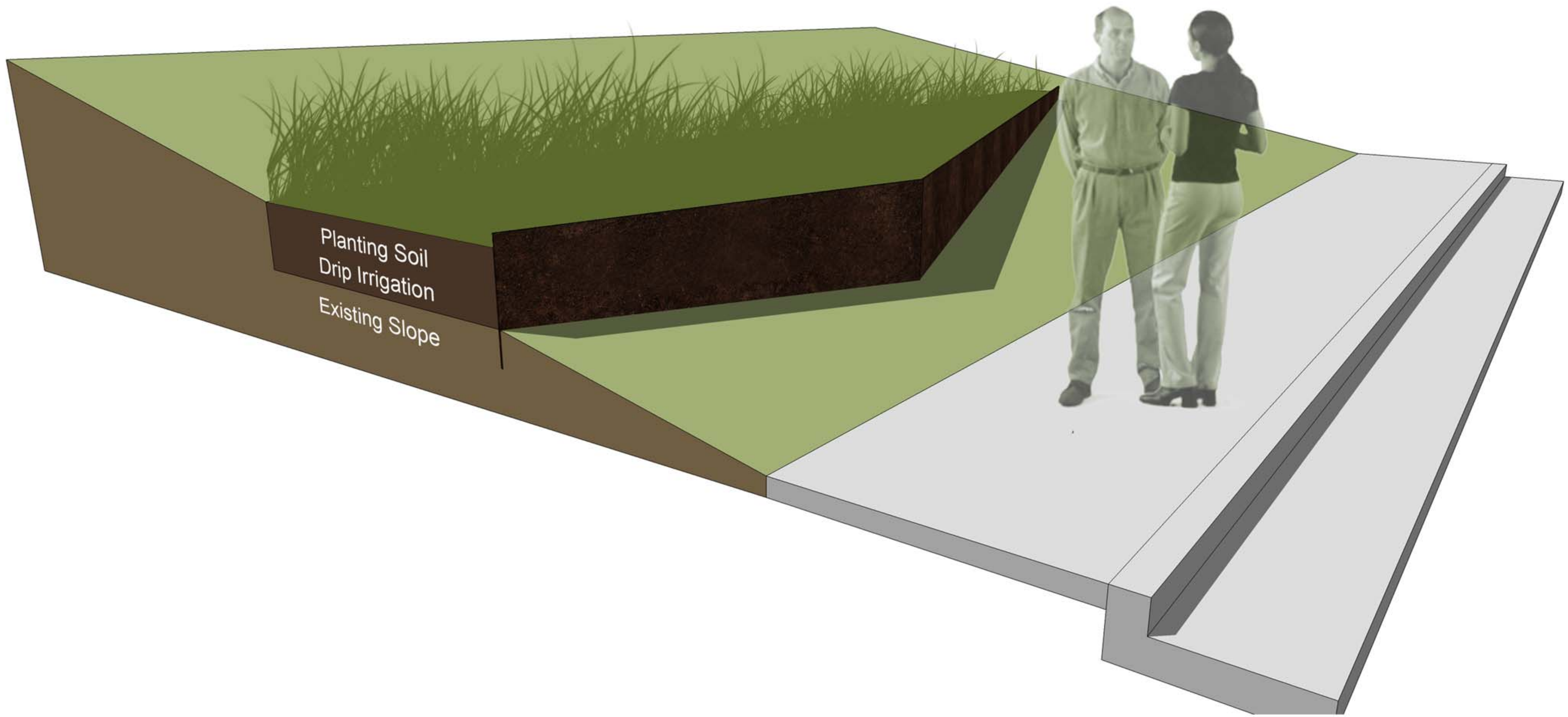


Park City.

Street Scape | Resort Entrance Feature

7th April 2014

Colony
Colony Design Collective
231 West, 800 South. Salt Lake City, UT. 84101
ph.801.913.3014 colonydesigncollective.com



Park City.

Landscape Concept | Section at Steel Planter

17th January 2014


Bus Stop
Deer Valley Drive
Deer Valley Drive
Deer Valley Drive

Park City Council Work Session Minutes
Summit County, Utah
SEPTEMBER 26, 2013

Work Session
Council questions and comments and Manager's Report

Council member Matsumoto
Attended the Chamber Board Meeting stating they had a speaker from Prosperity 20/20 a program to increase education in Utah. They stated that education is economic development. They also reviewed the summer's great events.

Council member Beerman
Congrats to Lisa, ReNae and Myles for scrambling to put together such a great City Tour. Stated he attended multiple fundraising events over the weekend to include: The Overall Ball was outstanding with a lot of great costumes, The Tour de Suds, again lots of great fun and turnout and lastly "Walk a Mile in Her Shoes" which takes the cake for the best costumes. Inquired about a letter Council received regarding farm animal pets. Building Official Root stated that the way the ordinance reads we currently use the county ordinance for our animal control. Council directed staff to look into the matter.

Council member Simpson
Thanked all the leadership staff for a stellar City Tour. Staff did an awesome job getting the tour together at such short notice.

Council member Butwinski
Echoed Council member Simpsons feelings about City Tour, ReNae & Myles are amazing. Discussed some of the ideas they learned on City Tour such as: citizen engagement, and complacency is a death sentence. Stated the first quarter report on Utah Sales tax is up 13.5%. He announced that he is officially on the Board of the Utah League of Cities and Towns. Council member Butwinski also attended an ice pigging demonstration and found it amazing. He stated Planning Commission was very exciting, they discussed the library and felt we were on the right path. He also stated the highlight of his career was performing a wedding as Mayor Pro Tem.

Council member Peek
Also attended an ice pigging demonstration on Park Ave, stating it was a fascinating procedure. The samples taken from the water line went from a tan color to black back to tan and then clear. Felt it will be interesting to see what the analysis shows compared to the cost effectiveness of the procedure.

Mayor Dana Williams
Stated thoughts and prayers are with the former mayor Hal Taylor's family for their loss. Also reminded everyone the 9-11 memorial rock that will be placed at Fort Douglas to honor the Fallen Warriors will be touring through Park City on Saturday September 28, 2013.

Manager's report
There was not a manager's report this week. City Manager Foster did request a council liaison for the General Plan Task Force. Council member Butwinski was nominated and Council concurred.

Deer Valley Drive Phase II
City Engineer Cassel addressed the Council about Deer Valley Drive Phase II. Cassel stated that while working through phase I of the Deer Valley Drive project staff identified other projects for the corridor such as an entrance sign, an overhead archway, lighting, landscaping and bus stop amenities that were suggested by the 2003 Neighborhood Request for Elevated Levels of Service process. Staff has taken this information and created a phase II plan. The focus of this work session is to align the project with Council's goals and would seek direction on this project.

Council member Matsumoto inquired why it has taken so long to get the project completed, the RELS was in 2003. Cassel stated that the project has been in the works and has been tied up with federal funding allocations.

Council member Simpson suggested staff reevaluate the RELS from 2003 and make sure the current needs align with the suggested needs.

Council member Beerman stated that he also feels we should have a new meeting with the neighborhood to see if they have updated priorities. Cassel stated that staff would coordinate with the residents in the Deer Valley Drive neighborhood.

Council member Peek inquired about the burnt out house on the BLM property. Cassel stated that the Building and Planning department are working on that project. Building Official Root stated staff will tour the home in the coming weeks and will be in the mediation phase to clarify the historic state of this house.

Mayor Williams inquired about the continuation of building a relationship with Deer Valley as an economic development partner. Stated there was an interview last week that talked about a publically financed gondola. City Manager Foster stated that per Council direction staff is working with Deer Valley talking about the gondola, staff stated they would process the leg work before we inquire about federal funding.

Council member Butwinski inquired about the bridge façade that is mentioned in the staff report, Cassel stated the culvert's façade is coming apart and needs repair. Also, inquired about the project costs outlined in the staff report.

Council member Matsumoto requested additional information about the conduit being installed stating that in an earlier project staff recommended not installing conduit and she wanted clarification regarding the differences between the two projects. Staff stated that normally putting in the conduit is not a wise investment, the conduit installed on other projects has not been utilized and the utility companies put an expiration on the conduit for their use. In this situation working with Rocky Mountain Power to move the substation staff felt it was important to own the conduit and ultimately be responsible. Matsumoto also inquired about other options we have for conduit as it relates to outside utilities and cost. City Manager Foster stated that staff is looking at a more robust solution and will bring a staff report to Council in November.

Council member Simpson inquired about the arch/bridge that was referenced in the packet. City Engineer Cassel stated that it a proposed entry archway only with a cross walk beneath.

Council member Peek inquired about the project costs regarding which entity pays for what. Cassel stated that there has not been a final agreement made as to project costs. Staff stated this is just a preliminary concept plan and once the details are worked out staff will bring a finalized plan with finalized project costs to Council for approval.

Council member Beerman inquired about putting junction boxes in for potential lighting. Cassel stated that when the phase is complete the need for future lights will be nonexistent but the power will be run and can be tied into. Beerman also stated he would be in favor of a bus shelter and the electronic sign.

Multiple discussions continued about the electronic sign, technology and current sign ordinance.

Mayor stated that staff needs to have a neighborhood meeting, and would like to look into the age of the neighborhood as to the distance of stops for the bus.

Staff was directed to have a new meeting and will continue with the goals set forth.

Park City Council Meeting Minutes
Summit County, Utah
SEPTEMBER 26, 2013

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 26, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Liza Simpson and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney;, Park City Police Department; Matt Cassel, City Engineer, Sharon Bauman, Senior Recorder and Elections Official; Kayla Sintz, Current Planning Manager; Francisco Astorga, Planner; Chad Root, Chief Building Official; Phyllis Robinson, Communications and Public Affairs Manager; Matt Dias, Assistant City Manager; Marci Heil, City Recorder; Jody Morrison, Assistant City Recorder

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures made from Council or Staff.

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

No public input was given.

IV MINUTES OF MEETING OF AUGUST 15, 2013, SEPTEMBER 5, 2013 and SEPTEMBER 12, 2013

Council member Butwinski moved to approve the minutes for August 15, 2013, September 5, 2013 and September 12, 2013 with the corrections that have been given to recorder
Council member Beerman seconded

Approved unanimously on August 15, 2013 and September 5, 2013 minutes

Motion carried on September 12, 2013 minutes
Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-abstain

APPOINTMENTS AND RESIGNATIONS

1. Consideration of appointments of Hope Melville and Clayton Vance to the Historic Preservation Board to fill existing terms: July, 2012 – May, 2015 and July, 2011 – May, 2014 respectively.

Council member Peek moved to approve the appointments of Hope Melville and Clayton Vance to the Historic Preservation Board to fill existing terms: July, 2012-May, 2015 and July, 2011- May, 2014 respectively.
Council member Simpson seconded
Approved unanimously

CONSENT AGENDA

1. Consideration of a Resolution proclaiming the month of October as Domestic Violence Awareness Month in Park City, Utah

Jane Patton, Peace House wanted to announce October 1st is the beginning of Domestic Violence Month. She invited the Mayor and Council to the candle light vigil being held on October 1st at 5:45 at the top of Main Street to honor those who have lost their lives and those who have survived.

2. Consideration of payment of claims for water damages at 2164 Little Bessie Drive in the amount of $25,151.86

3. Consideration of amendment to Convention Licensing resolution reference

Council member Beerman moved to approved items 1-3 on the consent agenda
Council member Butwinski seconded
Approve unanimously

VII OLD BUSINESS

1. Consideration of an Ordinance approving the public improvements for the Echo Spur Subdivision

City Engineer Cassel approached the Council regarding the public improvements of the Echo Spur subdivision, stating this this item is a continuation from the May 2, 2013 meeting.

Council member Butwinski inquired of City Attorney Harrington if we could exclude the maintenance of the retaining wall, Harrington stated that Council would need to accept the entire improvements or renegotiate. Butwinski stated that the wall that is in place is not what Council had originally approved; Cassel reiterated what he had stated in his staff report that due to the changes in the field the wall was modified. Council member Butwinski stated he understood that things change in the field but feels this is a substantially different wall and is very upset about the fact that the City has to accept something that was not approved.

Council member Matsumoto inquired of Cassel if he has gone out and checked the integrity of the retaining wall. Cassel stated that he did check the wall out and said it is still in good shape.

Mayor Williams opened the public hearing.

Mary Winzter, resident, concurred with Council members Butwinski & Matsumoto, the wall has failed and the road has failed and was built to the barest of Park City's standards. As a tax payer she feels it has been a bad situation from the beginning and sees no quality put forth throughout the project. She is concerned as a citizen that Council would be accepting that burden.

No further comments, Mayor Williams closed the public hearing.

Council member Beerman inquired of staff what advantages or obligations would the City have to accept the road. Cassel stated one main concern is the fire turn around, it is also a very visible drive and staff wanted to enforce the no parking and the management of the street to Park City's standards

Council member Peek inquired if the City would have to vacate the right of way if it was a private street. Cassel stated that the City would maintain a public right of way if it was a private drive.

Council member Butwinski inquired about posting no parking signs so that the City can enforce the laws. Cassel stated that it has just been chained off up to this point and will continue to be until further time when no parking signs were needed. Butwinski stated that he feels if the City has to take responsibility for this road they should be able to enforce the no parking on the street.

Council member Matsumoto felt that when the item was first brought to Council there would be loftier goals other than just enforcing parking. Felt there is no compelling reason to move forward.

City Attorney Harrington addressed the concerns of Council stating that there were two different issues. One, should there still be a public right of way or not and two, should you accept dedication built to public standards.

Council member Butwinski reiterated his distress about accepting that wall in that condition.

Cassel addressed Council member Butwinski's concerns regarding the two tier rendition that was part of the original approval stating that the wall had to be altered due to a service line that caused unevenness in the wall and had to be pulled.

Council member Simpson stated that she has struggled with this project due to her proximity; however, she really hates the idea of one more private road in town. She is upset with the results but would like to have the control to maintain and keep it in good repair within the City.

Council member Simpson moved to approve the Ordinance accepting the public improvements for the Echo Spur Subdivision

Council member Matsumoto seconded
Approved unanimously

2. Consideration of an Ordinance renaming the section of McHenry Avenue extending from Rossi Hill Drive north to the name of Echo Spur Court, Park City, Utah

Mayor Williams opened the public hearing. No comments were made. Mayor Williams closed the public hearing.

Council member Simpson inquired of staff if we could just call it Echo Spur.

Council member Peek stated his concern with calling it something it's not where as the old railroad grade was named Echo Spur and was historic.

Discussion ensued around other name changes.

Council member Simpson moved to approve the Ordinance renaming the section of McHenry Avenue to Echo Spur
Council member Matsumoto seconded
Approve unanimously

3. Consideration of an Ordinance approving the Plat Amendment Extension of the 573 Main Street Plat Amendment located at 573 Main Street, Park City, Utah

City Planner Astorga stated this item is a continuation from the September 12, 2013 Council meeting. Since that date staff has reviewed the plat extension and staff still finds that there have been no changes. As per Council's request staff had invited Building Official Root to weigh in on this amendment. Root is also available for questions. Astorga reiterated the issue the applicant is having regarding removal of the parking lot. Astorga stated that the Planning, Building and Engineering departments got together and outlined staff's recommendation for the project stating that the issue that staff recognized through the contaminated soil's ordinance, that once the parking lot is removed it would need to be capped. Staff suggested that the property owner file a bond with the City that if the parking lot is not removed by May 31st the City would use that bond to remove the parking lot.

Mayor inquired about the requirements that were suggested by Council during the Sept 12, 2013 Council meeting stating he felt the suggestions of Council were not reflected in the current ordinance.

Council member Matsumoto stated that she remembered that the parking lot was suggested to be removed by December 31, 2013; however, if it is a safety issue she would be ok with locking the parking lot up after December 31, 2013 until landscaping can be completed as long as the staging issue be resolved.

Building Official Root stated staff recommended the parking lot be cleared of all debris and equipment. Then as of December 1, 2013 the lot would be locked off and there would be no access until spring when they could remove the parking lot.

Council member Simpson apologized for missing the last Council meeting. She then inquired why staff has approved multiple building permits without a full set of plans as per the Land Use Management Code.

Building Official Root stated that staff has eliminated the temporary certification of occupancy for the purpose of eliminating problems like this when owners would fix them up enough for Sundance so people could come in and pull permits for 10 days and then walk away. From here on out it will be a full Certificate of Occupancy which should eradicate this issue in the future.

Council member Simpson inquired the amount of the landscape bond. Building Official Root stated the amount has not been determined but would include the removal of the parking lot, six inch soil cap, landscape plan, vegetation and the emergency egress.

Council member Beerman inquired of the intent of the applicant.

Applicant's Attorney Joe Wrona stated that his recollection from the last meeting was that he offered to have the parking lot torn out by December 31, 2013. Now the professional City staff has come back and stated that it would be better to wait until spring. His client wants to get this project completed as well. The intentions are to plat before the New Year.

Billy Reed, contractor, stated that the full Certificate of Occupancy is intended for December. As soon as they have direction they can take care of the parking lot issue.

Council member Beerman stated that he understands the practical need to keep the asphalt in place but also understands if he the applicant wants to plat and get the CO then the parking lot needs to be removed first. Beerman inquired of staff if the applicant could they tarp the parking lot. Planner Astorga stated that they could do that but the concern would be the run off.

Council member Peek stated that we need to determine if the risk is run-off or seepage, a geo technical engineer could design a mitigation plan put in a cap, seed it and put in landscape rocks instead of the fence

Council member Simpson stated that if their intention is to get a C&O by end of year why they would need until June 2014 for the extension.

Mayor Williams stated he loved Council member Peek's idea of the cap with the landscape rocks instead of the fence. Williams did express concern setting a date of May 31, 2013 for the land scape bond in case of a long winter.

Council member Simpson stated that part of the problem with this property is the negative impacts on Park Avenue. City Attorney Harrington stated that the impacts have been related to the parking lot and the use of the rear access so if the lot is removed it would mitigate those impacts.

Mayor inquired if Council was comfortable with a landscape bond if the parking lot being removed by December, the cap in place and rocks to prohibit the use of the lot. Root stated that the bond would not be released until 80% germination was succeeded.

Mayor Williams opened the public hearing.

Joe Tesch, attorney for the neighbors, stated that the neighbors appreciate everything the Council has done tonight in working to understand the neighbors. He would caution the Council to be careful in adopting an ordinance with loose holes. Tesch suggested an alternate number 6, first discussed the additions of 87, 88, 89 to the findings of facts by staff stating. He would suggest that Council allow the contractor to either landscape or cover the lot by December 1, 2013. He stated he would like to see boulder barriers on the Park Avenue side to make it impassible by vehicle traffic. Stated that was agianst the idea that you could put up a bond to get the plat approved. The City could be left in litigation for years to complete this project. Spoke to the building permits that have been pulled prior to the plat.

Mayor Williams inquired if there were two issues about the restoration of the building and the plat amendment to join the lots. City Attorney Harrington stated that yes there were two issues and tonight's discussion is about the plat amendment.

Council member Simpson inquired about condition of approval #6 to read to the first word vehicles and add access. Remove the rest of #6.

John Plunkett, neighbor, thanked the staff and Council for working together tonight to get the extension approved. He then reiterated the neighbors' concerns in utilizing the emergency exits as daily entrances and feels there is an enforcement issue that should not deal with fences.

Mayor Williams closed the public hearing.

Mayor Williams took a break and directed staff to go to the legal conference room and make the amendments that Council agreed upon during this meeting so they could approve the ordinance tonight.

After a break, staff returned with a finalized version of the ordinance with the incorporated changes including the removal of the parking lot by December 1, 2013 and recording the plat with the County by January 15, 2014.

Council member Simpson moved to approve the amended Ordinance
Council member Peek seconded
Approved unanimously

VIII NEW BUSINESS

1. Consideration of an Ordinance approving the Plat Amendment located at 2519 Lucky John Drive, Park City, Utah

Mayor Williams opened the public hearing. No comment. Public Hearing closed.

Staff requested this item be continued to a date uncertain.

Council member Simpson moved to continue to a date uncertain.
Council member Peek seconded
Approved unanimously

With no further business the meeting was adjourned.

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 Marci Heil, City Recorder.

Marci S. Heil, City Recorder

City Council Staff Report

Subject: Street Dining on Main Program
Author: Francisco Astorga, Planner
Department: Planning
Date: April 24, 2014
Type of Item: Administrative

Summary Recommendations:
Staff recommends that the City Council consider extending the Street Dining within the Main Street Right-of-Way program for another term. The extension includes the renewal of leases of City property/Right-of-Way (ROW) for several restaurants located on Main Street, so that they can have on-street dining on City property/ROW from May 1st – October 30th.

Topic/Description:
Cisero's Ristorante, Bistro 412, 501 on Main, Main Street Pizza & Noodle, Bandits' Grill & Bar, Bangkok Thai on Main, The Eating Establishment, Shabu, and Flanagans placed temporary street dining decks on Main Street in Summer 2013. These restaurants would like to continue leasing the City ROW and propose to utilize the same temporary street dining decks that the City has approved in the past.

In March 2013 the City Council had a brief discussion related to the Street Dining on Main Pilot Program and direction was given to staff to move forward with the program, see Exhibit E - 3.28.2013 City Council work session meeting minutes. In April 2013 the City Council moved to approve the leases for the 2013 season, See Exhibit F - 4.11.2013 City Council meeting minutes. The City has made restaurant business owners aware of the Main Street improvements which are currently scheduled for this year. Staff requests the City Council to review the Main Street improvements construction impacts, rental rate, and provide the sample leases and conditions for 2014.

Analysis:
The City is currently planning Main Street improvements this year ranging from sidewalk reconstruction between 5th and 7th Street on both sides of Main Street to improvements at the Bear Bench walkway connecting to the Transit Center . Staff identified that two (2) decks may be affected by the sidewalk improvements. These include Bangkok Thai on Main located at 605 Main Street and Main Street Pizza & Noodle located at 530 Main Street.

The Street Dining on Main season commences on May 1st. As part of the program, the City has given each deck owner the ability to choose when to place their deck after the start date. Some decks have been placed as early as the first week of May while others have waited until mid-June.

Due to the possible conflicts with the two (2) decks mentioned above staff recommends not entering into these specific leases until the construction is finalized to be able to determine agreeable dates with each business owner. Staff has incorporated draft language on the lease agreements in a form to be approved by the Legal Department.

Upon completion of the improvements in the affected areas, we can then enter into leases with the two (2) deck owners. Furthermore, Staff recommends reducing "rental fees" by the prorated amount of any lost days.

If at any time any of the decks need to be removed, the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. They City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue. Staff has incorporated the draft language on the lease agreements in a form to be approved by the Legal Department. See Exhibit A.

Staff recommends that the City Council execute the lease agreements for the Street Dining on Main program for the current participants based on various work sessions discussions and direction provided from City Council to Staff. Staff did not receive any complains during the 2013 Street Dining season and the program seems to be well received by the public in general including residents and visitors.

<u>Rental Rate</u>
In March 2012 staff presented to City Council an analysis of the street dining program fee. Kent Cashel, Transit and Transportation Manager, indicated that based on a two (2) year average paid parking meter collection (actual revenue) the City made a total of $1,126 during the six (6) month period per parking space (20'). During the March 2012 work session discussion, staff recommended increasing the fee charged in 2011 of $300 per space (20') to $550. In essence, this was an increase from 10% of potential revenue to 19% of potential revenue (or 49% of actual revenue). The following table below lists each individual restaurant, its linear length (in terms of parking spaces measured at twenty feet [20']), yearly charge per linear length, potential revenue (in terms of collecting $16 a day for 180 days, and actual revenue (2-year average, 2010-2011):

Restaurant	Linear parking spaces	2010 ($0)	2011 ($300)	2012 & 2013 ($550)	Potential Revenue	2010-2011 Actual Revenue
Cisero's	1.55'	$0	$465	$852.50	$4,464	$1,745.30
Bistro 412	1.0'	$0	$300	$550	$2,880	$1,126.00
501 on Main	1.0'	$0	$300	$550	$2,880	$1,126.00
Main St. Pizza	1.56'	-	468	$858	$4,493	$1,756.56
Bandits'	1.15'	-	$345	$632.50	$3,312	$1,294.90
Bangkok	1.90'	-	$570	$1,045	$5,472	$2,139.40

Thai						
The EE	1.09’	-	$327	$599.50	$3,150	$1,227.34
Shabu	1.15’	-	$345	$632.50	$3,312	$1,294.90
Flanagan’s	1.13’	-	$339	$621.50	$3,254	$1,272.38
Totals	**11.53**	**$0**	**$3,459**	**$6,341.40**	**$29,963**	**$12,982.78**

Planning Department Staff recommends that the parking rental fee for the 2014 season remain the same as 2012/2013, calculated at $550 per parking space consisting of twenty linear feet (20’). Staff recommends being consistent with 2013’s rental rate based on the impacts of construction during the Main Street sidewalk improvements.

For the 2014 season, Parking Services recommends charging the actual revenue amount consisting of $1,126 per parking space. This recommendation is consistent with previous City Council direction regarding increasing fees in the future as the pilot program ended in 2012. The $1,126 fee recommendation will still be substantially lower than the potential revenue of $2,880 as it comes out to be 39%. Council may also consider charging the entire potential revenue.

Recommendation:
Staff recommends that the City Council consider extending the Street Dining within the Main Street Right of Way program for another term. The extension includes the renewal of leases of City property/Right-of-Way (ROW) for several restaurants located on Main Street, so that they can have on-street dining on City property/ROW from May 1st – October 30th.

Exhibits:
Exhibit A – Updated Lease Agreements & Attachment 1 - Operational Restrictions
Exhibit B – Proposed 2014 Street Dining on Main Map
Exhibit C – Street Dining Deck
Exhibit D – 3.28.2013 City Council Staff Report
Exhibit E – 3.28.2013 City Council Work Session Meeting Minutes
Exhibit F – 4.11.2013 City Council Meeting Minutes

PARK CITY COUNCIL MEETING MINUTES- DRAFT
SUMMIT COUNTY, UTAH,
April 17, 2014

Work Session
Council Questions and Comments and Manager's Report

Council member Peek had nothing. Mayor, Council and Staff wished him a Happy Birthday!

Council member Henney stated the Olympic parade was great, thanked staff. Mountain Accord meeting were great and thanked Heinrich for his participation and expertise at those meetings. Attended the Planning Commission meeting and found it great and reported a conversation of the implementation of the GP vs. LMC.

Council member Matsumoto attended the historic preservation board with council member peek where they awarded a grant of $30,000 for a home to be built in the Upper Park Ave main street RDA. It was discussed that if the City is behind Historic Preservation then they need to put in more than $45000 per year to help worthy causes.

Council member Simpson said Great job on the shake out and stated she loves the temporary fence at the bear on the bench project. Inquired of Matt Cassel when the storm drains are going to be fixed so that poison creek will not flood. Cassel stated that they are bringing the storm water master plan to council mid-May.

Council member Beerman enjoyed some skiing this week. Thanked staff for the Vail tour and thanked Mayor Thomas for organizing a meeting with the U of U and Utah State university regarding some on-site classes.

Mayor Thomas- attended the ULCT mid-year convention stating that it was an excellent event. Thanked legal staff for keeping Park City on the straight and narrow.

Manager's report questions- Mayor inquired if there are estimated man hours tied to these projects/goals. Jed Briggs, Budget Manager, stated that these are action items and are budgeted on a higher level through the BFO process. Foster further explained the Budgeting For Outcomes piece of the budget. Harrington stated that the higher level of projects is budgeted and these are broken down by task and would be inefficient use of time to calculate man hours per task.

Budget Pre Meeting
Jed Briggs, Matt Dias and Brooke Moss presented the preview on the upcoming budget. Spoke to the process of how the City Manager's recommended budget comes to be with Pay Plan, Health Insurance and Retirement. Discussed the breakdown stating that this is a two year budget and the 2016 numbers are an estimate based on the trend from the last few years.

Council member Beerman inquired about the incremental increases stating he thought they were working toward a zero based budget. Briggs and Foster spoke to this as to the built-in aspect for pay plan, retirement, and insurance. Beerman inquired about the allowable operating increases. Foster explained the allowable operating increase process. Beerman stated he feels that this is not in the spirit of a zero based budget process. Briggs stated that after the Council Retreat this was a middle ground that staff and the results team found helpful.

The discussion then moved on to Blue Ribbon Commission compensation. Dias stated that it can be awkward to discuss compensation and stated that staff's recommendation is concurrent with the Blue Ribbon Commission's recommendation for a pay raise.

Council member Henney stated he is in favor of the recommendations but would like to further discuss the budget and staff compensation before the final decision is made.

Council member Matsumoto stated initially she was in favor of holding off on implementation; however, she has since changed her views and is in favor of the Blue Ribbon Commissions recommendation.

Council member Simpson thanked the Blue Ribbon Commission for the extensive research and felt that the new methodology was great. She is in favor of the Blue Ribbon Commission recommendations.

Council member Beerman stated he expressed his discomfort at the prior discussion and still feels that he would like to look at the whole picture with the term limits and finance campaign limits before finalizing a decision.

Council member Peek thanked the Blue Ribbon Commission for their effort along with Dr. Facer. He stated he is in favor of the compensation increase; however, he feels that the residents should continue to determine term limits with the voting process.

Mayor Thomas stated that he is in favor, reiterating that he did not realize what the pay was prior to election but is seeing how time consuming it is.

Moss spoke to the Affordable Care Act impact to the budget. She stated that HR has met with all the departments over the past year determining which positions are essential and full time.

Council member Beerman inquired how the equations were determined. Moss stated that there are benefits to be gained to keep some positions as full time instead of seasonal. Beerman inquired if staff has looked at lowering the take home to offset the benefit's package in order to more efficiently insure all employees. Moss stated that in most of these positions lowering the wage it would decrease the pool of people seeking employment due to the comparisons in the area.

Council member Matsumoto stated that she is not in favor of decreasing hours to remain under the threshold of not being required to pay for insurance. She also inquired about why transit can offset some of the costs. Moss stated that she is agreement with Matsumoto regarding the hours. Staff realizes these changes will affect the lives of employees. She also touched on the budget process and revenues that transit brings in to offset some costs.

Council member Simpson stated she too is in agreement with Matsumoto and she also knows how it is to have full time positions open and a limited amount of high caliber applicants.

Council member Beerman inquired if out of the 29 recommended for benefits positions with the hybrid approach it keeps 24 positions, what happens to the other 5 positions. Moss stated that they will not be able to work more than one season. Beerman stated that he is in favor of insuring all employees.

Council member Henney stated he is in favor of the hybrid approach. Also threw out an option where the employee could have an option to get more money in hand and get their own insurance on the ACA website. Moss stated that they have looked into those options and could discuss it more.

Mayor Thomas reminded staff and Council that they are looking at human beings who are a part of this community.

Moss also went over the Pay Plan stating that it is a two year process and they have looked at other communities and have only found 25-30 positions that will need to be adjusted which speaks volumes to our competitive wages and the pay plan process.

Then spoke to the health insurance stating that we are currently covered by a rich benefit. The healthy living aspect has been a great help to keep the costs very minimal to the employee.

Tour of Utah Update

Heinrich Deters, Open Space and Trails, introduced Jenny Diersen as the newest member of the Sustainability team. Deters then spoke about the Tour of Utah stating that it is all similar to the last four years. Bob Koller with the Chamber spoke to the additional stage being added in Kamas and the last stage will be hosted by the Chamber.

Council member Simpson inquired if anyone had addressed the amateurs aspect on the challenge. Deters stated they are still looking into mitigation.

Planning Project Schedule Update

In lieu of time Thomas Eddington, Planning Director and Kayla Sintz, Planning Manager, skipped the presentation and went straight to questions. Council had no questions and stated they were supportive of what staff has proposed.

Study Session

Historic Preservation Board Joint Meeting

Mayor and Council welcomed the Historic Preservation Board members: John Kentworthy; Gary Bush and Hope Melville. Excused members were Marian Crosby, Puggy Holmgren, Clayton Vance and David White. Kentworthy spoke to the thoughts the Historic Preservation board has discussed and wanted input from the Council on as well as request more funds for Old Town. Bush discussed sense of community and the importance of preserving this along with the architecture. Melville spoke to the grant program, stating in order to preserve the historic fabric the City had to be willing to put more money in the grant program. Kentworthy stated he knows that Main Street is working through the construction issues but stressed the need to keep the magic of Main Street alive.

Mayor Thomas inquired if there was an interest in redefining primary residence's as a recipient to the grant funding. They agreed that there would be a condition to prove long term residence. Bush spoke to the grant program as being a way to preserve the building and should not be related to primary/secondary residences. Council member Simpson spoke about funding the grants differently and decoupling it from the RDA's. Council member Peek spoke to the grant program as a way to preserve the most buildings in town. Also inquired about the recapture of the grant funds. Sintz stated that they are recaptured at 20% for 5 years in order to minimize flipping opportunities. Council member Matsumoto stated her concerns are with the minimal amount budgeted to a project that relates to a core value. She proposed a reevaluation of the historic guidelines in reference to a project gone badly with stricter penalizations.

Council member Beerman thanked the board for attending. Then spoke to the Old Town RDA clarifying where the money is going. He then inquired from the Board what other tools they could use. Kentworthy stated that he feels open communication with the residents would be a great asset and making it fun for the public to learn about the history of Park City. Council member Simpson stated that the last time the historic guidelines were looked at there were not enough projects to analyze to have a robust conversation. They spoke to the aspects of the historic guidelines and the projects that went wrong adding in the materials aspect into the guidelines.

Council member Henney inquired about how many homes in the historic pool have not been worked on. Eddington stated that there are around 200 homes that are eligible for preservation. Henney stated that this group needs to decide what the purpose is. Kentworthy stated that the Historic board is looking at the multiple situations for families, third generations and developer vs second homeowners. Council member Simpson inquired about a revolving loan option. Mayor Thomas stated that the bottom line is the determination to preserve the historic character of the community.

Work Session

Historic Preservation Work Session

Planner Grahn discussed the upcoming Preservation plan and the CRSA historic inventory project. Planning has partnered with the U of U working to have them come up and perform a survey regarding the Ski Town Historic structures. Grahn stated that the Historic Board will have a work session on May 21st with the State Architectures.

Council member Simpson inquired about the mining towers. Council member Beerman inquired if there is a plan in shoring them up to make sure they do not fall down. Harrington outlined the process regarding ownership and legal hoops to modify the documents and coordinate the balance of safety vs. status quo. Harrington stated that they needed to start with the regulatory documents to ensure which towers are in the Historic Structure Inventory and work in a cooperative function. Foster stated that the Historic Board would be the best conduit to head the cooperative effort. Discussed updating the inventory. They discussed the best steps for the structures that are in immediate danger of failing. It was discussed to have the Historic Preservation board meet with the Historic Society to get the best results the quickest.

Grahn stated the two recipients of the HPB Historic Preservation awards were: 929 Park Avenue and 515 Main Street. Grahn then updated the Council and Board on the Historic Preservation app that is being created through the IT department.

Regular Meeting

6:00 pm

I. ROLL CALL-- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 17, 2014.

Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff member present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Thomas Eddington, Planning Director; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Heinrich Deters, Trails and Open Space; Matt Twombly, Sustainability; Chanz Skeffington; Marci Heil, City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Mayor Thomas recused himself from New Business item 2.

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

Jim Tedford- inquired about the Planning Commission staff report regarding the Library and the condition of approval to add it to the National Historic Register. His concern was that it should be done before the construction is complete.

Ruth Meitsma- stated that in reference to saving history she has watched the process of the historic building renovations. Stated that the process is great; however, there is history being lost in the field. She has documented photographs and other documentations regarding 109 Woodside and is putting together a presentation to send to Council. She encouraged them to look into adding a boots on the ground position for HDDR enforcement.

Melissa Caffey, Hope Alliance, Nann Worrel, People's Health Center, and Peregrine Bosler, Park City Foundation, spoke to the Council regarding a community garden to be built in conjunction with the Hospital's expansion. There are 5 non-profit organizations selling pavers that will line the garden. The hopes of the hospital and the non-profits is to create a healthy community and a gathering place. They thanked George Reed and Phyllis Robinson for all the help during this process.

IV. APPOINTMENTS AND RESIGNATIONS

Consideration of the following Board of Adjustment appointments: Hans Fuegi for a term ending June 2018, Jennifer Franklin to fill the remainder of Mr. Ludlow's term which ends June 2016 and Travis McGhee as an alternate for a term ending June 2019.

Council member Simpson moved to approve the following Board of Adjustment appointments: Hans Fuegi for a term ending June 2018, Jennifer Franklin to fill the remainder of Mr. Ludlow's term which ends June 2016 and Travis McGhee as an alternate for a term ending June 2019.
Council member Peek seconded
Approved unanimously

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

1. Consideration of a contract with Forsgren Associates for the Park City Heights public improvements inspections in the amount of $131,850

Council member Simpson moved to approve the consent agenda
Council member Matsumoto seconded
Approved unanimously

VI. CONSIDERATION OF MINUTES FROM COUNCIL RETREAT, JANUARY 29-31, 2014 AND MINUTES FROM APRIL 3, 2014

Council member Beerman moved to approve the minutes from the Council Retreat, January 29-31, 2014 and April 3, 2014 meeting
Council member Henney seconded
Approved unanimously

VII. NEW BUSINESS

1. Consideration of approval of a subdivision plat for the Park City Film Studio located at 4001 Kearns Blvd., Park City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney.

Planner Whetstone stated that this is a subdivision plat for the Park City Film Studio and was a requirement of the phasing approval from the previous plat. Whetstone stated that there was a concern with the wetlands in the area in regards to how the construction could impact the wetlands. Council member Simpson inquired how they will provide irrigation to the site being that water lines have not been installed. Whetstone stated that upon certificate of occupancy water lines will have been brought in. It was clarified by Matt Cassel, City Engineer, that the detention pond will be adjacent to the wetlands not in the wetlands.

Mayor Thomas opened the Public Hearing.

Chis Hauge, Trialside resident, states he feels obligated to speak about this tragedy known as the movie studio. Stated that he has read the Planning Commission minutes where there was 4-3 vote for the project. He encouraged Council to find out the reason behind the split vote. He feels the Commission and Council were bullied into this project. Stated he went to the Capital with Former Mayor Williams and others to stop Erikson and this project. Then when the guard was down it slipped right in. He feels that the City is in real bad company. He would admonish the Mayor and Council to slow or defeat this project.

With no other comments Mayor Thomas closed the public hearing.

Council member Beerman inquired why the CCR's needed to be in place. Harrington stated that a provision was required prohibiting certain ambush activity at the film studio during the Sundance Film Festival and to make sure the City has an enforcement right and is sufficiently covered.

Council member Matsumoto spoke to the public comment made stating that it was a settlement agreement with the County and the City executed this project realizing that everyone did not get what they wanted but will continue to work together with the hopes that it will be a great project.

Council member Beerman stated that the City is trying to make the best of a bad situation but is a lose-lose situation. He also stated that he has been against this project from the beginning and will continue to oppose it throughout the process.

Council member Peek stated that he too opposed the annexation but being a settlement agreement through a law suit that we are far enough into the project with enough control that the City should be able to get a good project.

Harrington stated that the application before the Council is for a subdivision plat so a negative vote would have to follow the guidelines finding fact that the plat went against the Land Management Code.

Council member Henney stated that he too is against the project; however, he agrees with Beerman and Peek that the City is making the best of a bad situation.

Council member Simpson moved to approve the subdivision plat for the Park City Film Studio located at 4001 Kearns Blvd., Park City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance as amended with condition #7 in a form approved by the City Attorney
Council member Matsumoto seconded
Approved unanimously

2. Consideration of the Risner Ridge and Risner Ridge No. 2 Plat Amendments based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinances in a form approved by the City Attorney.

Mayor Thomas recused himself and stepped out of the Council Chambers. Planner Whetstone presented the item as a non-typical plat amendment stating that the original plat had a note added after it had been recorded and has caused an issue with developers who have searched this plat on-line. This does not change the law that relates to the plat it just clarifies it for future use.

Mayor Pro Tem Simpson inquired if there were any other instances like this out there. Harrington stated that he is confident that there are not any others.

Mayor Pro Tem Simpson opened the Public Hearing. No comments were made. Simpson closed the public hearing.

Council member Matsumoto moved to approve the Risner Ridge and Risner Ridge No. 2 Plat Amendments based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached ordinances in a form approved by the City Attorney
Council member Peek seconded
Approved unanimously

3. Consideration of a resolution regarding the Disposition of City Owned Property

Deters spoke to the Council regarding an annual resolution for an organizational use, planning use, transparency use and negotiation in regards to City Owned property. Council member Beerman inquired about adding affordable housing to the China Bridge and North 40 parking parcels. Foster clarified with Harrington that staff could look into that if directed by Council.

Council directed staff to review those parcels for affordable housing. Deters stated that there is one transaction in the works in regards to the Rio Grande parcel that has gone before the Planning Commission.

Council member Beerman Moved to adopt the resolution regarding the Disposition of City Owned Property with direction to review the China Bridge and North 40 parking parcels for suitability for affordable housing.
Council member Simpson seconded
Approved unanimously

4. Consideration of Addendum No. 1 to the 2014 Main Street Improvements Construction Manager at Risk Contract with Miller Paving for the Guaranteed Maximum Price of $986,084

Matt Twombly, Sustainability, discussed the project stating that it is for the sidewalk only and the anticipated start date of this project is Monday, April 21st. They are starting at Heber and continuing South to 6th Street to lessen the impact of the outdoor dining areas of Main Street.

Council member Simpson inquired about the timeline for the completion. Twombly stated that they hope to have the project completed to the top of 5th street by June 24.

Council member Beerman thanked Twombly and staff for the great progress.

Mayor Thomas inquired about a graphic available for the public and merchants. Foster stated that IT and Craig Sanchez, Construction mitigation, are looking at using our GIS system to put up a map online to help inform the merchants.

Council member Peek inquired if the Museum's concerns regarding the plaster on the foundation were addressed. Twombly stated that it has been addressed.

Council member Simpson moved to approve Addendum No. 1 to the 2014 Main Street Improvements Construction Manager at Risk Contract with Miller Paving for the Guaranteed Maximum Price of $986,084
Council member Peek seconded
Approved unanimously

5. Consideration of approval of a contract with QuantiPerm, LLC not to exceed $23, 018 and approval of a contract with Central Valley Mechanical not to exceed $49,739 for upgrades to reduce carbon footprint and operational costs to the Park City Ice Arena's water heating and treatment systems

Chanz Skeffington spoke to the Ice Arena's desire to reduce carbon footprint and operational costs to the Park City Ice Arena's water heating and treatment systems

Council member Simpson moved to approve a contract with QuantiPerm, LLC not to exceed $23, 018 and approval of a contract with Central Valley Mechanical not to exceed $49,739 for upgrades to reduce carbon footprint and operational costs to the Park City Ice Arena's water heating and treatment systems
Council member Beerman seconded

Approved unanimously

6. Consideration of an Ordinance approving the re-establishment of Lots 30 and 31 of Holiday Ranchettes Subdivision, located at 2519 and 2545 Lucky John Drive, Park City, Utah

Mayor Thomas opened the Public Hearing. There were no comments made. Mayor Thomas closed the public hearing.

Council member Beerman moved to continue to April 24, 2014
Council member Peek seconded
Approved unanimously

7. Consideration of approval of Snyder's addition to Park City Amended Lot 1, Block 15, located at 901 Norfolk Avenue Plat Amendment continued from March 6, 2014

Mayor Thomas opened the Public Hearing. There were no comments made. Mayor Thomas closed the public hearing.

Council member Peek moved to continue to May 8, 2014
Council member Beerman seconded
Approved unanimously

VIII. ADJOURNMENT INTO RDA MEETING

Council member Peek moved to adjourn into an RDA meeting
Council member Beerman seconded
Approved unanimously

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
APRIL 17, 2014

I. ROLL CALL- all present

II. CONSIDERATION OF MINUTES FROM JANUARY 9, 2014

Board member Peek moved to approve the Minutes from the January 9, 2014 RDA meeting
Beerman seconded
Approved unanimously

III. NEW BUSINESS

1. Consideration of proceed with the procurement of the long lead items for the Library and Education Center Building Remodel Project and authorize the City Manager to enter into a Construction Manager at Risk Agreement in a form approved by the City Attorney's Office with Okland Construction Inc. for a Guaranteed Maximum Price of One million seventy four thousand one hundred sixty dollars ($1,074,160).

Matt Twombly, Thomas Eddington, Harmon Togler, Steve Brown presented the item stating that the Council entered into a contract to move forward with green standards with dircction to come back to the RDA for the long leed items to include carbon fibers, steel, etc. Staff will also come back to the RDA in May with an addendum to the contract for the final GMP.

Simpson inquired if she could help with demolition

Beerman inquired where the carbon fiber is going. Harmon stated that it will be used on the roof and will firm up the structure.

Board member Matsumoto moved to proceed with the procurement of the long lead items for the Library and Education Center Building Remodel Project and authorize the City Manager to enter into a Construction Manager at Risk Agreement in a form approved by the City Attorney's Office with Okland Construction Inc. for a Guaranteed Maximum Price of One million seventy four thousand one hundred sixty dollars ($1,074,160).
Board member Simpson seconded
Approved unanimously

2. Consideration of authorization staff to enter into a purchase order with Bailey's Moving in the amount not to exceed Ninety Three Thousand Five Hundred Seventy Four Dollars. ($93,574)

Matt Twombly stated that this contract is for the relocation of the Library from the Carl Winter's building to the Miner's hospital along with two bays at the fire station as well as City Hall. The move is anticipated to take 10 days with 25 full time movers to begin on May 12, 2014.

Matsumoto inquired about any other bids. Twombly stated that these movers were listed on the State contract website and are projected to be coming in 30% less than another company.

Peek inquired about the furnature storage from the current tentants of Miners. Twombly stated that it will be located in the back parking lot.

Board member Henney moved to authorization staff to enter into a purchase order with Bailey's Moving in the amount not to exceed Ninety Three Thousand Five Hundred Seventy Four Dollars. ($93,574)
Board member Beerman seconded
Approved unanimously

IV. ADJOURNMENT

Council member Simpson moved to adjourn the meeting
Council member Peek seconded
Approved unanimously

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Heinrich Deter, Trails & Open Space Manager; Clint McAfee, Water Manager. **Council member Simpson moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Beerman seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Beerman seconded. Motion carried.

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

Prepared by Marci S. Heil, City Recorder.

Marci S. Heil, City Recorder

Resolution No. -14

RESOLUTION PROCLAIMING MAY 3, 2014 AS ARBOR DAY AND CELEBRATING PARK CITY'S 21ST ANNIVERSARY AS A TREE CITY USA COMMUNITY

WHEREAS, Park City is committed to maintaining its natural trees and resources, demonstrated by the City Council's constant support of beautification projects and the enactment of codes specifically created to protect vegetation: and

WHEREAS, participation in the Tree City USA Program fosters community pride and creates a great environment to live and work and annual recognition demonstrates to residents and visitors that trees, conversation and the environment are an important part of life in our town; and

WHEREAS, the City Council, acting in the best interests of its citizenry, regard these enhancements as high priorities to enjoy and to ensure for future generations, and

WHEREAS, the National Arbor Day Foundation, in cooperation with the National Association of State Foresters and the USDA Forest Service, has named Park City as a Tree City USA for the 21st time this year, and

WHEREAS, in consideration of requests received from the community to celebrate Arbor Day and in the spirit of our 20 Year Anniversary as a Tree City USA, the project this year is to plant trees in the north end of the Park City Library and Education Center campus.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby proclaim May 3, 2014 as: ARBOR DAY IN PARK CITY, UTAH

And encourage residents to participate in planting trees at the Park City Library and Education Center on Saturday, May 3, 2014. The Mayor and City Council extend their appreciation of the exceptional service provided by Parks Department employees, who do an outstanding job every day of the year to ensure that Park City is a beautiful place to live, play and visit.

PASSED AND ADOPTED this 24th day of April, 2014.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Jack Thomas

Attest:

____

Marci Heil, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

City Council Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject:	**670 Deer Valley Loop Road- First Amended Portico Condominiums plat for Units 1 and 2**
Author:	**Kirsten A. Whetstone, MS, AICP**
Project Number:	**PL-14-02254**
Date:	**April 24, 2014**
Type of Item:	**Administrative – Condominium Plat Amendment**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the First Amended Portico Condominiums plat amending Units 1 and 2, and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Thomas F. and Andrea M. Warner, owners
Location:	670 Deer Valley Loop Road Units 1 and 2
Zoning:	Residential Medium Density (RM)
Adjacent Land Uses:	Multi-family condominium units, single family houses, and duplex dwellings.
Reason for Review:	Plat amendments require Planning Commission review and City Council approval.

Proposal

The purpose of this application is to amend the condominium plat to combine Units 1 and 2 as one unit and to record a revised plat that is consistent with the as-built conditions of the aforementioned property.

Purpose

The purpose of the Residential Medium Density (RM) District is to:

(A) Allow continuation of permanent residential and transient housing in original residential Areas of Park City,

(B) Encourage new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area,

(C) Encourage the rehabilitation of existing Historic Structures,

(D) Encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,

(E) Encourage affordable housing,

(F) Encourage Development that minimizes the number of new driveways accessing existing thoroughfares and minimizes the visibility of Parking Areas,

Background

On February 7, 2014, the City received an application for a plat amendment to combine Units 1 and 2 of the Portico Condominiums to memorialize as-built conditions for Units 1 and 2 as one residential condominium unit (Exhibit A). The application was deemed complete on March 31, 2014. The applicant submitted recorded CCRs indicating that the combination of units is permitted by the CCRs. The HOA is a co-applicant (Exhibit D). On November 20, 1996 the Planning Commission approved the Portico Conditional Use Permit (CUP) for nineteen (19) multi-family townhouse type units on a 36,210 square feet parcel (Exhibit E). The Portico Condominium plat was approved by City Council on December 9, 1999 and recorded at Summit County on February 7, 2000 (Exhibit B).

The units were constructed starting in 1999 and certificates of occupancy were issued for all of the units upon final inspection of the project. The Building Department has not found any records indicating that any construction was done without a permit. The CCRs state that the original developer/declarant could combine units within one year of recordation of the CCRs. The plat notes indicate that the units are served by common sewer laterals. The HOA is responsible for all sewer laterals. All conditions of the underlying approvals continue to apply and are reflected as conditions of approval and plat notes on the amended plat.

Units 1 & 2 were recently purchased by Thomas and Andrea Warner as one condominium unit. The units had been combined as one unit previously, either by the original developer or by a subsequent owner. Records related to the combination of units have not been located by the Building Department. The CCRs allow combination of units per Article VII (2) (f):

> "Any Unit Owner who owns multiple adjacent Units in a building in the Project may structurally alter his Units to unify them or to permit internal communication between them, but only to the extent that the structural integrity of the building is unimpaired and the external appearance of the building is unaffected. Penetration of the Post-Tension concrete slabs is extremely dangerous and is strictly prohibited."

Consistent with the Portico Condominiums CCRs, the HOA, by a required vote of the members, has provided consent to this plat amendment to memorialize the combination of Units 1 and 2.

Portico Condominiums consist of a total of nineteen condominium units in three buildings. Fifteen of the units (Units 5-19) are within a multi-dwelling unit structure built over a common parking garage/structure. Four of the units (Units 1 and 2 and Units 3 and 4) are configured as two duplex structures, each with two units and a two car garage for each unit. Units 3 and 4 were constructed as two individual units and will remain as two units. Units 1 and 2 were combined as one unit by a previous owner, possible during construction under the original developer. No exterior changes are proposed (Exhibit C).

On April 9, 2014 the Planning Commission conducted a public hearing on this plat amendment. There was no public input presented at the meeting and the Commission voted unanimously to forward a positive recommendation to City Council (Exhibit F).

Analysis

This request for a First Amended Portico Condominiums plat for Units 1 and 2 documents the final as built conditions of these constructed units in accordance with the Utah Condominium Act. The zoning district is Residential Medium Density (RM). The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the combination of units and minor change in overall unit square footage is within the existing exterior walls minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. There are no exterior changes. The garage area for amended Unit 1 will remain as garage area. Amended Unit 1 requires two (2) parking spaces.

New Unit 1 increases by 119 square feet over the total square footage of platted Units 1 and 2 due to decreased common wall area between units. Not all of the walls between units 1 and 2 were removed, however condominium plats don't show interior walls within units, and therefore the entire floor area between existing units 1 and 2 are included in the total square footage of proposed Unit 1 because they are located within the new unit. The CUP was approved for up to 19 units and the unit equivalent density formula was not used for the CUP. Therefore the resulting 18 units comply with the CUP. The property is subject to the following LMC criteria:

RM zone	**Permitted**	**Proposed**
Height	28 feet (+5' for pitched roof) total maximum of 33'	33 feet max with pitched roof. Building complies.
Front setback	Minimum of 20 feet.	20 feet. Complies.
Rear setback	10 feet.	10 feet. Complies.
Side setbacks	5 feet.	5 feet. Complies.
Parking	Two (2) spaces required per unit.	Two (2) per unit. Unit 1 is required a minimum of 2 parking spaces. Complies.
Platted Unit 1		
Level	**Original Plat**	
1	575	
2	578	
3	467	
Garage	553	
Storage	142	
Total for Unit 1	2315	
Platted Unit 2		
Level	**Original Plat**	
1	575	.
2	578	
3	467	
Garage	421	
Storage	133	

Total for Unit 2	2174	
Total for Units 1 and 2	4489	
Proposed Unit 1		**Proposed Plat**
Level		
1		1182
2		1185
3	.	960
Garage		996
Storage		285
Total for Proposed Unit 1		4608

Conditions of Approval from the original recorded Portico Condominium plat continue to apply, including conditions of approval from the November 20, 1996 Portico Conditional Use Permit (CUP) and notes indicating that the units are served by Common sewer laterals. The HOA is responsible for all sewer laterals.

Good Cause
Staff finds good cause for this record of survey amendment as it reflects the as-built conditions for these units. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. The amended plat does not change any perimeter property lines, existing ROW dedication, or make any exterior changes.

Department Review
This project has gone through interdepartmental review. Issues raised, including water and sewer service and HOA approval, have been resolved by revisions to the applications and conditions of approval.

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

Public Input
On April 9, 2014 the Planning Commission conducted a public hearing and no public input was presented. Public input may be presented to the City Council at the meeting.

Process
Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Alternatives
- The City Council may approve the application for the First Amended Portico Condominiums plat for Units 1 and 2, as conditioned or amended, or
- The City Council may deny the application and direct staff to make Findings for this decision, or
- The City Council may continue the discussion and provide Staff and the Applicant

with specific direction regarding additional information necessary to make a recommendation on this item.

- There is not a “no-action” option for plat amendments.

Significant Impacts

There are no significant fiscal or environmental impacts from this application as there are no exterior changes. The unit density is reduced by one.

Consequences of not taking the Suggested Recommendation

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

Recommendation

Staff recommends the City Council hold a public hearing for the First Amended Portico Condominiums plat amending Units 1 and 2, and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance
Exhibit A- Proposed Plat amending Units 1 and 2
Exhibit B- Original approved Portico Condominium plat
Exhibit C- Photographs
Exhibit D- HOA approved amended CCRs
Exhibit E- Portico CUP action letter
Exhibit F- Minutes of April 9, 2014 Planning Commission meeting-draft

Ordinance No. 14-

AN ORDINANCE APPROVING THE FIRST AMENDED PORTICO CONDOMINIUMS PLAT AMENDING UNITS 1 AND 2, LOCATED AT 670 DEER VALLEY LOOP ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Portico Condominiums Units 1 and 2, have petitioned the City Council for approval of the First Amended Portico Condominiums plat amending Units 1 and 2, a Utah Condominium project; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 9, 2014, to receive input on the amended plat;

WHEREAS, the Planning Commission, on April 9, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 24, 2014, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Portico Condominiums plat amending Units 1 and 2, to document the as-built condition that physically combined Units 1 and 2 into one unit.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended Portico Condominiums plat amending Units 1 and 2, a Utah Condominium project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Units 1 and 2 of the Portico Condominiums plat are located at 670 Deer Valley Loop Road.
2. The property is located within the Residential Medium Density (RM) zoning district.
3. On November 20, 1996, the Planning Commission approved the Portico CUP for 19 townhouse units on the 36,210 sf parcel.
4. On December 9, 1999, the City Council approved the Portico Condominiums Plat. This plat was recorded at Summit County on February 7, 2000.
5. On February 7, 2014, the Planning Department received an application for an amended condominium plat. The application was deemed complete upon receipt of

the HOA letter and signature on the application.

6. The purpose of the amended condominium plat is to describe and document the as-built conditions for constructed Units 1 and 2 that were combined as proposed Unit 1.
7. No non-conforming conditions will result from this plat amendment.
8. The amended plat complies with the conditions of approval of the Portico CUP and the Portico Condominium plat and restrictions in the RM zone.
9. Unit 1 contains a total of 2,315 square feet. Unit 2 contains 2,174 square feet, including the garage, storage area, and living area on three levels. Proposed Unit 1 contains 4,608 square feet, including the garage, storage area, living area, and all of the common walls on three levels.
10. No exterior changes are proposed.
11. The Portico Condominiums are served by common sewer laterals. The Portico Condominium HOA is responsible for all sewer laterals.
12. As conditioned, this amended plat is consistent with the conditions of approval of the Portico Condominium plat.
13. Consistent with the amended Portico Condominiums CCRs, the HOA, by a required vote of the members, has provided consent to this plat amendment to memorialize the combination of Units 1 and 2.

<u>Conclusions of Law:</u>

1. There is good cause for this amended supplemental plat as it memorializes the as-built conditions that combined Units 1 and 2 into a single residential condominium unit.
2. The amended 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 amended plat.
4. Approval of the amended supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Portico Condominium CUP and of the Condominium plat, recorded at Summit County on February 7, 2000, shall continue to apply, and shall be noted on the amended plat.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this __________ day of _______________, 2014.

PARK CITY MUNICIPAL CORPORATION

____

Jack Thomas, MAYOR

ATTEST:

____

Marci Heil, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

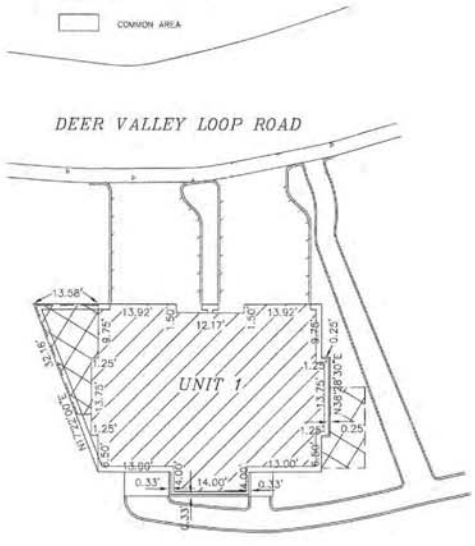
EXHIBIT A

LEGEND

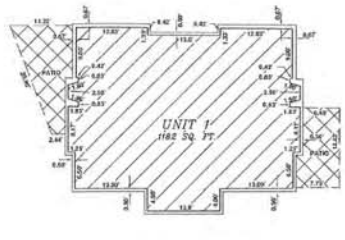
PRIVATE OWNERSHIP

LIMITED COMMON AREA

COMMON AREA

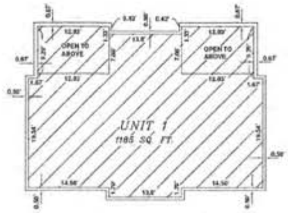


Building Exterior



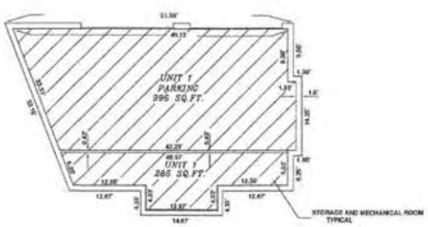
FIRST FLOOR

FIN. FLOOR = 7123.58
FIN. CEILING = 7132.08



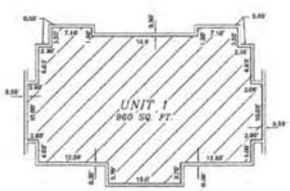
SECOND FLOOR

FIN. FLOOR = 7133.25
FIN. CEILING = 7141.25



PARKING GARAGE

GARAGE FIN. FLOOR=7115.00
GARAGE FIN. CEILING=7122.00



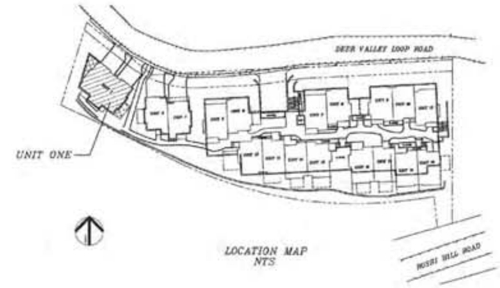
THIRD FLOOR

FIN. FLOOR = 7142.42
FIN. CEILING = 7154.17

SCALE: 1" = 10'

NOTE:
FIN. CEILING ELEVATIONS ON THIRD FLOOR ARE TO TOP OF CEILING RIDGE SUPPORT BEAM.

VICINITY MAP — PROJECT LOCATION



LOCATION MAP
NTS

SURVEYOR'S CERTIFICATE

I, Jack J. Johnson, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No.147581 as prescribed under the laws of the State of Utah. I further certify that the Condominium Plat shown hereon is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

Jack J. Johnson ____________

Date ____________

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: We, Thomas F. Warner and Andrea M. Warner, husband and wife as joint tenants, are the owner of record of the herein described tract of land comprising Units One and Two of the Portico Condominiums, which have heretofore been combined and now are designated as Unit One of the said Portico Condominiums, subject to the Declaration of Covenants, Conditions and Restrictions previously recorded in the office of the County Recorder of Summit County, Utah. The owners hereby consent to the Recordation of this Plat reflecting the modification to the original Portico Condominiums Plat and do declare that the units previously denoted as Units One and Two are now to be considered one unit to be designated Unit One and there is no longer a unit designated as Unit Two.

____________ Thomas F. Warner

____________ DATE

____________ Andrea M. Warner

____________ DATE

ACKNOWLEDGMENT

STATE of ______

COUNTY of ______

On this ______ Day of __________, 2014, personally appeared before me, Thomas F. Warner and Andrea M Warner, husband and wife, as joint tenants, who being by me duly sworn, did say that they are the Owners of Record of the property described on this plat and they duly acknowledge their consent to record was signed by themselves.

Notary Public ______________ My Commission expires: ______

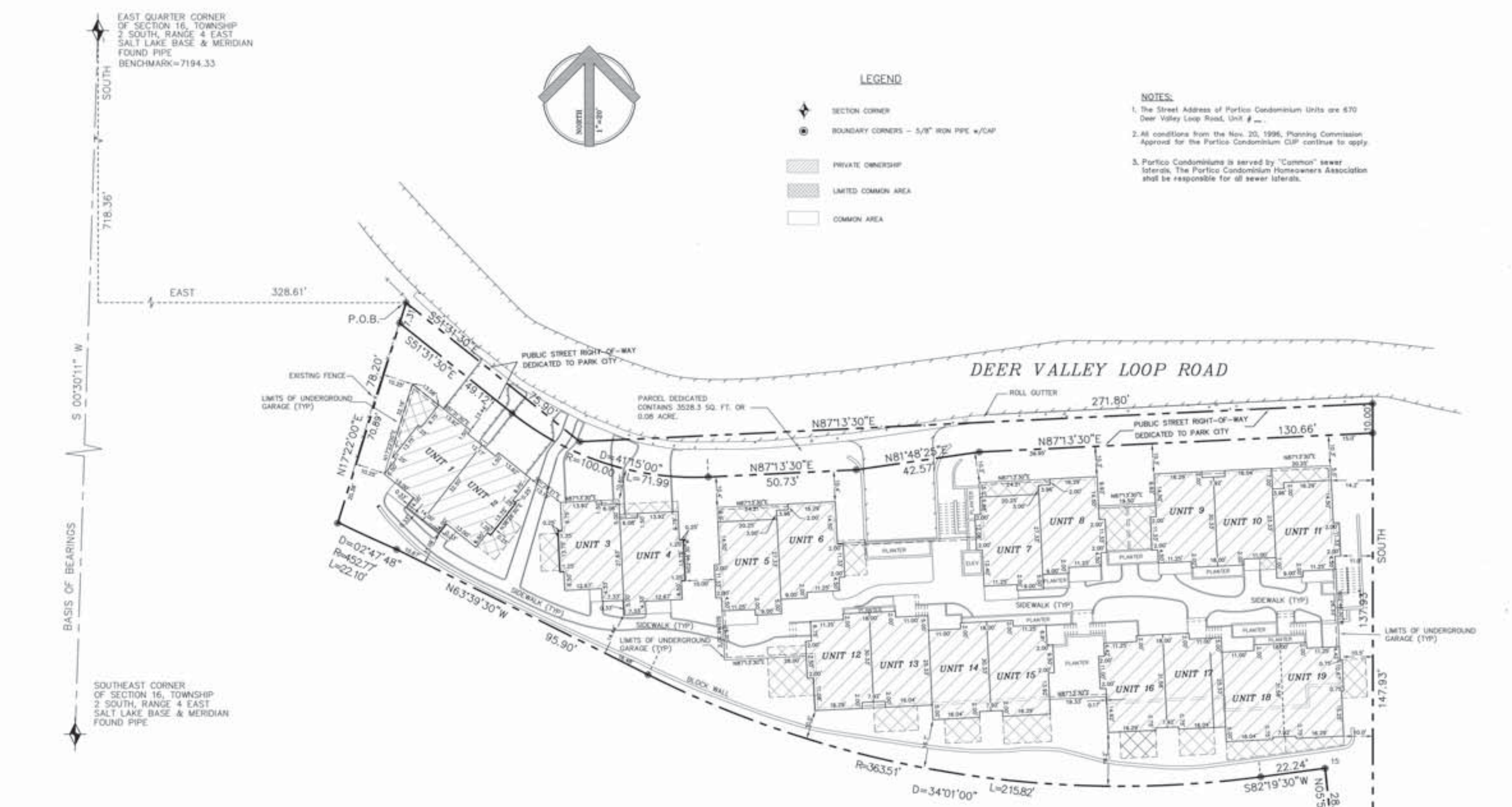
THE PURPOSE OF THIS PLAT IS TO RECORD THE INTERNAL CHANGES TO UNITS ONE AND TWO, COMBINING SAID UNITS INTO ONE UNIT TO BE DESIGNATED AS UNIT ONE AND HENCEFORTH NO UNIT TWO EXISTS IN THIS PROJECT. THE LOCATION OF UNIT ONE REMAINS THE SAME, BUT ALSO ENCOMPASSES THE AREA PREVIOUSLY DENOTED AS UNIT TWO. ALL OTHER UNITS AND SHEETS IN THE PORTICO CONDOMINIUM PLAT RECORDED FEBRUARY 7, 2006, REMAIN UNCHANGED.

UNIT ONE AMENDED
OF
PORTICO CONDOMINIUMS
A CONDOMINIUM PROJECT
LOCATED IN
THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 1 OF 1

RECEIVED
FEB 07 2014
PARK CITY PLANNING DEPT.

Jack Johnson Consulting
6400 N. PACE FRONTAGE ROAD
PARK CITY, UTAH 84098
(435) 645-9000

COUNCIL APPROVAL AND ACCEPTANCE	ENGINEERS CERTIFICATE	PLANNING COMMISSION	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	RECORDED
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 2014 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF ________, 2014 A.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF ________, 2014 A.D.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ________, 2014 A.D.	APPROVED AS TO FORM THIS ____ DAY OF ________, 2014	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 2014 A.D.	ENTRY NO. ______ BOOK ______ PAGE ______ STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ______ TIME ______
BY ________ MAYOR	BY ________ PARK CITY ENGINEER	BY ________ CHAIRMAN	BY ________ S.B.S.I.D.	BY ________ PARK CITY ATTORNEY	________ PARK CITY RECORDER	________ COUNTY RECORDER



NOTES:

1. The Street Address of Portico Condominium Units are 670 Deer Valley Loop Road, Unit # __ .
2. All conditions from the Nov. 20, 1996, Planning Commission Approval for the Portico Condominium CUP continue to apply.
3. Portico Condominiums is served by "Common" sewer laterals. The Portico Condominium Homeowners Association shall be responsible for all sewer laterals.

LEGAL DESCRIPTION:

Beginning at a point which is South 718.36 feet and East 328.61 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, (Basis of bearing being South 00°30'11" West between said East Quarter Corner and the Southeast Corner of said Section 16), said point also being on a fence line; thence South 51°31'30" East 75.90 feet; thence North 87°13'30" East 271.80 feet; thence South 147.93 feet to the North Right-of-Way line of Rossi Hill Road; thence South 74°00'00" West 13.95 feet along said North Right-of-Way line; thence North 05°58'00" West 28.07 feet; thence South 82°19'30" West 22.24 feet to a point on a 363.51 foot radius curve to the right, the radius point of which bears North 07°40'30" West 363.51 feet; thence Northwesterly along the arc of said curve 215.82 feet to a point of tangency; thence North 63°39'30" West 95.90 feet to a point on a 452.77 foot radius curve to the right, the radius point of which bears North 23°15'12" East 452.77 feet; thence Northwesterly along the arc of said curve 22.10 feet to a point on a fence line; thence along said fence line North 17°22'00" East 78.20 feet to the point of beginning.

Containing 36,210 Sq.Ft. or 0.83 acre more or less.

SURVEYOR'S CERTIFICATE

I, Jack Johnson, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No.147581 as prescribed under the laws of the State of Utah. I further certify that the Condominium Plat shown hereon is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

Jack Johnson
Jack Johnson

January 7, 2000
Date

Licensed Professional Engineer & Land Surveyor No. 147581 JACK J. JOHNSON State of Utah

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That Regina Durazzo, President of Portico Development Corporation, Manager of D.V. Development llc, a Utah limited liability company, the owner of record of the hereon described tract of land and pursuant to the Utah Condominium Ownership Act, hereby consents to the Recordation of this Plat to be known as Portico Condominiums, subject to the Declaration of Covenants, Conditions, and Restrictions, which will be recorded in the offices of the County Recorder of Summit County, Utah, concurrently with the recording of this plat. The undersigned further dedicates to the public that portion of the property described hereon adjoining Deer Valley Loop Road as shown on this plat. The Owner, or his representative, 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 Portico Condominium Plat and construction plans in accordance with an irrevocable offer of dedication.

D.V. Development LLC, a Utah Limited Liability Company
By: Portico Development Corporation, It's Manager

Regina Durazzo
By: Regina Durazzo It's President

Jan 6, 2000
DATE

ACKNOWLEDGEMENT

STATE of New York
COUNTY of New York

On this 6th Day of January, 2000, Personally appeared before me, Regina Durazzo, who being by me duly sworn, did say she is the President of Portico Development Corporation, Manager of D.V. Development Corporation, A Utah Limited Liability Company, the Owner of Record, and that the within and foregoing Consent to Record was signed on behalf of said Company and said Regina Durazzo duly Acknowledged that said Company executed the same.

Notary Public ______ My Commission expires: 11-16-00

UNIT SQUARE FOOTAGE TABLE

UNIT	PARKING	STO.& MECH.	FIRST FLR.	SECOND FLR.	THIRD FLR.	TOTAL SQ.FT.
1	553	142	575	578	467	2315
2	421	133	575	578	467	2174
3	429	133	578	578	467	2185
4	461	133	578	578	467	2217
5	345	142	596	603	467	2153
6	345	142	589	595	446	2117
7	374	193	599	587	476	2229
8	355	193	589	595	446	2178
9	355	193	589	595	469	2201
10	381	194	562	562	464	2163
11	404	162	589	595	469	2219
12	341	564	595	601	476	2577
13	352	567	565	565	472	2521
14	351	472	565	565	439	2392
15	352	470	589	600	442	2453
16	393	365	571	605	481	2415
17	374	220	544	570	477	2185
18	361	224	544	570	439	2138
19	349	208	559	588	442	2146

VICINITY MAP

PORTICO CONDOMINIUMS

A CONDOMINIUM PROJECT

LOCATED IN
THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 1 OF 5

CITY COUNCIL

PRESENTED TO THE PARK CITY COUNCIL THIS 9 DAY OF DECEMBER 1999 AT WHICH TIME THIS PLAT WAS APPROVED.

MAYOR

Janet M. Scott
CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 19TH DAY OF JANUARY 2000.

Eric W. DeHaan PE
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 24TH DAY OF January 20 00.

CHAIRMAN

SEWER DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS 13TH DAY OF JANUARY 20 00.

S.B.S.I.D.

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 26TH DAY OF JANUARY 20 00.

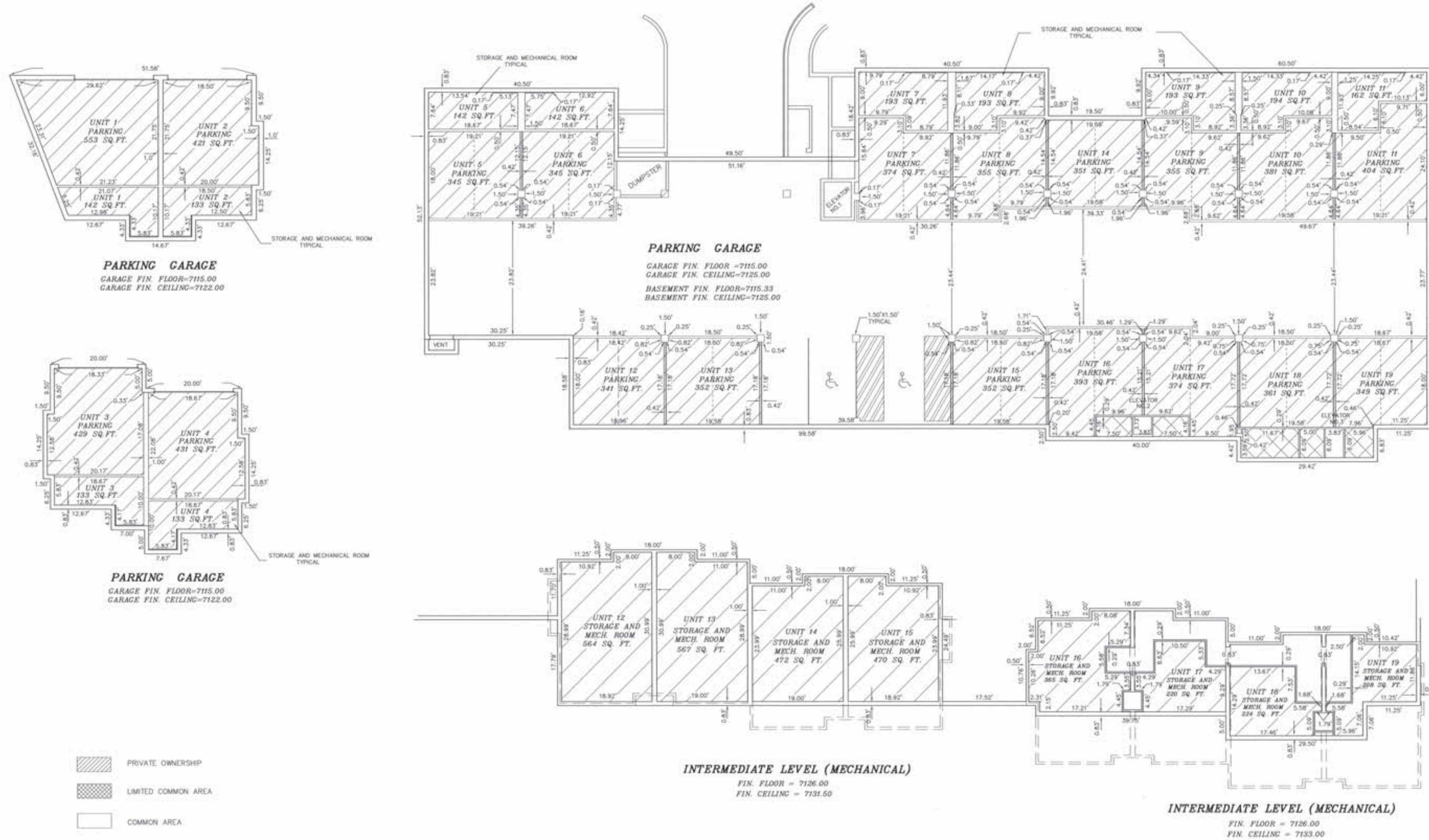
CITY ATTORNEY

RECORDED

ENTRY NO 558663 BOOK — PAGE —
STATE OF UTAH COUNTY OF SUMMIT
DATE 02-07-00 TIME 15:00 PM
RECORDED AND FILED AT THE REQUEST OF:
JOHN LEHMER
FEE $169.00
COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Dr. • Park City, Utah 84098
(435) 645-9000 • fax (435) 649-1620

SCALE: 1"=10'



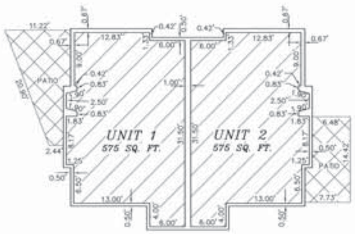
PORTICO CONDOMINIUMS

A CONDOMINIUM PROJECT

LOCATED IN
THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 2 OF 5

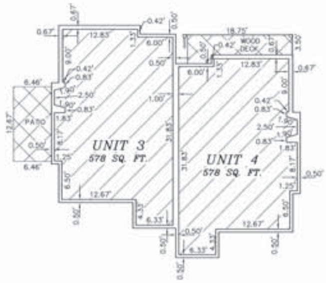
RECORDED
ENTRY NO 558663 BOOK – PAGE –
STATE OF UTAH COUNTY OF SUMMIT
DATE 02-07-00 TIME 15:00 PM
RECORDED AND FILED AT THE REQUEST OF:
JOHN LEHMER
FEE $169.00
COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(435) 645-9000 • fax (435) 649-1620



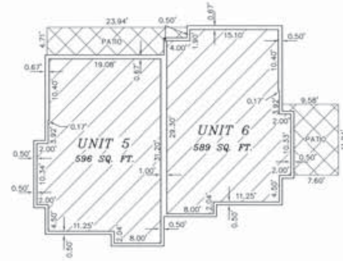
FIRST FLOOR

FIN. FLOOR = 7123.58
FIN. CEILING = 7132.08



FIRST FLOOR

FIN. FLOOR = 7123.58
FIN. CEILING = 7132.08

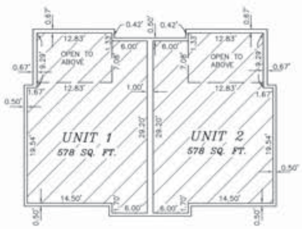


FIRST FLOOR

FIN. FLOOR = 7126.58
FIN. CEILING = 7134.83

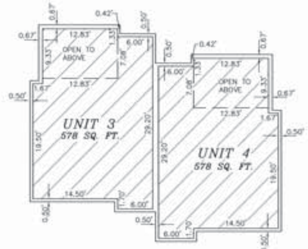
SCALE: 1"=10'

PRIVATE OWNERSHIP
LIMITED COMMON AREA
COMMON AREA



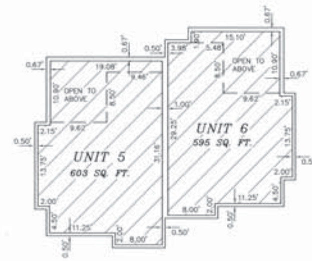
SECOND FLOOR

FIN. FLOOR = 7133.25
FIN. CEILING = 7141.25



SECOND FLOOR

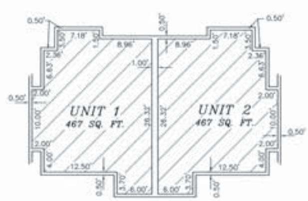
FIN. FLOOR = 7133.25
FIN. CEILING = 7140.08



SECOND FLOOR

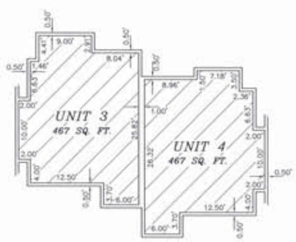
FIN. FLOOR = 7136.00
FIN. CEILING = 7144.00

NOTE:
FIN. CEILING ELEVATIONS ON THIRD FLOOR ARE TO TOP OF CEILING RIDGE SUPPORT BEAM.



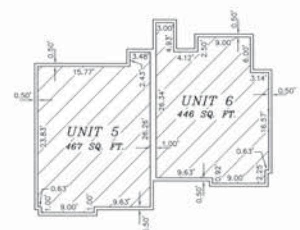
THIRD FLOOR

FIN. FLOOR = 7142.42
FIN. CEILING = 7154.17



THIRD FLOOR

FIN. FLOOR = 7141.25
FIN. CEILING = 7152.92



THIRD FLOOR

FIN. FLOOR = 7145.17
FIN. CEILING = 7155.75

PORTICO CONDOMINIUMS

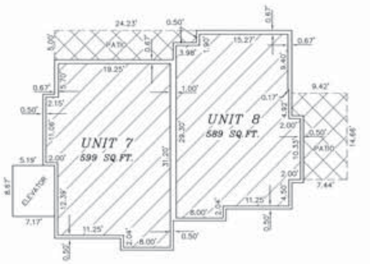
A CONDOMINIUM PROJECT

LOCATED IN
THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 3 OF 5

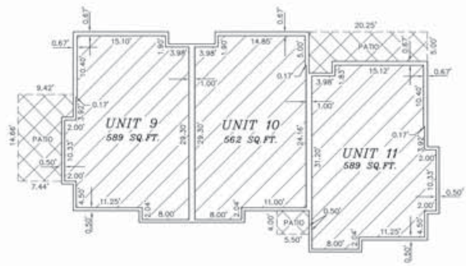
RECORDED

ENTRY NO 558663 BOOK — PAGE —
STATE OF UTAH COUNTY OF SUMMIT
DATE 02-07-00 TIME 15:00 PM
RECORDED AND FILED AT THE REQUEST OF:
JOHN LEHMER
FEE $169.00 [signature] - Deputy
COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(435) 645-9000 • fax (435) 649-1620



FIRST FLOOR
FIN. FLOOR = 7126.58
FIN. CEILING = 7134.83



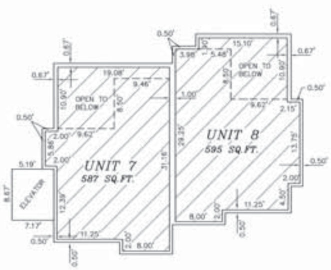
FIRST FLOOR
FIN. FLOOR = 7132.50
FIN. CEILING = 7140.75

SCALE: 1"=10'

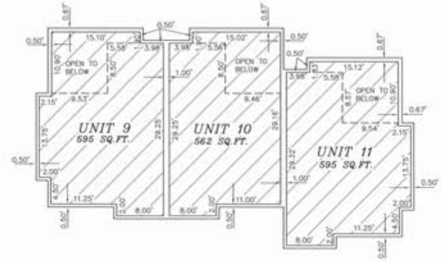
PRIVATE OWNERSHIP

LIMITED COMMON AREA

COMMON AREA

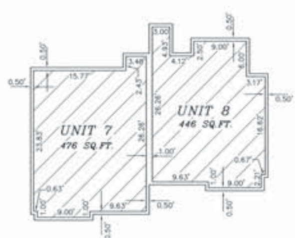


SECOND FLOOR
FIN. FLOOR = 7136.00
FIN. CEILING = 7144.00

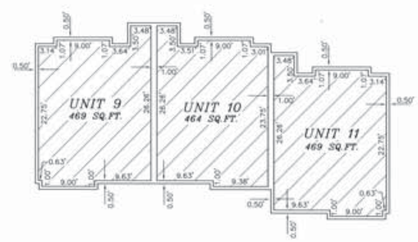


SECOND FLOOR
FIN. FLOOR = 7141.92
FIN. CEILING = 7149.92

NOTE:
FIN. CEILING ELEVATIONS ON THIRD FLOOR ARE TO TOP OF CEILING RIDGE SUPPORT BEAM.



THIRD FLOOR
FIN. FLOOR = 7145.17
FIN. CEILING = 7155.75



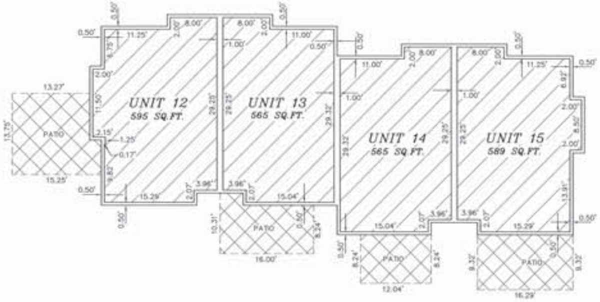
THIRD FLOOR
FIN. FLOOR = 7151.08
FIN. CEILING = 7160.75

PORTICO CONDOMINIUMS
A CONDOMINIUM PROJECT

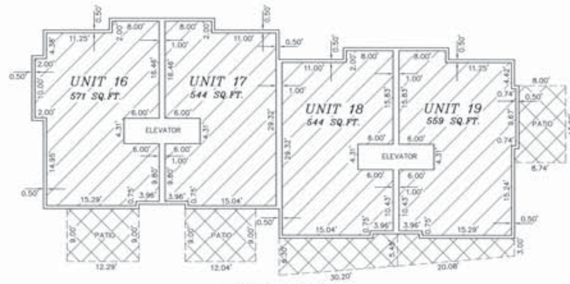
LOCATED IN
THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 4 OF 5

RECORDED
ENTRY NO. 558663 BOOK — PAGE —
STATE OF UTAH COUNTY OF SUMMIT
DATE 02-07-00 TIME 15:00 PM
RECORDED AND FILED AT THE REQUEST OF:
JOHN LEHMER
FEE: $169.00
COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(435) 645-9000 • fax (435) 649-1620



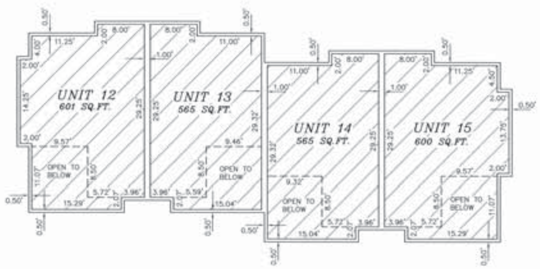
FIRST FLOOR
FIN. FLOOR = 7132.50
FIN. CEILING = 7140.75



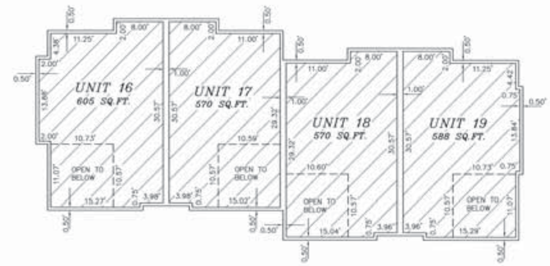
FIRST FLOOR
FIN. FLOOR = 7134.00
FIN. CEILING = 7142.25

SCALE: 1" = 10'

PRIVATE OWNERSHIP
LIMITED COMMON AREA
COMMON AREA

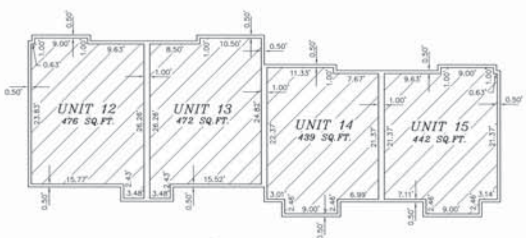


SECOND FLOOR
FIN. FLOOR = 7141.92
FIN. CEILING = 7149.92

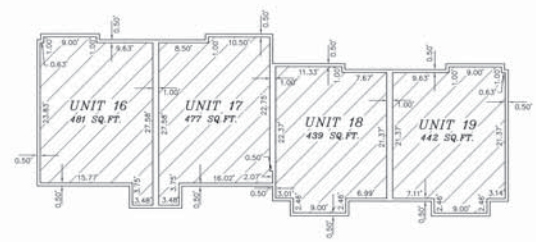


SECOND FLOOR
FIN. FLOOR = 7143.42
FIN. CEILING = 7151.42

NOTE:
FIN. CEILING ELEVATIONS ON THIRD FLOOR ARE TO TOP OF CEILING RIDGE SUPPORT BEAM.



THIRD FLOOR
UNIT 12 AND 13] FIN. FLOOR = 7151.08 / FIN. CEILING = 7161.66
UNIT 14 AND 15] FIN. FLOOR = 7151.08 / FIN. CEILING = 7160.75



THIRD FLOOR
FIN. FLOOR = 7152.58
FIN. CEILING = 7162.25

PORTICO CONDOMINIUMS
A CONDOMINIUM PROJECT
LOCATED IN
THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 5 OF 5

RECORDED
ENTRY NO. 558663 BOOK — PAGE —
STATE OF UTAH COUNTY OF SUMMIT
DATE 02-07-00 TIME 15:00 P.M.
RECORDED AND FILED AT THE REQUEST OF:
JOHN LEHMER
FEE $169.00
COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(435) 645-9000 • fax (435) 649-1620

EXHIBIT C

SUMMIT

Aerial Photo with Existing Lot

1 in = 203 feet

Summit County Online Parcel Reference Map

Printed on: 2/6/2014

RECEIVED
FEB 07 2014
PARK CITY PLANNING DEPT.

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Summit County which is not responsible for its accuracy or timeliness.

EXHIBIT D 1


PUBLIC NOTICE

Exhibit D-2

WHEN RECORDED MAIL TO:

Gregory L. Cropper, Esq.
JONES WALDO, ET. AL.
1441 West Ute Blvd.
Suite 330
Park City, UT 84098

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM WITH CONDITIONS, COVENANTS AND RESTRICTIONS FOR THE PORTICO TOWNHOUSE CONDOMINIUMS

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM WITH CONDITIONS, COVENANTS AND RESTRICTIONS FOR THE PORTICO TOWNHOUSE CONDOMINIUMS (this "Amendment") is made as of the 31 day of March, 2014, by the OWNERS ASSOCIATION FOR THE PORTICO TOWNHOUSE CONDOMINIUMS, INC., a Utah non-profit corporation (the "Association").

RECITALS:

A. The Association is the "Association" under that certain Declaration of Condominium with Conditions, Covenants and Restrictions for the Portico Townhouse Condominiums dated the 6th day of January, 2000, and recorded February 7, 2000, as Instrument No. 00558664, in Book 01306, Page 00730-00781, of the Official Records of Summit County, Utah (the "Declaration").

B. The Declaration applies to and governs that certain real property and improvements located in the Park City, Summit County, Utah, and commonly known as "Portico Condominiums", the legal description of which is attached hereto as Exhibit "A" and incorporated herein by reference (as described on Exhibit "A" and defined in the Declaration, the "Property").

C. Unit 1 and Unit 2 are owned by a single Owner (the "Owner of Units 1 and 2") and are, and have historically been, designed, constructed, owned and occupied as one (1) integrated Unit.

D. By way of consent in lieu of vote pursuant to Article XXVIII of the Declaration, this Amendment was approved upon the affirmative consent of greater than two-thirds (2/3) of the Unit Owners.

E. Based on the foregoing and Article XII, Paragraph 1 (b) of the Declaration, the Association has the authority to execute and record this Amendment in the Official Records of Summit County, Utah.

RECEIVED
MAR 31 2014
PARK CITY PLANNING DEPT.

NOW, THEREFORE, the Declaration are hereby amended as follows, and the Property and every Unit (as defined in the Declaration) or interest therein is now held and shall be held, transferred, sold, leased, conveyed and occupied subject to the covenants, conditions, restrictions and easements set forth in the Declaration, as amended by this Amendment, each and all of which is and are for, and shall inure to the benefit of and pass with, each Unit and every portion of or interest in the Property and shall apply to every Owner and Occupant (as both are defined in the Declaration) thereof and their successors and assigns. The covenants, conditions, restrictions and easements contained in the Declaration, as amended by this Amendment, shall run with the Property and every part thereof.

ARTICLE I

AMENDMENTS

Section 1.1 Consolidation of Units. Article XII, Section 2, Paragraph (f) is hereby amended by adding the following thereto:

Unit 1 and Unit 2 were originally constructed, owned and occupied as a single integrated Unit, but have not been shown as such on the Map. The Owner of Units 1 and 2 shall have the right to cause the Map to be amended to show Unit 1 and Unit 2 as a single consolidated, integrated Unit as a legal matter of record, subject to and in accordance with the following:

(i) The Management Committee shall co-operate with the Owner of Units 1 and 2 in connection amending the Map as contemplated herein (at no expense to the Management Committee, the Association or any other Owner), including the execution of such plat amendment amending the Map as required under applicable law, and the adoption of this Amendment and this paragraph shall constitute the consent of such Owners as are necessary under the Declaration to adopt this Amendment and approve such amendment of the Map; and

(ii) The resulting integrated Unit, while legally one (1) condominium unit following the amendment of the Map, shall continue to be treated as the two (2) original Units for all purposes under the Declaration and under the Bylaws, including proportionate interests, the calculation and payment of assessments, voting rights, voting percentage requirements and parking rights.

ARTICLE II

GENERAL PROVISIONS

Section 2.1 Constructive Notice and Acceptance. Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is and shall be conclusively deemed to have consented and agreed to every covenant, condition, restriction and easement contained herein, by reference and otherwise, whether or not any reference to the Declaration or this Amendment is contained in the instrument by which such person acquired an interest in the Property.

Section 2.2 Mutuality; Reciprocity; Runs with Land. All restrictions, conditions, covenants and easements contained herein, by reference or otherwise, (i) are made for the direct, mutual and reciprocal benefit of each and every portion of the Property, (ii) shall create mutual, equitable servitudes upon each portion of the Property in favor of every other portion, (iii) shall create privity of estate between all grantees of said portions or interests therein, their heirs, successors and assigns, and (iv) shall, as to each Owner and the heirs, successors and assigns of said Owner, operate as covenants running with the land for the benefit of all other portions of the Property.

Section 2.3 Attorneys' Fees and Costs. If any Owner brings or commences any legal action or proceeding, or takes any other action, to enforce any of the terms of this Amendment (or for damages by reason of an alleged breach of this Amendment) or in connection with any of the transactions contemplated in this Amendment against any other Owner(s), the prevailing Owner(s) in such action shall be entitled to recover from the other Owner(s) all costs and expenses incurred in connection therewith, including reasonable attorneys' fees and costs.

Section 2.4 Recordation. This Amendment shall be recorded in the Official Records of Summit County, Utah.

IN WITNESS WHEREOF, the Association has executed this Amendment as of the date first above written.

OWNERS ASSOCIATION FOR THE PORTICO TOWNHOUSE CONDOMINIUMS, INC.,
a Utah non-corporation

By: [signature]
Name: KATHARINE NOBLE
Title: VICE PRESIDENT

"Association"

STATE OF Utah

COUNTY OF Summit

This instrument was acknowledged before me on March 31, 2014, by Katharine Noble as Vice President of the OWNERS ASSOCIATION FOR THE PORTICO TOWNHOUSE CONDOMINIUMS INC., a Utah non-profit corporation.

Elizabeth M Thompson
Notary Public

My appointment expires:
July 10, 2016

Notary Public
ELIZABETH M. THOMPSON
Commission #656821
My Commission Expires
July 10, 2016
State of Utah

EXHIBIT A

LEGAL DESCRIPTION:

PORTICO CONDOMINIUM PROJECT
670 Deer Valley Loop Road
Park City, Summit County, Utah

Beginning at a point which is South 718.36 feet and East 328.61 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, (basis of bearing being South 00°30'11" West between said East quarter corner and the southeast corner of said Section 16); said point also being on a fence line, and running thence South 51°31'30" East 75.90 feet; thence North 87°13'30" East 271.80 feet; thence South 147.93 feet to the north right-of-way line of Rossi Hill Road; thence South 74°00'00" West 13.95 feet along said north right-of-way line; thence North 5°58'00" West 28.07 feet; thence South 82°19'30" West 22.24 feet to a point on a 363.51 foot radius curve to the right; the radius point of which bears North 7°40'30" West 363.51 feet; thence northwesterly along the arc of said curve 215.82 feet to a point of tangency; thence North 63°39'30" West 95.90 feet to a point on a 452.77 foot radius curve to the right, the radius point of which bears North 23°15'12" East 452.77 feet; thence northwesterly along the arc of said curve 22.10 feet to a point on a fence line; thence along said fence line North 17°22'00" East 78.20 feet to the point of beginning.

Contains 36,210 square feet more or less.

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review three days prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: [signature]

Name of Applicant: KATHARINE NOBLE, HOA VICE-PRESIDENT
PRINTED

Mailing Address: P.O. BOX 2121
PARK CITY, UT 84060

Phone: 435-640-9553 Fax: N/A

Email: KATIE.NOBLE@GMAIL.COM

Type of Application: Amendment to Record of Survey

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action. I further affirm that I am aware of the City policy that no application will be accepted nor work performed for properties that are tax delinquent.

Name of Owner: PORTICO TOWNHOUSE CONDOMINIUMS
PRINTED

Mailing Address: PO BOX 2121
PARKCITY, UT 84060

Street Address/ Legal Description of Subject Property:
670 Deer Valley Loop Road, #1 + #2
Park City, UT

Signature: [signature] Date: 3/31/2014
HOA VICE-PRESIDENT

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attaché a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CCRs.

Please note that this affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to Final Action.

Note: The CC+R's require a 2/3 vote to approve, or 13 votes.
We received 14 votes to approve the CC+R Amendment and Plat Amendm

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

Res No. 15-12

RECEIVED
MAR 31 2014
PARK CITY
PLANNING DEPT.

EXHIBIT E

PARK CITY
1884

Department of Community Development
Engineering • Building Inspection • Planning

December 3, 1996

Rick Dunford
Jack Johnson Company
1777 Sun Peak Drive
Park City, UT 84098

NOTICE OF PLANNING COMMISSION ACTION

Project Name: 670 Deer Valley Loop Road, Portico Condominiums

Project Description: Conditional Use Permit for a condominium development of 19 townhouse style units on a .83 acre parcel.

Date of Meeting: November 20, 1996

Action Taken By Planning Commission: Approved with the following conditions of approval.

Conditions of Approval:

1. All standard project conditions shall apply.
2. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
3. A final plat or record of survey shall be submitted to the City for review and approval and shall be recorded at the County prior to issuance of certificate of occupancy for any unit. Conditions, Covenants, and Restrictions for this project shall be submitted to the City Attorney for review and shall be recorded at the time of plat recordation. All required dedication of right-of-way for Deer Valley Loop shall be indicated on the plat.
4. The Planning Department's review and approval of an overall landscape plan, showing existing and proposed vegetation, and including a detailed limits of disturbance plan, is a condition precedent to issuance of a building permit for any of the units. The landscape plan shall also contain all information regarding project lighting.
5. The Developer shall submit a detailed Construction Management Plan (CMP) for review and approval by the Chief Building Official, prior to issuance of any building permits, that addresses at a minimum the following:

Rick Dunford
Page two
December 3, 1996

a.) A construction staging, storage, circulation and parking plan.

b.) The developer shall instruct respective contractors that there is to be no wash out of concrete trucks on-site landscape areas. Further, the developer shall identify any off-site dirt storage sites , obtain written permission by the owner and post afinancial surety, to the satisfaction of the City, that will provide for the rehabilitation of the said storage site.

c.) A landscape plan shall be submitted and approved prior to any construction activity on site.

d.) Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.

e.) An existing conditions survey that identifies and determines existing grade shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This survey shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code.

6. The applicant shall obtain all necessary permits required by the Bureau of Land Management and the City for any disturbance or construction staging on the adjacent Bureau of Land Management parcel.
7. Final architectural design and colors will be reviewed and approved by the Community Development staff, prior to building permit issuance.
8. All proposed signs require a sign permit, reviewed and approved by the Community Development Department.
9. The City Engineer shall review and approve appropriate grading, utility, public improvements and drainage plans for compliance with City standards as a condition precedent to permit issuance.
10. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans.

Date of Expiration: November 20, 1997

Your approval also requires City Council action. This plat approval has not yet been scheduled on a City Council Agenda.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 9, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Worel, Preston Campbell, Stewart Gross, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director; Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Ryan Wassum, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

===

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except for Commissioner Joyce who was excused.

ADOPTION OF MINUTES

<u>March 26, 2014</u>

Chair Worel referred to page 4 of the Staff report, page 2 of the minutes, following Public Input. She noted that the word **the** was added twice at the end of the second line and one should be removed.

Chair Worel referred to the last paragraph on page 4 of the Staff report, page 2 of the minutes, line 12 of the last paragraph, and corrected <u>Mr. Wilson</u> to correctly read, **Ms. Wilson.**

MOTION: Commissioner Gross moved to APPROVE the minutes of March 26 as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT
There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

deep. He pointed out that the total cut was 45 feet but it is done in increments. It is not one 45 foot cut. Commissioner Phillips believed the geo-tech would make site visits throughout the process because he has the liability.

Aside from the excavation, Commissioner Phillips liked the project and what the developer had done with so many other things. It was a pleasure not to have everything maxed out.

Commissioner Strachan deferred to Commissioner Phillips regarding the shoring based on his knowledge and expertise.

Commissioner Gross referred to Condition #8 and wanted to know which property would be involved in the encroachment agreement. Planner Alexander replied that it would be with the owner of 510 Ontario Avenue. Mr. Henderson explained that the hot tub at 510 Ontario currently sits on his setback.

Chair Worel stated that the Planning Commission would table further discussion on 300 Deer Valley Loop Road until the end of the meeting.

Commissioner Campbell returned to the meeting.

3. <u>670 Deer Valley Loop Road – Condominium Plat Amendment</u> (Application PL-14-02254)

Planner Kirsten Whetstone handed out larger copies of the proposed plat, with narrative on the back side. She also provided two copies of the existing plat for reference.

Planner Whetstone reviewed the request for the first amended Portico Condominiums record of survey plat combining Units 1 and 2 of the constructed 19 unit condominium project known as the Portico Condominiums. The amended plat documents were the final as-built conditions for constructed Units 1 and 2. She noted that the record is scarce in terms of when the unit was actually combined. However, both the previous owner and the current owner purchased it when it was only one unit.

Planner Whetstone stated that the condominium project was started in 1996 with the parking structure, and the construction of the units began in 1999. The condominium plat was recorded in 2000. A clause in the CC&Rs allowed the original declarant to combine units. It is unclear which owner had made the initial request. Planner Whetstone explained that the current owner has financial issues and his bank will not lend on what appears to be two units in the recorded plat. For that reason the applicant was requesting to combine the two units into one. There would be no exterior changes and the garage space for the two units would remain for the single unit.

Planner Whetstone reported that the Portico Condominium conditional use permit was approved in 1996 for 19 units. The unit equivalent formula was not used. The zoning is RM and a certain square footage is required for a certain number of units. The resulting 18 units would continue to comply with the conditional use permit.

Planner Whetstone stated that 15 units are constructed over a common parking garage. Unit 1, 2, 3 and 4 were each constructed as detached duplex structures. Planner Whetstone remarked that the Homeowners Association was also an applicant because of the common area between the two units. The HOA members voted and provided consent to this plat amendment. The HOA would have to sign the plat. As conditioned, the amended plat is consistent with the conditions of approval of the condominium plat and the conditional use permit.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the draft ordinance.

Jack Johnson, representing the applicant, stated that he had prepared the amended plat. Greg Cropper, legal counsel for the applicant, believed that this was a straightforward application and his presence would be irrelevant.

Commissioner Stuard asked if there was guest parking in the project and whether amending the plat would create any guest parking issues. Mr. Cropper replied that there was guest parking in the project and each unit is allocated a certain number of parking spaces. This combined unit would have double allocation; therefore, nothing would change. Mr. Johnson noted that there would be four parking spaces and the garage for a one unit house.

Commissioner Stuard asked if the condominium plat amendment and/or the CC&Rs address the right of this unit to those parking spaces. Mr. Cropper answered yes. He explained that under the CC&Rs, the combined unit continues to be treated as two separate units for the purposes of voting, parking, and assessments. However, the plat has to show it as one unit because the lenders are not comfortable with one unit on two lots.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Portico Condominium Plat for Units 1 and 2, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact – 680 Deer Valley Loop Road</u>

1. The property, Units 1 and 2 of the Portico Condominiums plat are located at 670 Deer Valley Loop Road.

2. The property is located within the Residential Medium Density (RM) zoning district.

3. On November 20, 1996, the Planning Commission approved the Portico CUP for 19 townhouse units on the 36,210 sf parcel.

4. On December 9, 1999, the City Council approved the Portico Condominiums Plat. This plat was recorded at Summit County on February 7, 2000.

5. On February 7, 2014, the Planning Department received an application for an amended condominium plat. The application was deemed complete upon receipt of the HOA letter and signature on the application.

6. The purpose of the amended condominium plat is to describe and document the as-built conditions for constructed Units 1 and 2 that were combined as proposed Unit 1.

7. No non-conforming conditions will result from this plat amendment.

8. The amended plat complies with the conditions of approval of the Portico CUP and the Portico Condominium plat and restrictions in the RM Zone.

9. Unit 1 contains a total of 2,315 square feet. Unit 2 contains 2,174 square feet, including the garage, storage area, and living area on three levels. Proposed Unit 1 contains 4,608 square feet, including the garage, storage area, living area, and all of the common walls on three levels.
10. No exterior changes are proposed.

11. The Portico Condominiums are served by common sewer laterals. The Portico Condominium HO is responsible for all sewer laterals.

12. As conditioned, this amended plat is consistent with the conditions of approval of the Portico Condominium plat.

13. Consistent with the amended Portico Condominiums CC&Rs, the HOA, by a required vote of the members, has provided consent to this plat amendment to memorialize the combination of Units 1 and 2.

Conclusions of Law – 670 Deer Valley Loop Road

1. There is good cause for this amended supplemental plat as it memorializes the as-built conditions that combined Units 1 and 2 into a single residential condominium unit.

2. The amended plat is consistent with the park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the pubic nor any person will be materially injured by the amended plat.

4. Approval of the amended supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 670 Deer Valley Drive Loop

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

2. The applicant will record the plat a Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval will be void, unless a complete application requesting an extension is granted by the City Council.

3. All conditions of approval of the Portico Condominium CUP and of the Condominium plat, recorded at Summit County on February 7, 2000, shall continue to apply, and shall be noted on the amended plat.

4. 491 Echo Spur – Steep Slope Conditional Use Permit (Application PL-14-02276)

Commissioner Campbell disclosed that he has an interest in another property on the

City Council Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject:	**Re-establishment of Lots 30 and 31 of the Holiday Ranchettes Subdivision located at 2519 and 2545 Lucky John Drive**
Author:	**Kirsten Whetstone, Senior Planner**
Date:	**April 24, 2014**
Type of Item:	**Administrative – Plat Amendment**
Project Number:	**PL-13-01980**

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Re-establishment of Lots 30 and Lot 31 of the Holiday Ranchettes Subdivision plat amendment and approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

On March 12, 2014, the Planning Commission conducted a public hearing and after discussion forwarded a positive recommendation to the City Council with a 4 to 2 vote, following a failed motion to continue to April 23, 2014. Minutes of the meeting are attached as Exhibit J.

Description

Applicant:	Steven Schueler on behalf of Kristen and David Lanzkowsky, owners
Location:	2519 Lucky John Drive
Zoning:	Single Family (SF) Residential District
Adjacent Land Uses:	Residential and Open Space
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Proposal:
The applicants are proposing to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision (Exhibit A). This application is a request to amend a 1999 approved administrative lot line adjustment that combined these two lots into one lot. The proposal is a request to re-establish the two (2) one-acre lots as separately developable lots, as originally platted with the May 31,1974 Holiday Ranchettes Subdivision plat. Each lot would be approximately 1.0 acres in area.

Purpose
The purpose of the Residential SF District is to:

(A) Maintain existing predominately Single Family detached residential neighborhoods,
(B) Allow for Single Family Development Compatible with existing Developments,
(C) Maintain the character of mountain resort neighborhoods with Compatible residential design; and

(D) Require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Background

In 1974, the Holiday Ranchettes Subdivision plat (Exhibit B), was approved by Council and recorded. The subdivision was ultimately constructed in the neighborhood area now generally known as Park Meadows. Lots in the originally platted subdivision, in the vicinity of Lots 30 and 31, range in area from 0.96 acres to 1.77 acres with a majority of the lots being about one acre in area. There are few vacant lots left in this single family lot subdivision.

In August, 1999, John D. Cumming and Kristi Terzian, owners of Lots 30 and 31 of the Holiday Ranchettes Subdivision, were approved to combine Lots 30 and 31 into one parcel containing approximately 2 acres (Exhibit C). The 1999 approval was an administrative lot line adjustment approved by the Planning Director. Lot 30 (2545 Lucky John Drive) and Lot 31 (2519 Lucky John Drive) effectively became one lot. A single family house with an attached garage and a detached garage with a shared driveway are located on the lot (Exhibits D and E).

On July 8, 2013, the applicants applied to re-establish the previous lots. On July 18, 2013, the application was determined by staff to be complete, and on July 23, 2013, the application went before the Development Review Committee for their review of the proposed subdivision.

On September 25, 2013, the Planning Commission reviewed the application and conducted a public hearing on the matter (Exhibit F). Following public input and discussion by the Commission, the item was continued to a date uncertain to allow the applicant to meet with the Homeowner’s Association to understand their concerns. Issues raised at the public hearing included items related to CCR violations, landscaping maintenance, lack of communication between the owner and the HOA, and a concern that grading done on Lot 31 elevates existing grade for that lot and a future house would be taller as a result.

The HOA requested that the Planning Commission continue the item until the HOA and applicant have had an opportunity to meet to discuss these items. The Planning Commission continued the item to a date uncertain and requested the applicant meet with the HOA so that there is an understanding between the owner and the HOA regarding future improvements or changes to these lots (Exhibit G). Because the HOA is registered with the City there is a requirement that a letter from the HOA be submitted with any application for building permits on lots in this subdivision.

The owner’s representative met with a member of the HOA to review issues raised by the HOA regarding the plat amendment and potential future changes to the existing house, landscaping, driveway, fence, and other improvements on the lot, as well as to discuss the maintenance of the existing landscaping and irrigation. Between November and early February, Staff and the applicant attempted to arrange an additional meeting with the owner’s representative, Steve Schueler of Alliance Engineering, and representatives from the HOA, but the HOA was unable to attend.

The applicant requested to be placed on the February 26th Planning Commission meeting and the project was re-noticed and posted. On February 18, 2014 the Planning Staff arranged a meeting between the HOA and the owner's representative (Exhibit J). The applicant's representative provided a proposal to the HOA concerning the property and indicated what the owner intended to do with the property in the future. The owner acknowledges that in the future he does intend to sell the lot as a separate single family lot. The HOA requested a continuation to the next meeting to allow additional time to work issues out. The applicant agreed and on February 26th the Commission conducted a public hearing and continued the item to March 12, 2014.

On March 12, 2014, the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council with a 4 to 2 vote. The first motion to continue the item failed on a 4 to 3 vote with the Chair breaking the tie (Exhibit J- Planning Commission minutes).

Public input was provided at the meeting from a representative of the Architectural Review Committee of Holiday Ranchettes Subdivision requesting a continuation until the HOA and property owner could work out their issues. The applicant's representative indicated that he had just met with the HOA representative and they had come to an agreement as to what the HOA would expect to receive prior to any work on the property. The applicant's representative requested an action from the Planning Commission and expressed that they had submitted the application eight months ago, set up several meetings with the HOA in November and December, and finally were only able to get together with the HOA the week before the Planning Commission meeting. He indicated that it was only once the item was placed back on the Commission's agenda that the HOA was able to meet. They agreed to continue working on an agreement between the HOA and the property owner to address issues the HOA has with the property.

Analysis

The allowed density within the SF District is three dwelling units per acre. The Holiday Ranchettes Subdivision, as originally recorded in 1974, is a multiple lot development consisting of mostly one-acre lots. The subject property is currently two-acres in size, and has double frontage onto both Holiday Ranch Loop Road and Lucky John Drive. There is an existing home with access from Lucky John Drive located on proposed Lot 30, and an existing detached garage located on Lot 31.

A shared driveway provides access to Lots 30 and 31. The LMC (Section 15-3-3 (H)) strongly recommends shared driveways. Shared driveways decrease impervious surface and storm water run-off. Shared drives provide for greater landscaping/open space areas and provide opportunities for designs that lessen visual impacts of garages, while decreasing the number of curb cuts on streets.

Staff reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size, allowed footprint, setbacks, width, and other factors:

Holiday Ranchettes and SF District Lot Requirements

- Existing Lot Size: 87,120 square feet (2 acres)
- Required Minimum Lot Size: 14,520 (1/3 acre)*
- Proposed (per lot) 43,560 square feet (1 acre) per lot
- Existing Lot Width: 290 feet
- Proposed Widths 145 feet
- Required Setbacks – Front/Rear: 20’ Front, 20’ foot Rear (2 frontages)
- Required Setbacks – Side: 12’
- Required Setback to any front facing garage- 25’ (n/a for existing configuration)

*No minimum lot size – district allows three dwellings per acre (no house size limitations). Maximum height is 28’ from existing grade (5’ exception for pitched roof).

The existing home on Lot 30 meets the setback requirements from both the existing and the new proposed lot lines. The existing home is typical of the existing development in Park Meadows in terms of mass and scale. The re-established Lots are typical of lots in the neighborhood. If not re-established as two separate lots, the size of the existing two acre lot could result in a house that is out of scale and incompatible with typical houses in the neighborhood. The existing lot is twice the size of typical lots. The re-established lots are compatible and consistent in size with lots in the neighborhood.

The garage building, located on Lot 31, also meets the required front and side yard setbacks. Accessory structures are an allowed use in the SF district so long as they meet the setback and building height requirements. Setbacks are not required for shared driveways.

The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building setback areas along Lucky John Drive and Holiday Ranch Loop. The existing safe route to school pedestrian/bike trail along Holiday Ranch Loop would be compromised if primary access is permitted from Holiday Ranch Loop Road.

Upon analysis of the plat amendment and review of the HOA concerns, Staff recommends the specific conditions of approval in order to find good cause with this plat amendment. Staff recommends that these conditions be included on the plat prior to recordation:

1) Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA’s concerns and recommendations with said building permit application.
2) A certificate of occupancy, issued by the City, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building.
3) Any construction on Lots 30 and 31 shall use the original grade (USGS topography that existing prior to construction on the lots) in the calculation of Building Height.

4) The garage structure on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by the City. Utility work, including grading and landscape changes, requires a building permit. A letter from said HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for this work.
5) Prior to recordation of the plat, an access easement for the shared driveway shall be recorded at Summit County and reflected on each lot shown on the plat. The access easement shall include a maintenance agreement for the shared driveway. Access easements may be vacated if the shared driveway is modified and the access encroachment is removed.
6) Prior to recordation of the plat, any existing utilities that crosses a property line, shall be relocated as required by the utility providers. If relocation is not required, then utility easements shall be recorded at the County and documented on the plat.
7) Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work.
8) No access to Lots 30 and 31 is permitted from Holiday Ranch Road.
9) A ten foot (10’) wide public snow storage easement is required along the frontage of the Lots on both the Holiday Ranch Road and Lucky John Drive frontages.
10) Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.

<u>Good Cause</u>
Planning Staff finds good cause for the application as conditioned. The proposed plat re-establishes the original two-lot configuration. The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise. The proposed plat does not increase the original overall density of the Holiday Ranchettes Subdivision. All original drainage and utility easements shall be platted as they were on the original plat. New snow storage easements and easements to address shared access and encroaching utilities will be provided. Conditions regarding access from Holiday Ranch Loop are also re-instated with this plat.

Staff finds that the plat, as conditioned, will not cause undo harm on any adjacent property owner or any property within the subdivision because the proposal is consistent with the approved 1974 Holiday Ranchettes Subdivison plat, meets the requirements of the Land Management Code, and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits. The CCRs include a site layout exhibit showing house, barn, and driveway locations (Exhibit H).

The existing home is typical of the existing development in Park Meadows, and the subdivision will allow for another home of similar size to be built in the subdivision as originally planned when the Holiday Ranchettes Subdivision was approved. Shared driveways are encouraged by the LMC. The plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. Staff wanted to assure that all originally platted easements were re-established and that all wet and dry utilities that cross over the proposed lot lines (water, sewer, and electricity) be relocated to be on the respective lots and not cross property lines, as required by individual utilities. Limiting access to Lucky John Drive was also discussed. Issues related to the existing grade and building height calculations were also brought up. These issues are included as conditions of approval. Shared access is permitted provided cross access easements are recorded prior to plat recordation.

Notice

The property was re-posted and notice was mailed again to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record in accordance with the requirements of the LMC.

Public Input

On September 3, 2013, Staff received a letter from Eric Lee (Exhibit G) which was also provided to the Planning Commission at the previous meeting. The letter outlines concerns of the HOA, as described above. Public input was provided at the meeting on September 25, 2013. Concerns raised by the public included lack of communication between the owner and the HOA, concerns about maintenance and landscaping by the property owner, and concerns regarding future development that is not consistent with the CCRs. Public input received prior to the March 12th meeting is attached (Exhibit I). Public input was provided at the March 12th Planning Commission meeting (Exhibit J).

Alternatives

- The City Council may approve the Re-establishment of the Original Plat of Lot 30 and Lot 31 Holiday Ranchettes Subdivision replat, located at 2519 and 2545 Lucky John Drive, as conditioned or amended; or
- The City Council may deny the re-plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion and provide direction to staff and the applicant regarding additional information required to make a recommendation.
- There is not a “no-action” option for plat amendments.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

If the lots are not re-established then the single two (2) acre lot would remain as re-platted in 1999. An addition to the existing house could be proposed. A letter from the HOA would be required prior to building permit issuance as long as the HOA is registered with the City.

Recommendation

Staff recommends the City Council hold a public hearing for the Re-establishment of Lots 30 and Lot 31 of the Holiday Ranchettes Subdivision plat amendment and consider approving the re-plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance
Exhibit A- Proposed plat
Exhibit B- Existing plat (1999 lot line adjustment re-plat)
Exhibit C- Original Holiday Ranchettes Subdivision plat (1974)
Exhibit D- Existing conditions survey
Exhibit E- Vicinity map and Photos
Exhibit F- Minutes of the September 25th Planning Commission meeting
Exhibit G- Letter from Eric Lee (from previous packet)
Exhibit H- CC&R site plan graphic and driveway exhibits
Exhibit I- Applicant correspondence with HOA 2.24.14
Exhibit J- Minutes of March 12th Planning Commission meeting

Ordinance No. 14-

AN ORDINANCE APPROVING THE RE-ESTABLISHMENT OF LOTS 30 AND 31 OF HOLIDAY RANCHETTES SUBDIVISION, LOCATED AT 2519 AND 2545 LUCKY JOHN DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 2519 and 2545 Lucky John Drive have petitioned the City Council for approval of a plat amendment to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision;

WHEREAS, proper legal notice was published in the Park Record according to requirements of the Land Management Code;

WHEREAS, the property was posted and notice was provided according to requirements of the Land Management Code;

WHEREAS, the Planning Commission held public hearings on September 25, 2013, February 26, 2014, and March 12, 2004 to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission forwarded a positive recommendation to City Council on March 12, 2014;

WHEREAS, the City Council, held a public hearing on April 24, 2014; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the plat amendment as conditioned below.

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 re-establishment of Lots 30 and 31 Holiday Ranchettes Subdivision plat amendment, located at 2519 and 2545 Lucky John Drive, as shown in Exhibit A, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2519 and 2545 Lucky John Drive in the Single-Family (SF) zoning district.
2. The property consists of a two-acre lot, known as Lot 1 of the 2519 Lucky John Drive Replat approved and recorded on September 2, 1999. Lot 1 was created when a lot line adjustment removing the common lot line between Lots 30 and 31 of the Holiday Ranchettes Subdivision (recorded on May 31, 1974) was approved and recorded at Summit County on September 2, 1999.
3. The owners wish to re-establish the original platted lot configuration of Lots 30 and 31 of the 1974 Holiday Ranchettes Subdivision.
4. Each lot will be one-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration.

5. The proposed density for this plat amendment is one (1) dwelling unit per acre.
6. There are no house size limitations within the Holiday Ranchettes subdivision.
7. The minimum setback requirements are twenty feet (20') for the front yard and twelve feet (12') for the side yards. Front facing garages require a twenty-five (25') foot front setback. The rear setback requirement of fifteen feet (15') is not applicable due to the double frontage nature of both lots.
8. There is an existing single family house on Lot 30 that complies with all required setbacks.
9. There is an existing garage/storage structure built on Lot 31 that complies with all required setbacks.
10. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision plat includes notes restricting access from Lucky John Drive.
11. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building setback areas along Lucky John Drive and Holiday Ranch Loop.
12. The plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.
13. A shared driveway provides access to Lots 30 and 31.
14. The LMC (Section 15-3-3 (H)) states that shared driveways are strongly recommended. Shared driveways decrease impervious surface, and storm water run-off. Shared drives provide for greater landscaping/open space areas and provide opportunities for designs that lessen visual impacts of garages, while decreasing the number of curb cuts on streets. Shared driveways necessitate access easements and maintenance agreements between property owners.
15. The proposed plat re-establishes the original two-lot configuration.
16. The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.
17. All original drainage and utility easements will be re-established.
18. New snow storage easements and easements to address shared access and encroaching utilities will be provided.
19. Conditions banning access from Holiday Ranch Loop will be re-instated with this plat.
20. There is Good Cause to approve the proposed plat amendment as conditioned as the plat amendment does not cause undo harm on any adjacent property owners, the built conditions are consistent with requirements of the Land Management Code, future development will be reviewed for compliance with requisite Building and Land Management Code requirements with review by the HOA, cross access easements and utility relocation and/or utility easements will be recorded to resolve encroachment issues, and public snow storage easements will be provided along Lucky John Drive and Holiday Ranch Loop Road.
21. The proposed plat, as conditioned, is consistent with the approved 1974 Holiday Ranchettes Subdivison plat, meets the requirements of the Land Management Code.
22. Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits.

23. The existing house is typical of the existing development in Park Meadows, and the subdivision will allow for another home of similar size to be built in the subdivision as originally planned when the Holiday Ranchettes Subdivision was approved.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA's concerns and recommendations with said building permit application. This shall be noted on the plat.
4. A certificate of occupancy, issued by the City, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building. This shall be noted on the plat.
5. Any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that existing prior to any construction on the lots) in the calculation of Building Height. This shall be noted on the plat.
6. The garage structure on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by the City. Utility work, including grading and landscape changes, requires a building permit. A letter from said HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for this work. This shall be noted on the plat.
7. Prior to recordation of this plat amendment, cross access easements for the shared driveway shall be recorded at Summit County and reflected on the plat. Cross access easements would not be required if the shared driveway is modified and the access encroachments are removed prior to plat recordation. This shall be noted on the plat.
8. Prior to recordation of the plat, any existing utilities that cross the common property line, shall be relocated as required by the utility providers. If relocation is not required, then encroachment easements shall be recorded at the County.

9. Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work. This shall be noted on the plat.
10. No access to Lots 30 and 31 is permitted from Holiday Ranch Road. This shall be noted on the plat.
11. A ten foot (10') wide public snow storage easement is required along the frontage of the Lots on both the Holiday Ranch Road and Lucky John Drive frontages.
12. A note shall be added to the plat that modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.

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

PASSED AND ADOPTED this ________ day of April 2014.

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, MAYOR

ATTEST:

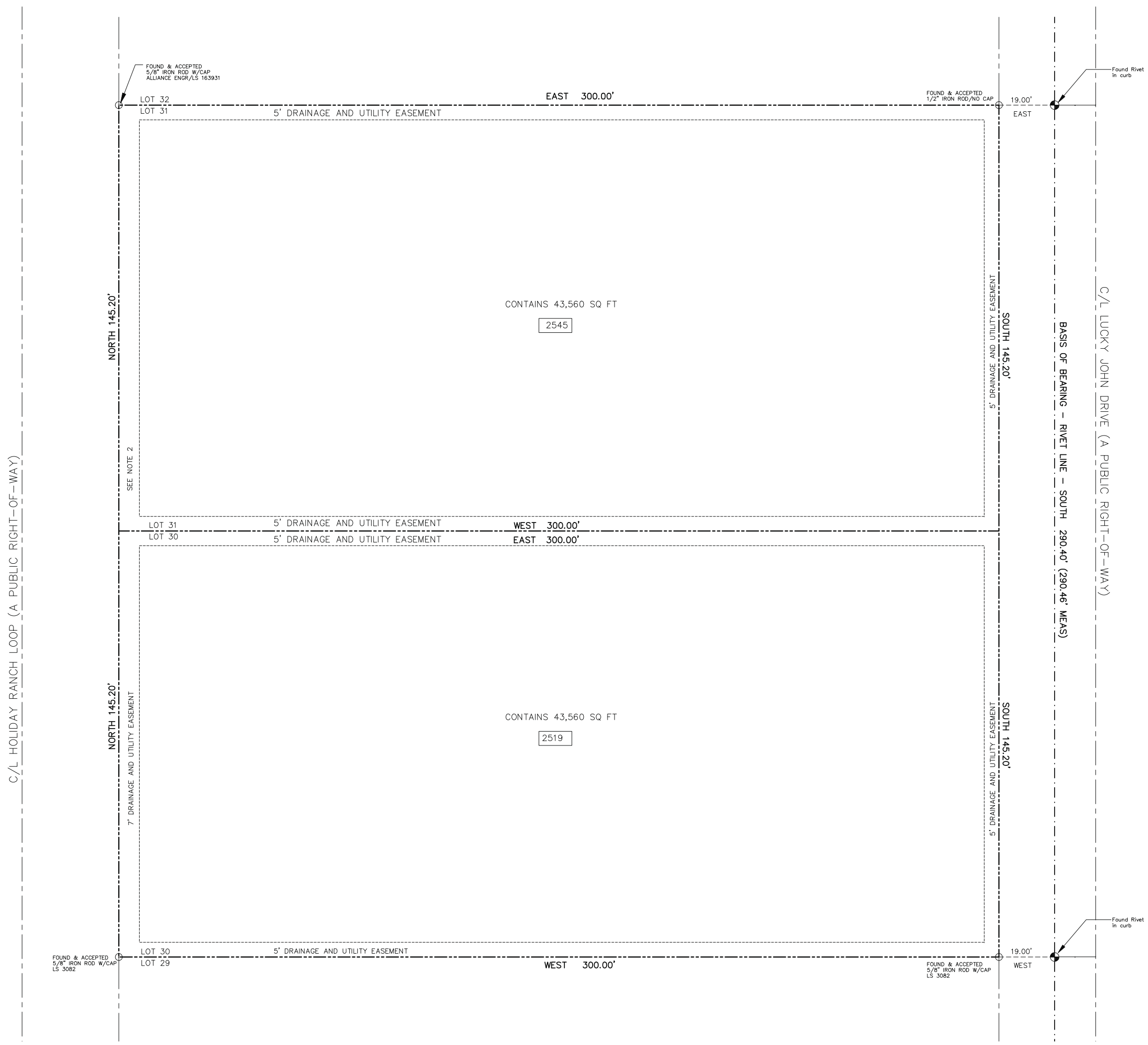
____
Marci Heil, City Recorder

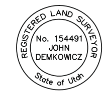
APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Proposed Plat

EXHIBIT A





SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the LOTS 30 & 31, HOLIDAY RANCHETTES SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

______________________________ John Demkowicz

_______________ Date

BOUNDARY DESCRIPTION

2519 Lucky John Drive replat FKA Lots 30 and 31, Holiday Ranchettes Subdivision, according to the official plat thereof on file and of record in the office of the Summit County Recorder's office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as LOTS 30 AND 31 HOLIDAY RANCHETTES SUBDIVISION, do hereby certify that they have caused this Lot Line Amendment Plat to be prepared, and they, Costa Rican Ventures, LLC, a Nevada limited liability company, hereby consent to the recordation of this Lot Line Amendment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all required utilities and easements shown on the plat in accordance with and irrevocable of dedication.

In witness whereof, the undersigned set their hand this _____ day of _______________, 2013.

____
Kirsten Lanskowsky, Manager
Costa Rican Ventures, LLC

ACKNOWLEDGMENT

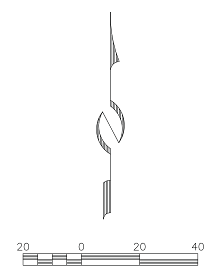
State of _____________:

County of _____________:

On this ______ day of _______________________, 2013, David Lanzkowsky personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, David Lanzkowsky, acknowledged to me that Costa Rican Ventures LLC is the owner of the herein described tract of land and that he, as President of Costa RIcn Ventures LLC, is authorized to sign the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Notary Public

My commission expires: _____________________



NOTES

1. 2519 Street address on Lucky John Drive
2. Driveway access is not permitted onto Holiday Ranch Loop.

LEGEND

Found survey monument

EXHIBIT A

RE-ESTABLISHMENT OF THE ORIGINAL PLAT OF LOT 30 AND LOT 31, HOLIDAY RANCHETTES SUBDIVISION

LOT 30 & 31 HOLIDAY RANCHETTES

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

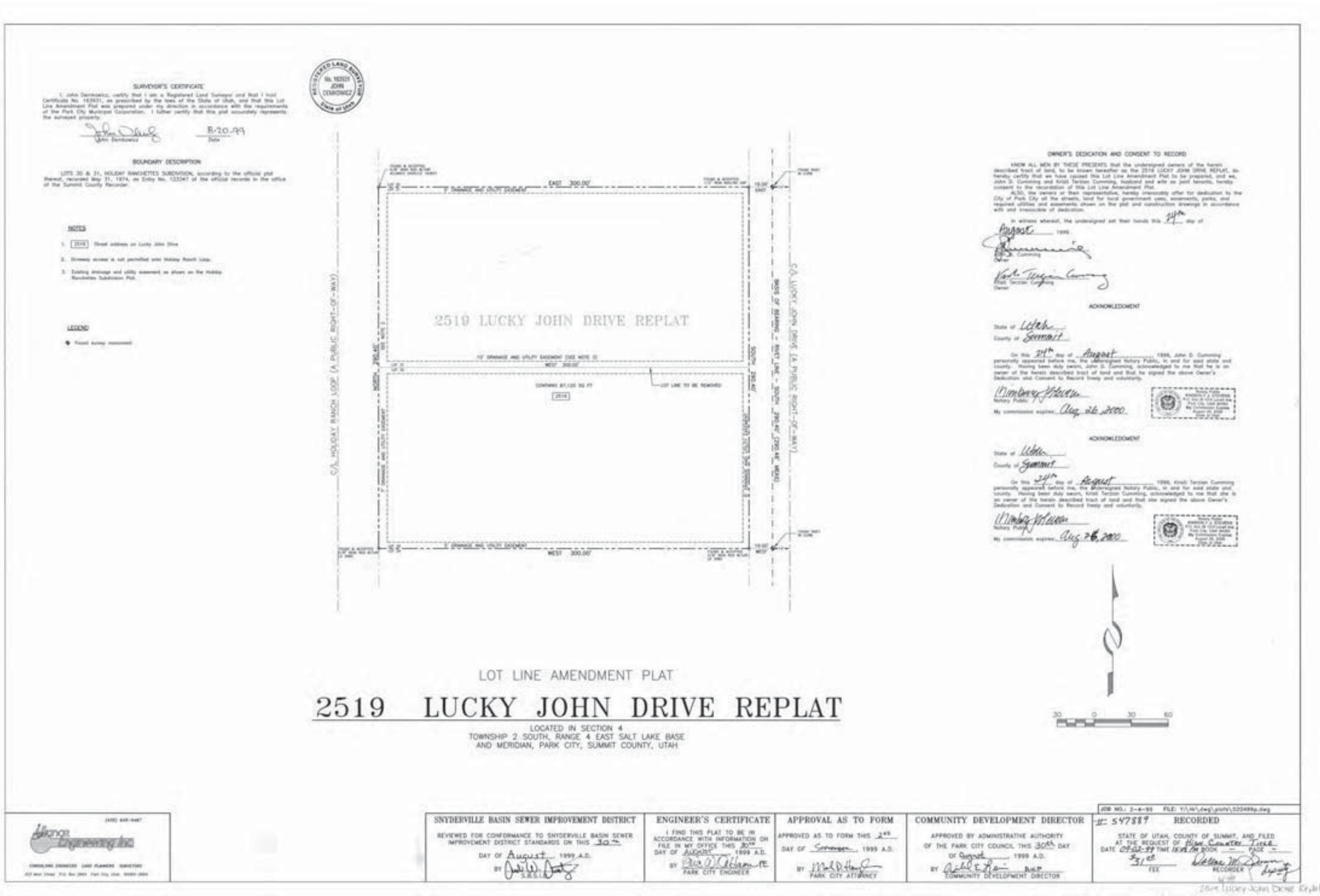
PAGE 1 OF 1

7/8/13 JOB NO.: 4-5-13 FILE: X:\PM\dwg\srv\plat2013\040513.dwg

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2013 A.D. BY _______________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ OF __________, 2013 A.D. BY _______________ CHAIR	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2013 A.D. BY _______________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF __________, 2013 A.D. BY _______________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2013 A.D. BY _______________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2013 A.D. BY _______________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________ DATE _______ TIME _____ BOOK _____ PAGE _____ ___________ ENTRY NO. ___________ FEE ___________ RECORDER

EXHIBIT B



LOT LINE AMENDMENT PLAT
2519 LUCKY JOHN DRIVE REPLAT
LOCATED IN SECTION 4
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
COMMUNITY DEVELOPMENT DIRECTOR
RECORDED

PARK CITY 1884

ADMINISTRATIVE STAFF REPORT

Date:	**August 17, 1999**
Department:	**Planning Department**
Title:	**2519 Lucky John Drive - Lot Line Adjustment**
Type of Item:	**Administrative**

Summary Recommendations: Staff recommends that the Community Development Director approve the proposed lot line adjustment on lot 30 and lot 31 of Holiday Ranchettes Subdivision.

A. Topic:

Project Statistics:

Project Name:	2519 Lucky John Drive - Lot Line Adjustment
Owners:	John D. Cumming
Location:	2519 Lucky John Drive
Zoning:	Single Family (SF)
Project Planner:	Thomas E. Barlow
Adjacent Land Uses:	Residential

B. Background:

The applicants have submitted a request to remove a lot line that separates lot 30 and 31. The Cummings own both lot 30 and 31, their home is on lot 30 and they are proposing to build a barn/garage on lot 31 with a common driveway. Initially the applicants were applying to remove the drainage/utility easement also however at this time Staff is recommending to remove the lot line only. The removal of the drainage/utility easement will require a consent letter from all franchised utilities in Park City, which represents a burden on the City and the utilities.

C. Analysis:

The lot line adjustment will amend the original plat for lot 30 and 31 of Holiday Ranchettes. The lots are rectangular and are relatively flat. The lot line adjustment will allow the potential of constructing a larger addition to their home that currently does not exist, but due to a Utility Easement running east and west along their property line, any future addition would be restricted in size due to the location of the Utility Easement. Holiday Ranchettes

Subdivision does not have any restrictions on floor area. Maximum house size must be approved by the Community Development Director based upon neighborhood compatibility. Staff has found the proposed development, the barn/garage, is compatible with the neighborhood.

After reviewing the request the Community Development Department has found the parcel meets the Land Management Code, and supports the adjustment. All the adjacent property owners have signed the consent letters as part of the Administrative Lot Line Adjustment requirements.

D. Department Review:

The Community Development Department and the City Attorney's Office have reviewed this application for compliance with the Land Management Code and Utah State law.

Alternatives:

A. Approve the lot line adjustment as conditioned.

B. Deny the proposed lot line adjustment.

C. Continue the item for further discussion and/or request additional information from Staff.

Significant Impacts:

The proposed lot line adjustment has no significant impacts associated with the property.

Recommendation:

Staff recommends that the Community Development Director conduct an administrative public hearing and consider Staff's recommendation to approve the lot line adjustment on lot 30 and lot 31 of Holiday Ranchettes Subdivision based on the following:

Findings of Fact:

1. The property is in the Single Family Zone.

2. The lot line adjustment will not create an adverse impact on adjacent property owners.

3. Letters of consent have been received from adjacent property owners.

5. Utility easements are essential for providing utilities/service to Park City residents.

6. The proposed barn/garage is compatible in scale and setback with the neighborhood.

Conclusions of Law:

1. The project complies with Section 15.1.5. (c) (1) (I-vii) in that: No new development lot or units result from the lot line adjustment;

2. All owners of property contiguous to the adjusted lots, or lots owned by the applicant which are contiguous to the lots, consent to the lot line adjustment;

3. The lot line adjustment does not result in remnant land;

4. The lot line adjustment, and resulting lots comply with the LMC Section 15.4 and are compatible with existing sizes in the immediate neighborhood;

5. The lot line does not result in violation of applicable zoning requirements;

6. Neither of the original lots was previously adjusted;

7. Written notice was mailed to all owners of property within 300 feet and neither any person nor the public will be materially harmed by the adjustment;

8. Utility easements exist and will remain as originally platted.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to recordation.

2. This approval shall expire one year from the date of Community Development Director approval, unless this lot line adjustment is recorded prior to that date.

3. The utility easements that were originally platted remain in their originally platted location.

Exhibits:
Exhibit A - Proposed Lot Line Adjustment
Exhibit B - Existing and Proposed site plans.

M:\CDD\TEB\2519 Lucky J.wpd

PARK CITY
1884

Department of Community Development
Engineering • Building Inspection • Planning

ACTION LETTER AND NOTICE OF APPROVAL

August 17, 1999

John D. Cumming
2519 Lucky John Drive
Park City, UT 84060

Dear Mr Cumming:

On August 17, 1999, the Park City Community Development Director reviewed and approved your lot line adjustment application. This letter acts as an official notice of approval and outlines the findings of fact, conclusions of law and conditions of approval that apply to your application.

Findings of Fact:

1. The property is in the Single Family Zone.

2. The lot line adjustment will not create an adverse impact on adjacent property owners.

3. Letters of consent have been received from adjacent property owners.

5. Utility easements are essential for providing utilities/service to Park City residents.

6. The proposed barn/garage is compatible in scale and setback with the neighborhood.

Conclusions of Law:

1. The project complies with Section 15.1.5. (c) (1) (I-vii) in that: No new development lot or units result from the lot line adjustment;

2. All owners of property contiguous to the adjusted lots, or lots owned by the applicant which are contiguous to the lots, consent to the lot line adjustment;

3. The lot line adjustment does not result in remnant land;

4. The lot line adjustment, and resulting lots comply with the LMC Section 15.4 and are compatible with existing sizes in the immediate neighborhood;

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Community Development (435) 615-5055 • Engineering (435) 615-5055 • Building (435) 615-5100
Planning (435) 615-5060 • FAX (435) 615-4906

5. The lot line does not result in violation of applicable zoning requirements;

6. Neither of the original lots was previously adjusted;

7. Written notice was mailed to all owners of property within 300 feet and neither any person nor the public will be materially harmed by the adjustment;

8. Utility easements exist and will remain as originally platted.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to recordation.

2. This approval shall expire one year from the date of Community Development Director approval, unless this lot line adjustment is recorded prior to that date.

3. The utility easements that were originally platted remain in their originally platted location.

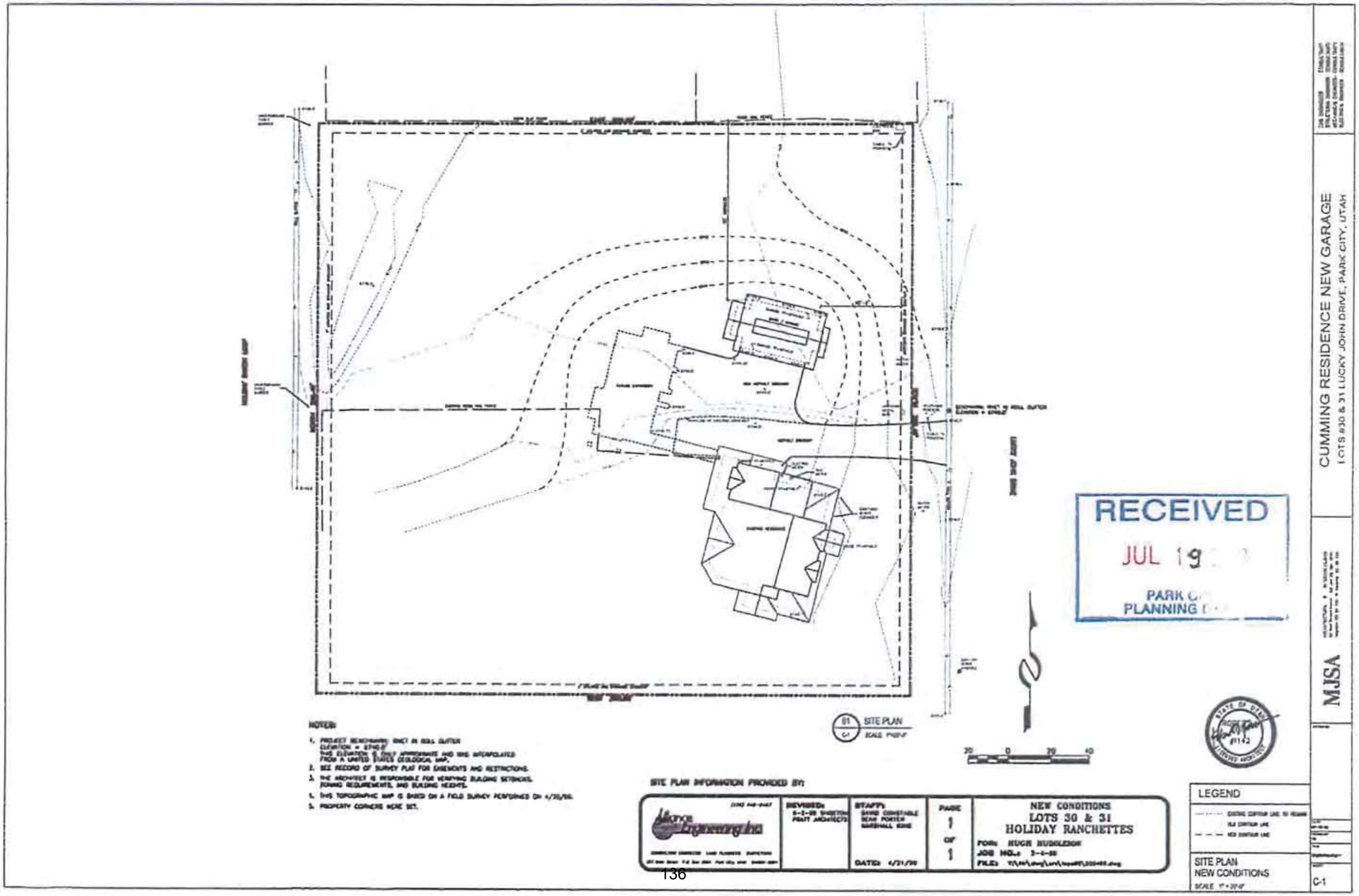
APPROVED

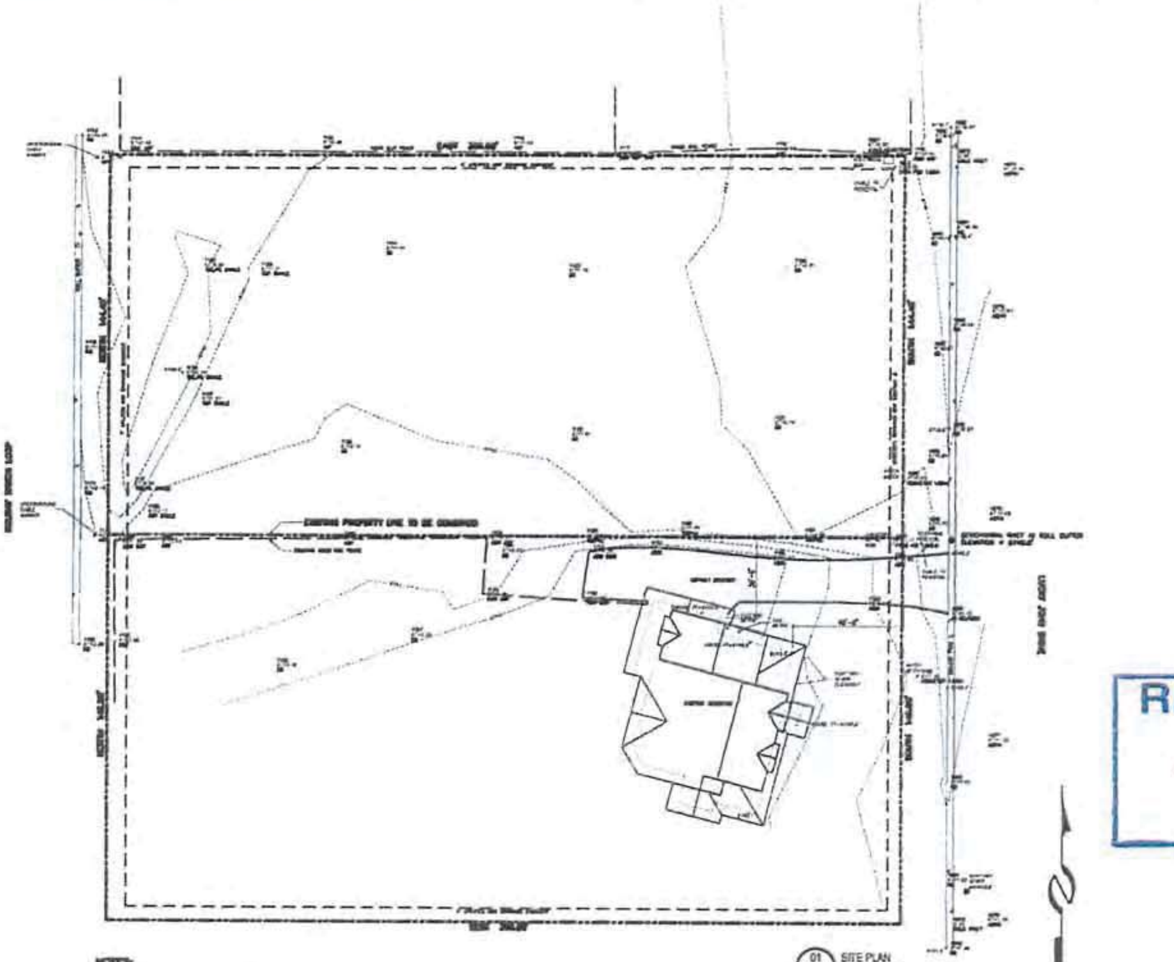
This lot line adjustment for lots 30 and 31 Holiday Ranchettes Subdivision was approved by the Community Development Director on August 17, 1999.

Richard E. Lewis, Community
Development Director

Thomas Barlow, Assistant Planner

M:\CDD\TEB\2519 Lucky J Con.wpd


NOTES:
1. PROJECT BENCHMARK: SMCT IN ROLL GUTTER
2. SEE RECORD OF SURVEY PLAT FOR EASEMENTS AND RESTRICTIONS.
3. THE ARCHITECT IS RESPONSIBLE FOR VERIFYING BUILDING SETBACKS, ZONING REQUIREMENTS, AND BUILDING HEIGHTS.
5. PROPERTY CORNERS WERE SET.
SITE PLAN
SITE PLAN INFORMATION PROVIDED BY:
Alliance Engineering Inc
REVISED:
STAFF:
PAGE
1
OF
1
DATE:
NEW CONDITIONS
LOTS 30 & 31
HOLIDAY RANCHETTES
FOR: HUGH HUDDLESON
JOB NO.:
FILE:
RECEIVED
JUL 19
PARK C
PLANNING
LEGEND
SITE PLAN
NEW CONDITIONS
C-1
MJSA
CUMMING RESIDENCE NEW GARAGE
LOTS #30 & 31 LUCKY JOHN DRIVE, PARK CITY, UTAH



01 SITE PLAN
C-1 SCALE 1"=20'-0"

NOTES:

1. PROJECT BENCHMARK: RIVET IN ROLL GUTTER
   ELEVATION = 6740.0'
   THIS ELEVATION IS ONLY APPROXIMATE AND WAS INTERPOLATED FROM A UNITED STATES GEOLOGICAL MAP.
2. SEE RECORD OF SURVEY PLAT FOR EASEMENTS AND RESTRICTIONS.
3. THE ARCHITECT IS RESPONSIBLE FOR VERIFYING BUILDING SETBACKS, ZONING REQUIREMENTS, AND BUILDING HEIGHTS.
4. THIS TOPOGRAPHIC MAP IS BASED ON A FIELD SURVEY PERFORMED ON 4/20/98.
5. PROPERTY CORNERS WERE SET.

20 0 20 40

SITE PLAN INFORMATION PROVIDED BY:

Alliance Engineering Inc	REVISED: 5-1-98 SHAKETON PRATT ARCHITECTS	STAFF: DAVID CONSTABLE, SEAN PORTER, MARSHALL KING DATE: 4/21/98	PAGE 1 OF 1	EXISTING CONDITIONS LOTS 30 & 31 HOLIDAY RANCHETTES FOR: HUGH DUDDLESON

RECEIVED
JUL 13 1999
PARK CITY PLANNING DEPT.

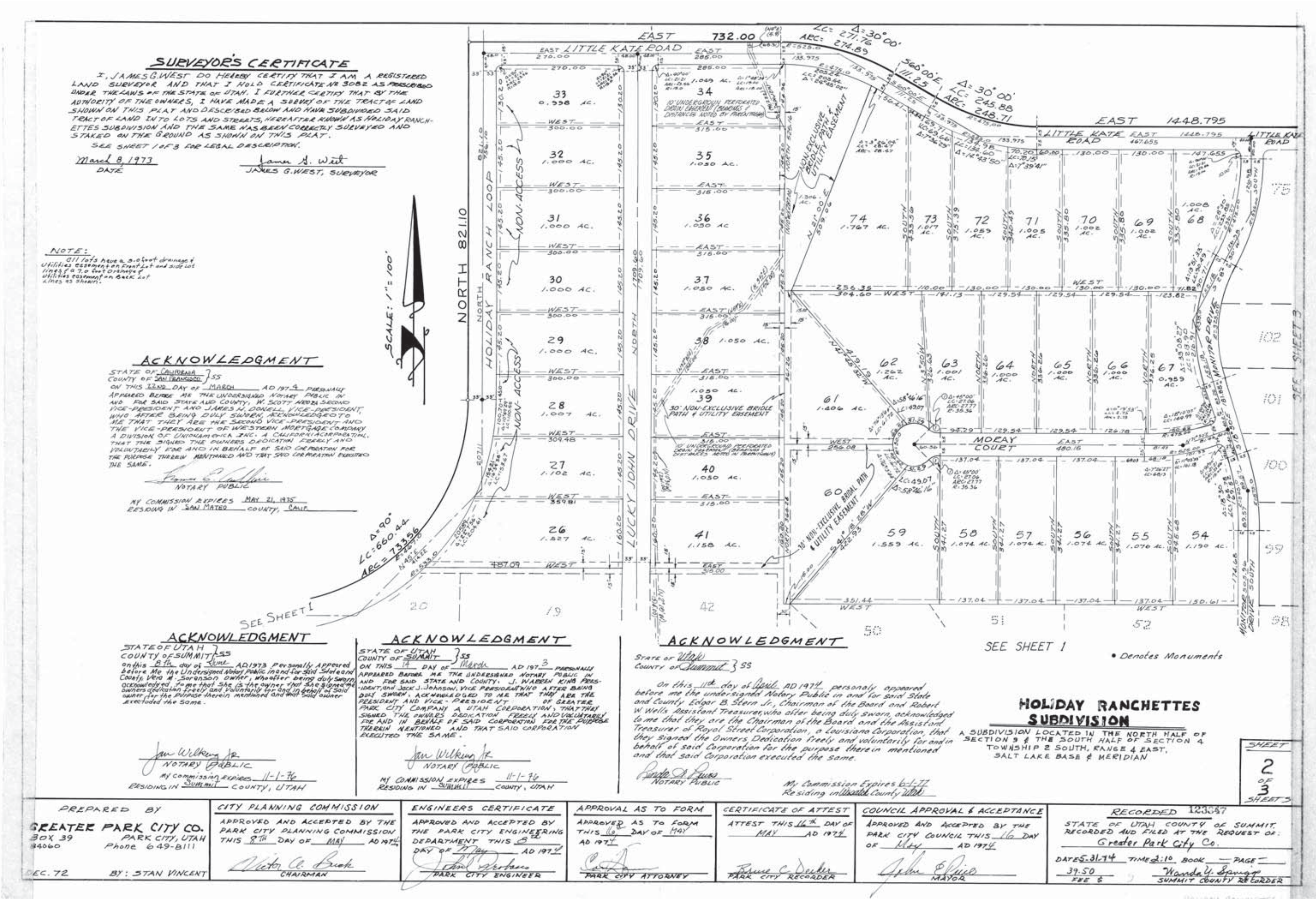
CUMMING RESIDENCE NEW GARAGE
LOTS #30 & 31 LUCKY JOHN DRIVE, PARK CITY, UTAH

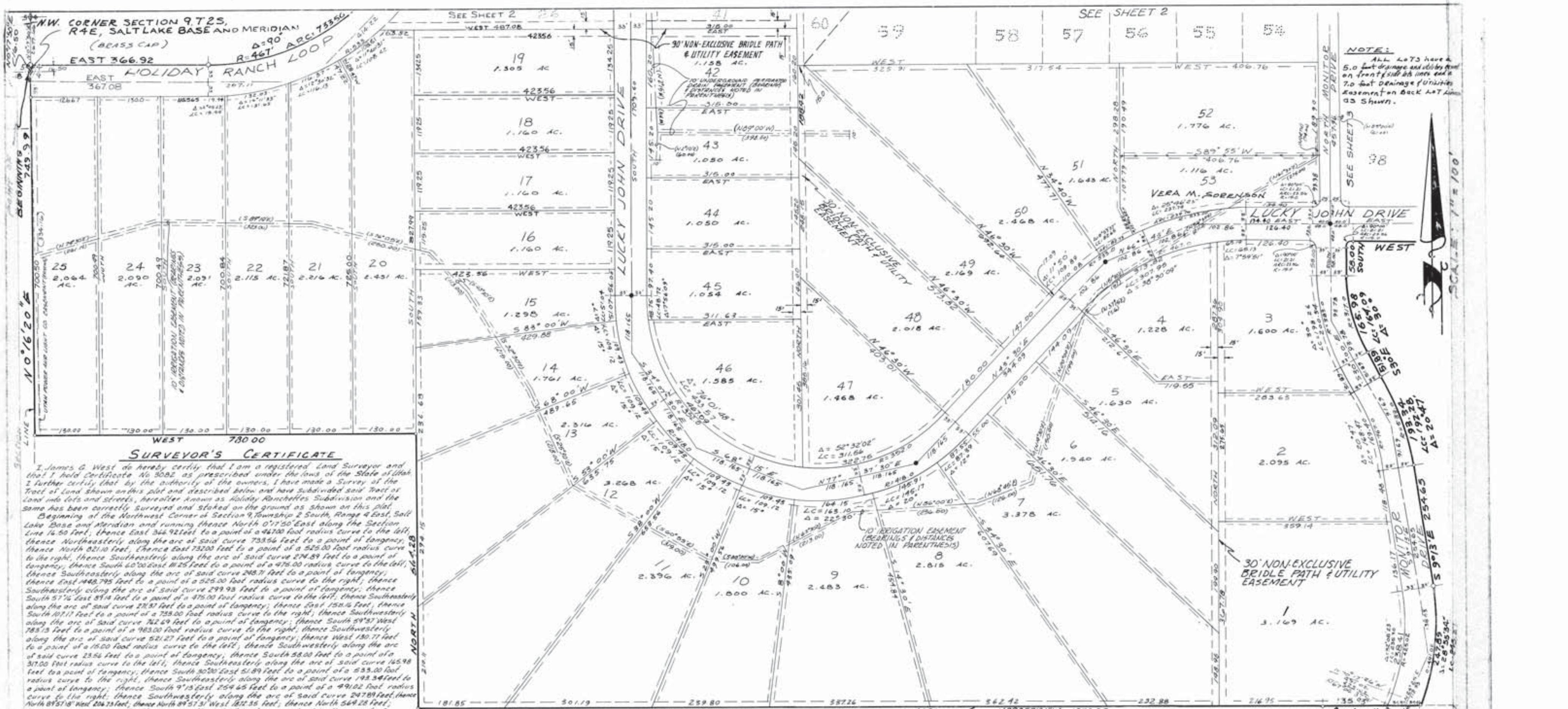
MJSA

SITE PLAN
EXISTING CONDITIONS
SCALE 1"=20'-0"

C-0

EXHIBIT C


SURVEYOR'S CERTIFICATE
I, JAMES G. WEST DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO 3082 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER KNOWN AS HOLIDAY RANCHETTES SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.
SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.
March 8, 1973
DATE
JAMES G. WEST, SURVEYOR
NOTE:
All lots have a 5.0 foot drainage & utilities easement on Front Lot and side lot lines & a 7.0 foot drainage & utilities easement on Back Lot Lines as shown.
SCALE: 1" = 100'
ACKNOWLEDGMENT
STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO } SS
ON THIS 22ND DAY OF MARCH AD 1974 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, W. SCOTT HEDGES SECOND VICE-PRESIDENT AND JAMES H. CONELL, VICE-PRESIDENT, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY ARE THE SECOND VICE-PRESIDENT AND THE VICE-PRESIDENT OF WESTERN MORTGAGE COMPANY A DIVISION OF UNIONAMERICA INC. A CALIFORNIA CORPORATION, THAT THE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 21, 1975
RESIDING IN SAN MATEO COUNTY, CALIF.
EAST 732.00
LITTLE KATE ROAD
EAST 1448.795
NORTH 821.10
HOLIDAY RANCH LOOP
LUCKY JOHN DRIVE
MORAY COURT
MONITOR DRIVE
NON-ACCESS
30' NON-EXCLUSIVE BRIDLE PATH & UTILITY EASEMENT
33 0.938 AC.
34
32 1.000 AC.
35 1.050 AC.
31 1.000 AC.
36 1.050 AC.
30 1.000 AC.
37 1.050 AC.
29 1.000 AC.
38 1.050 AC.
28 1.007 AC.
39 1.050 AC.
27 1.102 AC.
40 1.050 AC.
26 1.527 AC.
41 1.158 AC.
74 1.767 AC.
73 1.017 AC.
72 1.053 AC.
71 1.005 AC.
70 1.002 AC.
69 1.002 AC.
68 1.008 AC.
62 1.262 AC.
63 1.001 AC.
64 1.000 AC.
65 1.000 AC.
66 1.000 AC.
67 0.959 AC.
61 1.406 AC.
60
59 1.559 AC.
58 1.074 AC.
57 1.074 AC.
56 1.074 AC.
55 1.076 AC.
54 1.190 AC.
SEE SHEET 1
SEE SHEET 3
• Denotes Monuments
ACKNOWLEDGMENT
STATE OF UTAH
COUNTY OF SUMMIT } SS
On this 8th day of June AD 1973 Personally Appeared before Me the Undersigned Notary Public in and for Said State and County, Vera M. Sorenson owner, who after being duly sworn acknowledged to me that She is the owner that She signed the owners dedication freely and voluntarily for and in behalf of Said owner for the purpose therein mentioned and that Said owner executed the Same.
NOTARY PUBLIC
My commission expires 11-1-76
RESIDING IN Summit COUNTY, UTAH
ACKNOWLEDGMENT
STATE OF UTAH
COUNTY OF SUMMIT } SS
ON THIS 14 DAY OF March AD 1973 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY. J. WARREN KING PRESIDENT, and Jack J. Johnson, VICE PRESIDENT WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY ARE THE PRESIDENT AND VICE-PRESIDENT OF GREATER PARK CITY COMPANY A UTAH CORPORATION, THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.
NOTARY PUBLIC
MY COMMISSION EXPIRES 11-1-76
RESIDING IN SUMMIT COUNTY, UTAH
ACKNOWLEDGMENT
STATE OF Utah
County of Summit } SS
On this 11th day of April AD 1974 personally appeared before me the undersigned Notary Public in and for said State and County Edgar B. Stern Jr., Chairman of the Board and Robert W. Wells Assistant Treasurer, who after being duly sworn, acknowledged to me that they are the Chairman of the Board and the Assistant Treasurer of Royal Street Corporation, a Louisiana Corporation, that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said Corporation executed the same.
NOTARY PUBLIC
My Commission Expires 6-1-77
Residing in Wasatch County Utah
HOLIDAY RANCHETTES SUBDIVISION
A SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 9 & THE SOUTH HALF OF SECTION 4 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SHEET 2 OF 3 SHEETS
PREPARED BY
GREATER PARK CITY CO.
BOX 39 PARK CITY, UTAH 84060
Phone 649-8111
DEC. 72 BY: STAN VINCENT
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 8TH DAY OF MAY AD 1974
CHAIRMAN
ENGINEERS CERTIFICATE
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 8th DAY OF May AD 1974
PARK CITY ENGINEER
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 16 DAY OF MAY AD 1974
PARK CITY ATTORNEY
CERTIFICATE OF ATTEST
ATTEST THIS 16th DAY OF MAY AD 1974
PARK CITY RECORDER
COUNCIL APPROVAL & ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 16 DAY OF May AD 1974
MAYOR
RECORDED 123637
STATE OF UTAH COUNTY OF SUMMIT. RECORDED AND FILED AT THE REQUEST OF: Greater Park City Co.
DATE 5-31-74 TIME 2:10 BOOK — PAGE —
39.50
FEE $
SUMMIT COUNTY RECORDER



SURVEYOR'S CERTIFICATE

I, James G. West do hereby certify that I am a registered Land Surveyor and that I hold Certificate No 3082 as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners, I have made a Survey of the Tract of Land shown on this plat and described below and have subdivided said Tract of Land into lots and streets, hereafter known as Holiday Ranchettes Subdivision and the same has been correctly surveyed and staked on the ground as shown on this plat.

Beginning at the Northwest Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence North 0°17'50" East along the Section Line 16.50 feet; thence East 366.92 feet to a point of a 467.00 foot radius curve to the left; thence Northeasterly along the arc of said curve 733.56 feet to a point of tangency; thence North 821.10 feet; thence East 732.00 feet to a point of a 525.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 274.89 feet to a point of tangency; thence South 60°00' East 111.25 feet to a point of a 475.00 radius curve to the left; thence Southeasterly along the arc of said curve 248.71 feet to a point of tangency; thence East 1448.795 feet to a point of a 525.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 299.93 feet to a point of tangency; thence South 57°16' East 89.14 feet to a point of a 475.00 foot radius curve to the left; thence Southeasterly along the arc of said curve 271.37 feet to a point of tangency; thence East 158.16 feet; thence South 107.17 feet to a point of a 733.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 762.69 feet to a point of tangency; thence South 59°37' West 783.13 feet to a point of a 983.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 521.27 feet to a point of tangency; thence West 130.77 feet to a point of a 15.00 foot radius curve to the left; thence Southwesterly along the arc of said curve 23.56 feet to a point of tangency; thence South 58.00 feet to a point of a 317.00 foot radius curve to the left; thence Southeasterly along the arc of said curve 165.98 feet to a point of tangency; thence South 30°00' East 51.89 feet to a point of a 533.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 193.34 feet to a point of tangency; thence South 9°13' East 254.65 feet to a point of a 491.02 foot radius curve to the right; thence Southwesterly along the arc of said curve 247.89 feet; thence North 89°57'18" West 206.73 feet; thence North 89°57'31" West 1872.35 feet; thence North 564.28 feet; thence West 780.00 feet; thence North 0°16'20" East 749.99 feet to the point of begining. Contains 170.980 Acres.

March 8, 1973
Date

James G. West
James G West, Surveyor
License No. 3082

OWNERS DEDICATION

Know all men by these presents that we the undersigned owners of the herein described tract of land having caused same to be subdivided into lots and streets to be hereafter known as Holiday Ranchettes Subdivision do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have here unto set our hands this 11th day of April AD 1974.

WESTERN MORTGAGE CORPORATION A DIVISION OF UNIONAMERICA INC.
A CALIFORNIA CORPORATION

W. Scott Hroza — W. Scott Hroza, Second Vice President
James H. Donell — James H. Donell, Vice President

GREATER PARK CITY COMPANY
A UTAH CORPORATION

J. Warren King — J. Warren King, President
Jack J. Johnson — Jack J. Johnson, Vice President

ROYAL STREET CORPORATION
A LOUISIANA CORPORATION

Edgar B. Stern Jr — Edgar B. Stern Jr, Chairman of the Board
Robert W. Wells — Robert W Wells, Assistant Treasurer

VERA M SORENSON
OWNER
Vera M. Sorenson — Vera M Sorenson, Owner

ACKNOWLEDGMENT

State of Utah }
County of Summit } SS

On this 14 day of March AD 1973 personally appeared before me the undersigned Notary Public in and for said State and County, J Warren King President and Jack J. Johnson Vice President who after being duly sworn acknowledged to me that they are the President and Vice President of Greater Park City Company a Utah Corporation that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said Corporation executed the same.

[signature] Notary Public — My Commission Expires 11-1-76, Residing in Summit County, Utah

ACKNOWLEDGMENT

State of Utah }
County of Summit } SS

On this 8 day of June AD 1973 personally appeared before me the undersigned Notary Public in and for said State and County, Vera M Sorenson owner, who after being duly sworn acknowledged to me that she is the owner, and that she signed the Owners Dedication freely and voluntarily for the purpose therein mentioned and that said owner executed the same.

[signature] Notary Public — My Commission Expires 11-1-76, Residing in Summit County, Utah

ACKNOWLEDGMENT

State of Utah }
County of Summit } SS

On this 11th day of April AD 1974 personally appeared before me the undersigned Notary Public in and for said State and County Edgar B Stern Jr, Chairman of the Board, and Robert W Wells, Assistant Treasurer of Royal Street Corporation, a Louisiana Corporation, that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose there in mentioned and that said Corporation executed the same.

Linda D. Lewis — Notary Public — My Commission Expires 1-6-77, Residing in Orleans County, Utah

ACKNOWLEDGEMENT

State of California }
County of San Francisco } SS

On this 22nd day of March AD 1974 personally appeared before me the undersigned Notary Public in and for said State and County, W Scott Hroza Second Vice President and James H. Donell Vice President, who after being duly sworn, acknowledged to me that they are the Second Vice President and the Vice President of Western Mortgage Company a Division of Unionamerica Inc a California Corporation, that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said Corporation executed the same.

[signature] Notary Public — My Commission Expires May 21, 1975, Residing in San Mateo County, Calif.

HOLIDAY RANCHETTES SUBDIVISION

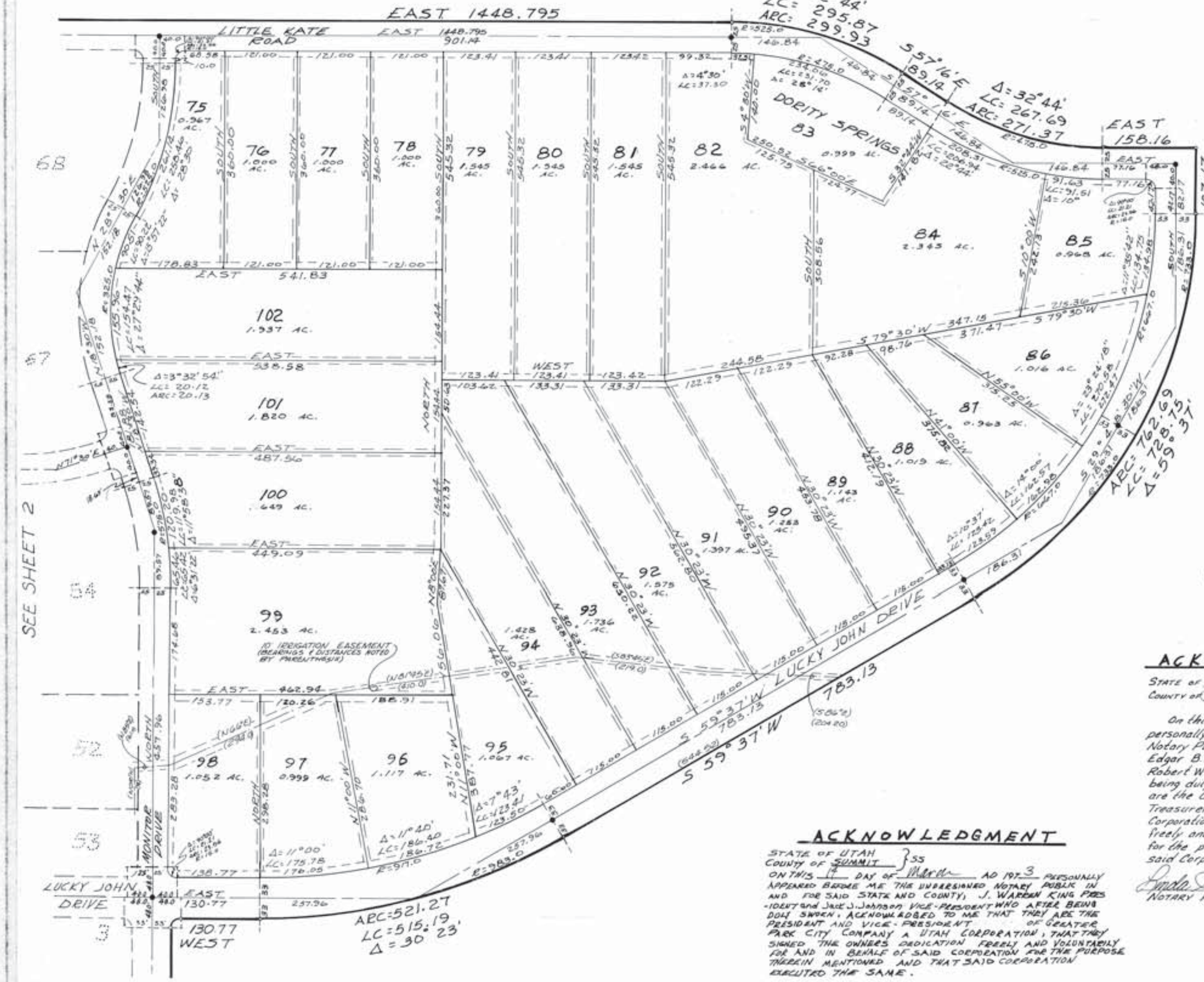
A Subdivision located in the North Half of Section 9, & the South Half of Section 4 Township 2 South Range 4 East, Salt Lake Base & Meridian

• Denotes Monuments

SHEET 1 OF 3 SHEETS

PREPARED BY	CITY PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL & ACCEPTANCE	RECORDED 123347
GREATER PARK CITY CO. Box 39, Park City, Utah 84060, Phone 649-8111. Dec. 72. By: Stan Vincent	Approved and accepted by the Park City Planning Commission this 8th day of May AD 1974. Victor A. Burk, Chairman	Approved and accepted by the Park City Engineering Department this 8th day of May AD 1974. John Grobase, Park City Engineer	Approved as to form this 16th day of May AD 1974. [signature], Park City Attorney	Attest this 16th day of May AD 1974. Bruce C. Decker, Park City Recorder	Approved and accepted by the Park City Council this 16 day of May AD 1974. John Elliot, Mayor	State of Utah County of Summit recorded and filed at the request of Greater Park City Company. Date 5.31.1974 Time 2:10 Book — Page —. 39.50 Fee $ A3. Wanda Y. Spriggs, Summit County Recorder

HOLIDAY RANCHETTES



SURVEYOR'S CERTIFICATE

I, JAMES G. WEST DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE Nº 3082 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER KNOWN AS HOLIDAY RANCH-ETTES SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.

March 8, 1973
DATE

James G. West
JAMES G. WEST, SURVEYOR

NOTE:

All Lots have a 5.0 foot drainage & Utilities Easement on Front lot lines & Side lot lines & a 7.0 foot Drainage & Utilities easement on Back Lot lines as Shown.

ACKNOWLEDGMENT

STATE OF California
COUNTY OF San Francisco } SS

On this 22nd day of MARCH AD 1974 personally appeared before me the undersigned Notary Public in and for said State and County, W. Scott Hrasa, second Vice-president and James H. Donell, Vice-president, who after being duly sworn, acknowledged to me that they are the Second Vice-president and the Vice-president of Western Mortage Company, a Division of Union America Inc. a California Corporation, that they signed the owner's Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said Corporation executed the same.

NOTARY PUBLIC

MY Commission Expires MAY 21, 1975
Residing in SAN MATEO county, CALIF

ACKNOWLEDGMENT

STATE OF Utah
COUNTY OF Summit } SS

On this 11th day of April AD 1974 personally appeared before me the undersigned Notary Public in and for said State and County Edgar B. Stern Jr., Chairman of the Board, and Robert W. Wells, Assistant Treasurer, who after being duly sworn, acknowledged to me that they are the Chairman of the Board and the Assistant Treasurer of Royal Street Corporation, a Louisiana Corporation, that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said Corporation executed the same.

Linda D. Ruiz
NOTARY PUBLIC

My Commission Expires 6-1-77
Residing in Wasatch County Utah

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT } SS

on this 8 day of June AD 1973 Personally Appeared before Me the Undersigned Notary Public in and for said State and County, Vera M. Sorenson owner, who after being duly sworn acknowledged to me that she is the owner that she signed the owners dedication freely and voluntarily for and in behalf of said owner for the purpose therein mentioned and that said owner executed the same.

Jan Wilking Jr
NOTARY PUBLIC

My Commission Expires 11-1-76
Residing in Summit County, UTAH

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT } SS

ON THIS 14 DAY OF March AD 1973 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, J. WARREN KING PRESIDENT and Jack J. Johnson VICE-PRESIDENT WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY ARE THE PRESIDENT AND VICE-PRESIDENT OF GREATER PARK CITY COMPANY A UTAH CORPORATION, THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

Jan Wilking Jr
NOTARY PUBLIC

MY COMMISSION EXPIRES 11-1-76
RESIDING IN SUMMIT COUNTY, UTAH

HOLIDAY RANCHETTES SUBDIVISION

A SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 9 & THE SOUTH HALF OF SECTION 4 TOWNSHIP 2 SOUTH RANGE 4 EAST SALT LAKE BASE & MERIDIAN

SHEET 3 OF 3 SHEETS

PREPARED BY	CITY PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL & ACCEPTANCE	RECORDED 123347
GREATER PARK CITY CO. BOX 39 PARK CITY, UTAH 84060 Phone 649-8111 DEC. 72 BY: STAN VINCENT	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 8TH DAY OF MAY AD 1974 Victor A. Buck CHAIRMAN	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 8th DAY OF May AD 1974 PARK CITY ENGINEER	APPROVED AS TO FORM THIS 16 DAY OF MAY AD 1974 PARK CITY ATTORNEY	ATTEST THIS 16th DAY OF MAY AD 1974 Bruce C. Decker PARK CITY RECORDER	APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 16 DAY OF May AD 1974 John E. Price MAYOR	STATE OF UTAH COUNTY OF SUMMIT. RECORDED AND FILED AT THE REQUEST OF. Greater Park City Co. DATE 5.31.74 TIME 2:10 BOOK — PAGE — 39.50 FEE $ Wanda Y. Spriggs SUMMIT COUNTY RECORDER

HOLIDAY RANCHETTES

SURVEYOR'S CERTIFICATE

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

6-17-'13

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Sanitary Sewer Manhole Elevation=6741.36'
2. See record of survey plat for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey completed on June 3, 2013.
5. Property corners were not set.

EXHIBIT D

(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS	STAFF: MARSHALL KING BLAKE MYERS HARRISON HOLLEY DATE: 6/17/13	TOPOGRAPHIC MAP 2519 LUCKY JOHN DRIVE REPLAT HOLIDAY RANCHETTES SUBDIVISION FOR: JOB NO.: 4-5-13 FILE: X:\ParkMeadows\dwg\srv\topo2013\040513.dwg	SHEET 1 OF 1


Little Kate Rd
Creek Dr
Meadow Creek Ct
Quaking Aspen C
Subject Property
Mountain Oak Ct
Red Maple Ct
White Pine Ct
Lucky John Dr
Moray Ct
Monitor Dr
Jupiter View Dr
RD
SF
SF
ROS
ROS
RDM
RDM
RD
RD

LOT 30 PANORAMA FROM LUCKY JOHN DRIVE

LOT 31 PANORAMA FROM LUCKY JOHN DRIVE

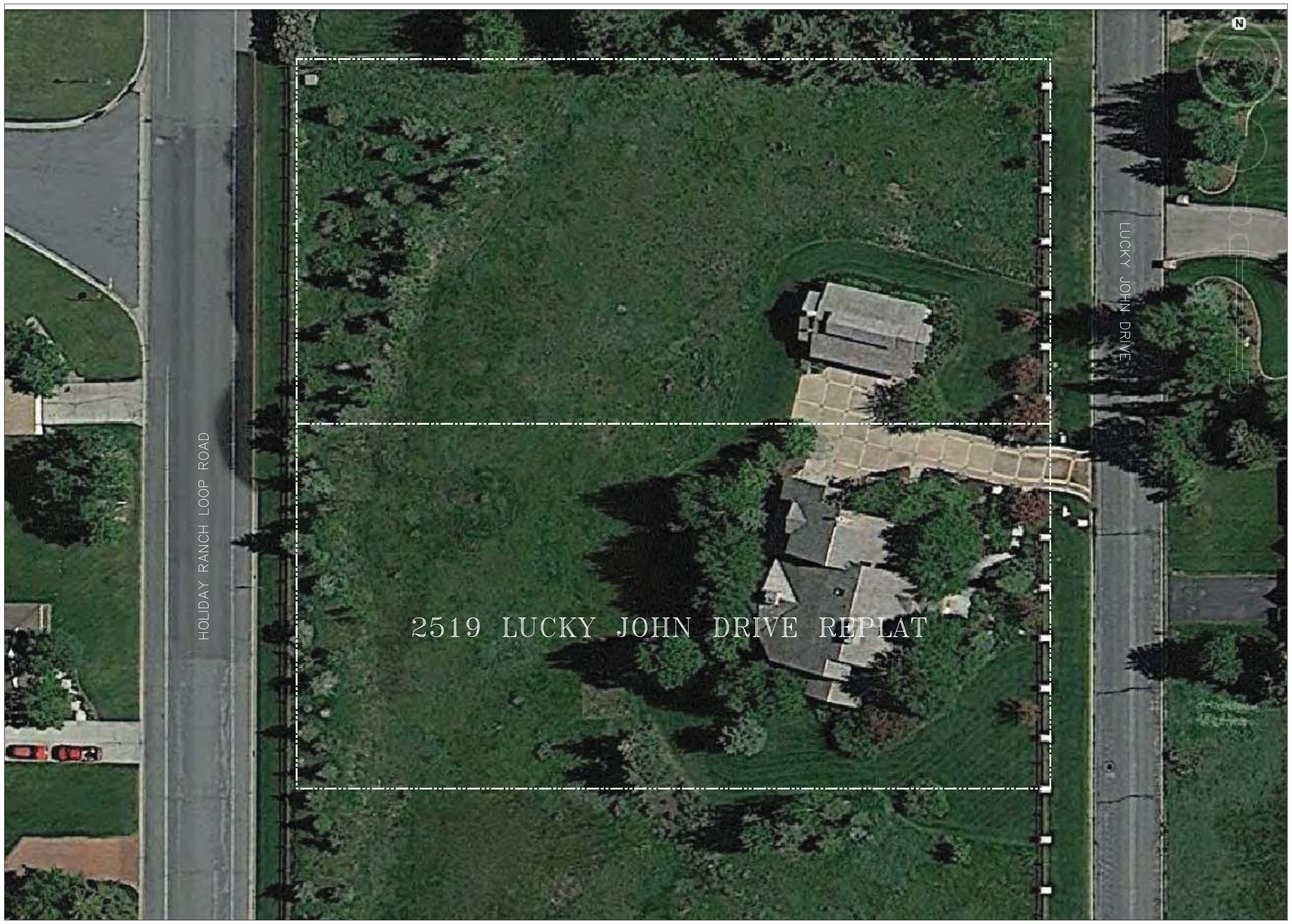
LOOKING SOUTH FROM HOLIDAY RANCH LOOP ROAD

LOOKING NORTH FROM HOLIDAY RANCH LOOP ROAD

LOT 30/31 HOLIDAY RANCHETTES

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

(435) 649-9467 Alliance Engineering Inc. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: STEVE SCHUELER DATE: 6/25/13	PANORAMA IMAGES LOTS 30 & 31 HOLIDAY RANCHETTES FOR: DAVID LANKOWSKY JOB NO.: 4-5-13 FILE: X:\Park Meadows\dwg\srv\plat 2013\040513.dwg	SHEET 1 OF 1

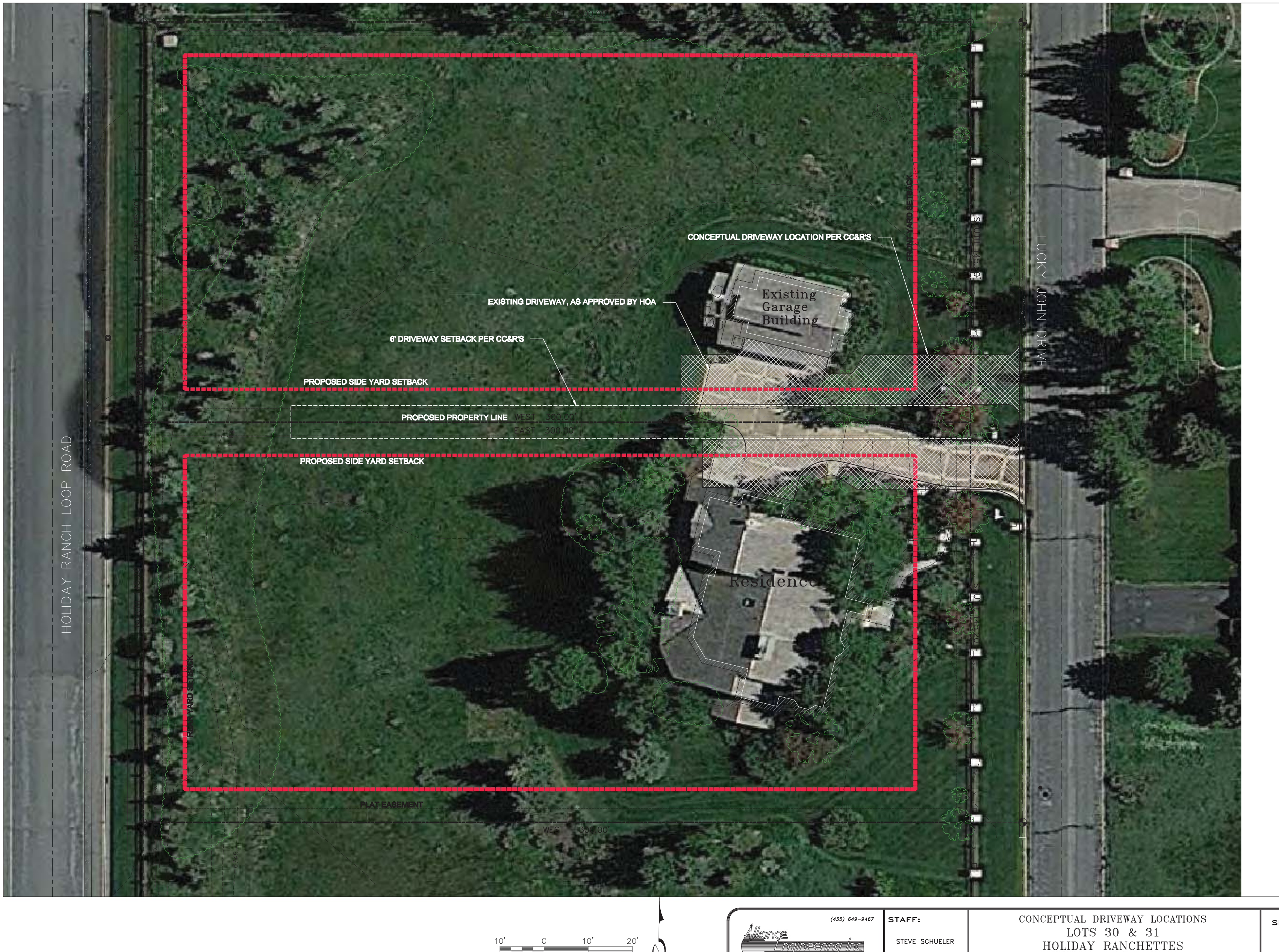


LOT 30/31 HOLIDAY RANCHETTES

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

10' 0 10' 20'

(435) 649-9467 Alliance Engineering Inc. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: STEVE SCHUELER DATE: 6/25/13	ORTHO-PHOTO LOTS 30 & 31 HOLIDAY RANCHETTES FOR: DAVID LANKOWSKY JOB NO.: 4-5-13 FILE: X:\Park Meaodws\dwg\srv\plat 2013\dwg\040513.dwg	SHEET 1 OF 1



(435) 649-9467 Alliance Engineering Inc. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: STEVE SCHUELER DATE: 9/30/13	CONCEPTUAL DRIVEWAY LOCATIONS LOTS 30 & 31 HOLIDAY RANCHETTES FOR: DAVID LANKOWSKY JOB NO.: 4-5-13 FILE: X:\Park Meaodws\dwg\lot 30+31\driveway exhibit.dwg	SHEET 1 OF 1

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 25, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney
==

The Planning Commission met in Work Session prior to the regular meeting. That discussion can be found in the Work Session Minutes dated September 25, 2013.

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Hontz, Strachan and Savage who were excused.

ADOPTION OF MINUTES

…

4. <u>Second Amended 2519 Lucky John Drive Replat – Plat Amendment</u> (Application PL-13-01980)

Planner Whetstone reviewed the application for a plat amendment to re-establish a line that recreates Lots 30 and 31 of the Holiday Ranchette Subdivision. In 1999 an Administrative lot line adjustment removed the lot line between the two lots and created a single lot of record. The new owners would like to re-establish these two lots within the Holiday Ranchette Subdivision. Each lot is approximately 42,560 square feet, which is similar to the lots in the Holiday Ranchette Subdivision.

The Staff believes there is good cause for the application. The proposed subdivision re-establishes the two lot configuration as platted. It would not increase the original overall density of the subdivision. All of the original drainage and utility easements were preserved in the previous amendments.

Planner Whetstone stated that the proposal meets the requirements of the Land Management Code and all future development would be reviewed for compliance with the Building and Land Management Code requirements. The Staff had recommended Condition of Approval #7 which requires the primary access to come off of Lucky John Drive to protect the new sidewalk that was constructed as a safe route along Holiday Ranch Loop. It would be a note recorded on the plat.

Planner Whetstone had received public input from several neighbors primarily related to various noticing requirements. She stated that the Staff had met the noticing requirements for a plat amendment by posting a sign on the property and sending letters to individual properties within 300 feet 14 days prior to this meeting. It was also legally published in the paper. Planner Whetstone noted that this item was continued at the last meeting because the required noticing had not been done.

Planner Whetstone added Condition of Approval #8 that would be a note on the plat. The Condition would read, "Existing grade for future development on Lot 31 shall be the grade that existed prior to construction of the garage." She understood that previous grading had raised the grade. The grade should be returned to the grade that existed prior to constructing the garage and the regarding that occurred at that time." Planner Whetstone noted that the survey with the original grade was on file in the Planning Department.

Planner Whetstone reported that the Planning Staff had done an analysis of this proposal and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the Lucky John plat amendment in accordance with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Condition #8.

Steve Schueler with Alliance Engineering, representing the applicant, stated that he was unaware of the owner's intention with respect to the lot, but he presumed that they planned to sell it.

Commissioner Gross commented on the primary access being limited to off of Lucky John Drive. He recalled past discussion about TDRs and increasing densities in areas such as Park Meadows, and he wanted to make sure they were not creating an opportunity for this applicant or a future applicant to re-subdivide the lot again. He noted that the HOA has it designated as preserved open space. Commissioner Gross referred to page 128 of the Staff report and stated out of 100 lots, two lots are slightly under an acre and the rest of the lots are over an acre. Fifty lots are two acres or more. He believed that established the type of neighborhood that Holiday Ranchette is, and he felt it was important to maintain that consistency.

Commissioner Gross stated that as a single-family development it should rest on its own merits, have its own driveways, the respective easements that have been established with the homeowners and the covenants that are within the property.

Chair Worel opened the public hearing.

Steve Swanson submitted a handout of diagrams showing the prior condition, the as-built condition, and the split lot option to help support his comments. Mr. Swanson remarked that many of the neighbors do not understand the process and he has done his best to help them understand the role of the Planning Commission and the Staff. Mr. Swanson addressed the idea of re-discovering a line that represents the demarcation between the original lots 30 and 31. He stated that it may be true to some extent, but to cover it up and then to have it magically sold back is worrisome. Mr. Swanson remarked that the lots have not existed since the plat amendment was recorded in 1999. He believed they were talking about a re-subdivision of an existing lot, and regardless of the size it was in their neighborhood. He thought the bar should be set higher than the original because there is now existing hard construction and other improvements on this lot, the 2519 Lucky John replat.

Mr. Swanson remarked that the subject property and how it has development over time is important in terms of its relation to the neighborhood, Lucky John Drive itself, and in the context of the review and approval process operative at the time in the Holiday Ranch HOA CC&Rs. He recognized that the City has no obligation to enforce the CC&Rs.

Mr. Swanson reviewed the diagram of the prior condition site plan, which showed the two lots, 30 and 31, as they existed in 1999 with a HR plat overlay. He indicated a two-story residence that was built within the building pad, a driveway to the north, and an accessory building pad that could accommodate a garage, barn, etc, directly to the west. Mr. Swanson stated that at that point the approved and constructed projects meet the HOA requirements and the requirements of the CC&Rs. There were also no inconsistencies with respect to the LMC regarding single-family dwellings for orderly development, protected neighborhood character, and property values conserved. Mr. Swanson stated that he likes to reference the Municipal Code because it is important to understand that the City has broad authority in subdivisions in terms of review approval and purview. The LMC and the General Plan is all the City has. Mr. Swanson cited specific sections in the LMC to show the consistency between the LMC and the CC&Rs.

Mr. Swanson reviewed the as-built site plan diagram. He stated that the 1999 replat removed the center line and the subdivision is established. The Cummings were the owners at the time and they purchased both lots with a structure on one lot. Mr. Swanson noted that the owner received a variance to build a larger accessory structure than what the building pad would accommodate. The pad did not meet their needs so they purchased the adjacent lot and did the replat to combine the lots. Mr. Swanson explained that his graphic was intended to show the relationship and how it has changed in terms of how open space is viewed and the types of uses on parcels. He stated that the variance process that was affected at the time with the HOA architectural committee and the full knowledge of the HOA Board would have resulted in a larger garage being built to the north and it was placed within the building pad that was allotted to the second lot for a main building. Mr. Swanson remarked that in reality the owner was forever vacating the pad to the west. That change was shown on his diagram. He noted that the strip in between was open space. He remarked that the owner was also granted a variance to realign the entry drive and take a portion of the open space side yard. That was shown as a hatched area on the diagram. Mr. Swanson stated that based on the CC&Rs, a portion would have to remain open with no structures and no hard surfaces.

Mr. Swanson clarified that it was the HOA architectural committee and not the City who granted the variance. He explained that the hatched area was given back to the owner to utilize as a driveway surface for the single-family use with the approved accessory building at the new location. Mr. Swanson stated that it is routine and common for the HOA to work with the owners within the confines of the charter and the CC&Rs. He pointed out that the garage was raised up three to four feet from grade. Mr. Swanson remarked that there were still no conflicts or inconsistencies between the CC&Rs and the Land Management Code.

Mr. Swanson reviewed the slit option diagram. He stated that if the replat is successful and the two lots are re-created, it would create immediate non-conformances with respect to the Holiday Ranch CC&Rs and the LMC. Mr. Swanson outlined the non-conforming aspects. He stated that if the building is allowed to remain it would be under the minimum that is acceptable under the CC&Rs. The side yard open space is in conflict because hard drive surfaces would be needed to access the two parcels. A common driveway would create a conflict and a potential hardship for one or both owners. Mr. Swanson believed that it violated the LMC because the required three-foot landscape setback would no longer exist on either property, contrary to the Side Yard Exception 15-2-11H-8 of the LMC.

Mr. Swanson stated that orderly development was in question since the applicant is apparently not required to do anything to mitigate, and could initiate legal cross easements for the drive access. The owner could market, sell or hold these properties as he is equally entitled to now, but with the new underlying land being recorded as two lots. Mr. Swanson stated that the neighbors have seen firsthand what has happened to this property in a year's time. He presented a photo of what the property looked like a few years ago. It was meticulously maintained. The owner after the Cummings' recognized the value of the property and the neighborhood and was eager to contribute.

Mr. Swanson presented a photo showing the condition of the property in July 2013. He noted that the current owner took a disinterested stance on this property. Based on public record, he understood that the owner had leveraged the property and had no interest in contributing to the neighborhood or interacting with the neighbors and the HOA. Mr. Swanson believed it was only a question of solving the building addition to the existing garage, which creates an architectural problem for the HOA. He thought it was obvious that the house and garage go together. Mr. Swanson stated that there were too many negatives and unknowns to take a chance on this application. Because of the non-enforcement of CC&Rs clause and the City's broad powers, the HOA is left with created hardship and non-conformances on other issues that should have been dealt with first. He asked that the Planning Commission not take the Holiday Ranch neighbors down that path. Just because something can be done does not mean it should be done. He stated that the neighborhood is 80% full-time residents and many families. The property is inherently valuable because it has open view sheds and wildlife habitat corridors, as well as a strong and beautiful street presence.

Mr. Swanson believed the application should be rejected on its face and a recommendation to the City Council to deny this action. Short of this, he would ask the Planning Commission to continue in order to consider additional conditions of approval, one of which would be the signature and approval of the surrounding neighbors and owners.

Chair Worel asked Mr. Swanson if his comments were made on behalf of himself as an individual or on behalf of the HOA. Mr. Swanson replied that he spoke on behalf of himself as a resident.

Eric Lee, Legal Counsel for the Holiday Ranch HOA. Mr. Lee believed the City had the opportunity to keep the two parties out of litigation. He understood that the City had a policy of not enforcing CC&Rs; however, the CCRs in this case prohibited re-subdividing lots. As demonstrated by Mr. Swanson a quid pro quo negotiation was engaged fourteen years ago that resulted in the lot line adjustment. He stated that there may be room for negotiation now, but the Nevada Limited Liability Company that owns this property has not approached the Homeowners Association despite communication from him requesting communication on this issue. They have not approached the HOA for approval to re-subdivide the lot, despite the fact that the CC&Rs require that approval, or on anything other matter. It is an absentee owner. If they are willing to communicate with the HOA there may be the potential to work something out. If not, it would end up in litigation.

Mr. Lee requested that the Planning Commission do what was administratively done in 1999 when the City considered the neighborhood's position and obtained neighborhood consent for the lot line adjustment in 1999. His position was that the owner should not be bothering the City with this issue until they receive permission from the HOA. Mr. Lee believed a negative recommendation to the City Council would allow the owner and the HOA to try and work together.

Mr. Lee stated that forwarding a negative recommendation or deferring consideration of this application would serve another purpose. The declaration for the subdivision also precludes altering any improvements or landscaping without prior written approval from the architectural committee. He pointed out that a re-subdivision would require the lot owner to alter improvements in landscaping. If the Planning Commission forwards a positive recommendation and the City ultimately allows this re-subdivision, the City would be creating a hardship argument for this owner to take to the HOA, and it changes the balance in an unfair way.

After reading the Staff report, Mr. Lee had concerns with Findings of Fact #6 which states that, "There is an existing home on Lot 30 that was built within the required setback areas and is considered a non-conforming structure." He was unclear on the meaning and asked for clarification. However, if it means that subdividing the lot would create a setback problem, the Planning Commission needs to consider that issue.

Planner Whetstone noted that word "non-conforming" was an error in the Finding because the structure is conforming and the house on Lot 30 meets the setbacks. Mr. Lee clarified that if the subdivision occurred the home on Lot 30 would be at least 12 feet from the side yard. Planner Whetstone replied that this was correct.

Mr. Lee understood that if the subdivision was allowed, an accessory structure would exist on Lot 31. As pointed out in the Staff report, accessory structures are allowed in this District as long as the setback requirements. However, in his reading of the Code, an accessory structure is not allowed without a primary structure. Mr. Lee stated that creating the subdivision would create a lot with an accessory structure without a primary structure. The City would create that situation if the subdivision was approved.

Mary Olszewski, a resident of Holiday Ranch, thanked the Planning Commission for the job the do for the City. She stated the CC&Rs is their bible that has been enforced for 37 years. It is something they do not ignore. She stated that in standing by the CC&Rs they improve their neighborhood and contribute to the City. Ms. Olszewski remarked that historically they have a relationship with the City in that plans and designs are reviewed by the architectural committee and suggestions are made, and the plans ultimately come to the City for approval. She stated that in 1999 the Cummings came to the HOA and submitted a formal application and received letters for a variance from all the neighbors. In this instance they have been circumvented as a Board in the Holiday Ranch. A formal application was not made and no letters for a variance have been submitted from the applicant. Ms. Olszewski stated that the 1999 decision was predicated on this being one lot and a desire to help the homeowner. It seems whimsical that a homeowner can combine lots and then divide lots and leave the neighbors with a set of problems after they did their best to make everything work in the neighborhood. Mr. Olszewski stated that if the applicant is allowed to circumvent the Board, the HOA and the letters of acceptance, it weakens the CC&Rs and makes the Board moot in the neighborhood. She asked the Planning Commission to consider that in making their decision. The stronger the CC&Rs, the more valuable the property is and the greater contribution it makes to the City.

Mary Wintzer, a resident at 320 McHenry, disclosed that she is married to Planning Commissioner Charlie Wintzer. Ms. Wintzer realized that the Planning Commission was in a predicament with the policy of not being able to enforce the CC&Rs. As an Old Town resident she has spoken for years about the neighborhoods in Old Town that are being injured and how they are unable to get help from the City Council and enforcement from the Planning Commission. Ms. Wintzer noted that later this evening the Planning Commission would be discussing the General Plan and Sense of Community. She stated that what has been occurring in Old Town is now hitting Holiday Ranch. This community of full time-residents was asking the City to help uphold their sense of community. Ms. Wintzer remarked that if helping these citizens was not within their purview this evening, the Planning Commission needed to find a way to bring this into the discussion. She compared it to the domino effect. What has been happening in Old Town was now rippling to Holiday Ranch to Prospector and Thaynes, as a result of not paying attention to Sense of Community and what Park City means. Ms. Wintzer suggested that the Planning Commission and the City Council figure out a way of maintaining the sense of community the citizens were asking for.

Tracy Sheinberg, a neighbor, stated that when the current owner went to purchase the property, the real estate agent specifically told him that he could not split the lot. She was bothered by the fact that the owner had that information before he purchased the lot. She was also concerned because the owner has never lived in Park City and she assumed they did not plan to live there. They have never been a part of the community, yet they want to do something that is not allowed and would affect the neighborhood. As a neighbor, Ms. Sheinberg was concerned because the owner has let the property go into disarray. The driveway and the fence were falling apart and no one is taking care of the property. The owner now wants to split the lot and sell it as two lots. No one knows who the owner is because they never talked to the neighbors or met with the HOA. Ms. Sheinberg understood that there was no legal standing, but she thought the Planning Commission should take those factors into consideration because as a neighborhood they do care what happens to the houses and properties in their neighborhood.

Bonnie Peretti stated that she lives in the neighborhood in a home across the street and she was involved when the lots were combined under the assumption that they would not be separate. She was concerned with the term accessory apartment. Ms. Peretti noted that the owners have to refer to all accessory structures as a barn, even though some of the barns look like garages. Accessory structures were meant to accommodate horses at one point, and even now it still has to have the feeling of a barn. Accessory structures are not allowed to be rented or lived in. Ms. Peretti remarked that if the lots are split one lot would have a structure that is not a home. She wanted to know how the City could guarantee that the structure would stay under the terms of the CC&Rs. If they allow the lots to be divided they need to protect the neighbors. Ms. Peretti felt it was best to keep the property as one lot in the way everyone understood it would be.

Peter Marsh echoed the comments of the previous speakers who have been his neighbors for 25 years. Mr. Marsh stated that he was involved in the 1999 discussions and he was available to answer any questions the Commissioners might have regarding the combinations of the lots, or any questions for the HOA as the HOA spokesperson.

Chair Worel closed the public hearing.

Mr. Schueler pointed out that the definitions of the CC&Rs of the HOA states that there should be no subdivision of lots. However, the lots referred to are the lots that were in the original platted subdivision. He clarified that the applicant was only asking to re-create the lots that existed when the subdivision was recorded as a plat in 1974. Mr. Schueler remarked that the applicant was not seeking an active proposal for development of the property at this time. He was certain that when there is a proposal, the applicant would come before the HOA and comply with the CC&Rs.

Planner Whetstone referred to comments regarding the 3' side setback of landscaping between the driveways. She noted that it could be considered a shared driveway, which is allowed; but without knowing that for certain she recommended adding Condition of Approval #9 stating that, "The driveway and landscaping must be modified to meet the 3' side yard setback prior to recordation of the plat."

Assistant City Attorney McLean emphasized that the City does not enforce CC&Rs. The Planning Commission purview is to apply the Land Management Code to the application before them. Even if the LMC is in direct conflict with the CC&Rs, the Planning Commission is tasked with applying the Land Management Code and not additional private covenants. Litigation can be a way to enforce the CC&Rs but that would be between the HOA and the applicant. The City must abide by the Land Management Code.

Commissioner Thomas understood that the Homeowners Association was registered with the City and signatures from the HOA are required when building plans are submitted. Assistant City Attorney McLean explained that the City is required to notify the HOA when building plans are submitted.

Assistant City Attorney McLean clarified that in 1999 and currently, an administrative lot line adjustment requires the consent of the neighbors, but the only purpose is to alleviate the need for having a public hearing before the Planning Commission. If the neighbors had not consented in 1999 the request for a lot line adjustment would have come to the Planning Commission.

Commissioner Wintzer stated that it is one thing to enforce the Code and another thing to ensure neighborhoods, and he was unsure how they could do both in this situation. Subdividing this property would create a non-conforming use, not of the LMC but of the CC&Rs. The structure that would be left is not an accessory building and is not large enough to meet requirements of the

CC&Rs for a house. Commissioner Wintzer did not believe the Planning Commission had the legal means to stop the lot subdivision.
Commissioner Thomas concurred with Commissioner Wintzer. Often times they run into the decision-making process of having to abide by the Code even when they do not like the solution. Unfortunately, the CC&Rs and the HOA guidelines and rules are not the responsibility of the Planning Commission. Their responsibility is the LMC and the General Plan and from time to time they have to make decisions that impact people and neighborhoods. The Commissioners do not like that solution but it is the law and they are held accountable to the law.

Commissioner Gross was concerned that allowing the subdivision would be setting up the neighbors and the homeowners for future litigation and other issues because of the accessory structure and the driveway. He referred to LMC Section 15-7-3(b)-2 – Private Provisions, which talks about the provisions of the easement, covenants or private agreements or restrictions impose obligations more restrictive or a higher standard than the requirements of these regulations or the conditions of the Planning Commission, City Council or municipality approving a subdivision or enforcing these regulations and such provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Based on that language, Commissioner Gross believed that if the Homeowners Association had a stronger will to have the neighborhood a certain way than the City or the City Council, then the operative word is private rights and that should be respected per Section 15-7-(b)-2.

Assistant City Attorney McLean stated that if the LMC was more restrictive that the CC&Rs, the more restrictive would apply. However, if it is a private agreement and it is not reflected on the plat, the City would not enforce it. It is up to the HOA to enforce their provisions if they are more restrictive than the LMC.

Commissioner Wintzer asked for clarification on the side yard setback in the zone and what was permitted in the setback. Planner Whetstone replied that per the LMC the side yard setback is 12' and it allows patios, decks, chimneys, window wells, roof overhangs and driveways. Commissioner Wintzer asked if the driveways could go to the property line. Director Eddington stated that driveways could be 3' from the property line or 1' from the property line if it is deemed as assistance to help a car back in or out. Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code.

MOTION: Commissioner Wintzer moved to CONTINUE this item to a date uncertain until the applicant submits a site plan showing how the setbacks and driveways would comply with Code, and they would also have to submit their plans to the Homeowners Association. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

5. <u>70 Chambers Avenue – Steep Slope Conditional Use Permit</u>
(Application PL-13-01939)

JONES WALDO
Attorneys Est. 1875

TEL: 435-200-0085
FAX: 435-200-0084

1441 WEST UTE BLVD, SUITE 330
PARK CITY, UTAH 84098

WWW.JONESWALDO.COM

AFFILIATED FIRM
LEAR & LEAR LLP

August 27, 2013

VIA U.S. MAIL AND E-MAIL

Mr. Thomas Eddington, Director
Park City Planning Department
thomas.eddington@parkcity.org
P.O. Box 1480
Park City, Utah 84060

Re: 2519 Lucky John Drive – Plat Amendment Application

Dear Mr. Eddington:

I represent the Holiday Ranch Homeowners Association. The property at 2519 Lucky John Drive (the "Property") is a parcel comprised of two lots in the Holiday Ranch subdivision, Lots 30 and 31. These lots were combined by a lot line adjustment and plat amendment in August 1999.

We have not yet seen all of the documents pertaining to the Application, but our understanding is that the owner of the Property, a Nevada limited liability company known as Costa Rican Ventures, LLC (the "Owner"), is requesting permission to resubdivide the Property. The Association opposes the Application on these grounds:

1. **The Holiday Ranch Declaration prohibits resubdivision of lots.** Section 5.5 of the "Declaration of Protective Covenants for Holiday Ranchettes" (the "Declaration") bars resubdivision of Holiday Ranch lots. Declaration Section 4.3 authorizes the Association's Architectural Committee to grant a variance from the resubdivision ban but the Owner has not requested such a variance. In fact, the Owner has made no effort to communicate with the Association regarding the proposed resubdivision. We recognize that the City does not enforce subdivision covenants but we ask that the City take this resubdivision ban into consideration as it considers the Application.

2. **The Owner has not communicated with the Association regarding alterations to existing improvements and landscaping that will be made necessary by any resubdivision.** Section 4.2 of the Declaration precludes altering any improvements or landscaping without prior written approval from the Architectural Committee. Implementing the proposed resubdivision will necessarily require altering existing improvements and landscaping, including trees and shrubs, a fence, driveway and, presumably, the separate garage building. If the Application is approved and the property is resubdivided, the Owner will be in a position to argue that it has no option but to alter these existing improvements. In other words, approving the Application will effectively create a hardship argument that the Owner currently does not have. At a minimum, the Association requests that the City defer consideration of the Application until after the Owner receives approval from the Architectural Committee to make the alterations that the Owner believes will be required after resubdivision.

3. **The owner should not be able to take advantage of raised grade created when the lots were combined.** After the lots were combined in 1999, existing grade on Lot 31 was raised substantially to facilitate construction of a barn/garage on the lot and a common driveway with Lot 30. See attached "Existing Conditions" and "New Conditions" Site Plans. Any resubdivision of the lots should be conditioned on restoring the artificially elevated grade to its original level to ensure that the residential structure that will presumably be built on Lot 31 does not enjoy a *de facto* increase in the height limit imposed by both the Declaration and the Park City Land Management Code.

If we can provide any other information in support of your review of the Application, please let us know. We appreciate your attention to this matter.

Yours truly,

Jones, Waldo, Holbrook & McDonough, PC

Eric P. Lee

EPL/nar
Enclosures
cc: Holiday Ranch Homeowners Association

1129904 1

EXHIBIT H

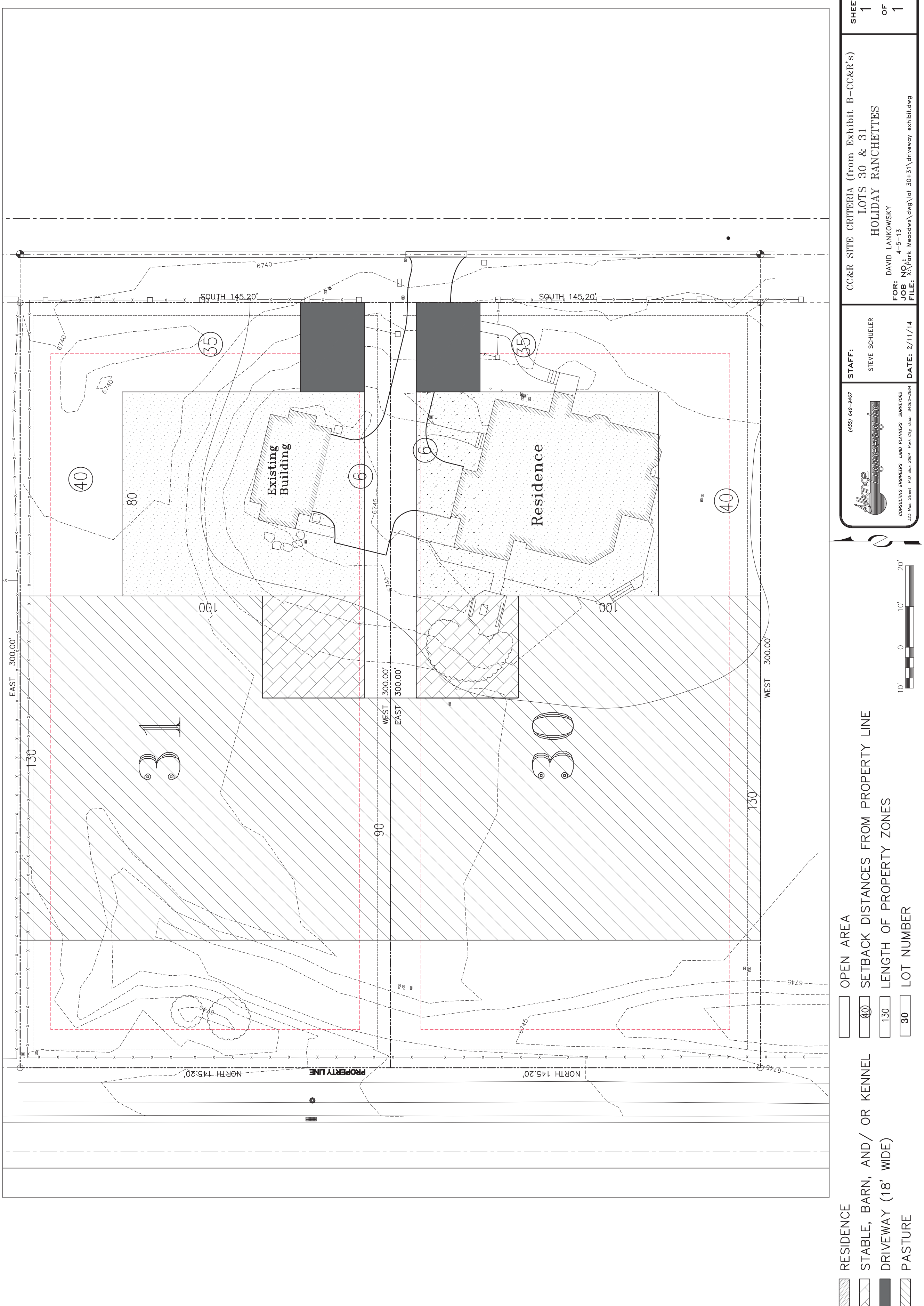

SOUTH 145.20'
SOUTH 145.20'
Existing Building
Residence
EAST 300.00'
WEST 300.00'
EAST 300.00'
WEST 300.00'
31
30
NORTH 145.20'
NORTH 145.20'
PROPERTY LINE
RESIDENCE
STABLE, BARN, AND/ OR KENNEL
DRIVEWAY (18' WIDE)
PASTURE
OPEN AREA
SETBACK DISTANCES FROM PROPERTY LINE
LENGTH OF PROPERTY ZONES
LOT NUMBER
CC&R SITE CRITERIA (from Exhibit B-CC&R's)
LOTS 30 & 31
HOLIDAY RANCHETTES
FOR: DAVID LANKOWSKY
JOB NO: 4-5-13
FILE: X:\Park Meadows\dwg\lot 30+31\driveway exhibit.dwg
STAFF: STEVE SCHUELER
DATE: 2/11/14
SHEET 1 OF 1
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

EXHIBIT I

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

Feb 24, 2014

Paul Marsh
Holiday Ranch Homeowners Association
Park City, Utah 84060

Dear Paul,

Please find this submittal to the Holiday Ranch HOA regarding the re-establishment of the platted lot line between Lots 30 and 31. I appreciate the opportunity to have met last week at the Park City Planning offices to clarify the position of the Holiday Ranch HOA with respect to this plat amendment application. Let me also take this opportunity to apologize for the timeliness of this submittal to you and the other Board members. I had delivered a plat amendment sheet to an HOA member back in July 2013, but in hindsight, I should have made a more formal submittal, brought the HOA Board a more comprehensive set of exhibits and made myself available to address any concerns you have. I apologize for that oversight.

Dr. David Lanzkowsky is the owner of both the Lot 30 and Lot 31 properties. I am speaking on his behalf and representing this plat amendment application. Dr. Lanzkowsky seeks to re-establish the lot line between the two lots, which was removed in 1999. As you are aware Lots 30 and 31 existed as two separate platted lots from 1974 to 1999. We recognize your concerns with respect to how this plat amendment may affect compliance with the Holiday Ranches CC+R's. I hope we can ameliorate those concerns with this submittal and the following proposal:

1. As the owner of these lots, Dr. Lanzkowsky proposes to keep the existing layout of buildings, driveway, and landscape (the site plan), the same as currently exists. We understand that a variance was granted for this site plan back when the lots were combined in 1999. We feel as though keeping things "as they are" will represent the least visual impact to the neighborhood, and residents can enjoy the exact same views of the properties they have enjoyed for the past 15 years. This option would also comply with the Park City Land Management Code.
   Dr. Lanzkowsky has explored the possibility of moving the Lot 31 accessory building over, and adjacent to the residence on lot 30, in addition to removing the heated driveway that would cross the lot line. Moving the accessory building is estimated to costs around $50,000, based upon proposals from contractors. It would entail construction of a new foundation, moving the structure to the new foundation, re-building any damaged facades, and then removing and disposing of the old foundation to a landfill. By anyone's standards it would be costly, disruptive to the neighborhood and not a particularly "green thing" to do. Re-establishing the lot line

RECEIVED
FEB 24 2014
PARK CITY PLANNING DEPT.

323 Main Street P.O. Box 2664 Park City, Utah 84060 435-649-9467 FAX 435-649-9475

between the two lots will have no visual impact on the properties, and notwithstanding any CC+R issues associated with property and landscape maintenance, nothing is proposed to be added or taken away that would alter the visual character. Leaving the driveway "as is" serves to provide the visual connection between all the buildings and reinforces the appearance of an integrated estate or compound. No fences or walls between the two lots are proposed to be constructed and would not be done so, without review and approval by the Architectural Board.

2. Dr. Lanzkowsky has indicated to me that he is looking to retain ownership in the long-term. On the order of five years. But we all recognize that things do change. In the event of a sale of either property, Dr. Lanzkowsky would propose to make the properties compliant with your CC+R's. This would mean re-building the driveway to the Lot 30 residence so that it does not cross the property line. The accessory building on Lot 31 would either have to move, be torn down or incorporated into a new residence. Presumably a new owner of Lot 31 would wish to determine the best solution for him/ her in conjunction with working with the Architectural Board. The goal would be to not get into a situation where Lot 31 is sold and the accessory building is left for an indeterminate length of time on the lot. Or Lot 30 is sold and the new owner puts up a fence or changes the driveway such that the accessory building appears to be isolated on Lot 31. We wish to avoid those, and similar, scenarios. I would welcome the opportunity to discuss with the HOA as to how best to create an agreement which works in everyone's interest.

I am attaching the plat amendment exhibits we submitted as part of the application along with other exhibits that may be of value to you and the Board in your deliberations.

We have agreed to postpone our Planning Commission meeting until March 12th to allow time for your consideration of this proposal. If I can be of further assistance, or make myself available to your board please let me know, ideally a day in advance.

Sincerely,

ALLIANCE ENGINEERING
Steve Schueler
Land Use Planner

cc. Kirsten Whetstone, Park City Planning Department, letter only

MOTION: Commissioner Strachan moved to nominate Nann Worel as Chair of the Planning Commission and Stewart Gross as Vice-Chair. Clay Stuard seconded the motion.

VOTE: The motion passed unanimously.

2. <u>2519 Lucky John Drive – Plat Amendment</u>
(Application PL-13-010980)

Planner Whetstone reviewed the request to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision as they were platted in the 1980's. She stated that in 1999 a lot line adjustment to combine the two lots into one two acre lot was approved through an administrative hearing process. The owner at that time constructed an accessory building and created a wider driveway to access the structure. The current owner would like to re-establish the lot. However, at this time they have no plans to build a new house or make changes to the driveway or access.

Planner Whetstone noted that the owner hired Alliance Engineering to submit the plat and request a plat amendment. The property was posted and notices were sent to property owners within 300 feet. A public hearing was held in the Fall of 2013 and the HOA attended in mass. The HOA requested to meet with the owner to express their concerns and the Planning Commission continued the application to a date uncertain to allow the owners to meet with the HOA to address some of the issues. The owners met with the HOA and the application was back before the Planning Commission. The HOA was not opposed to the plat amendment to re-establish the lot, but they wanted an agreement with the owners to make sure that when they build or make changes to the driveway access that it meets the CC&Rs.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council to allow the two lots to be re-established with the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance. Planner Whetstone stated that the notes that were recommended as conditions of approval had not been added to the plat, but they would be included prior to recordation.

Planner Whetstone remarked that the CC&R issues were not enforceable by the Planning Department or the Planning Commission. However, any conditions that everyone agreed to could be added on the plat.

Steve Schueler, representing the applicant, stated that when this application was presented to the Planning Commission in September there were issues relative to the HOA. Since then he has met with Steve Swanson and the HOA several times, and most recently with Paul Marsh, the HOA President. Mr. Schueler understood that the HOA did not intend to oppose the proposed plat this evening, but they wanted an agreement with the owner regarding the future condition of the property to make sure any plans would meet the CC&Rs prior to approval by the City Council.

Chair Worel referred to a letter from Steve Schueler dated February 24th that was included in the Staff report, but she did not see a response from the HOA. Planner Whetstone replied that she had not received a response from the HOA. Mr. Schueler stated that he had received a response which prompted the meeting with Mr. Marsh and Steve Swanson yesterday relative to resolving the issues and concerns. Mr. Schueler clarified that for now the current owner intends to keep the property in its existing condition since it has been that way since 1999, and he has no plans to sell the property for several years. The HOA wanted to make sure that if the owner ever sells the property or makes any improvements to the property that he would follow the process of meeting with the HOA architectural committee for compliance with the CC&Rs or any variances.

Planner Whetstone clarified that the reference to variances are only variances to the CC&Rs. The plat amendment as proposed would not create any non-conforming issues with the LMC. For a future house, the Building Department would require a letter from the HOA indicating that the HOA had received the plans. Mr. Schueler had conveyed to the owner the HOA request for an agreement, and he received an email response saying that he agreed to the terms. Mr. Marsh would have an outline of the terms of the agreement by Friday.

Commissioner Stuard asked if the parcel was currently two lots as originally configured, whether the guest house on Lot 31 would be an allowed use. Planner Whetstone replied that it was not a guest house. It is a garage/barn rather than living quarters. She pointed out that an accessory use is allowed in a secondary structure. Commissioner Stuard remarked that an accessory use is an accessory to a main building. In this case, there is not a main building. Planner Whetstone stated that it could be accessory to the lot, such as a barn is accessory to a lot. Commissioner Stuard asked if it was possible to build a barn without a primary structure. Planner Whetstone answered yes, a barn would be an allowed use.

Commissioner Joyce understood that they were dealing with an agreement between the HOA and the developer that did not physically exist and was still in the process. Mr. Schueler remarked that the agreement is a condition that is contingent on two parties and it was separate from the land use issues regulated by the Planning Commission. Planner

Whetstone clarified that if the two parties agree with the terms of the agreement, it could be added as a condition of approval prior to the City Council meeting in April. Planner Whetstone noted that because this item has been continued a number of times, the applicant had provided envelopes so it could be re-noticed. If the Planning Commission continued the item again this evening, the City Council meeting would have to be continued to a date in May.

Commissioner Campbell clarified that if the Planning Commission voted this evening it would be to forward a positive recommendation to the City Council on the proposed plat on the assumption that the applicant and the HOA could reach an agreement. Planner Whetstone recommended that the Planning Commission forward their recommendation on the ordinance contained in the packet, aside from the agreement between the Owners and the HOA.

Mr. Schueler reiterated that the owner was willing to stipulate to compliance with the CC&Rs set forth by the HOA. Planner Whetstone understood that the issue was the driveway. If there is a second house the driveways cannot be shared per a regulation of the Holiday Ranchettes development.

Commissioner Joyce understood that per the LMC a shared driveway would be allowed. Planner Whetstone replied that this was correct.

Mr. Stuard noted in the LMC that the purpose statement of the zone was to maintain existing, predominantly single family residential neighborhoods, and to allow for single family development compatible with existing developments. Mr. Stuard asked how a barn/garage/guest house satisfies the purpose of the zone. Planner Whetstone replied that physically there would be a change on the property with this structure. However, the physical characteristics of the two lots would not change until someone purchases the other lot or the owner decides to build a house on that lot.

Mr. Stuard wanted to know why it was necessary to split the parcel before those incidents occur. Mr. Schueler remarked that the owner of the property would like to split them now. He pointed out that it is an allowed use in the zone and the owner intends to maintain the property as it has existed for the past 15 years.

Chair Worel opened the public hearing.

Steve Swanson, a resident at 2524 Lucky John Drive, representing the HOA architectural committee, stated that when they attended the previous public hearing they were thankfully granted a reprieve to collect their thoughts. Mr. Swanson noted that the HOA has met with Mr. Schueler three times and they were making progress. The meeting yesterday with

Paul Marsh addressed many of the issues raised by the Planning Commission, such as the garage, the driveway, the disposition of the two properties. They were working on trying to be good neighbors and include the owner's representative in the discussion. Mr. Swanson stated that what they have accomplished so far is getting the representatives from both parties to broad stroke the issues. He believed there was agreement that they could work together, but he wanted it clear that there was not an agreement at this time. The HOA had not received any communication from the owner.

Mr. Swanson requested that the Planning Commission continue the item again this evening to a date certain to allow the HOA and the owners to solidify a compromise. Mr. Swanson stated that it is sometimes difficult to get all the parties together, particularly since the applicant is out-of-state. He noted that sending a positive recommendation to the City Council tonight might hamstring the HOA process. Mr. Swanson clarified that he was not trying to delay the approval, but it was important to keep the process in the right order. He did not believe there was any urgency since the applicant did not have immediate plans for the property. The HOA was negotiating in good faith and they would appreciate the extra time.

Mr. Swanson commented on some of the points in the Staff report regarding the garage. He referred to the plat on page 73 of the Staff report which overlays the current site and shows the overlay of the Holiday CC&R plat which shows the building pads. In 1999 when the property was owned by the Cummings, they put in a variance request to the HOA. It was reviewed by the architectural committee and they were allowed to build the larger barn. The original pad was the cross-hatched square behind the existing residence. It was a 30' x 40' pad which is standard for outbuildings in the neighborhood. Mr. Swanson stated that there were varying sizes of building pads, but the barn pads always the same size. Mr. Swanson stated that the lot line removal creating one property allowed the previous owner to move the garage to its current location on Lot 31. At that point there was considerable re-creating of the lot and it was raised between 4 to 5 feet. He felt that was significant because as they look at splitting the lots, there is an existing building on a raised pad and anybody who develops that lot would be beholding to only being granted height from the original grades. Mr. Swanson thought it should be taken one step further. The HOA and the architectural committee surveyed the residents and no one is in favor of the garage remaining because it creates too many problems.

Mr. Swanson noted that Mr. Schueler had drawn several iterations of how to potentially access the new garage, which included the possibility of building a house with an attached garage. Mr. Swanson stated that the garage is raised and any access would require it to be brought to the slab level and the driveway would have to slope up steeply, and implies that the house already has a raised floor level, when it should actually be down further. Mr. Swanson remarked that most of the Holiday Ranch lots in that area have driveways that are close to grade. Each lot is a little different and there is no requirement, but as part of the architectural committee, he is tasked with ensuring a harmonious development of driveways, front yards, open space and homes.

Mr. Swanson Finding #13 on page 43 of the Staff report, "A shared driveway provides access to Lots 30 and 31." He agreed that it was true to some extent, but he was concerned that it could create problems in the future. He reiterated for the record that the HOA was interested in working with the applicant. It was previously requested in a previous meeting that if the owner wanted to split the lots, the changes needed to be made now. However, since then the HOA has taken a different position. If this plat is approved, the HOA would agree that the owner should have the right to enjoy the use of the shared driveway and the outbuilding since he owns both properties. The HOA would stipulate to similar language if an agreement is negotiated with Steve Schueler as the owner's representative. In the meantime, the HOA would not like the Planning Commission, as a quasi-judicial body, to enforce a statement of fact that would create something in the future that may disincentivize the owner to negotiate in good faith.

Focusing on the driveway, Mr. Swanson stated that unless there was a legal reason to include Finding #13 in the Findings of Fact, he would like it stricken. He requested that Finding #14 be stricken as well. In pointed out that the lots in Holiday Ranch are large and there is no need to share driveways. Driveways are not an issue but the orderly development of the street is an issue and the HOA may have definite ideas on how the driveway should be placed. Mr. Swanson could see where a future owner could be negatively impacted if the existing garage is allowed to remain.

Mr. Swanson reiterated his request for a continuance to allow time to resolve some of the issues so it can move forward to the City Council with a good recommendation.

Mr. Schueler stated that he specifically met with Mr. Marsh yesterday, and as the President of the HOA, Mr. Marsh told him that the HOA would not oppose the plat at the Planning Commission meeting.

Chair Worel requested that Mr. Schueler and Mr. Swanson have that discussion amongst themselves away from this meeting.

Mr. Swanson clarified that the HOA was not opposed to splitting the lots as proposed in the plat amendment, and they agreed to work harmoniously with the owner to create a path for future development.

Commissioner Stuard asked if Mr. Swanson was specifically requesting that the Planning Commission continue this project. Mr. Swanson answered yes. However, if the Planning

Commission chose to move forward with a positive recommendation, he would request that they remove Findings 13 and 14 from the Findings of Fact, as well as any conditions of approval that relate to a shared driveway.

Chair Worel understood that Mr. Swanson was speaking on behalf of the architectural committee and not the HOA. Mr. Swanson replied that this was correct.

Chair Worel closed the public hearing.

Mr. Schueler wanted the Planning Commission to be aware that the site plan that currently exists was approved by the HOA. It has been the same for 15 years and it would continue to stay the same for the foreseeable future. Mr. Schueler was unsure what a continuance would accomplish. The owner is entitled to due process. He submitted his application more than nine months ago and he would like a decision.

Commissioner Campbell understood that even in the worst case scenario, where the City Council approves the plat amendment and two weeks later the owner sells the lot, the new owner would have to meet with the HOA for an architectural review before anything could be built. He believed the safeguards were already in place, and he could not understand why the owner needed to negotiate additional safeguards that would make it more onerous for him or another owner to build. Mr. Schueler stated that the owner was willing to stipulate in writing to agreement with the HOA. Commissioner Campbell did not believe the owner should have to stipulate to an agreement. Mr. Schueler clarified that the owner was willing to do it to expedite the process. Commissioner Campbell stated that the owner was currently under the same HOA requirements of his neighbors, but the HOA was asking him to sign and agreement that would put additional restrictions on his particular lot. Mr. Schueler clarified that he had not seen the particular terms of the agreement and he was not sure what it would entail. He was supposed to receive those from Mr. Marsh on Friday.

Commissioner Campbell noted that the Planning Commission is not in the position of enforcing HOA CC&Rs. In addition, it is impossible for a property owner to obtain a building permit unless the HOA approves the plans. It was clarified that the Building Department needs proof that the architectural committee was notified, but the Building Department does not require approval by the HOA as a condition to a building permit.

Commissioner Strachan agreed that the owner is subject to the CC&Rs and to the architectural review committee, but the City does not enforce CC&Rs. However, the HOA could enforce the CC&Rs against the owner at any time. Commissioner Strachan stated that the Planning Commission does not get involved in arbitrary disputes between the HOA and a member of the HOA. There are a number of avenues that enable them to resolve the dispute among themselves. The role of the Planning Commission is to determine whether or not there is good cause for the requested plat amendment.

Commissioner Stuard stated that both parties continually refer to the intentions of the owner and the future intentions of the owner of the new lot. In his opinion, that could not be relied on because the future ownership of the lot is unknown. Commissioner Stuard thought the Planning Commission needed to look at the effect of creating two new lots. In his mind, the effect of creating two lots is that the use on Lot 31 is not consistent with the rest of the neighborhood and would likely interfere with future development of Lot 31since the existing structure takes up so much of the pad area. He believed they would be creating an incompatible situation for the neighborhood. Commissioner Stuard did not think the plat amendment was necessary until someone comes forward with an actual proposal to change the status quo. Commissioner Stuard was not opposed to approving a subdivision plat with conditions that address the barn prior to the recordation of the plat.

Commissioner Joyce did not understand Commissioner Stuard's position since the barn is an allowed use. As a landowner, the applicant does not have to wait until there are building plans to amend the plat. The Planning Commission should not need to be involved with the particulars. Their task is to decide whether or not it is reasonable to re-subdivide the two lots to their original form. Commissioner Joyce stated that he would agree with Commissioner Stuard if the barn was not an accepted use, but from all indications, it is allowed on the lot without a primary residence per the LMC.

Commissioner Stuard stated that his thinking was based on his belief that the nature of the LMC places an allowed use within any given zone; however, that use may not meet the purpose statement. In his opinion, the purpose statement is the overriding policy for that particular zone.

Assistant City Attorney McLean stated that the purpose statements have importance, but generally the specific provisions of the Code are more enforceable than the interpretation of the purpose statement.

Commissioner Campbell pointed out that if somebody were to purchase the second lot, they would have to tear down the barn in order to build a house. He believed the problem would correct itself. Regardless, the owner would have to work with the HOA before he could build.

Commissioner Phillips concurred with Commissioner Joyce. He read from the minutes of September 25th, "Commissioner Wintzer asked for clarification on the sideyard setback in the zone and what was permitted in the setbacks." "Director Eddington stated that driveways could be three feet from the property line or one foot from the property line if it is deemed as assistance to help a car back in or out." "Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code." Commissioner Phillips wanted to know what was concluded from that discussion and whether the current driveway location was legitimate if the plat amendment were approved this evening.

Planner Whetstone explained that independent driveways are required to have a one-foot setback. Shared driveways are encouraged in the LMC; however, this may be an area where a shared driveway would not be encouraged. Planner Whetstone stated that because a shared driveway is on a property line the setback goes away.

Commissioner Phillips noticed that the current property has columns in the fence. If the lot was to be subdivided and a structure is built on the other lot in the future, he would like the fence to be removed so it would not appear to be a large compound with multiple buildings.

Commissioner Gross read from the LMC regarding shared driveways, "A minimum 15 feet spacing between single family driveways is required. In historic districts a minimum of 10-feet spacing between driveways is recommended. Shared driveways are always strongly recommended." Commissioner Gross stated that his interpretation of the LMC is that shared driveways are encouraged in Historic Districts but not in other areas. He did not believe the existing driveway in its current location met the Code.

Planner Whetstone replied that shared driveways are encouraged in all districts. The difference is the spacing of driveways in the historic district. A separate section in Chapter 3 of the LMC addresses parking in the historic district. She noted that the language read by Commissioner Gross was specific to driveways. Commissioner Gross clarified that the Planning Commission was only talking about the driveway. Planner Whetstone noted that the CC&R exhibit shows the two driveways together, but they were built apart. In another exhibit the driveways were supposed to be together but they did not meet the spacing requirement. If the driveways are to be independent, the LMC would require a separation of 15-feet. Planner Whetstone clarified that the CC&R exhibits were from the original plat many years ago.

Commissioner Gross stated that if the lot is divided, the existing driveway would encroach on or over the property line and there would be no setback or open space between the two driveways. With the configuration of the driveway, it would be impossible for Lot 30 to access a house if the driveway is separated. Commissioner Gross noted that the existing driveway has radiant heat. He would like an agreement in place to make sure that whoever owns the property is a party to keeping the radiant heat on and keeping the driveway free of debris. Commissioner Gross remarked that footnotes two and three in the LMC under 15-2.1-2(A) specifically address Holiday Ranchettes in terms of detached homes, guest houses, and other things that are prohibited. He was uncomfortable with the language on page 38 of the Staff report that talks about the detached garage. He could foresee the existing garage becoming a guest house or another use that is not allowed by the HOA. He understood that the City could not enforce the CC&Rs, but it is addressed in the footnotes of the LMC. Planner Whetstone stated that the Planning Commission could add a plat note requiring a minimum house size. It would keep the detached structure or any structure from ever becoming a dwelling unit unless it meets the minimum house size and is compatible with the neighborhood.

Commissioner Gross stated that his personal preference would be to allow the HOA and the owners to address the issues and work out their agreement before the Planning Commission votes on the plat amendment. Commissioner Stuard concurred. He noted that the HOA has requested a continuance and they should be given the chance to complete their dialogue.

MOTION: Commissioner Gross moved to CONTINUE the plat amendment to re-establish Lot 30 and 31 of the Holiday Ranchettes Subdivision at 2519 Lucky John Drive to a date uncertain. Commissioner Stuard seconded the motion.

Planner Whetstone requested that the Planning Commission continue to a date certain to avoid having to send another noticing to the public within 300 feet. Commissioner Gross did not want this to come back to the Planning Commission until an agreement was reached between the HOA and the owner. Planner Whetstone remarked that Commissioner Gross was asking for a third party agreement on an issue that is not within the Planning Commission purview.

Commissioner Strachan thought the Planning Commission should establish a date and give the HOA the time they requested. Commissioner Gross was willing to say that the HOA and the owner needed to come to some agreement within the next 90 days. Planner Whetstone pointed out that the two parties may never reach an agreement.

Mr. Schueler asked Assistant City Attorney McLean about the due process for his client. Ms. McLean stated that the owner can request to move forward on an application, even though it could result in a negative recommendation. Under the State Code a Rip Cord provision entitles the owner to be given a decision within a certain time period. To her knowledge the Rip Cord has not been pulled, but it could be if someone wanted a resolution.

Planner Whetstone reiterated her request for a date certain and suggested the second meeting in April. Commissioner Stuard stated that his second to the motion was for a meeting date closest to 90 days. Commissioner Gross was willing to make it sooner if the issues were resolved. Ms. McLean stated that the idea of a date certain is to give notice to the public when it would be on the agenda again. Commissioner Gross could not understand the time constraint since the owner had no immediate plans to build or sell. He supports subdividing the lot, but he was uncomfortable with the other issues involved.

Commissioner Gross amended his motion to Continue to April 23, 2014. Commissioner Stuard seconded the amendment to the motion.

Chair Worel called for a vote on the motion as amended.

VOTE: Commissioners Gross, Stuard and Strachan voted in favor of the motion. Commissioners Campbell, Phillips and Joyce voted against the motion.

Commissioner Campbell clarified that he voted against the motion because the owner has the right to subdivide the lot to its original configuration. He was concerned that the Planning Commission was getting into the business of pushing HOA CC&Rs, which they all agree are outside of their purview to restrict or enforce. The issue is between the owner and the HOA. If the owner wants to build on the lot he would have to go before the HOA Architectural Committee and have his plans reviewed.

Commissioner Phillips believed the Planning Commission has given the HOA and the owner additional time and they still have not been able to work out the terms of the agreement. There is the possibility that they may never work out an agreement.

Chair Worel believed there was enough check and balances in place for the HOA to come to agreement with the applicant whenever they decide to build on the property. As the Chair she could vote to break a tie and she voted against the motion.

The motion to Continue FAILED. Commissioners Gross, Stuard and Strachan voted in favor of the motion. Commissioners Campbell, Phillips, Joyce and Worel voted against the motion.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the plat amendment to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Phillips, Joyce and Campbell voted in favor of the motion. Commissioners Gross and Stuard voted against the motion.

<u>Findings of Fact - 2519 Lucky John Drive</u>

1. The property is located at 2519 and 2545 Lucky John Drive in the Single-Family (SF) zoning district.

2. The property consists of a two-acre lot, known as Lot 1 of the 2519 Lucky John Drive Replat approved and recorded on September 2, 1999. Lot 1 was created when a lot line adjustment removing the common lot line between Lots 30 and 31 of the Holiday Ranchettes Subdivision (recorded on May 31, 1974) was approved and recorded at Summit County on September 2, 1999.

3. The owners wish to re-establish the original platted lot configuration of Lots 30 and 31 of the 1974 Holiday Ranchettes Subdivision.

4. Each lot will be one-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration.

5. The proposed density for this plat amendment is one (1) dwelling unit per acre.

6. There are no house size limitations within the Holiday Ranchettes subdivision.

7. The minimum setback requirements are twenty feet (20') for the front yard and twelve feet (12') for the side yards. Front facing garages require a twenty-five (25') foot front setback. The rear setback requirement of fifteen feet (15') is not applicable due to the double frontage nature of both lots.

8. There is an existing single family house on Lot 30 that complies with all required setbacks.

9. There is an existing garage/storage structure built on Lot 31 that complies with all required setbacks.

10. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision plat includes notes restricting access from Lucky John Drive.

11. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building setback areas along Lucky John Drive and Holiday Ranch Loop.

12. The plat provides for a restriction of access to Lucky John Drive and protects the

safe routes to school pedestrian and bike path from additional primary access across it.

13. A shared driveway provides access to Lots 30 and 31.

14. The LMC (Section 15-3-3 (H)) states that shared driveways are strongly recommended. Shared driveways decrease impervious surface, and storm water run-off. Shared drives provide for greater landscaping/open space areas and provide opportunities for designs that lessen visual impacts of garages, while decreasing the number of curb cuts on streets. Shared driveways necessitate access easements and maintenance agreements between property owners.

15. The proposed plat re-establishes the original two-lot configuration.

16. The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.

17. All original drainage and utility easements will be re-established.

18. New snow storage easements and easements to address shared access and encroaching utilities will be provided.

19. Conditions banning access from Holiday Ranch Loop will be re-instated with this plat.

20. There is Good Cause to approve the proposed plat amendment as conditioned as the plat amendment does not cause undo harm on any adjacent property owners, the built conditions are consistent with requirements of the Land Management Code, future development will be reviewed for compliance with requisite Building and Land Management Code requirements with review by the HOA, cross access easements and utility relocation and/or utility easements will be recorded to resolve encroachment issues, and public snow storage easements will be provided along Lucky John Drive and Holiday Ranch Loop Road.

21. The proposed plat, as conditioned, is consistent with the approved 1974 Holiday Ranchettes Subdivison plat, meets the requirements of the Land Management Code.

22. Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits.

23. The existing house is typical of the existing development in Park Meadows, and the subdivision will allow for another home of similar size to be built in the subdivision as originally planned when the Holiday Ranchettes Subdivision was approved.

Conclusions of Law – 2519 Lucky John Drive

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. 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 – 2519 Lucky John Drive

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

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA's concerns and recommendations with said building permit application. This shall be noted on the plat.

4. A certificate of occupancy, issued by the City, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building. This shall be noted on the plat.

5. Any construction on Lots 30 and 31 shall use the original existing grade (USGS

topography that existing prior to any construction on the lots) in the calculation of Building Height. This shall be noted on the plat.

6. The garage structure on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by the City. Utility work, including grading and landscape changes, requires a building permit. A letter from said HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for this work. This shall be noted on the plat.

7. Prior to recordation of this plat amendment, cross access easements for the shared driveway shall be recorded at Summit County and reflected on the plat. Cross access easements would not be required if the shared driveway is modified and the access encroachments are removed prior to plat recordation. This shall be noted on the plat.

8. Prior to recordation of the plat, any existing utilities that cross the common property line, shall be relocated as required by the utility providers. If relocation is not required, then encroachment easements shall be recorded at the County.

9. Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work. This shall be noted on the plat.

10. No access to Lots 30 and 31 is permitted from Holiday Ranch Road. This shall be noted on the plat.

11. A ten foot (10’) wide public snow storage easement is required along the frontage of the Lots on both the Holiday Ranch Road and Lucky John Drive frontages.

12. A note shall be added to the plat that modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.

3. Risner Ridge Subdivision 1 & 2 – Plat Amendment (Application PL-13-02021)

Planner Whetstone reported that the applicant's representative was unable to attend due to an emergency. She noted that the Risner Ridge HOA was the applicant and they were satisfied with the Staff report and the conditions of approval.

Planner Whetstone reported that this application was a request to amend both Risner Ridge and Risner Ridge No.2 Subdivision plats to include as plat notes, language that has already been approved by the City Council of Park City and is reflected in City Ordinance No. 90-28 and 04-09. She clarified that the Ordinances were recorded; but the plat reflecting the notes never was. The requested plat amendments memorialize language that has been approved and clarified by recorded Ordinances.

Planner Whetstone provided a brief background. Two subdivisions, the Risner Ridge and Risner Ridge 2, were approved in 1988. When Risner Ridge 1 was approved, house size limitations were placed, as well as a way to measure the house size to include the basement as part of the maximum house size. The maximum house size was 5500 square feet. Planner Whetstone pointed out that the City was not as careful about placing notes on plats at that time assuming that it was understood as a part of the CC&Rs. When Risner Ridge 2 was approved, the same language was included.

Planner Whetstone explained that over time the architects designed homes that excluded the basement because the LMC excludes a truly buried basement from the square footage. The HOA caught the mistakes in the fully-developed plans and the plans had to be redone. In 1990 the City adopted Ordinance 90-28 that said the language when the subdivision was approved counted the basements and every lot has the same 5500 square feet limitation. Setback issues were also addressed through plat amendments, and the note regarding setbacks were different from the CC&Rs and how the subdivision was approved. Planner Whetstone noted that the note was placed on an actual plat and was recorded with Summit County. However, the notes regarding house size and how it was measured was never placed on a plat. It was not a problem with paper plats because the Staff had a process to identify note plats. However, now that everything is obtained electronically, the notes are missing on the plats. She pointed out that the title for each lot is subject to the ordinances, but when the plat is pulled at the County, the ordinance does not pull up.

Planner Whetstone stated that in an effort to clear up the confusion, the plat amendment, if approved, would record the plat note and it would be included on the County Recorded plat. When someone pulls up Risner Ridge all the plat notes would show. She clarified

City Council
Staff Report

Subject: The Rush at Round Valley
Author: Tommy Youngblood
Department: Sustainability
Date: April 24, 2014
Type of Item: Application - Master Festival License

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for The Rush at Round Valley**,** as conditioned, on Saturday, May 3, 2014 at the Round Valley Trail System and Quinn's Sports Complex Parking Lots.

Description Topic:
Review the Master Festival License Application, submitted for The Rush at Round Valley at Round Valley Trail System, Quinn's Sports Complex Parking Lots on Saturday, May 3, 2014.

Background:
Marek Shon submitted an application requesting a Master Festival License to hold **The Rush at Round Valley** Mountain Bike Race. This organizer has done other mountain bike events in the area. Through a series of meetings the organizer has demonstrated and good knowledge of working with this type of event. PCPD has been notified and will be involved in the public safety coordination should Council approve the event. The organizers application was received prior to 90 days before event. The organizer will allow a maximum of 400 entrants and 100 spectators. The Rush at Round Valley charges a fee for participation.

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

Analysis:
The Rush at Round Valley event organizers have requested to hold their event on Saturday, May 3, 2014. The Rush at Round Valley will take place from 8am – 4pm. All race courses will be within the diverse trail system of Round Valley.

Parking
Parking for the staff & participants will be at the Quinn's Sports Complex Lots. The applicant will supply signage and employ volunteers to assist in the location and direction to event parking. Public Parking will be reserved for normal trail use.

Traffic Circulation & Trail Monitoring
There will be no full or partial road or trail closures associated with this event. All public trail accesses will be maintained and monitored by Mountain Trails Foundation during event. At the time of this report there are no projects planned that would hinder this activity.

Marketing

This event will be publicized within the organizers event community and the Park City Chamber/Bureau and Local newspaper outlets. It is also currently listed on various event & social networking websites. The organizer has also contacted local business about mutually beneficial cross-marketing opportunities.

Park City Council Review:

This application is being reviewed as a Master Festival License due to the size of the event, and the request for use of the Park City Trail system & right-of ways.

Department Review:

All applicable PCMC departments and the appropriate external agencies have reviewed the application for The Rush at Round Valley and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing The Rush at Round Valley

Deny the Request:

Deny the Master Festival License, preventing the addition of The Rush at Round Valley to Park City's schedule of events.

Continue the Item:

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

Significant Impacts:

The event, as described, should incur no significant Impacts
Park City has held similar events to The Rush at Round Valley

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	**Preserving & Enhancing the Natural Environment** **(Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities** **(Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings + Multi-seasonal destination for recreational opportunities + Varied and extensive event offerings		+ Residents live and work locally	
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive	Neutral	Positive	Neutral
Comments:				

Consequences of not taking the recommended action:
The Rush at Round Valley would not take place, as described, within Park City Limits

RECOMMENDATION:
Staffs recommends the City Council conduct a public hearing and approve a Master Festival License for The Rush at Round Valley on, Saturday, May 3, 2014 based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The event organizers have requested to hold their event on Saturday, May 3, 2014. The Rush at Round Valley will take place from 8:00am –4:00pm within the Round Valley Trail System including setup and breakdown.
2. Parking for the Staff, participants and spectators will be at the Quinn's Sports Complex Lots. The applicant will supply signage and employ volunteers to assist in the location and direction to event parking. Public Parking will be reserved for normal trail use.
3. Conducting The Rush at Round Valley will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue other than noted.
4. The events associated with The Rush at Round Valley will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
5. The event will begin and end at the Round Valley Trail System Events trailhead. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. There is no other Master Festival or Special Event license that has been granted on the date requested.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

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

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

2. Applicants shall provide proof of liability insurance in the amount of four million dollars ($4,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal as ‘additionally insured’, as required by section 4-8-10 of the Park City Municipal Code Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. The applicant use of barricade and signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
4. All plans for tents, fireworks, stages, signs and other temporary structures shall be submitted to the Building Department for review and permitting by April 27, 2014.
5. The applicant is responsible for a Race Operation and Pedestrian Management Plan in a form approved by the Park City Municipal Event Manager and Chief of Police.
6. All Summit County permit approvals shall be secured by May 2, 2014 and submitted to Park City Municipal in writing for review.

Attachments

Exhibit A- Applicant’s Application Page 1

Exhibit A

Park City Municipal Corporation

Master Festival & Special Event Application

Special Events
435.615.5150
specialevents@parkcity.org

Master Festival (MFL) & Special Event Applications **MUST** be complete and submitted to the Special Events Department no Less than **90 Days Prior** to a MFL and no less than **60 Days Prior** to a Special Event for staff review. Applications not submitted within that timeframe may not be granted approval. Refer to Park City Special Event Planning Guide for answers to the most frequently asked event related questions

This application **DOES NOT** constitute a valid permit until approved by the Special Events Department and/or Park City Council

APPLICATION FEES

All new applications require a $160.00 non-refundable application processing fee
All applications for returning events require a $80.00 non-refundable application processing fee

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant.

EVENT INFORMATION

MASTER FESTIVAL CRITERIA (PUBLIC EVENT) (If one box is checked the event is automatically an MFL)	☐ Attraction of crowds over 500 participants and or spectators	☐ Requires Partial or Full Street Closure or use of Public Right of Way	☐ Use of City park, buildings or other properties or transportation system	☐ Use of off –site parking facility	☐ Use of Amplified Music in or adjacent to a residential neighborhood

SPECIAL EVENT CRITERIA (PUBLIC OR PRIVATE EVENT)	☐ Causes significant public impacts via disturbance, crowd, traffic, and or parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing in conjunction with public impacts	☐ Necessitates the use of city personnel

EVENT TYPE

☐ Street Fair/Festival	☐ Run - Walk	☐ Parade	☑ Trail Event **Additional regulations required; see Special Event Planning Guide for details or visit www.parkcity.org**	☐ Concert	☐ Road Bike Event

Other Type of Event (Please Specify): Mountain Bike Race

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME: Intermountain Cup	POSITION:
STREET ADDRESS: 3168 S 2800 E	CITY, STATE, ZIP CODE: Salt Lake City, UT 84109
MAILING ADDRESS: (If different from above)	CITY, STATE, ZIP CODE:
TELEPHONE (WORK): 801 209-2479	MOBILE PHONE: 801-230-8800 OTHER:
EMAIL ADDRESS: intermountaincup@gmail.com	FAX NUMBER:
SPONSORING ORGANIZATION:	Is organization a registered non-profit? ☐ Yes ☑ No (If yes, please provide copy of registration paperwork)
ONSITE CONTACT: (day/s of event) Marek Shon	MOBILE PHONE: 801-209-2479
NAME OF EVENT: The Rush at Round Valley	
☐ FIRST TIME EVENT ☑ ANNUAL EVENT (How many years?)	Will a fee be charged for attendance or participation? ☑ Yes ☐ No

Overall Event Description (Briefly explain event and activities): Taking over the USCS event Cross Country Mountain bike race at Round Valley

EVENT DATES AND TIMES

EVENT DATE(S): 5/3/13	EVENT HOURS - START TIME: 8Am	END TIME: 4pm
SET-UP DATE/S: 5/3/13 TIME/S: 6am	BREAKDOWN DATE/S: 5/3/13	TIME/S: 5pm
ESTIMATED ATTENDANCE - PARTICIPANTS: 250-300	SPECTATORS: 100	TOTAL: 350-400
EVENT LOCATION: Round Valley		

EVENTS WITH ATTENDANCE HIGHER THAT 500 REQUIRES A SUMMIT COUNTY MASS GATHERING PERMIT

City Council
Staff Report

Subject:	**Street Dining on Main Program**
Author:	**Francisco Astorga, Planner**
Department:	**Planning**
Date:	**April 24, 2014**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends that the City Council consider extending the Street Dining within the Main Street Right-of-Way program for another term. The extension includes the renewal of leases of City property/Right-of-Way (ROW) for several restaurants located on Main Street, so that they can have on-street dining on City property/ROW from May 1st – October 30th.

Topic/Description:
Cisero's Ristorante, Bistro 412, 501 on Main, Main Street Pizza & Noodle, Bandits' Grill & Bar, Bangkok Thai on Main, The Eating Establishment, Shabu, and Flanagans placed temporary street dining decks on Main Street in Summer 2013. These restaurants would like to continue leasing the City ROW and propose to utilize the same temporary street dining decks that the City has approved in the past.

In March 2013 the City Council had a brief discussion related to the Street Dining on Main Pilot Program and direction was given to staff to move forward with the program, see Exhibit E - 3.28.2013 City Council work session meeting minutes. In April 2013 the City Council moved to approve the leases for the 2013 season, See Exhibit F - 4.11.2013 City Council meeting minutes. The City has made restaurant business owners aware of the Main Street improvements which are currently scheduled for this year. Staff requests the City Council to review the Main Street improvements construction impacts, rental rate, and provide the sample leases and conditions for 2014.

Analysis:
The City is currently planning Main Street improvements this year ranging from sidewalk reconstruction between 5th and 7th Street on both sides of Main Street to improvements at the Bear Bench walkway connecting to the Transit Center . Staff identified that two (2) decks may be affected by the sidewalk improvements. These include Bangkok Thai on Main located at 605 Main Street and Main Street Pizza & Noodle located at 530 Main Street.

The Street Dining on Main season commences on May 1st. As part of the program, the City has given each deck owner the ability to choose when to place their deck after the start date. Some decks have been placed as early as the first week of May while others have waited until mid-June.

Due to the possible conflicts with the two (2) decks mentioned above staff recommends not entering into these specific leases until the construction is finalized to be able to determine agreeable dates with each business owner. Staff has incorporated draft language on the lease agreements in a form to be approved by the Legal Department.

Upon completion of the improvements in the affected areas, we can then enter into leases with the two (2) deck owners. Furthermore, Staff recommends reducing "rental fees" by the prorated amount of any lost days.

If at any time any of the decks need to be removed, the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. They City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue. Staff has incorporated the draft language on the lease agreements in a form to be approved by the Legal Department. See Exhibit A.

Staff recommends that the City Council execute the lease agreements for the Street Dining on Main program for the current participants based on various work sessions discussions and direction provided from City Council to Staff. Staff did not receive any complains during the 2013 Street Dining season and the program seems to be well received by the public in general including residents and visitors.

<u>Rental Rate</u>
In March 2012 staff presented to City Council an analysis of the street dining program fee. Kent Cashel, Transit and Transportation Manager, indicated that based on a two (2) year average paid parking meter collection (actual revenue) the City made a total of $1,126 during the six (6) month period per parking space (20'). During the March 2012 work session discussion, staff recommended increasing the fee charged in 2011 of $300 per space (20') to $550. In essence, this was an increase from 10% of potential revenue to 19% of potential revenue (or 49% of actual revenue). The following table below lists each individual restaurant, its linear length (in terms of parking spaces measured at twenty feet [20']), yearly charge per linear length, potential revenue (in terms of collecting $16 a day for 180 days, and actual revenue (2-year average, 2010-2011):

Restaurant	**Linear parking spaces**	**2010 ($0)**	**2011 ($300)**	**2012 & 2013 ($550)**	**Potential Revenue**	**2010-2011 Actual Revenue**
Cisero's	1.55'	$0	$465	$852.50	$4,464	$1,745.30
Bistro 412	1.0'	$0	$300	$550	$2,880	$1,126.00
501 on Main	1.0'	$0	$300	$550	$2,880	$1,126.00
Main St. Pizza	1.56'	-	468	$858	$4,493	$1,756.56
Bandits'	1.15'	-	$345	$632.50	$3,312	$1,294.90
Bangkok	1.90'	-	$570	$1,045	$5,472	$2,139.40

Thai						
The EE	1.09’	-	$327	$599.50	$3,150	$1,227.34
Shabu	1.15’	-	$345	$632.50	$3,312	$1,294.90
Flanagan’s	1.13’	-	$339	$621.50	$3,254	$1,272.38
Totals	**11.53**	**$0**	**$3,459**	**$6,341.40**	**$29,963**	**$12,982.78**

Planning Department Staff recommends that the parking rental fee for the 2014 season remain the same as 2012/2013, calculated at $550 per parking space consisting of twenty linear feet (20’). Staff recommends being consistent with 2013’s rental rate based on the impacts of construction during the Main Street sidewalk improvements.

For the 2014 season, Parking Services recommends charging the actual revenue amount consisting of $1,126 per parking space. This recommendation is consistent with previous City Council direction regarding increasing fees in the future as the pilot program ended in 2012. The $1,126 fee recommendation will still be substantially lower than the potential revenue of $2,880 as it comes out to be 39%. Council may also consider charging the entire potential revenue.

Recommendation:
Staff recommends that the City Council consider extending the Street Dining within the Main Street Right of Way program for another term. The extension includes the renewal of leases of City property/Right-of-Way (ROW) for several restaurants located on Main Street, so that they can have on-street dining on City property/ROW from May 1st – October 30th.

Exhibits:
Exhibit A – Updated Lease Agreements & Attachment 1 - Operational Restrictions
Exhibit B – Proposed 2014 Street Dining on Main Map
Exhibit C – Street Dining Deck
Exhibit D – 3.28.2013 City Council Staff Report
Exhibit E – 3.28.2013 City Council Work Session Meeting Minutes
Exhibit F – 4.11.2013 City Council Meeting Minutes

STREET DINING ON MAIN
OUTDOOR DINING LEASE

This LEASE AGREEMENT is made and executed this ____day of _________, 2014, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and _________________________________, located at ___________________, Park City, Utah ("Tenant").

RECITALS

WHEREAS, the City wishes to enable opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities; and

WHEREAS, the City's goals include the establishment of new and creative opportunities to facilitate the Main Street experience for residents and visitors alike during the shoulder and summer seasons; and

WHEREAS, the City's goals include the preservation and enhancement of Park City's character regarding Old Town and the desire to strengthen the pedestrian experience along Main Street; and

WHEREAS, the City recognizes the desire of many visitors and residents to dine outdoors along historic Main Street; and

WHEREAS, the City's General Plan recommends utilizing street design techniques to encourage slower traffic speeds and a more intimate pedestrian-oriented scale; and

WHEREAS, the City's goals include maintaining and furthering the resort community's economic opportunities, as well as enhancing the economic viability of Park City's Main Street Business District;

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

TERMS & CONDITIONS OF LEASE

Based upon good and valuable mutual consideration, the Parties agree as follows:

1. PROPERTY. The property affected by this lease is generally described as the street area directly fronting Tenant's building located at ____________________Main Street, and more specifically described in site plan Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as the "Premises"). The length of the outdoor dining deck per restaurant may not exceed forty (40) feet.

2. RENT. Annual rent is for the use of the street for the deck is five hundred fifty dollars ($550) per parking space of a linear length of twenty feet (20'). This rent may be prorated based upon initial installation and final removal dates; however the rent reduction shall not exceed one (1) month. Payment is due prior to installation and any prorated amount due upon removal shall be refunded by the City. If a deck covers a fraction of a parking space (20') the rent will be calculated by the percentage of the deck on the parking space. 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 rent, additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall commence on May 1, 2014 and shall terminate on October 30, 2014 unless terminated earlier as provided herein. The Premises may only be utilized for a six (6) month period commencing on May 1st and terminating on October 30, 2014 except the Premises <u>may not</u> be used for the period of the Arts Fest (the first Friday, Saturday and Sunday of August) unless Kimball Art Center consents in writing to allow Tenant to use the Premises. Additional term restrictions are attached hereto and incorporated herein by this reference in Attachment 1 (Street Dining Operation Restrictions). This Agreement may be terminated by Park City upon a finding of non-compliance of this lease or the attached operational restrictions.

   The use of the Premises shall not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Art Center). The Kimball Art Center has been leased exclusive use of Main Street during the first Friday, Saturday and Sunday of August. The Premises must be vacated (i.e. removal of decks) no later than 10 a.m. MT of the first Thursday of August for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Art Center consents in writing to allow Tenant's use of the Premises. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant's cost.

4. MAIN STREET IMPROVEMENTS. If at any time the street dining deck needs to be removed due to construction related to Main Street improvements the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.

5. USE OF PREMISES. Tenant may use the Premises only for outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. From installation until removed, the street dining decks shall be utilized for street dining that will serve lunch and dinner seven (7) days a week. Additional operational restrictions which must be complied with as part of the conditions of this lease are attached hereto and incorporated herein in Attachment 1. Park City makes no representations regarding the premises and Tenant accepts the premises "as is."

6. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. 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. No permanent alterations to the City's property are permitted.

7. SIGNS. No signs shall be permitted on the Premises except as specifically approved by the Park City Municipal Corporation Planning Department pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.

8. 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 combined single limit per occurrence and Three Million Dollars ($3,000,000) per aggregate for personal injury, bodily injury and property damage. 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 noncontributory. 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.

9. 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. In case of an emergency including but not limited to a flood, storm drain, utility, the structure may be removed or damaged by response teams at the cost of the owner.

   Tenant shall indemnify, protect and hold the Landlord harmless from and defend (by counsel reasonably acceptable to Landlord) the Landlord against any and all claims, causes of action, liability, damage, loss or expense (including reasonable attorneys' fees and costs and court costs), statutory or otherwise arising out of or incurred in connection with (i) the use, operation, occupancy or existence of the Premises or the presence of visitors, or any other person, at the Premises during the Term or the Renewal Term, (ii) any activity, work or thing done or permitted or suffered by Tenant in or about the Premises, (iii) any acts, omissions or negligence of Tenant, any person claiming through Tenant, or the contractors, agents, employees, members of the public, invitees, or visitors of Tenant or any other such person ("Tenant Party" or "Tenant Parties"), (iv) any breach, violation or nonperformance by any Tenant Party of any provision of this Lease or of any law of any kind, or (v) except to the extent resulting from any negligence or intentional torts of Landlord.

10. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

11. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.

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

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.

Tenant:

____
By:
____
Its:

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this_________ day of ________________, 20___, personally appeared before me _______________, who being duly sworn, did say that he is the Owner of _____________________________, and acknowledged to me that the preceding Agreement was signed on behalf of __________________________________, and he acknowledged that the company did execute the same for its stated purpose.

____
Notary Public

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, Mayor

Attest:

____
Marcy Heil, City Recorder

Approved as to form:

____
City Attorney's Office

Attachment 1
Street Dining Operation Restrictions

Street dining may be allowed by the Planning Department upon issuance of an Outdoor Dining Administrative Conditional Use Permit. Street dining is permitted from May 1st, and shall terminate on October 30th of each year. A total of twelve (12) street dining decks will be accommodated on Main Street based on the layout of the proposed decks. The Applicant must submit an application, pay an application fee, and provide all required materials and plans. Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit or the Lease may be revoked for failure to comply with these restrictions.

Required Submittals:

- Dining Site Plan – This plan shall be to scale and indicate: the Applicant's building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (light fixtures, fire department connections, parking meters, etc.).

- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc.

Design Standards:

1. Size. Street dining area shall be limited to the linear frontage a building has on Main Street and shall not exceed nine feet (9') in width. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb, as the encroachment of the proposed decks into the sidewalk will not exceed one foot three inches (1'-3"), unless approved by City Council. With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor's street frontage. Forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed forty (40') feet in length.

2. Location/Proximity/Spacing. The City reserves the right to reject an application for an outdoor dining deck:

    - If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.
    - If the proposed deck is for a restaurant that does not have direct access at street level.
    - If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive.
    - If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
    - The Building, Planning, and Engineering Departments will review the location, proximity, and spacing of each street dining deck as well as impacts of traffic and public safety concerns. A recommendation will be given to the City Council for final review and approval.

3. Hours of Operation. The street dining decks shall be utilized for street dining and shall serve lunch and dinner seven (7) days a week for the duration that the decks are in the Right of Way.

4. Material. Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.

5. Height. The maximum height of the deck shall not exceed thirty-six inches (36") measured from existing grade to the base/floor of the deck at any given point. The layout of the deck may include a step to meet the maximum height allowed.

6. Advertising. Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.

7. Furniture. All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Department per the historic district design review.

8. Umbrellas. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.

9. Lighting. No additional electric lighting is permitted, including exterior building lighting.

10. Planters. 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. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.

11. Use. The terms and scheduling of the use of the outdoor dining decks must not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Arts Center). Existing MFL recipients must be consulted with if the outdoor dining decks are to remain during their event. If no agreement is reached, the outdoor dining structure must be removed in full for the duration (including set-up and breakdown) of the MFL event. If the outdoor dining structure is not removed as required, PCMC will remove the structure at cost to compensate for the employees and equipment needed to complete the task.

12. Licensing. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.

13. Duration. Street dining is permitted from May 1st, and shall terminate on October 30th, each year.

14. Health & Safety. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.

15. Music. The use of outdoor speakers and music is prohibited.

16. Maintenance. The dining area shall be clean and maintained in a neat and orderly fashion.

17. Storage. All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.

18. Removal. Decks must be completely removed from the Right-of-Way prior to the end of business day October 30. If the outdoor dining structure is not removed as required, the City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.

19. Drainage. Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.

20. Utilities. Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed outdoor dining.

21. Insurance Requirement. The tenant shall carry a policy of liability insurance in an amount of at least $2 million per combined single limit per occurrence and $3 million per aggregate for personal injury, bodily injury and property damage. Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.

22. Main Street Improvements. Due to the possible conflicts with scheduled Main Street improvements the City may postpone approving leases until the construction schedule is finalized to be able to determine appropriate dates.

    If at any time the street dining deck needs to be removed the City will give each affected street dining business owner a minimum of 72 hours to have their decks removed. The City will not be responsible for any associated costs involving deck removal/placement or potential lost revenue.

Exhibit B
Proposed 2014 Street Dining on Main Decks
605 Main Street
Bangkok Thain on Main
38' long
1.9 parking spaces
530 Main Street
Main Street Pizza & Noodle
31'-2" long
1.56 parking spaces
442 Main Street
Shabu
23' long
1.15 parking spaces
440 Main Street
Bandits' Bar & Grill
23' long
1.15 parking spaces
438 on Main
Flanagan's
22'-8" long
1.1 parking spaces
501 Main Street
501 on Main
17' long
1 parking space
412 Main Street
Bistro 412
20' long
1 parking space
317 Main Street
The Eating Establishment
21'-10.5" long
1.09 parking spaces
306 Main Street
Cisero's Ristorante
31' long
1.55 parking spaces
Heber Ave
Deer Valley Dr
Woodside Ave
Park Ave
5th St
4th St
Main St
Swede Aly
Marsac Ave
Ontario Ave
Grant Ave
0
200
400
600
Feet

Exhibit C

City Council Staff Report

Subject: Street Dining on Main Pilot Program
Author: Francisco Astorga, Planner
Department: Planning
Date: March 28, 2013
Type of Item: Administrative

Summary Recommendations:
Staff recommends that the City Council review and analyze the effects of the three (3) year Street Dining on Main pilot program which started in 2010 and consider extending the program for another term. The extension includes the renewal of leases of City property/Right-of-Way (ROW) for several restaurants located on Main Street, so that they can have on-street dining on City property/ROW.

Topic/Description:
Cisero's Ristorante, Bistro 412, 501 on Main, Main Street Pizza & Noodle, Bandits' Grill & Bar, Bangkok Thai on Main, The Eating Establishment, Shabu, and Flanagans placed temporary street dining decks on Main Street. These restaurants would like to continue leasing the City ROW and propose to utilize the same temporary street dining decks that the City approved during the three (3) year pilot program.

The 2010-2013 Street Dining on Main program allowed restaurant owners that have direct access to Main Street to build temporary decks on City ROW pending City Council approval of a lease agreement and City approval of an administrative Conditional Use Permit (CUP).

Background:
Land Management Code (LMC) § 15-2.6-12 allows Outdoor Dining on "leased public property" as an administrative Conditional Use Permit (CUP). Street Dining was first explored and used the summer of 2010. The Lessees entered into a three (3) year contract. Since that time, Council has discussed the Street Dining on Main program and suggested amendments to the terms of the leases in November 2010, April 2011, and March 2012. In March 2012, direction was given to move forward with a minor update to the operational & lease agreements which included charging five hundred and fifty dollars ($550) per parking space (twenty feet [20'] in length) based on a linear calculation (and prorated as necessary).

In 2010, three (3) restaurants on Main Street were granted leases for the use of the ROW. In 2011 and 2012, six (6) more restaurants, for a total of nine (9) restaurants, were granted leases to place their decks in City ROW. Based on changes requested by Council during their annual review of the leases, each restaurant entered into new leases in 2011 and then again in 2012. These nine (9) sites all have approved administrative CUPs. This year, the same nine (9) restaurants approved in 2011/2012 request the use. The term of the lease noted that “an annual review by the City Council, with input from the Planning Department will be conducted each year. City Council may terminate or change the terms of this lease at that time.”

A maximum of twelve (12) street dining decks can be accommodated on Main Street based on the layout of the proposed decks. The applications are evaluated on a first-come first-serve basis both for the maximum number accommodated and where they are placed on the street. The leases are for the use of Main Street in front of the property from May 1st to October 30th.

Analysis:
The lease to restaurant owners to use the City ROW on Main Street for on-street dining includes provisions which regulate the time and duration of the use, provide for consistency in look and materials of the decks which are placed in the ROW, prevent conflicts with Special Events/Master Festival Licenses, mitigate for conflicting uses in the public ROW, ensure for clean sidewalks, and provide an ongoing monitoring mechanism and revocation provision for failure to comply with regulations. In addition to the lease, the Lessee is required to receive an Administrative CUP which regulates the operation of the on-street dining.

The nine (9) participants have indicated that their deck has brought more patrons to their establishments. Staff has not received complaints. The decks have remained in placed through the many different events on Main Street and the City has always been able to mitigate any possible impacts.

In 2012 the City Council directed staff to charge five hundred fifty dollars ($550) per parking space (twenty feet [20’] in length) based on a linear calculation. Staff proposes if the program continues that the rent provision of the existing leases remain the same as 2012. The following chart indicates the location, deck size, linear parking spaces, rent, and outdoor dining business license fee:

Restaurant	**Address**	**Deck size**	**Parking Spaces**	**2012 Rent (based on linear foot)**	**Outdoor Dining Business License Fee**
Cisero’s Ristorante	306 Main Street	9’ x 31’ (279 SF)	1.55’	$852.50	$25.11
Bistro 412	412 Main Street	9’ x 20’ (180 SF)	1.0’	$550	$16.20
501 on Main	501 Main Street	10’ x 17’ (170 SF)	1.0’	$550	$15.30
Main Street Pizza & Noodle	530 Main Street	9’ x 31’-2” (281 SF)	1.56’	$858	$25.29
Bandits’ Grill	440 Main	10.5’ x 23’	1.15’	$632.50	$21.78

& Bar	Street	(242 SF)			
Bangkok Thai on Main	605 Main Street	9’ x 38’ (342 SF)	1.90’	$1,045	$30.78
The Eating Establishment	317 Main Street	9’ x 21’-10½” (197)	1.09’	$599.50	$17.73
Shabu	442 Main Street	9’ x 23’ (207 SF)	1.15’	$632.50	$18.63
Flanagan’s	438 Main Street	9’ x 22’-8” (204)	1.13’	$621.50	$18.36
		Totals:	**11.53’**	**$6,341.50**	**$189.18**

Staff has prepared a draft lease template that would be executed with each applicant prior to approving any Outdoor Dining on City Streets (Exhibit A). Staff has also prepared updated operational restrictions (Attachment 1). Staff recommends that the nine (9) businesses that entered into the lease agreements in 2012 be permitted to enter into the attached leases.

Rental Rate

On March 29, 2012 staff presented to City Council an analysis of the street dining program fee. Kent Cashel, Transit and Transportation Manager, indicated that based on a two (2) year average paid parking meter collection (actual revenue) the City made a total of $1,126 during the six (6) month period per parking space (20’). During this work session discussion, staff recommended increasing the fee charged in 2011 of $300 per space (20’) to $550. In essence, this was an increase from 10% of potential revenue to 19% of potential revenue (or 49% of actual revenue). The following table below lists each individual restaurant, its linear length (in terms of parking spaces measured at twenty feet [20’]), yearly charge per linear length, potential revenue (in terms of collecting $16 a day for 180 days, and actual revenue (2-year average, 2010-2011):

Restaurant	Linear parking spaces	2010 ($0)	2011 ($300)	2012 ($550)	Potential Revenue	Actual revenue
Cisero’s	1.55’	$0	$465	$852.50	$4,464	$1,745.30
Bistro 412	1.0’	$0	$300	$550	$2,880	$1,126.00
501 on Main	1.0’	$0	$300	$550	$2,880	$1,126.00
Main St. Pizza	1.56’	-	468	$858	$4,493	$1,756.56
Bandits’	1.15’	-	$345	$632.50	$3,312	$1,294.90
Bangkok Thai	1.90’	-	$570	$1,045	$5,472	$2,139.40
The EE	1.09’	-	$327	$599.50	$3,150	$1,227.34
Shabu	1.15’	-	$345	$632.50	$3,312	$1,294.90

Flanagan's	1.13'	-	$339	$621.50	$3,254	$1,272.38
Totals	**11.53**	**$0**	**$3,459**	**$6,341.40**	**$29,963**	**$12,982.78**

Staff recommends that the parking rental fee for the 2013 season remain the same as 2012 calculated at $550 per parking space consisting of twenty linear feet (20').

Main Street Improvements

The City is currently planning Main Street improvements ranging from sidewalk reconstruction between 4^{th} and 5^{th} Street on the east side and the west side of 5^{th} Street to the "bear" bench, etc. The City is currently in the design and engineering stage. Staff is contemplating appropriate communication with each specific street dining business owner to coordinate the schedule of improvements and subsequent timing of deck installation and/or removal. It appears very likely that individual decks will have to be temporarily removed as construction creeps its way up and down Main Street. Due to anticipated conflicts with the Main Street improvements the City identifies the following options:

a. The City may choose not to enter into the Street Dining leases until the construction is complete in the affected area depending on location and construction schedule. The business owner shall be responsible of removing their deck in the required timeframe so that the improvements are not delayed. The City shall not be responsible of any associated costs of deck placement, removal, or any possible lost revenue.

b. Each affected street dining business owner will be notified by the City when the deck must be placed and/or removed; the City will give each affected deck business owner at least 72 hours to remove their deck to ensure the timeliness and safety of the construction of the various Main Street improvements. The business owner shall be responsible of removing their deck in the required timeframe so that the improvements are not delayed. The City shall not be responsible of any associated costs of deck placement, removal, or any possible lost revenue.

Administrative CUP

The Administrative CUPs do not have an expiration date, and run with the land, or until City Council provides direction to not allow use of City-streets for outdoor dining. Currently, the nine (9) restaurants have been granted an Administrative CUP. Therefore, in order to continue with the program, they only would have to enter into a lease agreement with the City for the use of the Right of Way.

Kimball Art Center

In recent discussions with the Kimball Art Center (KAC) this year, Staff has learned that they have indicated that all nine (9) decks from 2012, including Flanagan's, can be accommodated in the 2013 Arts Festival footprint. In 2011 and 2012 Flanagan's was not allowed to participate due to its late request to participate in their program. The Arts Festival is scheduled to take place August 2 - 4, 2013.

Department Review
The Building, Planning, Engineering, Special Events, Legal, and Executive Departments have reviewed this staff report.

Alternatives:

A. Approve:
Provide direction to extend the Street Dining on Main program; and review the proposed lease agreements as presented; or

B. Modify:
Provide direction to extend the Street Dining on Main program; and review the proposed lease agreements AND modify the proposed language; or

C. Deny:
Provide direction to end the Street Dining on Main program; or

D. Continue the Item:
Continue the hearing for more information or discussion.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings + Unique and diverse businesses + Accessibility during peak seasonal times	(+/-)	+ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors	+ Fiscally and legally sound + Well-maintained assets and infrastructure (+/-)
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive	Neutral	Very Positive	Positive

Comments: This program is very unique in that it utilizes the shoulder season to bring more people to Main Street. After researching other Historic Districts around the nation we have found that Park CIty is the only one that utilizes the street for constructions of these dining decks. We have received several inquiries by other cities as to how we manage this program.

Funding Source:
Not applicable.

Consequences of not taking the recommended action:
The City Council may provide direction to end the Street Dining on Main Street program which would not allow any business owners to place street dining decks on the Main

Street ROW. The City Council may continue this item to another date for more information and/or discussion

Recommendation:
Staff recommends that the City Council review and analyze the effects of the three (3) year Street Dining on Main pilot program which started in 2010 and consider extending the program for another term. The extension includes the renewal of leases of City property/Right-of-Way (ROW) for several restaurants located on Main Street, so that they can have on-street dining on City property/ROW.

Exhibits:
Exhibit A – Updated Lease Agreements & Attachment 1 - Operational Restrictions
Exhibit B – Street Dining on Main Map

Matsumoto added that the City still needs to remain competitive and Ms. Simpson stated that there is still an opportunity to waive some fees to support an event. The Mayor pointed out that some events bring economic benefits to businesses which need to be weighed.

5. Street dining leases. The Mayor asked members if they feel comfortable renewing the leases for outdoor decks, knowing there will be construction issues on Main Street this summer. He expressed concern about 72 hours not being enough time to give a business notice to move a deck. Francisco Astorga responded that that is the second option; the preferred recommendation is to not process any of the contracts until a construction schedule is determined. The second option is a much harder approach where decks may be placed by May 1 if the sidewalk improvements are not proceeding in the area. Currently there are five decks that will be affected from 4th to 5th Street and one deck from 5th to 6th Street. He asked members what option is preferred.

Andy Beerman pointed out that there is no consideration for new applications. He felt Council would want to extend the leases on the existing nine decks but the number can go up to twelve decks. Francisco Astorga expressed that expanding the number may not be advisable because of the sidewalk work. Nine decks participated in 2011 and 2012 and have been allowed to keep their decks during Arts Festival except for the late application in 2012. Staff would like to move forward with the nine decks and any new approved deck would have to be removed during the Arts Festival. All decks would have to meet specific criteria. Andy Beerman understood that the Kimball Art Center charges a fee for the decks during the Arts Festival and Mr. Astorga indicated that it is a private arrangement between the restaurants and KAC. Mr. Beerman felt that cost should be referred to in our contract so businesses are put on notice. Liza Simpson asked if staff has asked businesses about the 72 hours. Mr. Astorga indicated no, but all nine participants have been contacted to attend this work session.

Alison Butz, Director of HPCA, stated that she has had quite a few discussions with Main Street businesses and they all understand that there will be construction in the area slated as part of the Phase 1 improvements. They are just anticipating and waiting for a construction schedule and are aware that decks may have to be removed.

Francisco Astorga explained that the second option was added because some decks, like Flanagan's, can be installed in two hours but others are designed differently and take more time to place.

Alex Butwinski emphasized that when street dining was originally approved, Council set the fees lower on a trial basis but next year, rents will increase. Francisco Astorga stated that staff will return on April 11, 2013 for approval of the nine leases.

Prepared by Janet M. Scott, City Recorder

Dick Peek	Aye
Liza Simpson	Aye

3. <u>Consideration of approval of Main Street dining leases, in a form approved by the City Attorney</u>:
    (a) Cisero's Ristorante, 306 Main Street
    (b) Bistro 412, 412 Main Street
    (c) 501 on Main, 501 Main Street
    (d) Main Street Pizza & Noodle, 530 Main Street
    (e) Bandits' Grill & Bar, 440 Main Street
    (f) Bangkok Thai on Main, 605 Main Street
    (g) The Eating Establishment, 317 Main Street
    (h) Shabu, 442 Main Street
    (i) Flanagan's, 438 Main Street

Francisco Astorga stated that Council briefly discussed this on March 28th and direction was given to move forward with the dining deck program. This was originally envisioned as a three-year pilot program and this is the fourth year. The leases must be annually renewed by the City Council and the restaurants have received a CUP from the Planning Commission. He stated that Main Street businesses are aware of the sidewalk improvements planned for this summer and a construction schedule will be finalized shortly. There are five participating restaurants that will be affected by the construction between 4th and 5th Streets and staff is recommending not signing off on those leases until the schedule is confirmed. There will be a clause in the agreements that if for any reason a deck has to be removed, a minimum of 72 hours will be given. He suggested that the City Council should consider raising the fees next year, but this year it is recommended to keep the fees as they are at a reduced rate of 49% of foregone parking revenue based on a two-year average. He urged the Council to approve the dining leases, as recommended.

Cindy Matsumoto pointed out that restaurants must be open for lunch and dinner seven days a week. Mr. Astorga explained that this has been discussed in the past and the requirement began in 2011 which was highly supported by the HPCA to ensure that the street remains vibrant. He acknowledged that it is difficult to enforce and Ms. Matsumoto noted that some restaurants are closed for a day and she noticed that there are empty decks on occasions. He understood that lunch and dinner have to be served on days when the restaurant is open.

Jon Weidenhamer pointed out that the five restaurants identified in the staff report should be approved but those leases should not be executed until the construction schedule is confirmed.

The Mayor invited public input.

Steve McComb, owner of Bistro 412 and Ciseros, stated that being open seven days a week for lunch is really tough. In October and September, restaurants have to limit their hours because of costs and maybe the requirement should be from mid-June to Labor Day. When the weather is bad or there is no one in town, the cost of manning a deck hurts businesses. He complained about raising the fees next year because his decks cost him about $5,000 a year and he is not sure if it is worth it. He hoped the program would grow because the decks are a benefit. He urged Council to be sensitive to the fees.

Andy Beerman relayed Councilmember Butwinski's comments that Council agreed not to raise the fees this year because of construction impacts but he is not supportive of prorating the fees.

Mr. Beerman explained that the lunch requirement was something pushed heavily by the merchants because of the loss of parking on the street combined with the concern of the negative look of empty decks. No one expects the restaurant decks to be open in bad weather. The Mayor pointed out that there is no language on weather in the agreement and Francisco Astorga stated that there is an understanding. The Mayor felt that the City is being somewhat *big brotherish* by over-regulating.

Ms. Matsumoto recalled the adamant position of the HPCA about the decks being open seven days a week and if it is going to be changed to something else, the HPCA should be able to weigh in again. Including the weather provision may be something owners may take advantage of. Liza Simpson stated that the dining decks are a screaming success and she is willing to consider adding inclemate weather in the contract but is not certain it is necessary. Andy Beerman also believed that if there are proposed changes, the merchants should be informed and present for the discussion. The decks are optional and at the discretion of the owner and if they are capable of impacting the street both negatively and positively, there should be some constraints on them. Dick Peek pointed out that the leases are written and felt that staff should use its discretion on enforcement because the program begins in 19 days. In response to a question from Cindy Matsumoto, Mr. Astorga indicated that he has not heard complaints about having to be open or lack of activity. In fact, the Department hasn't received any complaints about the outdoor dining program. Cindy Matsumoto stated that she supports proceeding with the leases, as written.

Liza Simpson, "I move that we approve the Main Street dining leases in a form approved by the City Attorney, making a note that the five restaurants noted on Page 41 in the staff report (Bistro 412, Flanagan's, Bandit's, Shabu, and 501 on Main) that those leases will not be executed until a construction schedule is determined". Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye

Dick Peek	Aye
Liza Simpson	Aye

4. Consideration of approval of the Park Silly Sunday Market Supplemental Plan, in a form approved by the City Attorney – Tommy Youngblood stated that Council approved the one-year service agreement on December 13, 2012 with the intention of addressing the supplemental plan. There haven't been any big issues and the Farmers Market is going to be expanded into Swede Alley. A study will be conducted on lower Park Avenue to find ways to deal with the parking situation. PSSM has agreed to operate around the Tour of Utah and staff is also working with the HPCA. He urged the City Council to approve the Plan.

Kate Boyd, PSSM, pointed out that there are only 59 days until the opener and thanked Tommy Youngblood for his assistance. She spoke about the Alzheimer's Walk on September 8, and the Peace House's event, Walk a Mile in Her Shoes on the last day of the Market. She stated that July 7, 2013 will mark 100 days of Silly Market. Ms. Boyd appreciated meeting with the HPCA and they are meeting on a monthly basis, or more if needed.

Kimberly Kuehn explained her outreach with the Utah Tourism Department and obtaining marketing dollars. She stated that $40,000 is dedicated to marketing the PSSM on Main Street and Love Communications has been hired. PSSM has been collaborating with other farmers markets in the state and have been meeting as a group. She spoke about assisting with incubating small businesses and there are numerous success stories that go through the Market. She discussed partnering with the Girl Scouts about publicizing its programs.

Mayor Williams thanked Alison Butz, HPCA and Jason Glidden for their work on the subcommittee. He opened the public hearing; there was no input and the public hearing was closed.

Liza Simpson suggested moving the post office 30 minute parking to minimize conflicts with the Farmers Market. Mr. Youngblood stated that the Postmaster requested that those spots be used if she was giving up the area on 5th Street but he stated that he will follow-up. Andy Beerman asked if the Farmers Market can work around the construction. Ms. Boyd indicated that they are excited and thankful for any space.

Cindy Matsumoto, "I move we approve the Park Silly Sunday Market Supplemental Plan, in a form approved by the City Attorney". Liza Simpson seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye
Dick Peek	Aye