PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 7, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 7, 2011.

Closed Session
2:30 p.m. Property and litigation

Work Session
3:30 p.m. Council questions/comments
3:40 p.m. UDOT SR-248 Project P. 6 - 21
4:00 p.m. CIP Preview; Revenue Policy; Property Tax Discussion; Budgeting for Outcomes P. 22 - 32
5:30 p.m. Delivery ordinance update P. 33 - 44
5:50 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 24, 2011 P. 45 - 52

V RESIGNATIONS AND APPOINTMENTS

Appointment of Bruce Taylor as an Alternate Member on the Board of Appeals

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

1. Consideration of a Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation in an amount not to exceed $22,154 for a solar feasibility study P. 53 - 56

2. Consideration of a Resolution proclaiming the month of April as Fair Housing Month in Park City, Utah P. 57

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

1. Consideration of an Ordinance approving the First Amendment to the Silver Baron Lodge at Deer Valley, Phase II, record of survey plat, located at 2800 Deer Valley Drive East P. 58 - 67
   - (a) Continuation of public hearing
   - (b) Action

2. Consideration of an Ordinance approving the 109 Woodside Plat Amendment located at 109 Woodside Avenue, Park City, Utah P. 68 - 77
   - (a) Public hearing
   - (b) Action

3. Consideration of an Ordinance approving the 335 Woodside Avenue Plat Amendment located at 335 Woodside Avenue, Park City, Utah P. 78 - 86
   - (a) Public hearing
   - (b) Action

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

Posted: 04/04/11
See: www.parkcity.org

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 14, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, April 14, 2011.

Posted: 04/04/11
See: www.parkcity.org

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

April 2011

14 **No meeting**
18 Special Meeting – Interview City Council Vacancy Applicants, Room 205, Park City Library – 2 p.m.
21 Monthly budget update
Quarterly goal update
Street dining
Addendums to facility leases extending terms – Library and Education Center, and Miners Hospital
City Council appointment
Mine Hazard Ordinance
22 Quarterly manager's meeting
28 Street dining leases
Ordinance - age limit for for-hire vehicles – public hearing/action
iPad delivery - work

May 2011

5 **Tom gone**
Presentation of tentative budget - work
Public hearing on tentative budget
12 Operating expenditures, pay plan, lump merit increase pool, benefits – work
Monthly budget update - work
Data base merger - work
PC-SLC Bus Service (45 min) – work
Public hearing on tentative budget
Pavement management
19 **No meeting - Liza gone**
26 Fee changes, CIP budgets – work
Public hearing on tentative budget

June 2011

2 Personnel policies, fee resolution, council compensation, budget policies, outstanding issues – work
Adoption of personnel manual
Public hearing and adoption of tentative budget
Public hearing and adoption of fee schedule
Public hearing and adoption of council compensation
Adoption of CEMP
Inter-local agreement - SR
9 Outstanding budget issues – work
Public hearing on final budget
16 Presentation of final budget and outstanding issues – work
Public hearing and adoption of final budget
RDA and MBA adoption of final budgets
23
30 **No meeting**

July 2011

7
14
21
28

Pending Items:
RAB and PAAB interviews - June
U S Postal Service gang boxes in Old Town

City Council
Staff Report

DATE:	**April 7th, 2011**
DEPARTMENT:	**Public Works**
AUTHOR:	**Kent Cashel, Transit-Transportation Manager**
TITLE:	**UDOT SR-248 Overlay Project**
TYPE OF ITEM:	Informational

SUMMARY RECOMMENDATION:
Council should review and comment on the information contained in this report. No formal Council action is required on this item.

Background

In February 2008 Staff began a year long engineering study of the SR-248 corridor with the objective of developing a comprehensive SR-248 corridor plan.

On February 5, 2009 Staff presented the final draft of the SR-248 corridor plan to City Council (meeting minutes attached). This plan was the product of hundreds of hours of staff and consulting engineer's work.

On February 12, 2009 Council adopted the SR-248 Corridor Plan (meeting minutes attached).

The SR-248 Corridor plan is the product of :

- Extensive traffic analysis and engineering.
-
- Consideration of numerous alternatives to address traffic growth.
- Extensive public review and comment.
- Coordinated planning effort with key stakeholders including the Utah Department of Transportation, Summit County and the Park City School District.
- Consideration of the needs of all transportation modes (Bicycle, Pedestrian, Transit, Auto).
- Integration of Traffic Demand Management strategies.

The SR-248 Corridor Plan includes the following elements:

1. Pedestrian Tunnel at Comstock Drive (Completed).
2. Addition of dedicated bus\HOV lanes from Wyatt Earp east to Richardson Flat Road. To accomplish this within the existing pavement footprint requires the removal of the current planter\barrier and restriping of the pavement. (for pavement cross section see graphic below).

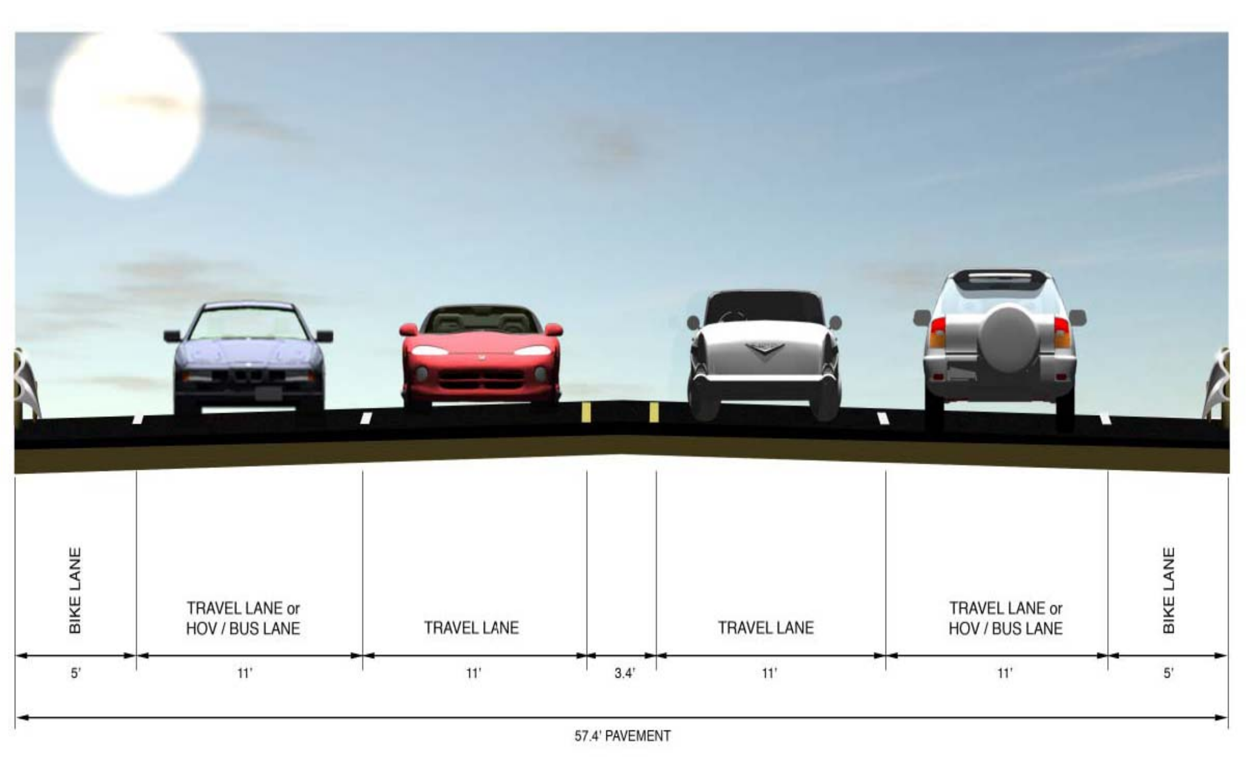
3. Bike lanes on both side of road.

4. Addition of two travel lanes between Wyatt Earp Drive and Sidewinder Drive. Possibility to incorporate some planted medians in this section.

The Utah Department of Transportation (UDOT) has scheduled an overlay of SR-248 between SR-224 and Kamas. This project will be completed in two phases (SR-224 to US 40, and US 40 to Kamas) Phase 1 of this overlay is now funded and scheduled for completion during summer 2011. UDOT indicated the work is tentatively scheduled for June of 2011.

The Region II Director of UDOT contacted City staff in late March and offered to complete the Park City section (SR-224 to US40) first. This offer was conditioned on removing the barrier in conjunction with the overlay.

Removal of the barrier is consistent with the City's SR-248 Corridor plan and will provide the space necessary to eventually implement dedicated BUS\HOV lanes without widening the roadway. The dedicated Bus\HOV lanes are critical to the efficient operation of the City's park and ride at Richardson flat.



Council conditioned implementation of the SR-248 plan on completing the Comstock tunnel and evaluating the effectiveness of the park and ride prior to implementing elements of the plan. The park and ride has been in operation (Montage Construction Mitigation) since last spring and the Comstock tunnel was completed last fall. Effectiveness of these measures has been assessed as part of work being done on the City's Transportation plan. The conclusion of these assessments is the bus\High Occupancy Vehicle lanes:

- are still required to delay\eliminate the need for additional highway capacity,

- are critical to the success of the park and ride,

- are an effective Transportation Demand Strategy (TDM) that should be implemented by the City\UDOT.

Council requested that Staff return to a work session before proceeding with construction of any elements of the SR-248 plan.

Analysis

UDOT's plan to remove the barrier and restore the pavement below it represents an opportunity to implement an element of the SR-248 plan at no cost to the City. Completing the overlay and barrier removal in one project will also avoid construction impacts that would be associated with removing the barrier at a later date.

This project will not widen the road or add any additional travel lanes (HOV\BUS) at this time before that work can be completed additional environmental work will need to be completed and additional funding will need to be secured. The overlaid roadway will be restriped with a median in the space currently occupied by the barrier.

Staff has requested that bike lanes be included in the striping plan and UDOT has indicated a willingness to include these in the area.

Staff will keep Council updated through Manager's Reports or verbal updates as more details of UDOT's project plan and schedule become available.

RECOMMENDATION

Council should review and comment on the information contained in this report. No formal Council action is required on this item.

Attached: February 5, 2009 Council minutes
February 12, 2009 Council minutes

PARK CITY COUNCIL WORK SESSION NOTES EXCERPTS
SUMMIT COUNTY, UTAH
FEBRUARY 5, 2009

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; Kent Cashel, Streets Manager; Max Paap, Special Events Manager

Laney Jones and Gene Cline, H W Lochner Inc; and Michael Watson, Basin resident

Jewels Harrison, Park Silly Market; Jeff Ward, Mike Sweeney, and Sandy Geldorf, HMBA; and Mark Spencer, Spencer Barbecue

2. SR248 corridor plan. Kent Cashel stated that this is the culmination of more than a year of work of studying SR248 to develop a vision to address growth and traffic along the corridor in the future. He requested direction from Council on the draft plan which will be considered for action on February 12. Six prior studies on the corridor were analyzed and information was integrated into one document and numerous alternatives were explored. Phase 1 of the study was presented to Council in May and members narrowed alternatives to explore four lane capacity, directional lanes, dedicated high occupancy vehicles lanes, and convenience dividends for users of the Park and Ride. He commented that in July, Council directed staff not to pursue a full scale four lane widening and in the meantime staff met with residents and stakeholders. On January 28, staff met with a large group from the School District who were supportive of the engineer's recommendation or Alternative 3. Mr. Cashel also asked for input on pursuing alternative corridors.

Consultant Gene Cline displayed a rendering of SR248 in its present condition from Park Avenue which begins as a five lane section up to Sidewinder when it drops to three lanes then two lanes and when approaching US40 changes back into a five lane section. Because of this design, there is a bottleneck effect and two options include the reversible lane alternative and the four lane design with a HOV lane. Both designs are about the same with the exception of the stretch from Wyatt Earp to the Old Dump Road or the access to the Park and Ride. It is necessary to widen the corridor one lane each direction from Sidewinder out to at least Comstock and probably Wyatt Earp. They looked at scenarios that placed a reversible lane past Comstock and even to Bonanza but in order to place the reversible lane within the existing footprint; the center lane is used as a through lane in each direction, which would interfere with turning movements into the high school. Both alternatives are four lane sections from Park Avenue to Wyatt Earp and the area between Wyatt Earp and the Old Dump Road is modified in each alternative. From the Old Dump Road to US40, the alternatives are the same with two lanes in each direction plus a center turning lane.

Mr. Cline expressed that advantages of a reversible lane in the area from Wyatt Earp to US40 include the potential for wider shoulders and providing two lanes in the peak direction. The disadvantage deals with the placement of the HOV lane which would be in conflict unless placed in the center lane when then creates problems for buses merging into the general purpose lane. Also, the HOV alternative requires large overhead signs which are posted every quarter mile along the area which may total five or six from Wyatt Earp. He indicated that they would cost about $400,000 installed. Gene Cline stated that reversible lanes are not user friendly because they are not intuitive and that is why H W Lochner is recommending four lanes with a HOV lane which fits in the same footprint. Additionally, this approach is less expensive than the reversible lanes.

Mr. Cline emphasized the importance of providing a physical separation between the eastbound and westbound lanes in the planted median area and pointed out that there is an additional three feet than anticipated so a barrier is possible. Ms. Erickson expressed concerns about removing the planted median because it slowed drivers down and added greenery and the proposed concrete barrier will be unattractive. Mr. Cline explained that the planted median was contemplated to be removed in either alternative and could only be accommodated in a fully expanded project. Mr. Hier suggested just double striping the road and Gene Cline clarified that this was the option originally presented but the lanes and shoulders are narrow and the speed is posted 50 mph. Mayor Williams felt that installing a barrier would be safer and asked if UDOT would lower the speed from the ice rink into town. Mr. Cline explained that UDOT is required to conduct a speed study to warrant a change in the speed, but the narrow lanes together with a concrete barrier would serve as traffic calming. Installing guard rails was discussed and Kent Cashel explained that it is a trade-off in trying to fit capacity within the existing footprint and the planter space is needed. However, planted medians could be installed in front of the schools which could also control some left hand turning activity. Liza Simpson suggested lowering the speed limit in the area to 40 mph eliminating the need for a barrier; it seems like a more natural speed. Kent Cashel explained that these are details that can be worked out in the next phase.

Roger Harlan pointed out that Alternative 3 provides for a lane for bicycles and a HOV lane promoting goals that are important like using public transportation or carpooling. Joe Kernan stated that he favors installing a barrier and leans toward safety over aesthetics. Jim Hier did not believe that the barrier will be very noticeable because they are so commonplace and supports just striping the road. He favored the four lane alternative and feels it is appropriate to implement a HOV lane; Liza Simpson agreed.

Candace Erickson stated that she is not happy with four lanes in front of the school and is irritated that the safety of children is compromised by accommodating traffic. Residents are not creating the traffic, it is our workers and replacing the current planted median with a jersey barrier is not the appropriate entry statement for our community. She asked when construction will take place. Kent Cashel stated that there is no plan and no identified funding and this is the first step of creating a design. A very aggressive schedule is outlined in the staff report for October 2010 but securing funding drives the time line. Ms. Erickson felt that if the tunnel at Comstock is installed within the next year, she would like to evaluate conditions on SR248 during peak times and pointed out that last year's traffic projections were probably met, but this year could be very different. Acknowledging that the study forecasts to 2014 to 2020, the state projection on our population is 5,000 higher than it is now. Ms. Erickson reiterated that she would like to evaluate the Comstock tunnel and Park and Ride projects before committing to a plan. Liza Simpson agreed that information would be helpful and emphasized that the Park and Ride needs to make sense by getting people into town faster as an incentive to use it. She wondered if a slightly better traffic flow could be accomplished without moving on to this plan. Kent Cashel advised that this project is five to seven years out and is considered a mid-term strategy. Without an adopted plan, it will be difficult to get a placeholder for the project in the budget and ultimately built in the future. Mayor Williams suggested monitoring the Park and Ride and the tunnel for a year or two and Kent Cashel advised that they are scheduled for construction this year. Ms. Erickson felt that the wide open four lane design invites more traffic problems which will penalize area residents. Kent Cashel pointed out that there is a "no build" alternative but staff felt it important to conduct a study so conditions and solutions are framed in a plan.

Joe Kernan asked if the HOV lane extends between Wyatt Earp and the Old Dump Road and Mr. Cline responded that this is the identified section because there are no turning movements there but there may be an opportunity to extend it further into town, but probably not past Comstock. There was discussion about the benefits of the use of the HOV lane for buses. Jim Hier stated that he understands Ms. Erickson's concerns but does not support *burying our heads in the sand* and not looking forward. He felt the approach should be intentional and the plan identified in the budget and pursued when it is needed and in the meantime conduct the analyses required by UDOT for future improvements. Roger Harlan pointed out the efficiencies of operating an express bus in the HOV lane but pointed out that there are currently three bus stops located in the proposed lane area. Joe Kernan predicted that Prospector residents will not be happy with the reconfiguration but felt the Council has a responsibility to make SR248 as safe as possible.

Liza Simpson stated that she was excited to read about the alternative entry corridor option and the BRT on the Rail Trail and asked if this should be pursued in the interim.

Putting BRT into town from the Park and Ride would immediately encourage people to use the Park and Ride and not their cars and the four lane project would not be needed. Ms. Erickson stated that citizens in Prospector are not supportive of motorized vehicles on both sides of the neighborhood and the Rail Trail is now considered a safe haven. Joe Kernan felt it worthwhile to look at. Roger Harlan emphasized that although it is four lanes on paper, because of the HOV lane, it is regulated and most traffic will be in one lane; there was discussion about the use of HOV lanes. The Mayor invited public input.

Michael Watson, Basin resident, expressed his support of Alternative 3 because of the designation of 5 foot bike lanes. Bike lanes are important to Park City residents, visitors, and for special events. The City and County should set an example by building more trails and he pointed out that separated multi-use trails are not adequate for bicycle commuters, especially traveling at higher speeds. He stated that he is an advocate of promoting cycling as a transportation option and recreation activity for our town.

The Mayor asked members if there is consensus on Alternative 3 as presented, understanding that it is a couple of years out. Liza Simpson expressed her support. Candace Erickson agreed that the City needs to plan long-term but clarified that she is reluctant to commit to something before some of the other alternatives are implemented. All members expressed support.

PARK CITY COUNCIL MEETING EXCERPTS
SUMMIT COUNTY, UTAH
FEBRUARY 12, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, February 12, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; Tom Eddington, Planning Director; Kent Cashel, Streets and Transportation Manager; and Kayla Sintz, Planner;

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

3. Consideration of a Resolution adopting the SR248 Corridor Plan for Park City, Utah – The Mayor commented that he received a flyer at his house last night and assumed that many in the audience from the Prospector neighborhood also received the same flyer which is inaccurate. The City did not hire the consultants to look at bus routes to Heber or to Kamas; however, expanded service is under consideration. The approach is to restripe existing SR248 for four lanes and two bike lanes and the proposal is not to widen the road. The alternative of changing the Rail Trail for vehicular access was not supported by members because it would box both sides of the neighborhood with traffic on both sides. The flyer mentions that more noise and air pollution will be generated with the plan which is untrue. Mayor Williams explained the concept of creating two high vehicle occupancy lanes and two regular lanes which would lessens the project's carbon footprint because cars are not stopped and idling in traffic.

He emphasized that if the traffic becomes too backed up on SR248, UDOT will dictate a plan and the City is trying to be more proactive in terms of arriving at long term solutions. It is also advisable to present a plan to UDOT now for improvements slated for future years. The Council made it very clear that before the plan is implemented that the Park and Ride is operating and the tunnel constructed in the Comstock area to assess the effectiveness of these measures. He again stressed that the width of the road will not be expanded and the idea of cutting into the hillside or into the wetlands was not supported by the City Council.

Kent Cashel announced that there are graphics of the project available to the public at the meeting and distributed comments received on-line from the public on the plan to Council members. There is no strong central theme in the comments, other than concerns about widening SR248 in a manner that would induce traffic growth and there were many comments based on misinformation. The Mayor interjected that the flyer indicates that the plan will prompt more traffic in Prospector neighborhoods but the plan decreases the ability to turn into neighborhoods other than Comstock. Mr. Cashel continued to explain that the City has been working on this well over a year. Six individual studies were conducted on SR248 which provided the foundation for the initial look at this study. That information was consolidated and the consultants presented eight alternatives that could be utilized to address traffic growth along the corridor. When the first phase was completed early summer, the Council directed staff and the consultant to explore four alternatives including (1) no build, (2) full four lane widening, (3) widening within the existing footprint, and (4) integration of HOV lanes and directional lanes. These alternatives were studied for four months and the plan returned to Council in November after holding public and stakeholder meetings. City Council members narrowed the alternatives to three and removed the full four lane widening as an option which would require encroaching in the wetlands and PC Hill.

Mr. Cashel pointed out the bottleneck created in front of the schools and the section between Wyatt Earp and Sidewinder Drive. No matter what alternative was explored, without doing something to address this, the plan turned into essentially a no build option in terms of providing any remediation to the traffic that models show will exist over the planning horizon to 2020. He stated that there will be four lanes in front of the high school and some expansion of the asphalt there to accomplish this; the graphic displays the footprint. The added capacity is intended to accommodate turn movements in and around the schools, not to encourage more traffic to flow. He explained that in order to protect the hillside and wetlands, the recommendation heading east is to stay within the existing footprint by narrowing lanes, removing the planter, and integrating five foot bike lanes. The engineers looked at a variety of criteria like the carbon footprint, traffic growth, cost and impacts to transit and the Park and Ride. Mr. Cashel noted that the recommendation for four lanes within the existing footprint and minimal widening at the school section was the most viable alternative both environmentally and economically and from a traffic management standpoint.

In response to a comment from the Mayor about the widening in front of the schools, H W Lockner Consultant Gene Cline advised that the lanes could be narrowed somewhat but if full 12 foot lanes are added, there is the potential of cutting into the buffer adjacent to the Prospector neighborhood by 12 feet or by eight feet if the width of the lanes is narrowed. Mr. Cashel reiterated that the plan was reviewed with the stakeholders group and at work session last week by Council and staff made an effort to ensure that the media got the message out about the public hearing tonight. Candace Erickson stated that the widening by the schools was something she was not aware of and asked about the length of the section. Mr. Cline explained that there are two lanes in each direction from Park Avenue to Sidewinder. Between Sidewinder and close to US40, there is one lane each direction plus a center turn lane. This alternative would add a lane in each direction from Sidewinder all the way to the schools out to Wyatt Earp which is a narrower section but still four lanes and once out of the barrier area, SR248 is wider and four lanes. Liza Simpson emphasized that the Council is in the planning stage of developing a plan for the corridor and in no way is near the engineering phase of determining the exact pavement width. There are still many opportunities to adjust the plan.

Kent Cashel stated that this is an important point. This is a plan that provides staff with the ability to get a project into a funding cycle which could be as far away as five to seven years out. During that time, the plan can change but without a plan, the project is not identified for funding and what stands between the plan and the pavement is the funding cycle and the UDOT process. UDOT needs to review and approve the plan but has been participating as a member of the steering committee and helped finance a portion of this study. A public involvement program will be established during the design stage. Laney Jones of H W Lockner pointed out that SR248 is UDOT's road and the state has its own process for implementing improvements. When a project is slated for funding, UDOT will initiate public participation through its own process. Roger Harlan asked if UDOT has been historically accepting of narrowed lanes as opposed to following strict engineering standards and Ms. Jones replied that it is becoming more common for UDOT to be more flexible. It is common for UDOT to narrow a 12 foot lane to 11 feet if there is a benefit or a need but 10 feet would not be typical. The Mayor mentioned that when the City was considering directional lanes, UDOT actually traveled to other sites to observe how these worked. He again discussed the importance of making the Park and Ride and HOV lanes feasible and creating incentives to get people out of their cars. Kent Cashel believes that UDOT is amenable to a lane width reduction and added that it is not very common for a Utah community to attempt to articulate a vision in advance of UDOT stepping in; this is a proactive step for Park City. Additionally, he felt the plan has been well received. The Mayor invited public input.

Tim Snyder, Doc Holiday Drive, asked what HOV meant and Kent Cashel advised that it is an acronym for high occupancy vehicle which now means more than one person in the vehicle. Laney Jones further explained that HOV can be redefined to manage traffic by the designation of number of occupants, but the big benefit is buses using the HOV lane to and from the Park and Ride. Mr. Snyder stated that this is a better plan than he originally expected, but hates to see the planter box go away because the stretch is so dangerous. In response to a question from Mr. Snyder, Kent Cashel explained that the widened section is from Sidewinder to Wyatt Earp. Ms. Jones indicated that both the four lane and directional concepts have four lanes in front of the high school. Council has expressed an interest in working with UDOT on speed limits. It was pointed out that narrower lanes and shoulders provide a traffic calming effect. The Mayor added a jersey barrier is proposed in place of the planter. Mr. Snyder felt that there are minimal traffic problems when the schools aren't in session. The school zone speed of 20 mph contributes to traffic backing up and four lanes may not make a difference but Kent Cashel believed that the Comstock tunnel will make a difference in traffic flow. There was discussion about medians drawn on the plan which could be used to prevent left hand turns or planted for the sake of aesthetics.

Mike Boyle, School Board member, expressed his appreciation of Messrs. Cashel and Cline meeting with him and several school administrators. He stated that he has shared information with the rest of the Board who understands that the plan is a concept and in general, they approve the plan as presented. They had the same concerns as probably a lot of people in attendance tonight about impacting the trails along the highway, but understands that they may have to be moved. Mr. Cashel has kept them involved and they approve of the plan.

Helen Stanley, Doc Holiday, suggested bus only lanes as opposed to HOV lanes and Ms. Jones explained that this doesn't have to be decided at this phase of the study and the lanes can be managed accordingly. Ms. Stanley insisted they should be bus only lanes. She complained about flashing signs being placed on SR248 directing people to Salt Lake and asked how this happened and if it will be continued. Kent Cashel explained that it was a trial program intended to run for a few weeks only to measure the effectiveness of the route to out-load the ski areas. It was run from 3 p.m. to 7 p.m. on peak ski days in order to move some of the traffic off of SR224. Ms. Stanley asked why we are directing drivers to SR248 because people that never traveled that way to Salt Lake will continue to go that way. Ms. Cashel responded that staff is sensitive to that issue. Ms. Stanley assumed that if the lanes are narrowed on SR248 that all wide loads will travel on SR224. Mr. Cashel noted that wide loads mean that the vehicle is already exceeding the lane width so it probably doesn't matter. A very wide load requires pilot vehicles but he didn't feel SR248 will be restricted. Ms. Stanley felt that this should be considered. Laney Jones explained that the reason UDOT is comfortable with an 11 foot lane but not 10 feet is because 11 feet will easily accommodate a truck. In response to another question from Ms. Stanley, it was explained that there will be room between the trail and the road and enough area for snow storage, however, the trail between the schools may have to be moved somewhat.

Kurt Benson, Doc Holiday Road, felt that the proposal is better than he anticipated. He suggested building the Park and Ride and requiring anybody that does not have a permit to park there and take transportation into town like Zermatt or Vail. This would mitigate some of the traffic. Kent Cashel explained that the 750 space Park and Ride lot is being completed at Richardsons Flat. Employee parking and carpooling are strategies that will be promoted to limit traffic along the corridor. Mr. Benson felt that there should be a policy of not allowing anyone on SR248, except for residents with permits. He wasn't convinced that carpooling will be successful; people like their cars too much. More lanes create more traffic side by side and speeds increase with familiarity. He agreed that traffic is congested but only two times a day, and implementing any plan with a 20 mph speed limit in place is a waste of time. Traffic signals also back up traffic. Diverting traffic to a residential area from SR224 is inappropriate. He urged Council to consider not allowing cars into town. Laney Jones advised that SR248 is a state-owned public facility and UDOT would not be comfortable restricting a public roadway and that is why this is not included as an alternative.

Faye Malnar, Sidewinder Drive, congratulated Council on a good plan but the only problem she has is expecting the Park and Ride will be used. As a retired employee of USSA, she polled employees from Heber and Kamas about parking at the Park and Ride and taking a bus, and there were no positive comments. She did not feel a permit system is appropriate because Park City invites people to visit our community. It would be helpful to get trucks off of SR248.

Margaret Hyatt, Butch Cassidy Road, commented on the removal of the planter box, which she understood made the section safer. It was explained that a jersey barrier would be installed and that some separation is needed. She was pleased to learn that the Comstock tunnel will be constructed this summer. The Mayor reiterated that the plan is three to seven years out and there other improvements the Council would like to get done in terms of the tunnel and the Park and Ride facility before any other improvements are considered. She felt that the no build alternative is most appropriate.

Colin Jackson, Sidewinder Drive, agreed with Mr. Benson and stated that he didn't feel we have a road problem but a too many vehicles problem. He spoke about the daily regional transportation systems operating in Aspen, Telluride and Crested Butte while Salt Lake, Heber, Coalville and Kamas have nothing to offer. The model of moving people around needs to get away from cars and building more lanes by offering the Park and Ride, buses, and making it difficult to bring cars into town. There is a lot of parking and pavement here making it attractive to drive into town. The no build alternative, making mass transit available to Salt Lake and other places, and making it difficult to bring in cars, will manage traffic. The Mayor referred to Mr. Jackson's flier which he addressed before Mr. Jackson arrived at the meeting. Mayor Williams emphasized that the Council is interested in pursuing all alternatives before the plan is considered for implementation. The plan is being created so it is identified in a funding cycle and is three to seven years out into the future. The Mayor further explained that the Park and Ride road will go all the way through to SR248 where the new lumber store is located so someone coming from Kamas can get off of SR248 at the lumber yard and travel directly to the Park and Ride.

Jill Orchel, Prospector resident, stated that she grew up in Aspen and rode the bus everywhere and when she moved here 18 years ago, she recalls seeing flowers on the side of the road in memory of accident victims. When the planter was installed on SR248, she was relieved and would hate to see that work undone.

David Orchel expressed concerns about the Wyatt Earp intersection because it may be difficult to enter into traffic and the no left turn into Wyatt Earp will cause more traffic to travel through Prospector. He felt the intersection, especially with planters, will create a need for a traffic light causing more delays. Liza Simpson stated that she participated in all of the WALC meetings and there is funding reserved for important projects yet to be defined, i.e., Park Avenue, SR248. At some point in time it was felt that there would likely be a need for a light at Wyatt Earp and possibly another tunnel.

Michelle Rainer, Doc Holiday Drive, felt that most of the comments have dealt with safety and quality of life. We all moved here to live in a mountain town and not to be splitting our town up with highways and promoting congestion. When does it end? If we invite traffic to come, it will. Narrowing lanes is great, but on I-80 a lane was narrowed and semis were asked not to drive on it but they do. It is a huge safety concern and even with a tunnel there are four lanes of traffic. The commuter lot is a good idea as well as the tunnel but she is against widening the road and suggested making the center lane the HOV lane. SR248 should be no engine brake zone; there are other viable options and SR224 should be looked at again. Ms. Rainer acknowledged that this is a long term plan but 2020 is not that far away.

Helen Stanley pointed out that building a tunnel is very costly but the idea of constructing a bridge was rejected. In these economic times, maybe it is time to reconsider a pedestrian bridge and evaluate the effectiveness of diverting pedestrian traffic. This would be an interim cost effective solution.

Sam Constanza, Buffalo Bill Drive, stated that he can barely turn on SR248 in the evening now and asked if crossing two lanes will make it more difficult to make a left hand turn. The Mayor replied that at peak times, he travels to streets with lights. Candace Erickson interjected that it depends on the management and use of the HOV lane and turning may actually be easier.

Wes Garrett, Prospector resident, felt that the real problems only occur three hours a day and the rest of the time traffic flows smoothly. School traffic is the real problem plus motorists can not travel over 25 mph through the school zone. There is going to be a lot of asphalt that is not going to be used most of the time. Adding traffic lights is expensive and interferes with traffic flow. Four lanes seem like too much and accommodating cars does not help meet the goal.

Max Doilney, Prospector resident, stated that he agrees with Mr. Garrett 100%. There is just a small chunk of the day that we're dealing with and the best way to make SR248 safe should be the ultimate goal. Adding pavement will result in another SR224 with traffic lights backing up traffic.

Andre Dumas, Cochise Court, felt the plan is not a good idea because it is helping commuters and no one here and Park City residents are paying for it. He suggested installing gates in neighborhoods and closing them at peak times. Moving school starting times could be helpful in the morning.

Marion Melnar, Sidewinder resident, stated that he likes the gated concept. Eliminating truck traffic is not realistic but truck traffic can be controlled from turning to keep trucks on state roads. The same applies to Bonanza and the Mayor indicated that this is an element of discussion on the rebuild of Bonanza Drive.

Kurt VonPuttkammer stated that a little less than nine years ago, he approached Council members about the SR224 expansion but was told with bodily threat not to object to this project because it was the one time we had UDOT money to do something. Mayor Olch gave him his word that the median would not be removed and it is now being removed. He referred to his letter distributed to members regarding the use of the Rail Trail for vehicular access. There is only one good solution. He referred to his written request of March 28, 2007 that this option be reviewed and asked why this has never been discussed. Why can't we look at this option? It solves every one of these problems by directing all traffic onto Deer Valley Drive. No one is willing to talk about this. Mayor Williams stated that the Rail Trail alternative has been discussed with the stakeholder group and many residents objected to another road in the back of their neighborhood. Residents were not interested in converting a safe recreation area to another mode of transportation into town. In fact, there are associated comments in the public input report received tonight. Kent Cashel added that this is also addressed in the study. Mr. VonPuttkammer pointed out that it wasn't included in the walk-ability study. One decision can improve the quality of life for generations to come. He asked why they chose the Rail Trail when they had all the land to pick from and an analysis should be done. Candace Erickson clarified that she made it a point after receiving his letter to talk to Prospector residents, explaining that Mr. Von Puttkammer's proposal was to divert traffic from the location of the Old Dump Road, turning the Rail Trail into a two lane road connecting into Deer Valley Drive. The response she received from residents was that they didn't want traffic on both sides of the neighborhood.

Andre Dumas felt that the Rail Trail makes sense because it eliminates the bottleneck problem at the schools and SR248 could remain as it is.

Sloan Reed expressed her support for the Park and Ride and getting people to use public transportation.

Joanna Kahn, Prospector resident, asked whether studies have identified the types of drivers. Kent Cashel stated that there is some data on this and the majority of drivers or about 74% are single occupant commuters. There is no information on where people work or the destination. Staff will continue to look at the mix and also measure vehicle occupancy. She stated she supports no more asphalt and green alternatives.

Howard Silverman, Sidewinder Drive, stated that he is an avid cyclist and is concerned about narrowing shoulder widths. Gene Cline explained that the stretch between the Wyatt Earp and the Old Dump Road is the only section affected. Mr. Silverman expressed that if the road is wider, the traffic will come. People will not likely use the Park and Ride because many people like to run errands during the day. No one wants to carpool because there's no flexibility. Kent Cashel felt it important to note that no element of the plan will be implemented until there is an opportunity to evaluate the effectiveness of the tunnel and other measures. In order for the Park and Ride to work, transit needs to be able to move efficiently in and out of town and the design balances these interests. In particular, through the wetlands and PC Hill area, there will be narrower lanes and restrictions on traveling in the HOV lane that should have the effect on reducing traffic. Mr. Silverman asked about the status of the option of directional lanes. Gene Cline advised that the reversible lanes did not work as well because the only place the HOV lane could be placed is in the center lane, creating an access problem to the Park and Ride because buses would have to pull into the general purpose lane. Mr. Cline mentioned that large overhead directional signs are required by UDOT with the operation of reversible lanes adding expense and visual impacts.

In response to a question from the City Attorney regarding the location of rumble strips, Laney Jones advised that this will be determined when UDOT conducts its study, but Lockner is recommending is that the five foot lane be dedicated as a bike lane. Currently, it is not a bike lane but a shoulder. The advantage of adding another stripe designating the area as a bike lane is that cars are allowed to be on the shoulder of the road but not within the bike lane section. Typically, UDOT will not install rumble strips in a bike lane.

With no further public input, the hearing was closed.

Jim Hier pointed out that members are not that naïve to think that because the City builds a Park and Ride that people are automatically going to park there and take a bus into town. It's going to take some force and in his opinion most of the traffic problems are created by construction traffic. The City can require any large project, as a part of a construction mitigation plan, to require employees to park outside of town and have those employees shuttled into town either on City buses or a shuttle similar to what Talisker has been doing for Empire Pass construction. If construction worker traffic is addressed, it should make a difference in the mornings. With regard to building a bridge versus a tunnel, the City Council deferred the decision to WALC who discussed this at length. He suggested building a separate bike lane next to the Rail Trail, acknowledging that it is not a recommendation from Lockner but it would be beneficial to take a look at the cost. Discussion ensued about lighting the Park and Ride lot during the past week. Jim Hier added that if and when PCMC and Deer Valley develop their parking lots, it would be to everyone's advantage that resort employees park at the Park and Ride so that parking is available to resort patrons. This could make a huge difference in decreasing traffic in consideration of one employee in individual cars. The City has leverage to require the use of a satellite lot during the review processes. Mayor Williams added that with the City's acquisition of the PRI property, a Park and Ride could be built at Kimball Junction. It is important to get the large employers in town to buy into the program because it's not going to work without their participation.

Mayor Williams thanked the audience for attending and reminded them that there are concepts that need to be submitted to UDOT for its review regardless. He encouraged Council to consider the expansion of the bus system before the plan is implemented. Jim Hier felt that Council continually examines the bus system and regional transportation which only be accomplished with the cooperation of the other communities. The ski areas run buses to Heber and Provo with some success.

Roger Harlan relayed that the obvious problem is having three schools on SR248 which can not be relocated and appreciated the input from residents to alleviate existing challenges. The Mayor noted that many people moved to Prospector because it is close to the schools. SR248 and SR224 are state highways and before improvements were made to them, there were many more accidents. Joe Kernan stated that if traffic continues to grow as has been trend, the City will have to implement this type of plan. The additional lanes are HOV lanes which will be faster which will provide the incentive to use them. Everyone will need to make sacrifices to reduce traffic. It would be very helpful if school bus service was expanded, acknowledging that it would be costly, but it would significantly lessen congestion in the morning. If the community is not willing to spend the money, or do anything different, UDOT will determine how and when to widen the road.

Candace Erickson stated that when this plan was first reviewed, Council favored the no build option hoping that people would change their driving habits so the plan would not be needed. The reality is that this probably won't happen and she pointed out that local businesses are dependent on outside workers. Quality of life is a priority and that is the reason the Rail Trail access road was eliminated as an alternative. All Council members are concerned about the well being of the neighborhood. Liza Simpson felt that everyone needs to do their part. One day she observed the crossing guard stopping the traffic signal for one child at a time which dramatically disrupted the flow of traffic and pointed out that the tunnel may make a real difference. She thanked the public for valuable input.
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Joe Kernan, "I move we approve the Resolution adopting the SR248 plan for Park City". Liza Simpson seconded. The Mayor reiterated that the effectiveness of the tunnel and the Park and Ride will be evaluated before the plan is implemented. Jim Hier believed that statement should appear in the Resolution and asked that the motion include all of the criteria included in the staff report as an addendum to the Resolution. Joe Kernan and Liza Simpson accepted the amendment. Candace Erickson asked if Park City's plan is accepted by UDOT, whether the City is forced to proceed. Laney Jones explained that the City would need to contact UDOT about getting the plan in the transportation improvement program and into the queue for conducting a study. UDOT would then assign a project manager, conduct an environmental study, review these options again, and gather public input again. UDOT does not have excess funds currently and when communities decline to move on projects, the state would not likely object if there are no safety issues. Kent Cashel emphasized that this is a state highway which UDOT is monitoring in terms of planning. If the City is proactive and successful in providing an acceptable level of service on SR248 that the community supports, he felt confident that the City could back out of implementing the plan if desired. Motion unanimously carried.

City Council
Staff Report

Subject:	**2012 Budget Issues/Capital Preview**
Author:	**Bret Howser, Budget Officer**
Department:	**Budget, Debt, & Grants**
Date:	**April 7, 2011**
Type of Item:	**Informational/Discussion**

Summary Recommendations:
Staff recommends that Council hold a discussion and provide direction regarding the prioritization and potential funding of significant capital projects in preparation for the FY 2012 budget.

Topic/Description:
CIP Preview; Revenue Policy; Property Tax Discussion; Budgeting for Outcomes

Background:
During the FY 2011 budget process, discussion was held regarding the long-term sustainability of City services and service levels. Staff identified concerns related to the property tax revenue stream, increased volatility in sales tax (both collections and state legislative amendments) and the lack of an escalator in property tax to keep up with inflation. The Budget Department prepared a detailed report which outlined that without a change of course, the City would not be able to provide the existing levels of service in the long run due primarily to the gradual loss of purchasing power in the property tax revenue stream over time. This report promoted a strategy stabilizing long term General Fund revenues and aligning them with long term projected expenditures, while preserving the fiscally conservative strategy of continuing to rely primarily on annual/short term sales tax surplus revenues for one time/short term capital project funding (CIP).

The City balanced the FY 2011 budget with reductions to staff performance bonuses, without a property tax increase and without incurring new debt for the Racquet Club. Staff committed to return in the fall with an expanded budget discussion, which would include a fairly rigorous prioritization process of all City services and capital initiatives as well as a discussion revisiting the City Council policy toward employee compensation.

Council spent several work session during December and January reviewing going through this prioritization process, known as Budgeting for Outcomes (BFO). The process was to be a more zero-based budgeting approach than the traditional incremental approach. It closely resembled a Request for Proposal (RFP) process, with a Results Team made up of City staff creating Requests for Results (RFRs) related to each Council goal and departments submitting “bids” for City services, programs, capital, etc. related to each RFR at varying levels of service. In this fashion, all funding in the budget was linked directly to a Council goal and the community vision. The

Results Team performed preliminary prioritization and the process culminated in a Council prioritization exercise leading up to and during Council Visioning.

In addition to BFO, Council also had a robust discussion about the City's compensation philosophy and practices during November and December. Council directed staff to take certain measures in order to control the growth of personnel costs in the City, including expanding the low end of pay grades, implementing a hiring maximum at 65% of the pay range, instituting a new working level for employees meeting but not exceeding expectations at 80% of the pay range, limiting annual pay increases for staff not at the top of pay ranges to no more than 5% per annum, and planning for a increase to the at-risk lump merit pool for FY 2012 rather than an across the board 2% increase to pay ranges.

During Council Visioning in early February, Council held discussion on the updated long-range financial projections contained in the 2011 FIAR. Staff proposed three recommendations derived from the FIAR update. The first was a curtailing level of service increases from the 1.3% annual increases projected in the FIAR by instituting a "New Mission, New Money" policy. The second was a revisiting of the 2002 OTIS study, which is now currently being carried out through the Engineering Department. The third was a reevaluation of the City's revenue and taxation policy, which could involve eventually instituting regular, small property tax increases to keep that revenue stream up with inflation. Council directed staff to come back prior to the budget season with a look at the potential impact of different scenarios of property tax increases at varying levels with varied timing.

In addition to discussing revenue and taxation during Visioning, Council also discussed BFO prioritization and directed staff to come back during the budget process with a look at potential changes to levels of service in several programs. These programs and levels of service included historic preservation, transit service to Salt Lake, snow removal (wind row), carbon reduction, water emergencies, environmental clean-up, parking structure, banners, Play Magazine, website, IPads for Council, and permitting and current planning, and venture fund. These issues are being vetted right now by staff and may be included in the City Manager's Recommended Budget. Council will have an opportunity to discuss these programs during the budget process regardless of whether or not the City Manager recommends a change to the level of service as part of the budget.

The attached flow chart shows the progression of the process that was originally presented in September. Staff has kept the rigorous pace of this process and is on schedule. We are now at the Financing Strategies phase of the process, which is the final step in the broader BFO approach prior to recommending a budget.

Analysis:
As this is the first year, or "on year", of the budget biennium, the Capital Improvement Program (CIP) Committee is performing a full reprioritization of the CIP. In recent years, the Committee has had a specific target for cuts in mind consistent with the

shortfall recovery plan. However, as the City is not in revenue shortfall mode this year, the Committee proposes a new target of $2.3 M in General Fund surplus funding for capital for FY 2011 (consisting of the $1.7M originally budgeted plus $600k in currently anticipated revenues above budget) and about $2M in each of the five years of the capital plan. This would allow for funding of all ongoing capital projects (such as asset management, equipment replacement, and pavement management) as well as some very limited cash funding for small new capital projects. The recommendation that will ultimately be brought as part of the City Manager's Recommended Budget in May will reflect this approach.

However, this recommendation does not allow for cash funding of large capital endeavors, such as the OTIS projects, the downtown economic development projects proposed by Historic Park City Alliance (HPCA), a soils repository, or a multi-use facility. These and other projects have been discussed at various times and may be eventual goals of Council. But funding for such projects may prove elusive in the future as the City's revenue streams are likely to struggle to keep up with even typical inflationary pressures on operating expenses.

In order to help Council understand the financial implications of policy decisions related to large capital expenditures and prioritize these decisions for purposes of near and long-term financial planning, the Budget Department has developed a model based on the long-term financial projections contained in the 2011 FIAR. This model will allow Council to input certain assumptions and policy decisions and immediately view the projected impacts on the long-term financial picture.

The model is based on the assumptions used in the FIAR. These assumptions were discussed at length during visioning and are documented and described in the FIAR report that was distributed in January. While these projections are, just as any projections, not a certainty to come about, the Budget Department maintains that the assumptions and methodology used in this analysis deliver the most educated guess as to what the future holds if the present course continues unaltered. Nonetheless, the model presented to Council on the 7th will have the capacity to adjust assumptions about revenue growth rates, inflationary levels, level of service growth, personnel growth, etc. Because it's anticipated that there will be varying notions of what these assumptions should be set at, staff requests that a majority of Council be required to support any changes to the base assumptions of the FIAR to ensure that the model is functioning in a way that Council is comfortable with.

Once the base assumptions of the model are set, Council will have an opportunity to enter policy direction into the model. These could include levels of capital investment in such projects as OTIS, downtown projects, soils repository, asset management, etc, cash versus debt financing, years of project implementation, and RDA extension. Then funding alternatives are presented which include operating cuts (finite or serial in nature), capital cuts, GO bonds, property tax increases, sales tax increases, fee increases, etc.

Once all of these policy positions are entered, a summary chart of the long-term financial projections will automatically update allowing Council to immediately see if the chosen strategy results in projected long-term deficits or surpluses. Following this procedure, several potential strategies can be developed and adjusted on the fly to vet the potential approaches Council might want to explore.

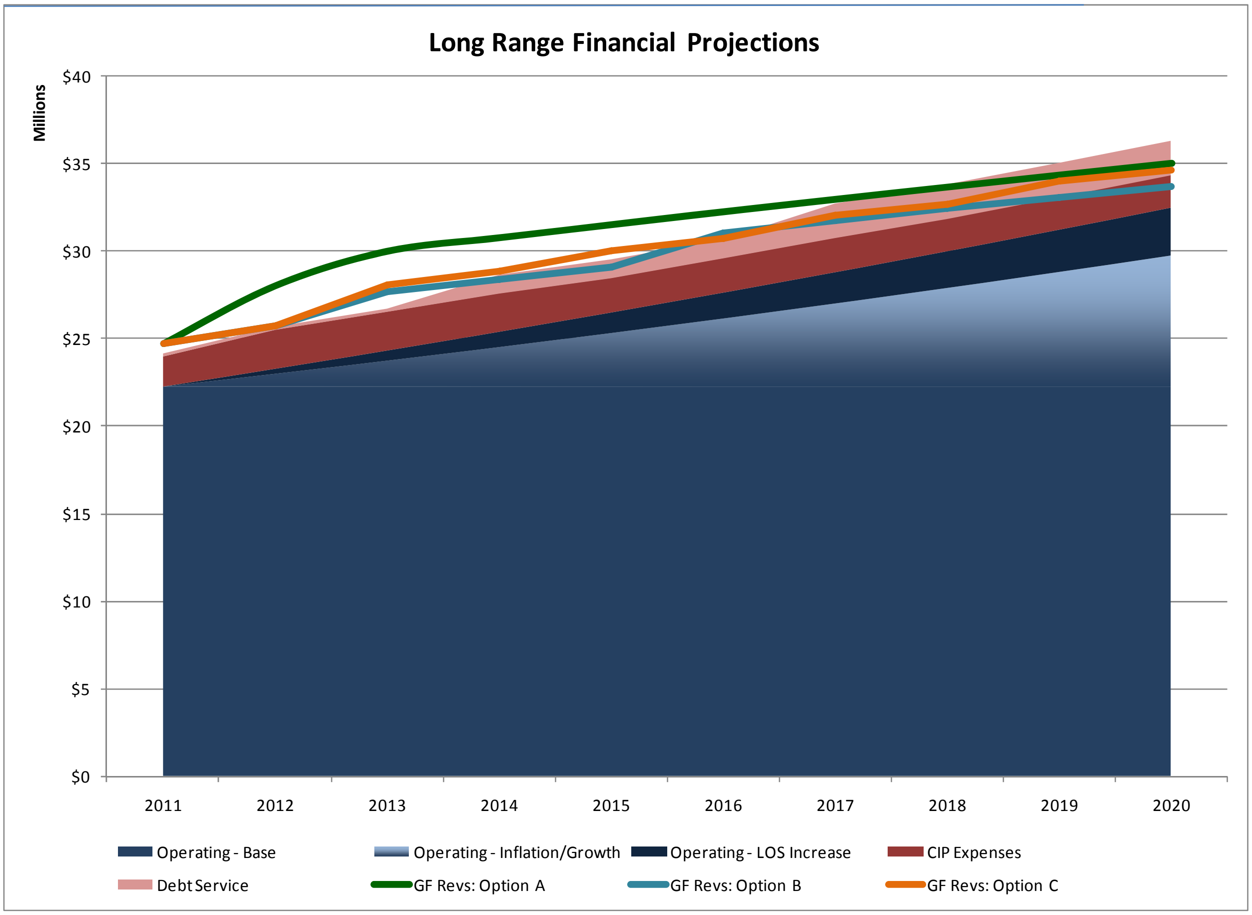
Property Tax Increase Scenarios

Council directed staff during Visioning to return prior to the budget hearings with an analysis of different scenarios of property tax increases. The following table illustrates three different approaches to property tax increases and the impact on the average primary resident's tax bill over time. In summary, larger up-front increases may result in a lower tax bill in the last year of the period, but a larger total bill over the entire time-frame. Smaller more regular increases result in lower total bill over the 10-yr period, but a higher bill in the last year (due to compounding).

Impact of Tax Increases on Primary Residents' Property Tax Bill for Municipal Services

	% Increase	Frequency	Current Bill	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Tot 10-Yr Bill
A) One-time Large Increase	30%	Up-Front	$512	$665	$665	$665	$665	$665	$665	$665	$665	$665	$665	$6,652
B) Occasional Medium Increases	15%	5 Yrs	$512	$512	$512	$512	$512	$588	$588	$588	$588	$588	$677	$5,666
C) Regular Small Increases	6%	2 Yrs	$512	$512	$542	$542	$575	$575	$609	$609	$646	$646	$685	$5,942

The impact of these three options on the General Fund long-range financial outlook is pictured below. The green line shows revenue growth assuming option A above, teal line is option B, and orange is option C. As can be seen, each option arrives at close to the same outcome by 2020, but the amount of projected surplus funding from year to year varies, with the smaller more frequent increases resulting in fewer large surpluses or deficits. In all three cases, though, by the end of the 10-year time frame, there is not sufficient operating surplus projected to cover both the ongoing capital *and* estimated OTIS debt service. For this cause, staff would propose a package of revenue side changes in order to address capital and infrastructure issues, such as OTIS. This package is detailed in the *Recommended Strategy* section of this report.



Recommended Strategy

Using the model, staff has already begun to explore several approaches to funding the larger capital pieces long term. In so doing, staff has proposed a possible plan to get talks started, based on our understanding of Council's priorities and concerns which have been discussed in work sessions, BFO workshops, Council Visioning, etc. At the meeting on Thursday, staff will have an interactive tool to modify and make adjustments.

The recommended approach is a balanced strategy which mixes cuts, tax and fee increases, debt and cash financing, and other funding sources to accomplish higher priority capital projects.

The recommended option seeks to fund $20 M of OTIS street reconstruction projects between 2013 and 2018, another $10 M in downtown enhancement projects between 2013 and 2016, and $6.6 M for a soils repository in 2012 and 2013. The majority of the repository would be funded with cash from the sale of the PC Heights project. OTIS projects would be funded with debt (likely a series of three sales tax bonds, three years apart), which would allow for the downtown projects to be funded with cash.

In order to jump start the cash funding up front, $1.5 million in cash from the CIP Fund balance would be used in addition to cutting nearly $100k from the annual contribution to Asset Management. However, debt service for OTIS alone will eventually accumulate to $1.8 M annually, lasting through 2031. Therefore, staff also proposes a package of tax and fee increases to cover long-term infrastructure and asset management costs (including OTIS, downtown projects, and asset management program).

First, staff would propose redirecting a portion of the 25% of Resort Community Sales Tax that currently goes to the Transit Fund by policy for capital. The Transit Fund has historically had great success securing federal grants for both the operating and capital sides of the Transit operation. Due to this success, the Transit Fund has accumulated a significant fund balance which would indicate that there may be a surplus amount of Resort Tax being sent to the fund. Currently, a financial study of the Transit Fund (similar to the FIAR performed for the General Fund) is underway and early returns indicate that there exists a balance of cash undedicated to future capital in excess of $10 M. The full study will be presented to Council during the budget hearings and will evaluate the potential impacts of adjusting the existing policy to put less of the Resort Tax into the Transit Fund.

Staff is currently proposing preliminarily to adjust Council policy such that 15% (instead of 25%) of the Resort Tax is recorded in the Transit Fund starting in FY 2012. This represents about $640k per year (growing to $800k by 2020). Council should use caution, though, using this strategy. While the Transit Fund does not have the current balance programmed in the budget, the long-range transit plan incorporates certain levels of growth that may ultimately draw more heavily on the Resort Tax or on an eventual Additional Transit Tax. If Council proceeds with this course of action, potential funding sources for transit service that Council envisions someday (such as Salt Lake service or expanded regional service) could be lost to the General Fund. Furthermore, if the current federal model of funding local transit programs shifts (and early indicators are that it is shifting) federal dollars for capital renewal and operating expenses in the Transit Fund could begin to dry up, increasing the strain on the Resort Tax in the Transit Fund. Again, these issues will be vetted in the upcoming Transit Fund study, but Council should proceed with caution at this point.

Second, staff would recommend that the Building, Planning, & Engineering Fees be increased to recover a greater percentage of staff cost. Currently, there are dozens of fees associated with the BPE function which recover cost at varying levels. On average, the cost recovery is about 50%. If certain fees (likely *not* the building permit fee, but other secondary fees) were increased to recover closer to 100% of the cost, this revenue stream could conceivably increase by about $600k per year. As this action, could potentially have an adverse impact on the local economy, staff recommends delaying this action until FY 2013.

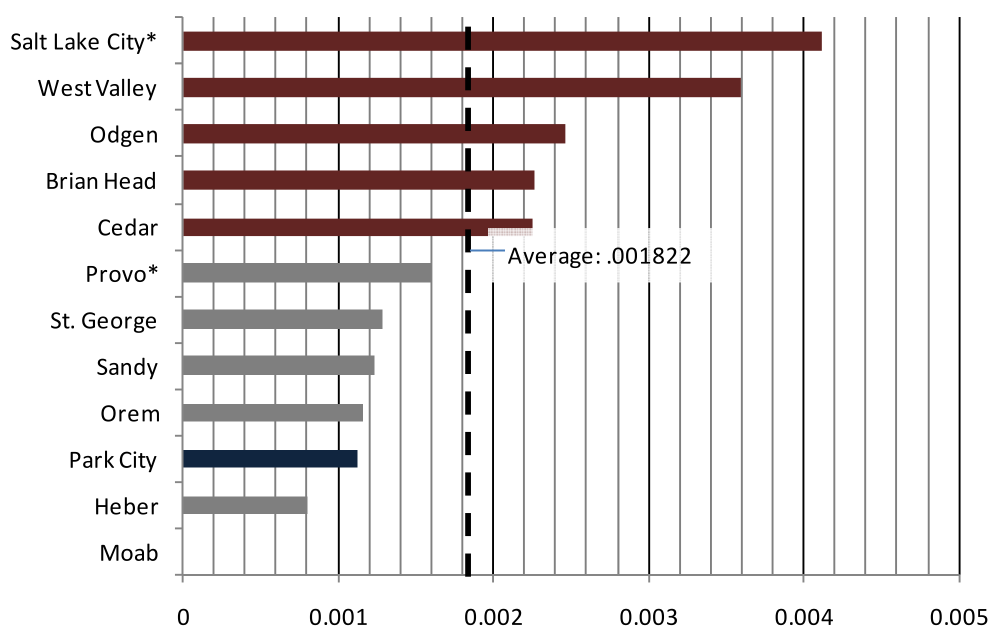
Third, staff would propose serial property tax increases to pay for infrastructure renewal and economic development projects. These would include 6% general levy increases for FY 2013, FY 2015, FY 2017, and FY 2019. Each of those increases would generate approximately an additional $500k into the budget, accumulating to a level sufficient to cover OTIS debt service and a portion of asset management in the long-term, as well as covering cash capital expenses for the downtown projects in the shorter term.

Park City's general levy represents about 15% of the total property tax bill for Park City residents. So when we talk about a 6% general levy increase, we're really talking about a 0.9% increase of the overall property tax bill. The average household (primary resident) pays about $512 per year for municipal services in Park City. This is a little less than 0.5% of the median household income. A 6% increase would today be about $31 per year on the average primary resident. It's difficult to say what it would be in future years as the median value is tough to project, but it's not unreasonable to believe it would be similar.

Estimate of Average Property Tax Increase

	Primary	Non-Primary	Commercial
Total Assessed Value	2,031,174,287	4,394,160,532	587,490,116
Parcels	2897	6531	713
Avg Assessed Value	701,130	672,816	823,969
Taxable Value	385,622	672,816	823,969
Current Park City General Levy	0.001327	0.001327	0.001327
Avgerage Tax	512	893	1,093
Avgerage Tax with 6% Increase	542	946	1,159
Average Annual Tax Increase	31	54	66

Headroom Analysis: Utah Cities, General Levy



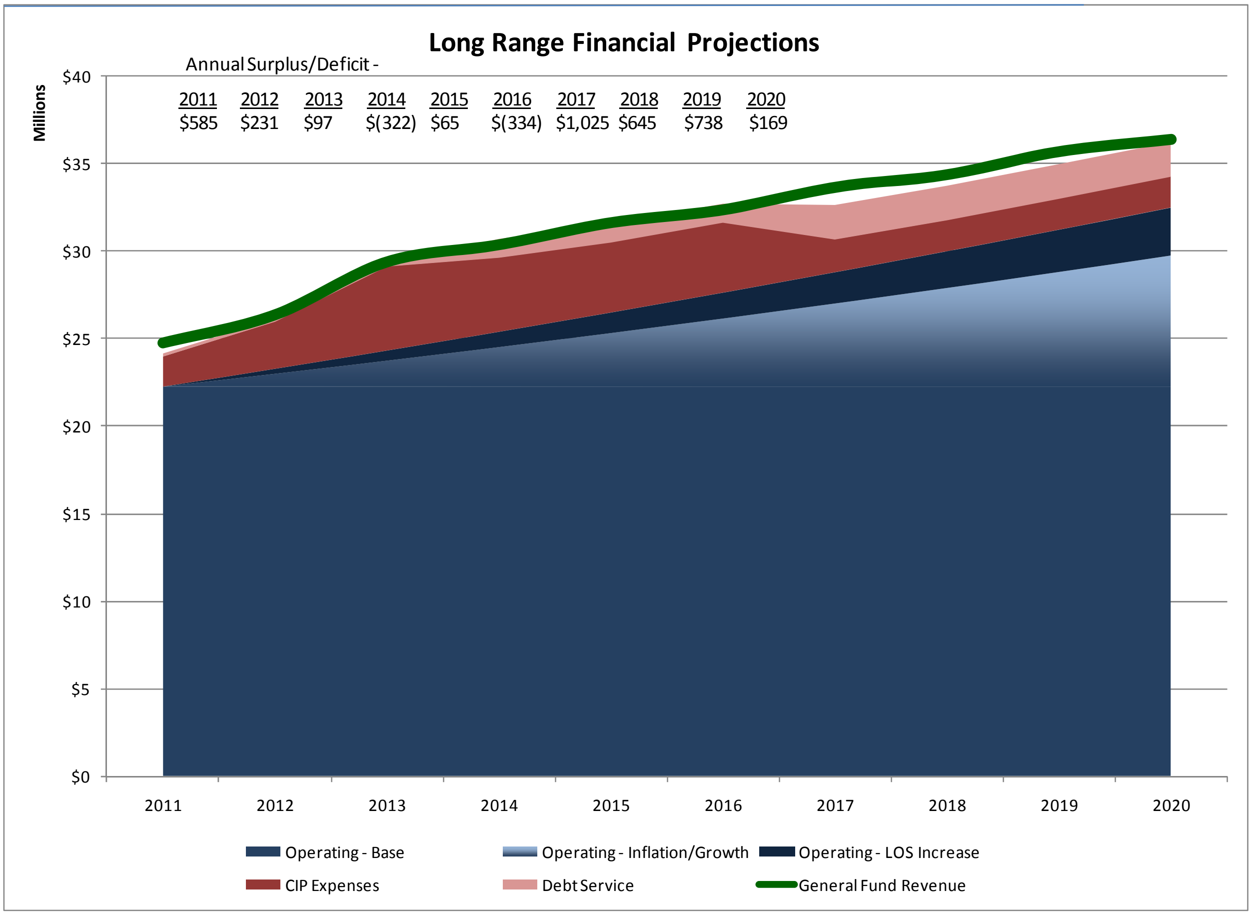
* General Levy & Library Levy

The above chart shows a comparison of general levies for a sampling of cities in Utah. As can be seen, Park City's general levy is well below the average of this sampling. This is to be expected considering the high property values in Park City relative to the rest of the state. However, Park City also has a high level of municipal service relative to its size and number of households. In theory, more dollars would need to be collected per household in order to fund this level of service. This is offset to a large degree by sales tax dollars related to tourism, but Council should judge what proportion of base operating level of service expenses should be paid for by full-time residents and what proportion should be covered by the tourism dollar.

Neither Park City staff nor the Utah State Tax Commission could determine the last year in which the City raised the general levy above the certified rate. The State Tax Commission's records on property tax rates date back to 1990, so the City has not raised property tax outside of voter-approved general obligation debt in at least 20 years. Park City property tax burden is currently a little under one-half of a percent of median household income, and has been coming down slowly over time. Council might consider a cap as part of the City's tax policy that the City's general levy will never exceed some level (such as 0.5% of median household income). This would ensure that property taxes, for the City's part anyway, don't grow any faster than income over time.

Finally, staff would recommend a quarter cent (0.25%) Transient Room Tax to be instituted in FY 2014. This would generate about $250k per year for CIP and would be used to offset costs for the downtown enhancement capital projects as well as other capital projects such as possibly assisting with the construction of a multi-use facility if deemed feasible.

The following chart shows the long-term financial projections considering the staff-recommended strategy. The strategy yields modest surpluses in most years. Note how cash capital expenses are weighted up front, transitioning to debt service for capital in 2017.



Staff believes that this strategy represents a balanced funding approach which accomplishes operating and program levels of service desired by Council and community in the long-term, as well as funding critical capital projects and Council priorities. Council should explore other options as well, which can be done during and following work session on April 7th, but it should be noted that long-term operating deficits are unlikely to be avoided without a significant shift in financial strategy, specifically a strategy involving either serial/recurring operating cuts or serial/recurring property tax increases.

Department Review:
Budget; Legal; City Manager; Economy; Transit & Transportation

Alternatives:

A. Approve:
This item is for discussion. Council may provide direction as it pertains to the prioritization and potential funding of significant capital projects for inclusion in the FY 2012 Recommended Budget. Final decisions will be made as part of the Council Adopted FY 2012 Budget in June, 2011.

B. Deny:

C. Modify:

D. Continue the Item:

E. Do Nothing:

Significant Impacts:
This item is for discussion. Council may provide direction as it pertains to the prioritization and potential funding of significant capital projects for inclusion in the FY 2012 Recommended Budget. Final decisions will be made as part of the Council Adopted FY 2012 Budget in June, 2011.

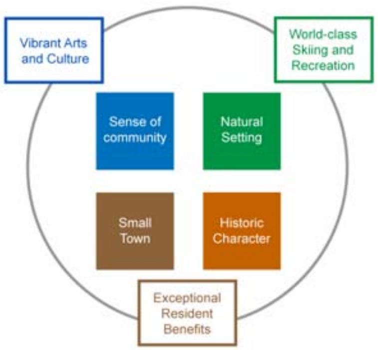
Consequences of not taking the recommended action:
This item is for discussion.

Recommendation:
Staff recommends that Council hold a discussion and provide direction regarding the prioritization and potential funding of significant capital projects in preparation for the FY 2012 budget.

Attachments:
A – BFO Process Flowchart

Budgeting for Outcomes (BFO) Flowchart

Community Vision



Council Goals 2010

- Preservation of Park City Character
- World Class Multi-Seasonal Resort Community
- Effective Transportation
- Quality & Quantity of Water
- Recreation, Open Space, & Trails
- Regional Collaboration & Partnership
- Open & Responsive Government to the Community

Revenue & Taxation Policy

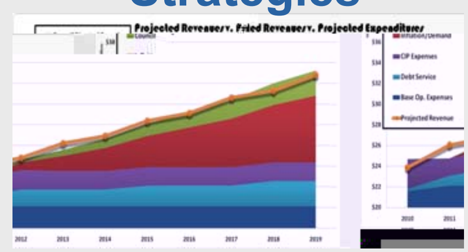
Pay Plan Philosophy

Service Level Prioritization

G		C C				
I			A	B	C	D
High	Affordable Housing	Sustainability	$150,000	$100,000	$50,000	$25,000
High	Historic Preservation	Planning Dept	$100,000	$75,000	$50,000	$25,000
Moderate	Downtown Projects	Capital/Debt	$1,000,000	$500,000	$250,000	$100,000
Moderate	Trash & Recycling	PW/Sustainability	$250,000	$100,000	$50,000	$25,000
Moderate	Public Art	Executive	$100,000	$75,000	$50,000	$25,000
Low	Free Popcorn Day	Budget Dept	$2,000,000	$750,000	$250,000	$15,000

Budget Process

Financing Strategies



Request for Results

Offers

Historic Preservation

L : B

( ):

Architectural compatability
in Historic Districts

M ( ):

(1) Biennial Public Opinion Survey
(2) Biennial 3rd Party
Expert Assessment

C :

Personnel - $60,000
Materials - $15,000
Total $75,000

Comparisons w/ other cities

Efficiencies - Process Engineering

POLICY

IMPLEMENTATION

City Council
Staff Report

Subject:	**Main Street Deliveries Check In**
Authors:	**Michael Kovacs, Assistant City Manager**
Department:	**Executive**
Date:	**April 7, 2011**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends that Council continue to use the delivery times as adjusted by the January code amendments.

Topic/Description:
City Council amended the ordinance governing deliveries in January. This ordinance added flexibility for upper Main St. deliveries to take place earlier in the morning. No complaints have been received or citations issued since the changes.

Background:
In the fall of 2010, conflicts broke out between condo owners and delivery truck companies over early morning delivery noise on lower Main St., catching our police in the middle as we tried to enforce the existing codes on a complaint basis. A change in the codes was needed to avoid dramatically impacting existing business operations on the street for the high season. Council had 3 meetings on the subject just after the holidays and passed new code that went info effect for Sundance, and is still in force. A post-season check in was requested.

To further refresh yourselves on previous meetings and work sessions on this topic, you may refer to the December 2nd work session minutes and the January 6th & 13th Council meeting minutes included in this week's packet.

Analysis:

The HPCA (Historic Park City Alliance) was consulted on any impacts possibly resulting from truck or noise issues since the ordinance was passed. The HPCA contacted some condo and hotel properties on upper and lower Main St. in response to our inquiry and got a response from the Marriot Summit Watch. Ms. Johnston, the General Manager of the Marriot Summit Watch, replied that she had not received any complaints, but also noted that it is winter and the windows are closed. The Police department queried its dispatch database and asked officers and supervisors for any memorable noise or delivery truck issues they had dealt with since the ordinance changes. The officers and supervisors reported no issues. PCPD did make one response to a complaint of a big rig idling at Zoom, 660 Main St., at 8:00 a.m. on March 1st.

It appears that the code changes are working as Council intended. There is a potential for further conflict as we move into the spring and summer when people may have their windows open. Staff proposes to continue to monitor impacts and advise the Council as necessary.

Department Review:
Police, Parking Enforcement, Legal, and the City Manager have reviewed this Staff Report. Partner association review: HPCA (tentative).

Alternatives:

A. Approve
Continue use of the amended delivery codes. No action is required.

B. Deny
Re-open discussions on the delivery and noise issues with the street's businesses and residents.

C. Modify
Set another check-in date (now or later, as needed) in the fall to see how things go over the summer.

D. Continue the Item
Return at a date of your choosing.

E. Do Nothing
Allow staff to handle any issues within their discretion.

Significant Impacts:
Depending on Council direction, impacts vary from economic development issues to increased tensions between businesses and residential property owners and renters.

Consequences of not taking the recommended action:
Taking an approach alternative to the staff recommendation will require staff time dedicated to further communicate and mediate disagreements over an ideal ordinance, reducing resources that could be devoted to other City Council or Manager priorities.

Recommendation:
Staff recommends that Council continue to use the delivery times as adjusted by the January code amendments.

Exhibits (Included):
Exhibit A – Ordinances (as amended) enabling earlier deliveries on upper Main St.
Exhibit B – Minutes compilation, Dec. 2nd, Jan. 6th & 13th

Exhibit A: Code Sections Modified in Mid-January (New Language)

6- 3- 8. SPECIFIC NOISE PROHIBITIONS.
The following acts are declared to be in violation of these rules and regulations:

…

(F) **LOADING OPERATION**. Loading, unloading, opening, or otherwise handling garbage containers between the hours of 10 p.m. and 7 a.m.
(Amended by Ord. No. 11-03)

…

9- 8- 3. DELIVERY VEHICLES IN THE MAIN STREET CORE.
All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions;
(A) Delivery vehicles operating south of Heber Avenue shall utilize the west side of Main Street during the hours from 3:00 a.m. to 12:00 noon. Delivery vehicles operating north of Heber Avenue shall utilize Main Street during the hours from 7:00 a.m. to 12:00 noon. After 12:00 noon, no delivery vehicle shall be parked on Main Street. Delivery vehicles may utilize any parking space on the west side of Swede Alley from 3:00 a.m. to 4:00 p.m.
(B) Delivery vehicles may double park on the west side of Main Street south of Heber Avenue from the hours of 3:00 a.m. to 12:00 noon. Delivery vehicles may double park on Main Street north of Heber Avenue from the hours of 7:00 a.m. to 12:00 noon. Delivery vehicles may double park provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.
(C) Delivery vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 noon.
(D) No delivery vehicle shall park on the east side of Swede Alley.
(E) No delivery vehicle shall be parked in such a manner to impede the flow of traffic.
(F) No delivery vehicle shall be parked with its engine left idling.
(G) No delivery vehicle shall park on Park Avenue, between Heber Avenue and King Road, to make deliveries to a business with a Main Street address.
(H) Special Events and Master Festivals in the Main Street Core that are authorized by the City may impact delivery vehicle operations. Delivery vehicles will have special privileges and restrictions as approved by the City's special events staff in accordance with the standards in Title 4, Chapter 8.
(Amended by Ord. Nos. 00-52; 11-03)

PARK CITY COUNCIL WORK SESSION NOTES EXCERPT
SUMMIT COUNTY, UTAH
DECEMBER 2, 2010

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Kent Cashel, Transportation Manager; Pace Erickson, Operations Manager; Deb Wilde, Code Enforcement Officer; Shelley Hatch, Finance Analyst; Matt Cassel, City Engineer; Tyler Poulson, Environmental Analyst; Brian Anderson, Parking Manager; Diane Foster, Sustainability Manager; Roger Evans, Interim Building Official; and Bret Howser, Budget Manager

Justin Dalton, Director of Transportation for Cisco; Sandra Nugent, Clean Air Park City

2. Main Street early deliveries and anti-idling discussion.

Main Street deliveries - Michael Kovacs explained that the City received complaints from the neighborhood in October about early deliveries which triggered enforcement action by the Police Department. Idling of engines contributes to noise issues. Utah Code specifies that unattended vehicles can not be left running and the City has special parking and delivery restrictions on Main Street and Swede Alley together with internal policies. Park City's policy encourages employees limit idling to a minute. He stated that the noise ordinance provides that deliveries can not be made between 10 p.m. and 7 a.m. which is restrictive and the street becomes quickly populated. Running vehicles are limited to 15 minutes unless other equipment is involved and another section of the noise ordinance limits noise by decibel level and zone. The Police Department is currently responding on a low priority complaint-based approach for enforcing the ordinance and delivery companies have suggested moving toward earlier delivery times to better avoid conflicts. Mr. Kovacs suggested maintaining the current ordinance but to reaffirm Council's low enforcement priority.

Liza Simpson emphasized that the flurry of complaints last summer originated from one person. Chief of Police Wade Carpenter explained that complaints are dealt with on an individual complaint basis and sometimes complaints lead to other offenders. He hoped that complaints will be largely curtailed with the anti-idling campaign and agreed that most complaints were from one individual. The Mayor invited public input.

Justin Dalton, Director of Transportation for Cisco, explained that refrigeration units in delivery trucks create most of the noise and these can be shut off. The hours in the ordinance can work in the summer but if enforced in the winter, will create significant traffic problems. Safety is most important and Cisco would like to make deliveries about 3 a.m. Drivers are trained to reduce noise as much as possible. He explained that

Cisco was unaware of the ordinance until cited last summer and emphasized that with a small window for deliveries, more trucks will be needed which creates other negative impacts.

Liza Simpson pointed out that 80% of Cisco's deliveries are key-drops which mean businesses have given permission to access their stores and deliver in the early morning hours. In response to a question from Candace Erickson, Mr. Dalton indicated that deliveries are made six days a week. Ms. Matsumoto asked about anti-idling training acknowledging that refrigeration units were described as creating the noise issue and Mr. Dalton described adjusting the units and stated that Cisco trucks are not idling; after one minute engines automatically shut off. The refrigeration units can be turned off and Nicholas & Company has the same policy. The Chief stated that there have been no recent complaints but if there is a complaint, the Department must respond.

Alison Butz, PCHA, stated that the membership's biggest concern is having deliveries made before patrons come to the street. It is felt that enforcement on an individual basis is working. PCHA prefers an earlier delivery time but can tolerate the status quo.

The Mayor suggested that the delivery companies continue to work on adjusting refrigeration units to mitigate potential noise impacts. Liza Simpson reiterated that it was one guy making 99% of the complaints and perhaps this issue needs to be revisited in the spring because of the hours issue. If deliveries are being managed with key drops, and trucks are not idling, and the refrigeration units are turned off, the Mayor felt amendments to the ordinance should be considered. Ms. Simpson suggested 5 a.m. Joe Kernan believed noise can be adequately mitigated which is the problem and is comfortable with changing the time. Candace Erickson discussed moving the time back to 3 a.m. to realistically meet everyone's needs. Ms. Simpson did not believe having a truck on Main Street at 9 or 10 a.m. is a problem. Mayor Williams suggested conducting a trial period for six months over the winter and if successful, eliminate the time limit. Liza Simpson felt that the hours of 3 a.m. to 9 a.m. would be best from the standpoint of conflicts. Cindy Matsumoto encouraged Cisco to instruct its drivers to turn off their engines immediately rather than waiting a minute. She expressed her support of a trial period. Mark Harrington interjected that the times in the ordinance could be different for summer and winter seasons.

Given the level of non-compliance, the City Manager recommended amending the ordinance or enforcing it as written. All members were supportive of amending the ordinance and Tom Bakaly indicated that a draft will return to Council and a public hearing scheduled.

Anti-idling Ordinance - Tyler Poulson stated that the City Council approved an anti-idling resolution in November 2009. Salt Lake City recently completed a public input session on a draft ordinance. An ordinance, rather than a resolution, clearly conveys the public health and environmental damage done by vehicle idling and it more efficiently encourages people not to idle their vehicles. This is similar to the no-texting law which has changed behavior for many individuals and staff feels that an anti-idling ordinance can provide that same type of benefit in Park City. Mr. Poulson discussed the advantages of anti-idling legislation which has become a hot topic in the state of Utah. The EPA designated seven Utah counties as fully or partially non-attainment zones for air quality in the past year which prompted stronger support for action on idling. Utah Monster Clean Air is a state-wide organization and Clean Air Park City is the local chapter with the goals of promoting public awareness and education. The Governor has designated September as idle-free awareness month. Mr. Poulson indicated that 2 billion gallons of fuel are unnecessarily idled away on an annual basis in the United States. Anti-idling ordinances have been adopted by a variety of communities which were collected and reviewed by staff and the ordinance, as drafted, considers Park City's normal operations. The draft resolution specifies one minute and the Salt Lake Council is considering two or three minutes.

Liza Simpson was pleased to learn of the effectiveness of passing an ordinance without it becoming an enforcement burden. Tyler Poulson stated that Parking Services will be the code enforcer within its existing patrol area. Police will also have the ability to respond and enforce the ordinance. Much like the taxi complaint form, there can be an idling complaint form which will help track violations that can be followed up with mailed warning notices. Staff recommends warnings as the first line of defense and will return in a couple weeks with a draft ordinance. Parking Manager Brian Anderson advised that parking enforcement ceases at 8 p.m.

Sandra Nugent, Clean Air Park City, supports the ordinance and noted that the organization will continue their educational efforts. She spoke about campaigning on Main Street and on Bonanza. They have a presence in the schools and the City has done a great job of posting signs at the schools. The Mayor spoke about the airport being well posted and it may be worthwhile to talk to the local banks about installing similar signs.

All members were unanimously supportive of moving ahead with an ordinance. Diane Foster added that Summit County is working on a resolution hoping it could become a County-wide ordinance. PCMR, Deer Valley and the School District all have anti-idling policies in place.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING MINUTES EXCERPT
SUMMIT COUNTY, UTAH
JANUARY 6, 2011

6. Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah – Michael Kovacs referred to emails sent to Council members and to staff regarding this proposal. The HPCA has reviewed the draft and does not agree with the current approach providing for a more lenient delivery period allowing for deliveries to begin at midnight due to the Sundance Film Festival activities. It was felt that there is a lot of bar activity and associated noise in the Main Street core and delivery noise would be secondary. He recommended striking the section of the Code relating to prohibition on deliveries and enacting some clarifying language for times in the parking code allowing for deliveries to take place on Main Street. He emphasized that Main Street will be closed in the event of emergency snow removal operations and the e-notify feature on the website could be utilized. He referred to a performance measurement analysis comparing other ski towns. Breckenridge, Vail and Jackson allow a higher decibel level for trucks. The HPCA has requested that the Council hold off considering the ordinance. Liza Simpson pointed out that King Avenue should read King *Road*. The Mayor expressed his confusion about the midnight starting time in the draft ordinance when Council previously discussed 3 a.m. Mr. Kovacs agreed but it was felt that there would be conflicts during Sundance and midnight accommodates this specific event. The Mayor recognized that Sundance is somewhat of an anomaly, but understood the goal to be to facilitate access to businesses by getting trucks in by 3 a.m. and out by 7 a.m. Ms. Simpson also recalled a starting time at 3 a.m. consistent with the time of key drop deliveries. She didn't feel getting delivery trucks off Main Street by 7 a.m. is realistic. Ms. Matsumoto asked if Sundance can be exempted. Police Chief Carpenter pointed out that the ordinance has to be enforced when there is a complaint. Tom Bakaly felt that the ordinance could include something about Sundance or there could be a reference in the Master Festival License. It was clear from the previous work session discussion that there is non-compliance before 3 a.m. and the draft was an attempt to manage non-compliance. The Mayor opened the public hearing.

Stephanie Johnston, General Manager of Marriot Summit Watch, relayed that many of her owners and guests would be affected if deliveries started at 3 a.m. She stated that she already receives numbers of complaints about noise. They are not concerned about UPS or Fed-Ex who have lifts and no back-up beepers. Allowing earlier deliveries would truly be a nightmare. The Marriott does not allow deliveries before 7 a.m. and that should be the case for all of Main Street and trucks should be off the street by 10 a.m. She understands Sundance but the noise from deliveries happens every day of the week. Liza Simpson asked if there is a time when there are more complaints and Ms. Johnston said not really. Ms. Simpson asked how many complaints she has received over the years. Ms. Johnston commented on bar and snow removal noise complaints and felt she receives a dozen noise complaints about every six weeks. Slamming and back-up noise are the worst.

Alison Butz, HPCA, referred to a letter submitted earlier to members and suggested that Council consider a trial period acknowledging the concerns of the lodging properties. She understood that delivery companies can direct drivers to turn off engines and refrigeration units and she spoke with Sysco about the delivery situation at Zooms which has been contentious. She suggested avoiding lower Main Street until 7 a.m. Rather than enacting an ordinance, conduct a trial and monitor decibel levels. She clarified that this would allow deliveries on upper Main Street beginning at 3 a.m. and deliveries on lower Main Street where the higher concentration of lodging units and complaints exist at 7 a.m.

Justin Dalton, Sysco, stated that his drivers were pulled off Main Street on December 28th and 29th, resulting from a complaint and the other was police enforcement of the ordinance. Because of these actions, additional employees were needed to deliver in the afternoon and restaurants did not have needed items because they were four hours off schedule. Many establishments do not have storage capacity in the busy season and it is imperative to deliver groceries on time. He added that Sysco has contracts with many clients similar to the Marriott's about delivery times but they have to plan for a start and completion target in every community. To physically deliver a truck in three hours is impossible. He described another *wild* service to Park City after the early deliveries are made for emergency orders. Because customers were not getting their initial orders until 3 p.m. he relayed that Sysco was running five trucks until 8:30 p.m. on December 29th and pointed out the snowball effect when deliveries are do not occur earlier. Refrigeration units are shut down and they do not bring lift gates into Park City. Drivers are educated about not slamming the ramp. Mr. Dalton understood that there has been only one complaint from the Zoom's dock from a continual complainant who deliberately left his window open so he could hear a delivery truck arrive so he could call in a complaint to the police. Sysco was removed from Main Street as was Nicholas. On the second day, he recalled all distributors were removed from Main Street. He believes by not allowing deliveries to lower Main Street until later will work. Justin Dalton again detailed the December 28 and 29th incidences in response to a question. He explained that four trucks are used to service Park City six days a week for a total time of 9.5 to 11 hours per day. Main Street trucks are there roughly six to seven hours and deliveries are tailored to consider noise concerns or customer requests. Sysco rolls into town about 2 a.m. for Sundance but on a normal day, arrives at about 3:30 a.m. and delivers first to areas where there are no residents.

Rhonda Sedaris, R&R Properties, stated that her property management company receives lots of complaints and she doesn't call City Hall or the Police Department. Sometimes guests have to be moved or there are refunds. Noises complaints are City-wide but the majority of them are from the Main Street corridor. She understood that 18 wheelers are not allowed on upper Main Street which should also be the case for lower Main Street. She suggested limiting delivery trucks to single axle vehicles. Other ski towns may not be good comparables because they are not close to a metropolitan area like Park City is to Salt Lake. The ordinance needs more review.

Robert Wilcox stated that this has been going on actually for about a year and a half as far as the Zoom dock. He spoke to the Aspen and Jackson Police Departments who said that there was never an issue as far as any delivery vehicle. There have been complaints made and he believes the citations have just started. 7 a.m. is extremely early and the loading dock at Zooms Restaurant is 50 feet away from his master bedroom on the second floor. The decibel readings go up to 114 and there is a 65 db limit before 7 a.m. He has called the Police Department a few times but Sysco keeps violating the ordinance and he has taken videos of violations. He asked why lower Main Street has the big rigs while upper Main Street does not. The only reason Sysco is trying to comply is because it received citations and he spoke about the lack of delivery vehicles on Main Street at 8:30 a.m. which he filmed on his IPhone. Diesel trucks make a lot of noise. He reiterated his issues several times and the Mayor asked him to summarize. Mr. Wilcox stated that the ordinance should remain at 7 a.m. but there can be exceptions for Sundance.

Teak Brenner, U S Food Service, stated that he has serviced Park City for about 35 years and detailed the process for planning and loading trucks the evening before a delivery at 3 a.m. to 3:30 a.m. Diesel trucks are efficient and 70 restaurants need to be serviced on Main Street. He suggested beginning at the top of Main Street and going downhill so there is less noise. There are solutions but there has to be some give and take and a decision should not be based on one particular area. Look at a 60 day trial period and he emphasized the number of delivery trucks on the street, not just the three big distributors. He discussed the high volume of business during the winter season and the need to deliver early. In response to a question from Liza Simpson, Mr. Brenner explained that three sizes of trucks are used and he detailed different scenarios.

Jim Sidensky, U S Food Service Operations Manager, stated that drivers are instructed to turn off their engines and reefers and backing up to docks is avoided as much as possible. He volunteered to participate on a committee. The company makes deliveries day and night and deliberately plans to limit conflicts. A diesel engine will make the same amount of noise regardless of the size of the truck. Lower Main Street can be avoided and U S Food Service begins delivering about 2:30 a.m. during Sundance. He asked to be contacted if there are problems or concerns. Park City's business is important to them. The storage capacity in historic buildings can be very limited and these businesses require a high level of service.

Kathy Sly, property manager, read a letter authored by Colleen Webb stating that the ordinance should be reconsidered. Lower Main Street is primarily residential and upper Main Street is mainly commercial and most of the condominiums in both areas are occupied by tourists. Tourists are our main business in Park City. It is the obligation of Park City to give these guests the best possible experience. Tourists don't know to call the police when there is a noise disturbance and shouldn't be expected to do so. The City may not be aware of the noise complaints. Residents on lower Main Street should have the same protections as upper Park Avenue residents. The letter from Ms. Webb urged Council to vote against the proposed ordinance, actively enforce the existing ordinance prohibiting deliveries before 7 a.m., and pass an ordinance prohibiting 18 wheelers at any hour of the day on Main Street.

Jason Nichols, Nicholas & Company, stated that he has been servicing Park City for 24 years. He pointed out that food service delivery services are getting a bad rap as there are snow removal, garbage, and other noisy activities in the area. Deliveries need to reach restaurants on Main Street and to limit deliveries from 7 a.m. to 10 a.m. will require Nicholas to send 25 trucks to Park City. Nicholas has many key drop accounts and lower Main Street deliveries are made later in the morning after 7 a.m. Nicholas is trying to operate as efficiently as possible and he suggested a 90 day trial run.

Jeff Turner, Director of Operations Roseno LTD, spoke about his catering business. There are occasions when he is unloading at 2 a.m. on Main Street and he has to do his job too like other vendors.

Clint, Squatters, stated that they have a key drop arrangement in the early morning with

Nicholas because food needs to be prepped by 7 a.m. due of their huge volume. As an Old Town resident, he is used to hearing truck noise which is a concession made by residents in choosing to live there. Having delivery trucks on Main Street later in the day should be avoided.

Mike Sweeney, lower Main Street property owner, believed that there will always be noise on Main Street but there is a way to work together with neighbors to make things acceptable. It is important to talk to each other. Upper Main Street is different than lower Main Street where there is more bed base which was intentional.

With no further input, the public hearing was closed.

Mayor Williams spoke about the choice in living in an active area and believed that Main Street has always been noisy. He agreed with Mr. Sweeney's comments and believed that lower Main Street should have a later delivery time and it might be worthwhile to conduct a trial of earlier deliveries on upper Main Street. He doesn't feel that prohibiting 18 wheelers on lower Main Street is realistic. Ms. Simpson thanked the public for attending and acknowledged the many emails she has received. She commented on the obvious problem at Zooms' loading dock and noted that she lives on Main Street. The impetus for this discussion was not necessarily to facilitate the businesses but to recognize current practices like key drops which have been done for years. She asked for feedback from the lodging community about noise complaints but the reality is that Main Street is a commercial street and the commercial core of Park City. Liza Simpson believed there is a solution that will work for everyone and supports a trial period for upper Main Street but not changing times north of Heber Avenue. There is a different problem in the winter than in the summer and establishing different times may be appropriate. Candace Erickson commented that she understands both sides of the issue and Alex Butwinski supported all parties working together and if that doesn't work, to pursue a noise ordinance that is enforceable. He believed the issue is not time of deliveries but noise. Cindy Matsumoto supported a trial period and a noise ordinance, if necessary. Joe Kernan agreed that problems relate to noise which will never be solved completely, but with some cooperation between people, operations may work a little better. There are other problems besides the noise like traffic and congestion. He agreed with the suggestion of starting at the top of Main Street and working toward the bottom. Discussion ensued on staff returning with a draft ordinance next week including consideration of Sundance. Liza Simpson spoke about the importance of getting feedback from stakeholders in a couple of months. Robert Wilcox interjected that this affects more than just Main Street and more people should be noticed about the ordinance. Mayor Williams talked about the responsibility of citizens to keep informed on issues. Joe Kernan, "I move we continue New Business Item 6 to next week, January 13th". Alex Butwinski seconded. Motion unanimously carried.

PARK CITY COUNCIL MEETING MINUTES EXCERPT
SUMMIT COUNTY, UTAH
JANUARY 13, 2011

V OLD BUSINESS (Continued Items)

Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah - Michael Kovacs indicated that Council comments from last week have been incorporated into the draft ordinance. Upper and lower Main Street is distinguished by Heber Avenue. Lower Main Street will be restricted to the 7 a.m. delivery time while 3 a.m. deliveries are allowed on Upper Main Street and double parking provisions match those times. A special events section has been added so that master festival licenses are subject to their own conditions. He disclosed that he received negative comments on not providing for the 45 day expiration date in the ordinance for the trial period. It was felt that it is more efficient not to bring the ordinance back unless there are issues that need to be addressed but it is recommended to review the trial in 45 days in any event. Mr. Butwinski confirmed that this action would better manage non-compliance although he anticipated a decibel level component. Candace Erickson stated that she is willing to try this for 45 days and bring it back for discussion, but would like to research it further. Alex Butwinski again expressed that noise is the problem. Chief Wade Carpenter explained the complaint process and the Mayor urged the delivery community to be as quiet as possible. Alex Butwinski stated that he will accept this ordinance but would like to know about any unintended consequences and the feasibility of passing a noise ordinance. The Chief discussed the importance of consistently enforcing the law and the Mayor opened the public hearing.

Alison Butz, Historic Park City Alliance, referred to the draft ordinance and asked that garbage trucks be kept to the 7 a.m. time limit. The HPCA is supportive of enforcement of the ordinance to modify behavior and make this work.

Mike Sweeney, representing the Caledonian and Town Lift Condos, stated that he agreed with the 7 a.m. time for garbage and felt that garbage collection added to the problems at the loading dock at Zooms.

Mark Harrington described the strikeout language to accommodate keeping garbage removal times the same, so the sentence would read, "*…loading, unloading or opening or otherwise handling garbage containers between the hours of 10 p.m. and 7 a.m.*" Mike Sweeney clarified that condominium owners do not want deliveries, pick-ups or anything before 7 a.m. north of Heber Avenue.

Joe Kernan discussed recycling services occurring before 7 a.m., especially during special events. Mark Harrington confirmed that these needs can be addressed in the master festival license. In response to a question from Chief Carpenter, Mr. Harrington explained that if a delivery complaint is noise-based, the noise ordinance would apply.

The Mayor closed the public hearing.

There was discussion about tracking complaints and assessing the trial. Ms. Erickson expressed interest in collecting data, specifically if more trucks are added on the street at 3 a.m. Joe Kernan, "I move we approve the ordinance, as amended". Cindy Matsumoto seconded. Mark Harrington described the amendment worded above and its application to lower Main Street for the benefit of Mike Sweeney. A review of the ordinance will be scheduled around March 15, 2011. Motion unanimously carried.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 24, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Matt Cassel, City Engineer; Michael Kovacs, Assistant City Manager; Jed Briggs, Budget Analyst; Matt Twombly, Project Manager; Joan Card. Legal Counsel, Jason Christensen, Legal Intern; Jon Weidenhamer, Economic Development Director; Bob Kollar, Joint Venture Manager

Mike Sweeney, property owner; Nichole Squires, legal counsel for UPCM; Steve McComb, Ciseros Restaurant; and Andy Beerman, HPCA

Absent: **Council Member Candace Erickson**

1. Council questions/comments. Alex Butwinski discussed a Summit County public art program. He encouraged the promotion of cultural tourism and suggested forming a cultural tourism team with a number of stakeholders. He noted that he attended the Planning Commission meeting last night. Cindy Matsumoto presented the Council with a petition from a 7th grade student concerned about parking in the Round Valley area. She spoke about visiting Trailside Elementary this week to celebrate the first school in Utah receiving the Healthier Schools Program bronze award. The open house on Main Street improvements was productive and she asked about the completion of the Bonanza Tunnel. Matt Cassel advised that the opening is still scheduled for the middle of April and stream flows will continue to be monitored. Joe Kernan thanked Hugh Daniels for providing emergency response information. He discussed attending Leadership and the HPCA meeting focusing on Main Street improvements. When reviewing proposed Main Street improvements, it would be helpful for him to have some comparisons with other parts of town regarding property tax revenues, elevated City services provided, and improvements already in place. Liza Simpson thanked the HPCA for organizing the meeting where many good ideas were presented. Potential limitations on types of improvements at the trolley turn-around regulated by a conservation easement were discussed. Ms. Simpson spoke about KPCW's fund-raiser and meeting a group from Croatia. She attended her first Fire District meeting.

Mayor Williams applauded the HPCA meeting and commented on meeting the Croatia group. Some council members met with the School Board over lunch this week. He described meeting with the Utah National Guard regarding the Utah Community Covenant Program encouraging cities and towns to formally commit to supporting service members.

2. Update on DABC meeting. Michael Kovacs felt the meeting was positive. A list was presented which includes 45 stores subject to hour reductions and closures. The Swede Alley store is on the list but the ULCT has stepped in and has volunteered to coordinate efforts with the DABC to mitigate impacts. The DABC formally asked the Governor to veto the bill and some of the ethics restrictions included are targeting a couple of Huntsman appointees, specifically board members Granato and Strachan. He assured Council that all efforts to maintain the Swede Alley store will be explored.

3. Monthly budget update. Jed Briggs stated that finances have not changed dramatically since Visioning. The sales tax numbers are in from December which was a really good month. Property tax revenue has slightly increased and building, planning and engineering fees were up last month. Recreation fees are considerably down due to the recreation center project and ice fees have increased somewhat. He spoke about intergovernmental revenue which is represented by grants awards. Matt Twombly indicated that the new recreation center is anticipated to open in November. Mr. Briggs interjected that recreation revenues will be fully realized by 2013 when all programs are on-line. Ms. Simpson suggested that these monthly updates be available to the public on our website. Jed Briggs indicated that it would be easy to do. He discussed teams monitoring their budgets and displayed an interactive table designed for these financial updates. In response to a question from Alex Butwinski, Mr. Briggs clarified that projections are based on historic data going back five years. The Water Fund is slightly under-budget and the Transit Fund is over. Golf Fund revenues are somewhat down but an early opener could make a big difference.

4. Proposed mine hazard ordinance. Joan Card pointed out the large number of holes in the Park City area due to ore mining activities years ago in the form of shafts, tunnels or adits. These present safety hazards and injuries or deaths have been associated with them. Ms. Card stated that there is no federal or state regulation that requires that abandoned mine hazards be abated but there are voluntary programs and federal money available for property owners to fill the holes. It has been reported that there are still a number of holes in Park City and it is intended to target recreational areas, specifically trails. Staff has drafted an ordinance that recites that mine hazards are nuisances and owners are required to abate the hazard. It provides for a proactive regulatory program where property owners are required to evaluate properties for mine hazards and to submit a mitigation plan to the City. Plans must be submitted by December 1, 2012 and plans would need to be executed within the next three years. The City must be contacted when new hazards are discovered. Ms. Card advised that there are fines for violations and staff meet with affected parties and received some initial feedback. Overall, stakeholders agreed that human safety is paramount. A public hearing is scheduled for April 21, 2001 before the City Council, and if the ordinance is approved, steps can be taken to address these hazards this spring and summer.

Alex Butwinski asked if the process will change if the draft ordinance is modified in the meantime. Mark Harrington explained that staff will address issues raised by owners and incorporate agreed language. The staff report would delineate any differences of opinions for Council. In response to a question from Joe Kernan, Ms. Card indicated that if a new hazard is discovered after the evaluation has been submitted, the applicant has 90 days to notice the City and another year to address the hazard. Mr. Kernan asked that after the three years, will there be an on-going requirement to check for new hazards and Ms. Card advised not the way this ordinance is drafted. Owners are required to update the City as they become aware of a new hazard. She further explained that comprehensive evaluations would be conducted initially which is why owners have two seasons to survey their properties. In response to a question from Mr. Butwinski, Ms. Card explained that the Building Official has the authority to inspect properties. Mark Harrington interjected that the Division of Oil, Gas and Mining has the resources to perform these types of inspections as well. Discussion ensued on some owners not allowing an evaluation team on their properties. The Mayor invited public input.

Mike Sweeney explained his participation in the process and he felt that most stakeholders have addressed major issues and have liability insurance. He believed the group would like to continue to meet to make sure the program will work for the community.

Nichole Squires, legal counsel, stated that UPCM is supportive of an ordinance protecting residents and visitors however it is felt the ordinance is too broadly drafted and should be narrowed. Additionally, UPCM is working on a red-lined version of the ordinance and will submit it at a future date. A draft ordinance was provided only a few minutes before the meeting and she felt UPCM did not have sufficient time to review it before commenting.

5. Review of special event policy. Jon Weidenhamer advised that staff is seeking feed-back on Main Street closures and associated criteria. Staff understands Council's current direction of populating the event calendar as special events help the City meet economic goals. From 2006 to 2009, 20 events were added representing 100 additional event days and from 2006 to 2010, closures increased from 22 to 67 on Main Street. He spoke about special events affecting the Snyderville Basin Special Recreation District's day-to-day operations. The current ordinance encourages events and denials are based on health, safety, or welfare reasons. It is difficult for staff to deny an application. He felt it is time to prioritize events that are more consistent with Council's goals and to have the ability to deny a reoccurring event if it hasn't performed well. He referred to changes in the administrative application process. Staff is reviewing its inter-local agreements with SBSRD and the School District. Trails have been defined as a facility.

Mr. Weidenhamer stated that the current policy promotes 100% cost recovery and provides the ability to waive fees. The City spends in the neighborhood of $1.2 million to host, produce, and staff special events and this year City costs and economic return will be further analyzed which will help set policy. He suggested using a review committee and ranking system to prioritize events and pointed out that event venues need to be treated differently with their own use policies. He emphasized the difference between special events and outdoor sales or temporary uses.

Alex Butwinski believed that sales tax revenue related to the event should be made available to Council members. He emphasized that the stakeholders group is very large and conducting an in-depth analysis on every event may be unrealistic and feared that this may delay processing applications. He referred to invoicing applicants after the event but suggested collecting a deposit in advance at the time of application. Mr. Weidenhamer appreciated the suggestion which may be a good way to manage temporary licensees. In response to a question from Cindy Matsumoto, Mr. Weidenhamer stated that staff will return to Council with the annual cost associated with fee waivers. The PSSM added 15 street closures on Main Street per year. The Mayor invited public input.

Steve McComb, Ciseros Restaurant, stated that he would like the PSSM to be set up next to the street dining decks and suggested that traffic be one-way uphill. The PSSM activities on lower Main Street hurts upper Main Street businesses.

Andy Beerman, HPCA, relayed that special events are important for the vitality of the City but there is also too much of a good thing. Adding criteria to events, being more scientific about priorities and including stakeholders are good approaches.

Mr. Butwinski stated that the suggestion of setting up GL codes for each special event will help members better evaluate proposals. He did not feel that first time events should receive less preference than others because each festival should stand on its own. Jon Weidenhamer explained that this deals with applications submitted for the same period of time. Joe Kernan emphasized that if an event employs local residents, for instance, it represents a community benefit, but just having the event organizer living here is not really an economic benefit. Quality of events is important but he is unsure about the appropriate number of events. Mr. Kernan believed that licensing fees should reflect the City's costs but not discourage events. Liza Simpson felt that quotas may not be needed for all venues but perhaps for Rotary Park, for example. She asked how many of the 67 closures on Main Street were considered significant by the HPCA. Tommy Youngblood estimated that about half were complete closures. Ms. Simpson felt there should be more discussion about local preference and agreed with Mr. Kernan's comments. She believed that community benefits should be recognized and spoke about setting quotas to avoid negative impacts in certain areas of town. Jon Weidenhamer commented on setting a limit on events on Main Street which may be a number or a range and provided for in the Municipal Code. Ms. Matsumoto encouraged continuing to work with the HPCA on a reasonable number of street closures. Mayor Williams expressed concerns about a set number of events in the Code as he doesn't want to preclude some good new ideas. Mr. Weidenhamer felt that a use policy may be a better approach than codification in the Municipal Code. Bob Kollar emphasized the need for Code language to give staff the ability to deny an application. Mr. Weidenhamer explained that a Code amendment provides staff with another tool to manage events and Ms. Simpson felt draft language should be provided to members to review.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 24, 2011

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, March 24, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Jacquelyn Mauer, Planner; Kirsten Whetstone, Planner; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MARCH 3, 2011 AND MARCH 10, 2011

Alex Butwinski, "I move we approve the work session notes and minutes of meetings of March 3 and March 10, 2011, as corrected". Joe Kernan seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Consideration of an appointment of Judy McKie to the Historic Preservation Board to fill an unexpired term to July 2011 – The Mayor relayed that the response to fill the vacancy was very good as there were 13 applicants who were interviewed. Liza Simpson, "I move we appoint Judy McKie to the Historic Preservation Board". Cindy Matsumoto seconded. Motion carried.

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

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

1. Consideration of an Ordinance approving the First Amendment to the Silver Baron Lodge at Deer Valley, Phase II, record of survey plat, located at 2800 Deer Valley Drive East – The Mayor opened the public hearing; there were no comments from the audience. Planner Kirsten Whetstone recommended that the continuation be to April 7, 2011 rather than March 31, 2011 as noted on the agenda. Cindy Matsumoto, "I move to continue this item to April 7, 2011". Liza Simpson seconded. Motion carried.

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

2. Consideration of an Ordinance approving the 44 Prospect Street Plat Amendment, located at 44 Prospect Street, Park City, Utah – Planner Jacquelyn Mauer explained that this is a request to combine two lots into one lot of record. An existing house was built across the property line in 1973 and the plat amendment removes the lot line so the house is compliant. In response to a question from Alex Butwinski on the ability to build a larger house, Ms. Mauer indicated that it would be allowed as long as the setbacks are met. The lot combination increases the footprint but not square footage and the Planning Commission did not express concerns about increased size. She stated that the house is not historic. The Mayor opened the public hearing. Hearing no input from the audience, the hearing was closed.

Alex Butwinski felt that lot combinations really need to be studied to limit square footage. Mark Harrington pointed out that there are pending revisions on the lot combination section for better ability to manage the result. Ms. Mauer clarified that the lot combination produces a larger footprint on one lot but eliminates two structures on two lots. Cindy Matsumoto stated that she is also concerned about people building large structures on combined lots. Mr. Harrington relayed that the Planning Commission determined that the lot combination with a larger home will still be consistent with the streetscape. Lot combinations have the potential to provide greater setbacks, more snow storage, off-street parking and a better site plan and the current code is written to facilitate 2:1 lot combinations.

The Mayor pointed out that without the lot combination two lots could be developed and there is less square footage associated with the combination. Liza Simpson, "I move we approve an Ordinance approving the 44 Prospect Street Plat Amendment". Alex Butwinski seconded. Motion carried.

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

3. Consideration of an Ordinance approving the amended, consolidated, and restated condominium plat of the Belles at Empire Pass (formerly known as Christopher Homes at Empire Pass I – IV), located on Lots 1 and 2 of the Silver Strike Subdivision, Park City, Utah – Planner Kirsten Whetstone pointed out that approval of New Business Item No. 4 is dependent on approval of this item. The underlying condominium plats for the Christopher Homes, 18 lots located on Lots 1 and 2 of the Silver Strike Subdivision are under new ownership. The new owners are requesting a reconfiguration from 10 detached units and four duplexes to 11 detached units and three duplexes or going from 18 units to 17 units and changing the name to The Belles at Empire Pass. She explained that these are PUD style units and all underlying conditions of approval from the Silver Strike Subdivision have been incorporated. She indicated that the Planning Commission forwarded a positive recommended on February 23, 2011 and there was no public input at the meeting. Ms. Whetstone stated there is good cause to approve the Ordinance, as it is consistent with the approved Silver Strike Subdivision, the development pattern envisioned for the Village at Empire Pass MPD and the 14 technical reports related to the Flagstaff Development Agreement. It is a reduction in units but the unit equivalents remain the same. The Mayor opened the public hearing; there was none and the public hearing was closed. Liza Simpson, "I move we approve Consideration of an Ordinance approving the amended, consolidated, and restated condominium plat of the Belles at Empire Pass (formerly known as Christopher Homes at Empire Pass I – IV) based on the findings of fact, conclusions of law, and conditions of approval as stated in the Ordinance". Alex Butwinski seconded. Motion carried.

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

4. Consideration of an Ordinance approving the First Supplemental Plat for constructed units at the Belles at Empire Pass Condominiums, amending Units 1, 2 and 12, located on Lot 1 and Lot 2 of the Silver Strike Subdivision, Park City, Utah – Planner Whetstone explained that this amendment creates the condominium plat for the as-built conditions and identifies common, limited and private areas for Units 1, 2 and 12, as stipulated in the conditions of approval of the underlying plats. The Planning Commission forwarded a positive recommendation to the City Council on February 23, 2011 and there was no public input. The Mayor opened the public hearing and upon hearing no comments from the audience, closed the public hearing. Joe Kernan, "I move we approve New Business Item No. 4". Alex Butwinski seconded. Motion carried.

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

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Sustainability Manager; Jason Christensen, Legal Intern; Kathy Lundborg, Water Manager; Michael Kovacs, Assistant City Manager; Tom Eddington, Planning Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation ". Alex Butwinski seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Liza Simpson, "I move to open the meeting". Alex Butwinski seconded. Motion carried. The closed session scheduled at the adjournment of the regular meeting was cancelled.

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

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

Prepared by Janet M. Scott, City Recorder

City Council Staff Report

Subject: **Solar Feasibility Study – Contract Award**
Author: **Tyler Poulson**
Department: **Sustainability**
Date: **April 7, 2011**
Type of Item: **Administrative**

Summary Recommendation:
Authorize the City Manager to enter into a Professional Services Agreement in a form approved by the City Attorney with URS Corporation, in an amount not to exceed $22,154, for completion of a solar feasibility study. The study will report on the technical potential for solar PV energy generation at City facilities.

Background:
In June 2010, Park City Municipal was awarded grant funding by the Utah State Energy Program for four specific energy efficiency and renewable energy projects at the City. The grant funds originate from the U.S. Department of Energy in the form of an Energy Efficiency and Conservation Block Grant (EECBG). The City was awarded $217,300 in total, and $25,000 was specifically granted for an energy-related audit. Given that the City recently completed an energy efficiency audit with Johnson Controls, staff felt that these funds would be best spent investigating renewable energy options for City-owned facilities.

Restrictions with the grant funds, and other considerations, limit the scope of this investigation to solar photovoltaic (PV) technologies which connect directly into City structures at the point of electricity generation. The feasibility study will assess 15 City-owned buildings, plus a variety of structures utilized to pump water (an energy intensive activity). This study will be limited to strictly assessing the feasibility of solar PV at certain locations and will not include any actual renewable energy installations. Depending on outcomes of the study, staff may investigate ways to finance attractive solar projects and present these details (including financial payback, environmental benefits, etc.) to City Council at a future date.

Because of limitations in the grant, it is not possible to directly assess the potential for a future large scale solar installation on area brownfield sites, such as Richardson Flats. However, there will be analysis of ground-mounted solar options for the Park City Ice Arena. While not being a brownfield-specific investigation, data gathered during this process will be helpful for possible future discussions involving such a location.

Staff issued a Request for Proposals (RFP) for the solar feasibility study on February 11, 2011. The RFP was announced on ParkCity.org and 29 firms ultimately requested a full copy of the RFP. Of these 29 companies, seven provided a response before the March 8, 2011 deadline. These seven firms, along with their cost proposals, are listed below:

Firm	Overall Cost
Antares Group	$22,184
Burnham Energy	$24,750
Epic Engineering / Utah Solar and	$22,527

second best financial value presented, based solely on cost-per-hour, while simultaneously ranking highest for the other RFP decision criteria considered.

If the contract is approved, the feasibility study will likely begin in late April. The study is expected to take roughly two months and staff will return to Council in June or July 2011 with a presentation of the study details. Deliverables from the study include, but are not limited to, the following and will be provided on a site-by-site and aggregated basis:

i. Estimated potential annual solar PV energy production (kWh)

ii. Estimated annual CO_2 savings

iii. Estimated annual financial value of energy generated and payback time

iv. Estimated upfront cost for each of the solar PV energy options

v. Anticipated maintenance frequency and costs for each option, including information on replacement schedules and industry standard warranties

vi. Comparison of potential clean energy generation to current consumption

For the purposes of this project, PCMC would enter into a Professional Services Agreement with URS Corporation and URS would retain Intermountain Wind and Solar as a sub-contractor on the job. The proposed project manager for URS Corporation is based in Salt Lake City, while Intermountain Wind and Solar is headquartered in Woods Cross, UT.

Department Review:
Sustainability, Legal, and the City Manager reviewed this Staff Report and their comments have been included.

Alternatives:

A. Approve the Request (Staff Recommendation): Authorize the City Manager to execute a Professional Services Agreement with URS Corporation.

B. **Modify the Request**: Council could choose to modify the agreement, which could delay the schedule of the project.

C. **Continue the Item**: Council may feel there is not enough information to make a decision at this time and ask staff to return with additional details.

D. **Deny the Request**: Council could choose to not continue the project at this time. This option would jeopardize grant funding received from the State Energy Program which covers the cost of this solar feasibility study.

Significant Impacts:
No City funds expended: The entire cost of this project, not to exceed $25,000, is being financed by an Energy Efficiency and Conservation Block Grant (EECBG) received from the Utah State Energy Program and the City is not required to pay back any of the funds utilized.

Recommendation:
Authorize the City Manager to enter into a Professional Services Agreement in a form approved by the City Attorney with URS Corporation, in an amount not to exceed $22,154, for completion of a solar feasibility study. The study will report on the technical potential for solar PV energy generation at City facilities.

Exhibit (Included):
Exhibit A – Feasibility Study Cost Proposal from URS / IWS

Cost Proposal

The work will be completed in accordance with a contract to be signed with Park City. The contract is based upon time and materials not to exceed the agreed upon budget, which is detailed below and totals: $20,954 for the specified scope (Twenty thousand nine hundred and fifty four dollars).

Task	Hours	Rate	Total
Kickoff and Technology Assessment	15	$50	$750
Site by Site Assessment	202	$68	$13,736
Expenses	-	-	$368
Energy Output and Financial Analysis	80	$50	$4,000
Reporting and PM	42	$50	$2,100
Total for Scope	**339**	**-**	**$20,954**

An additional GIS option is offered for the sum of $1,200, which is in addition to the budget above.
NOTE: PCMC will add the GIS Option

Resolution No.

RESOLUTION PROCLAIMING THE MONTH OF APRIL AS FAIR HOUSING MONTH IN PARK CITY, UTAH

WHEREAS, April marks the 43nd anniversary of the passage of the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of fair housing without regard to race, color, national origin, religion, sex, familial status, or disability, and encourages fair housing opportunities for all citizens; and

WHEREAS, we must, as individuals and as people, take our stand to provide equity for all, including equal opportunity in housing a reality in our community; and

WHEREAS, the state of Utah passed a Fair Housing Act in 1989, recognizing the right of all residents of this state to be free from discrimination in the sale, rental and financing of their homes based on race, color, religion, sex, national origin, familial status, disability and source of income; and

WHEREAS, Park City, Utah, welcomes this opportunity to reaffirm our commitment to provide equal housing to all people and support the right of every citizen to live where they choose without fear of discrimination;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council proclaim the month of April 2011 as Fair Housing Month in Park City, Utah and urge all citizens to recognize and embrace the goal of improving the quality of life for all residents.

PASSED AND ADOPTED this 7th day of April, 2011.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Author: Kirsten A Whetstone, AICP
Subject: Silver Baron Lodge plat amendment
Project # PL-11-01151
Date: April 7, 2011
Type: Plat amendment

Summary Recommendations

Staff recommends the City Council conduct a public hearing, consider any input and consider approving the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat according to the findings of fact, conclusions of law, and conditions of approval as outlined in the attached ordinance.

Topic

Applicant:	Stillman Consulting Services, Receiver of Certain Units at Silver Baron Lodge (Declarant under authority of the Receivership Order)
Location:	2800 Deer Valley Drive East
Zoning:	RD-MPD subject to the Deer Valley MPD
Reason for Review:	Plat amendments require Planning Commission review and City Council approval.

Proposal

This is a request to amend the Silver Baron Lodge at Deer Valley Phase II record of survey plat to reflect final as built conditions for Units 6324, 6339, 6437, 6439, 6443 and Level 4 convertible space within existing Building B consistent with the 11th Amended and Restated Deer Valley Master Planned Development.

Background

On January 10th the City received a complete application for the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat (Exhibit A).

On January 4, 2011, the City received a complete application for a request for an 11th amendment to the Deer Valley Master Planned Development (MPD). On March 23, 2011, the Planning Commission approved the request for the amendment to the Deer Valley MPD. The MPD amendment was reviewed by the Planning Commission in conjunction with this application for an amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat, located at 2800 Deer Valley Drive in Deer Valley.

The Silver Baron Lodge, as constructed contains a total of 50 dwelling units that equate to 42.75 UEs. The 11th Amended Deer Valley MPD allows 50 dwelling units and 42.75 UEs for the Silver Baron Lodge.

The Planning Commission and City Council approved the Silver Baron Lodge at Deer Valley record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded at Summit County on June 1, 2007 (Exhibit B). The total number of condominium units platted is 49 with a unit equivalent density of 41.404 UEs.

Construction on Phase II is complete for 50 units and 42.75 UEs consistent with the Deer Valley MPD, as amended and the Silver Baron Lodge CUP. Prior to issuance of a certificate of occupancy for the units, a final condominium record of survey plat has to be approved by the City Council documenting the final as-built conditions.

On March 23, 2011, the Planning Commission conducted a public hearing, discussed the application, and voted to forward a positive recommendation to the City Council. No public input was provided.

Analysis

The applicant requests a plat amendment to reflect as built conditions for Units 6324, 6339, 6437, 6439, 6443 and Level 4 convertible space within existing Building B. The plat amendment includes the existing roof decks as limited common for Units 6324, 6437, 6439, and 6443. Unit 6439 was created from the reconfiguration of Unit 6339 and existing interior spaces on Levels 4 and 5 within the approved building envelop.

The resulting density in terms of units is 50 condominium units, consistent with the 11th Amended Deer Valley MPD. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf. The resulting UE configuration (42.75 UE) is consistent with the 11th Amended Deer Valley MPD.

The one (1) additional built UE is the result of reconfiguring and converting to private area the existing limited common and common attic space, loft area, and a 400 sf limited common convertible space. These areas are located on Levels 4 and 5 at the south end of Building B and were not previously included in the UE calculations because they were not designated as private area on the recorded plat. The record of survey plat amendment is required to correctly plat the as-built units.

Silver Baron Lodge is located within the RD zoning district. Setbacks in the RD zone are as follows:

- Front: 20 feet, a front facing garage 25 feet
- Rear: 15 feet
- Side: 12 feet

Units range in size from 998 square feet to 2,492 square feet. The Deer Valley MPD does not limit the size of individual units. The Deer Valley MPD granted a building height of 35’ plus an additional 5’ for a pitched roof. Building B meets the minimum setback requirements and allowed building height. The one (1) additional UE was created within the originally proposed building footprint and massing. The building setbacks, height, and open space were not altered and continue to comply.

Parking is provided at the rate of 1.5 parking spaces per condominium unit as approved by the Planning Commission at the time of approval of the Silver Baron Lodge CUP. The existing 75 parking spaces are consistent with the CUP approval. No changes to the existing parking are proposed with the plat amendment and because the parking is based on units not UEs the request does not create a requirement for additional parking.

Staff finds good cause for this record of survey amendment as it documents the final as-built conditions permitted by the revised and approved building permit plans. The plat is consistent with the development pattern envisioned in the Deer Valley MPD, as amended, and no exterior changes are proposed to the building or site.

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

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

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

Alternatives

- The City Council may approve the First Amendment to the Silver Baron Lodge, Phase II, record of survey as conditioned or amended, or
- The City Council may deny the First Amendment to the Silver Baron Lodge, Phase II, record of survey and direct staff to make findings for this decision, or
- The City Council may continue the discussion on the Silver Baron Lodge phase II, record of survey to a date certain to allow the applicant and/or staff to address any concerns raised at the public hearing.

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

Consequences of not taking the Suggested Recommendation
Certificates of occupancy for the units could not be issued and the units could not be separately sold as currently platted.

Recommendation
Staff recommends the City Council conduct a public hearing, consider any input and consider approving the First Amendment to the Silver Baron Lodge at Deer Valley

Phase II record of survey plat according to the findings of fact, conclusions of law, and conditions of approval as outlined in the attached ordinance.

Exhibits
Exhibit A- Proposed plat

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SILVER BARON LODGE at DEER VALLEY, PHASE II, RECORD OF SURVEY PLAT LOCATED AT 2800 DEER VALLEY DRIVE EAST, PARK CITY, UTAH

WHEREAS, the homeowner's association and receiver of certain property known as the Silver Baron Lodge, located at 2800 Deer Valley Drive East, have petitioned the City Council for approval of the First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2011 to receive input on the record of survey plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 7, 2011, the City Council held a public hearing and voted to approved the record of survey plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended Silver Baron Lodge at Deer Valley Phase II, record of survey plat 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 Silver Baron Lodge is located at 2800 Deer Valley Drive within the RD-MPD zone, subject to the 11th Amended and Restated Deer Valley Master Planned Development.
2. On January 4, 2011, the City received a complete application for an amendment to the Deer Valley Master Planned Development (MPD) (amending the 10th Amended and Restated MPD) to transfer one (1) unit equivalent of residential density from the Snow Park Village parcel to the Silver Baron Lodge. The application to amend the Deer Valley MPD allowing a density of 42.75 UE for the Silver Baron Lodge was approved by the Planning Commission on March 23, 2011.

3. On January 10, 2011, the City received a complete application for the First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat to reflect final as-built conditions.
4. On April 15, 2005, the Planning Commission amended the 1996 The Lodges CUP separating out the two Silver Baron Lodge buildings as a separate Silver Baron Lodge CUP.
5. On November 9, 2005, the Planning Commission amended the Silver Baron Lodge CUP combining the density from The Lodges buildings A and F with 7 UEs from un-built Courchevel Building A, allowing a total density of 50 units.
6. The amended Silver Baron Lodge CUP approval also included 81.55% open space, 75 parking spaces, 6,884 sf of support meeting space (3,488 sf exist) and 6,884 sf of support commercial spa and exercise area (4,991 sf exist). Parking was allowed at 1.5 spaces per condominium unit and a building height of 35' plus an additional 5' for a pitched roof was approved consistent with the Deer Valley MPD.
7. The City Council approved the Silver Baron Lodge at Deer Valley record of survey plat in two phases. Phase I was approved by the City Council on April 7th of 2005 and recorded on May 26th, 2005. Phase II was approved by the City Council on September 14, 2006 and recorded on June 1, 2007.
8. The total number of condominium units platted with Phases I and II was 49 units with a unit equivalent density of 41.404 UEs.
9. The existing Silver Baron Lodge buildings, as constructed, are consistent with the Silver Baron Lodge CUP in terms of uses, density, required setbacks, open space, building height, and parking.
10. Construction of Silver Baron Lodge Phase II is complete resulting in 50 units and 42.75 UEs, consistent with the Silver Baron Lodge CUP and the 11th Amended and Restated Deer Valley MPD.
11. This plat amendment application correctly plats Units 6439 and 6443 as they were constructed by re-platting existing interior private and limited common space, and correctly plats roof deck area as limited common for Units 6324, 6437, 6439, and 6443. These units are located at the south end of Building B. Unit 6439 (2000 sf) was created from the reconfiguration of these existing interior spaces. Unit 6443 was reconfigured from 2,027 sf to 2,460 sf. Unit 6339 was reconfigured from 2,000 sf to 1,470 sf.
12. Construction of these units was based on a revised set of plans approved by the Building Department.
13. Approval of the as-built plat is required as a condition precedent to issuance of certificates of occupancy for Silver Baron units 6339, 6443, and 6439.

<u>Conclusions of Law:</u>

1. The First Amendment to the Silver Baron Lodge at Deer Valley Phase II record of survey plat is consistent with the 11th Amended and Restated Deer Valley MPD and the November 9, 2005, amended Silver Baron CUP.
2. There is good cause for this record of survey plat amendment in that the amendments reflect the as-built conditions within the existing building envelope.
3. The plat amendment is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding condominium plats.

4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. 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 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 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 request for 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 11th Amended and Restated Deer Valley Master Planned Development and the November 9, 2005 amended Silver Baron Conditional Use Permit continue to apply to this property.

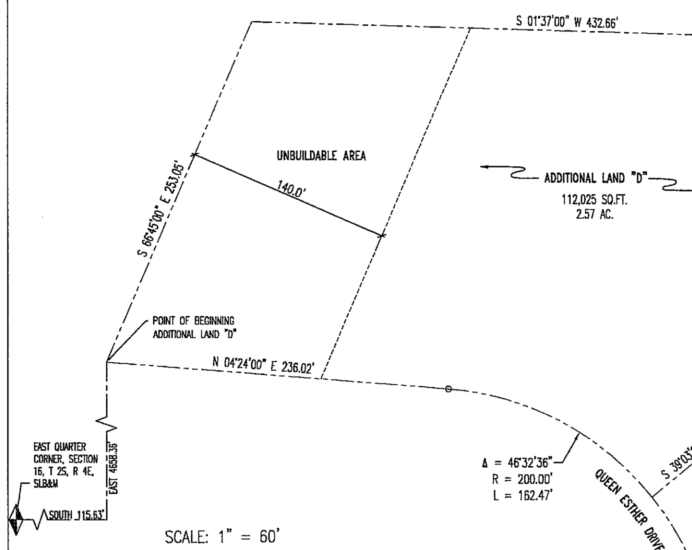
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

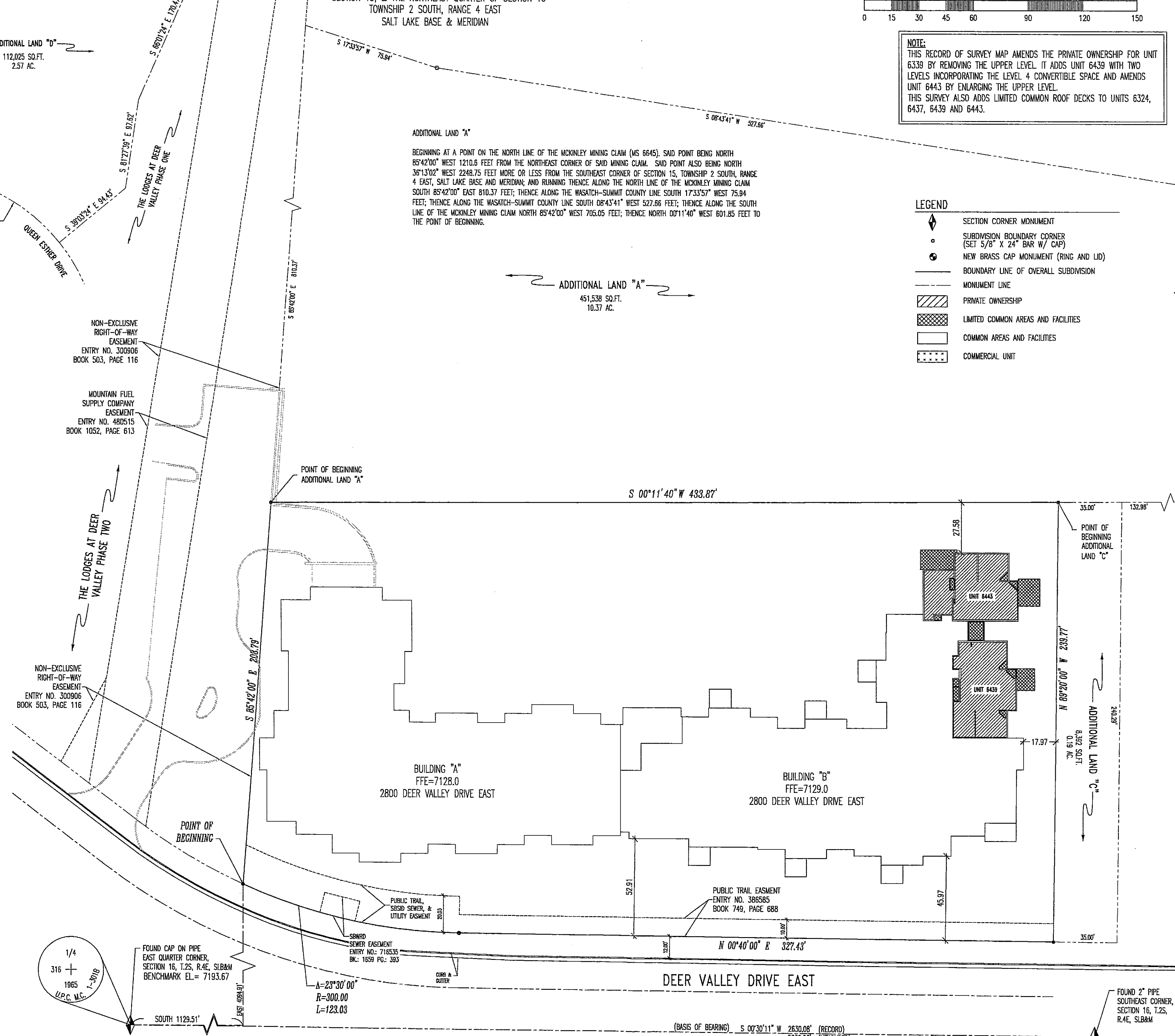
PASSED AND ADOPTED this 7th day of April 2011.

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE
SILVER BARON LODGE PHASE II
AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN





NOTE:
THIS RECORD OF SURVEY MAP AMENDS THE PRIVATE OWNERSHIP FOR UNIT 6339 BY REMOVING THE UPPER LEVEL. IT ADDS UNIT 6439 WITH TWO LEVELS INCORPORATING THE LEVEL 4 CONVERTIBLE SPACE AND AMENDS UNIT 6443 BY ENLARGING THE UPPER LEVEL.
THIS SURVEY ALSO ADDS LIMITED COMMON ROOF DECKS TO UNITS 6324, 6437, 6439 AND 6443.

LEGEND

- SECTION CORNER MONUMENT
- SUBDIVISION BOUNDARY CORNER (SET 5/8" X 24" BAR W/ CAP)
- NEW BRASS CAP MONUMENT (RING AND LID)
- BOUNDARY LINE OF OVERALL SUBDIVISION
- MONUMENT LINE
- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES
- COMMERCIAL UNIT

ADDITIONAL LAND "A"

BEGINNING AT A POINT ON THE NORTH LINE OF THE MCKINLEY MINING CLAIM (MS 6645). SAID POINT BEING NORTH 85°42'00" WEST 1210.6 FEET FROM THE NORTHEAST CORNER OF SAID MINING CLAIM. SAID POINT ALSO BEING NORTH 36°13'02" WEST 2248.75 FEET MORE OR LESS FROM THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE NORTH LINE OF THE MCKINLEY MINING CLAIM SOUTH 85°42'00" EAST 810.37 FEET; THENCE ALONG THE WASATCH-SUMMIT COUNTY LINE SOUTH 17°33'57" WEST 75.94 FEET; THENCE ALONG THE WASATCH-SUMMIT COUNTY LINE SOUTH 08°43'41" WEST 527.66 FEET; THENCE ALONG THE SOUTH LINE OF THE MCKINLEY MINING CLAIM NORTH 85°42'00" WEST 705.05 FEET; THENCE NORTH 00°11'40" WEST 601.85 FEET TO THE POINT OF BEGINNING.

ADDITIONAL LAND "C"

BEGINNING AT A POINT SOUTH 1129.51 FEET AND EAST 4094.91 FEET AND SOUTH 85°42'00" EAST 208.79 FEET AND SOUTH 00°11'40" EAST 433.87 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE SOUTH 00°11'40" EAST 35.00 FEET; THENCE NORTH 89°20'00" WEST 240.29 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF DEER VALLEY DRIVE EAST; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 00°40'00" EAST 35.00 FEET; THENCE SOUTH 89°20'00 EAST 239.77 FEET TO THE POINT OF BEGINNING.

ADDITIONAL LAND "D"

BEGINNING AT A POINT SOUTH 115.63 FEET AND EAST 4658.36 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE; SOUTH 66°45'00" EAST 253.05 FEET; THENCE SOUTH 01°37'00" WEST 432.66 FEET; THENCE NORTH 86°01'24" EAST 170.47 FEET; THENCE NORTH 81°27'39" WEST 97.62 FEET; THENCE NORTH 39°03'24" WEST 94.43 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF QUEEN ESTHER DRIVE, SAID POINT ALSO BEING ON THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 39°03'19" WEST) THENCE NORTHEASTERLY ALONG SAID 200.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 46°32'36", A DISTANCE OF 162.47 FEET; THENCE NORTH 04°24'00" EAST 236.02 FEET TO THE POINT OF BEGINNING.

NOTES:

1. THIS CONDOMINIUM PLAT RELATES TO REAL PROPERTY WHICH IS SUBJECT TO THAT CERTAIN DECLARATION OF CONDOMINIUM – THE SILVER BARON LODGE AT DEER VALLEY, RECORDED SIMULTANEOUSLY HEREWITH, AND SUBSEQUENT AMENDMENTS THERETO ("DECLARATION"). THE DECLARATION SETS FORTH THE EASEMENTS, RESTRICTIONS AND GENERAL PLAN OF IMPROVEMENT FOR THE PROPERTY AS DESCRIBED IN THIS CONDOMINIUM PLAT, AND THE DETAILS CONCERNING THE RIGHTS AND OBLIGATIONS OF THE OWNERS HAVING OR ACQUIRING AN INTEREST THEREIN.

2. PURSUANT TO THE DECLARATION, THE SILVER BARON LODGE AT DEER VALLEY OWNERS ASSOCIATION, INC., A UTAH NONPROFIT CORPORATION, IS RESPONSIBLE FOR MAINTAINING CERTAIN PORTIONS OF THE PROJECT, INCLUDING BUT NOT LIMITED TO THE COMMON AREAS AND FACILITIES, AND THE ASSOCIATION SHALL HAVE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE PROPERTY FOR SUCH MAINTENANCE PURPOSES AS FURTHER DESCRIBED IN THE DECLARATION.

3. THE LIMITED COMMON AREAS AND FACILITIES AS DEPICTED ON THIS PLAT ARE RESERVED FOR THE USE OF CERTAIN OWNERS TO THE EXCLUSION OF OTHER OWNERS. EXCEPT AS OTHERWISE DESIGNATED HEREON, EACH RESPECTIVE PORCH, DECK, BALCONY, FOYER, STORAGE CLOSET, HOT TUB, PATIO, AND ATTIC DESIGNATED ON THIS PLAT AS LIMITED COMMON AREAS AND FACILITIES FOR USE AND ENJOYMENT BY THE OWNER THEREOF IS APPURTENANT TO THE RESPECTIVE UNIT TO WHICH SUCH LIMITED COMMON AREAS AND FACILITIES ARE ADJACENT AS SHOWN HEREON.

4. THE UNITS OF THE SILVER BARON LODGE AT DEER VALLEY ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE SILVER BARON LODGE AT DEER VALLEY OWNERS ASSOCIATION, INC., A UTAH NONPROFIT CORPORATION, SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.

5. ALL CONDITIONS OF APPROVAL OF THE DEER VALLEY MASTER PLANNED DEVELOPMENT AND THE SILVER BARON CONDITIONAL USE PERMIT SHALL CONTIUE TO APPLY.

McNEIL ENGINEERING CIVIL, L.C.
PROFESSIONAL CIVIL ENGINEERING SERVICES
6895 SOUTH 900 EAST, MIDVALE, UTAH 84047
TEL. (801) 255-7700 FAX (801) 255-8071 EMAIL www.mcneileng.com

SURVEYOR'S CERTIFICATE

I, KENNETH A. PETTY DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 362254, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT AT THE REQUEST OF THE OWNERS OF THE BELOW DESCRIBED LAND, I PERFORMED A SURVEY OF SAID LAND, THAT THE DESCRIPTION BELOW CORRECTLY DESCRIBES THE RESIDENTIAL DEVELOPMENT OF THIS CONDOMINIUM AND THAT THIS PLAT, CONSISTING OF 3 SHEETS IS ACCURATE AND COMPLIES WITH THE PROVISIONS OF SECTION 57-8-13(1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT. I FURTHER CERTIFY THAT THE REFERENCE MARKERS SHOWN ON THIS PLAT ARE LOCATED AS SHOWN AND ARE SUFFICIENT TO READILY RETRACE OR REESTABLISH THIS SURVEY.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF DEER VALLEY DRIVE EAST, SAID POINT BEING SOUTH 1129.51 FEET AND EAST 4094.91 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING; THENCE SOUTH 85°42'00" EAST 208.79 FEET; THENCE SOUTH 00°11'40" EAST 433.87 FEET; THENCE NORTH 89°20'00" WEST 239.77 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF DEER VALLEY DRIVE EAST; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 00°40'00" EAST 327.43 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 89°20'00" EAST) THROUGH A CENTRAL ANGLE OF 23°30'00", A DISTANCE OF 123.03 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 2.372 AC.

DATE: ____________ KENNETH A. PETTY, P.L.S. LICENSE NO. 362254

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENT, that the undersigned Silver Baron Partners, L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas and facilities, limited common areas and facilities, convertible land, additional land, and easements, all as set forth herein, to be known as

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE, SILVER BARON LODGE PHASE II

Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property and the installation, use, maintenance, and eventual replacement of utilities. The owner further certifies that buildings shown on this plat will, when completed be substantially as shown on the plat.

SILVER BARON PARTNERS, L.C. a Utah limited liability company.
by: F. LYNN PADAN
Its Manager

ACKNOWLEDGMENT

STATE OF UTAH }
Summit County } S.S.

On the _______ day of _______, A.D. 20__, _______________ personally appeared before me, the undersigned Notary Public, in and for said County of Summit County in said State of Utah, who being by me duly sworn, acknowledge to me that he signed the foregoing Consent to Dedicate on behalf of _______________

MY COMMISSION EXPIRES: _______________ NOTARY PUBLIC RESIDING IN SUMMIT COUNTY

CONSENT TO RECORD AND SUBORDINATION

The undersigned U.S. Bank National Association is the holder of a Deed of Trust dated July 26, 2006, and recorded July 28, 2006, as Entry No. 785141, in Book 1805, beginning at Page 1119 of the official records of Summit County, Utah, together with related loan documents (collectively "Loan Documents") which constitute liens of record against the property to this Record of Survey Map. U.S. Bank National Association hereby subordinates the liens and encumbrances of the Loan Documents to this Record of Survey Map and to the rights of the Owners as set forth in the Declaration of Condominium for THE SILVER BARON LODGE AT DEER VALLEY-PHASE II and consents to the recordation of this Record of Survey Map.
U.S. Bank National Association

By_______________
Its_______________

ACKNOWLEDGMENT

STATE OF UTAH }
Summit County } S.S.

On the _______ day of _______, A.D. 20__, _______________ personally appeared before me, the undersigned Notary Public, in and for said County of Summit County in said State of Utah, who being by me duly sworn, acknowledge to me that he signed the foregoing Consent to Dedicate on behalf of _______________

MY COMMISSION EXPIRES: _______________ NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY

RECORD OF SURVEY MAP THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443 AND LEVEL 4 CONVERTIBLE SPACE, SILVER BARON LODGE PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

SHEET 1 OF 3

COUNCIL APPROVAL	PARK CITY PLANNING COMMISSION	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT APPROVAL	PARK CITY ENGINEER	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	RECORDED #
APPROVED BY THE PARK CITY COUNCIL ON THIS 14TH DAY OF SEPTEMBER A.D., 2006	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 23RD DAY OF AUGUST A.D. 2006	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF __________ A.D., 20 ____	I, ______________ PARK CITY ENGINEER HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE	APPROVED AS TO FORM ON THIS __________ DAY OF __________ A.D., 20____	I CERTIFY THIS CONDOMINIUM PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS ON THIS 14TH DAY OF SEPTEMBER A.D., 2006	STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF ______ BOOK ____ PAGE ____ DATE ____ TIME ____
PARK CITY MAYOR	CHAIRMAN	S.B.W.R.D.	DATE ____ CITY ENGINEER	PARK CITY ATTORNEY	BY ____ PARK CITY RECORDER	FEE $ ____ SUMMIT COUNTY RECORDER

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE
SILVER BARON LODGE PHASE II
AN EXPANDABLE UTAH CONDOMINIUM PROJECT

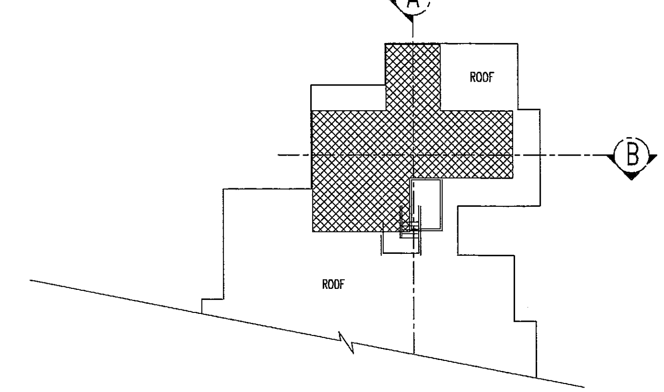
LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

LEGEND

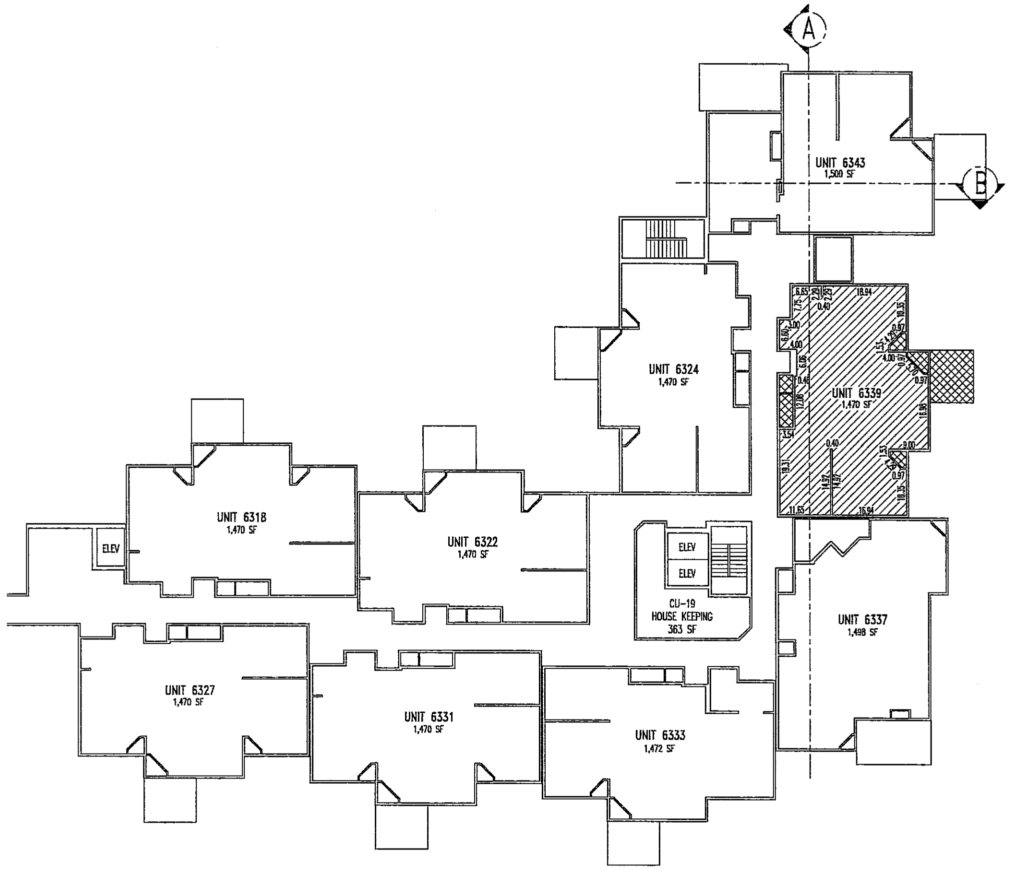
PRIVATE OWNERSHIP
LIMITED COMMON AREAS AND FACILITIES
COMMON AREAS AND FACILITIES

SCALE: 1" = 20'

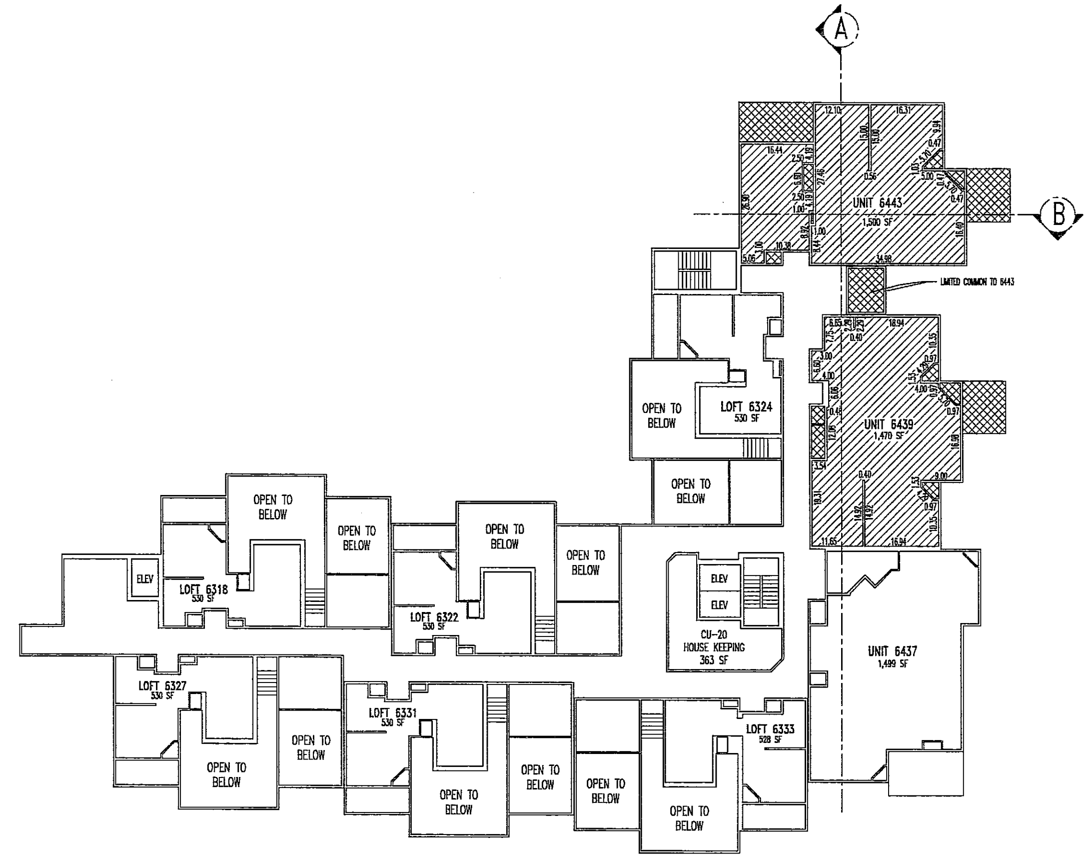
0 10 20 30 40 60 80 100



ROOF DECK



LEVEL 3



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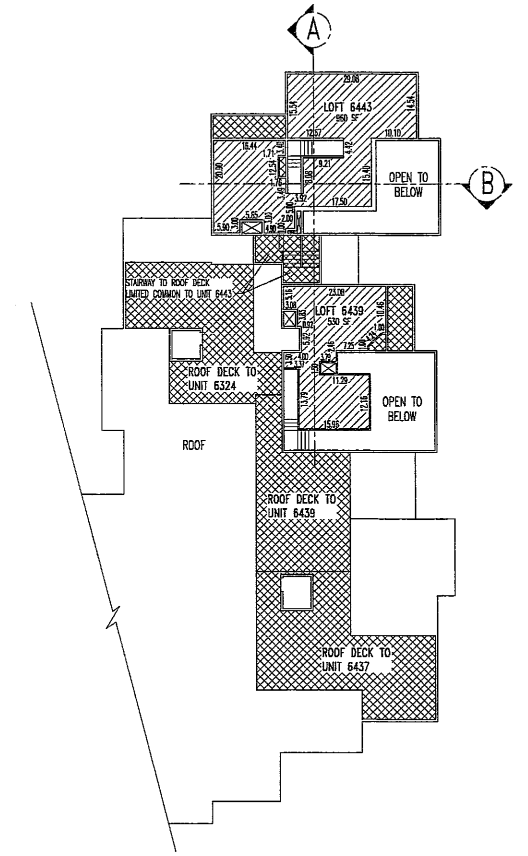

LEVEL 5

McNEIL ENGINEERING CIVIL, L.C.
PROFESSIONAL CIVIL ENGINEERING SERVICES
6895 SOUTH 900 EAST, MIDVALE, UTAH 84047
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SHEET 2 OF 3

RECORDED #
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
BOOK PAGE DATE TIME
FEE $ SUMMIT COUNTY RECORDER

260169CP2-amended

THE FIRST AMENDMENT TO SILVER BARON LODGE AT DEER VALLEY PHASE II

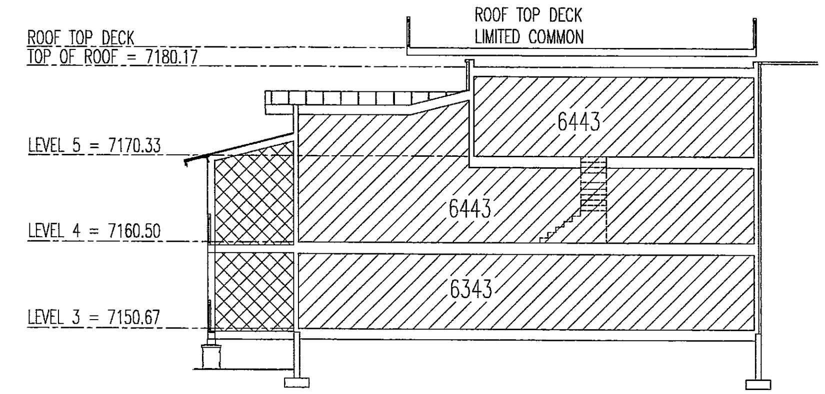
AMENDING UNITS 6324, 6339, 6437, 6439, 6443, AND LEVEL 4 CONVERTIBLE SPACE
SILVER BARON LODGE PHASE II
AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF
SECTION 15, & THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

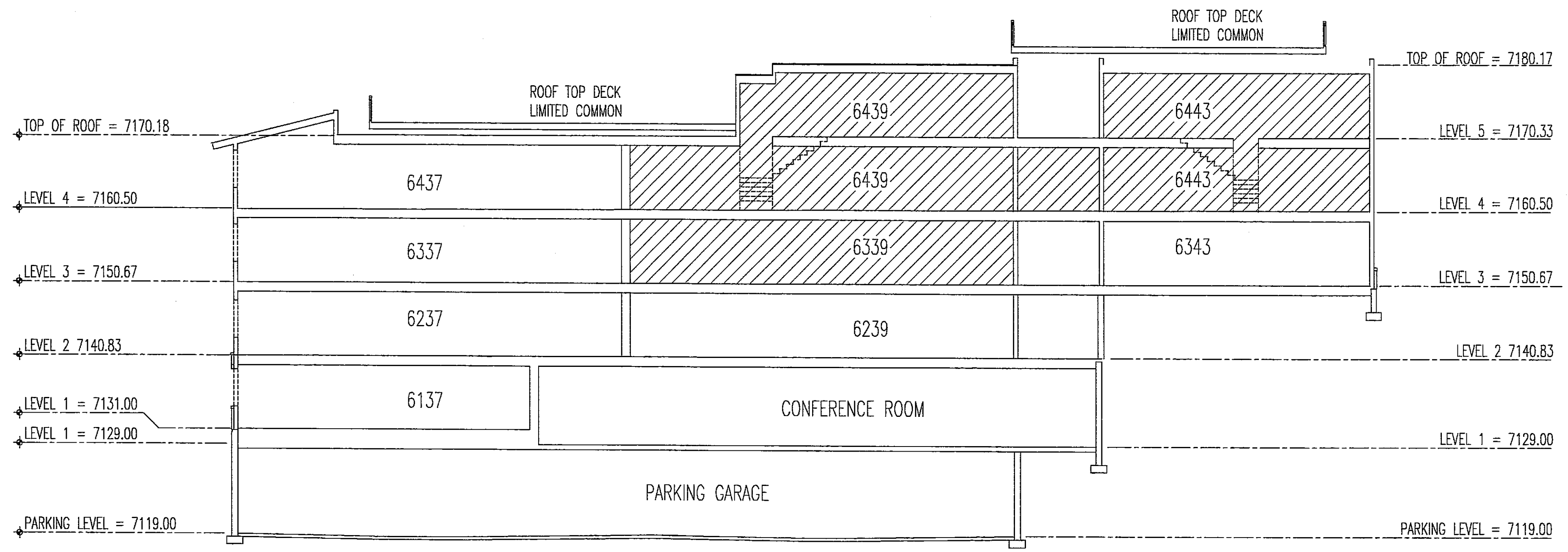
SCALE: 1" = 10'

LEGEND

- PRIVATE OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION B



SECTION A

SHEET 3 OF 3

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF

BOOK ______ PAGE ______ DATE ______ TIME ______

FEE $ ______ SUMMIT COUNTY RECORDER

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CIVIL, L.C.
PROFESSIONAL CIVIL ENGINEERING SERVICES
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263169CP2

City Commission
Staff Report

Application #:	**PL-11-01190**
Subject:	**109 Woodside Plat Amendment**
Author:	**Francisco Astorga, Planner**
Date:	**April 7, 2011**
Type of Item:	**Administrative – Plat Amendment**

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the 109 Woodside Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	Stephen Roy represented by Jonathan DeGray, architect
Location:	109 Woodside Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Proposal
This is a request to combine portions of Old Town lots into one (1) lot of record. There are existing historic structures located at 109 Woodside Avenue. The historic structures were constructed across existing property lines.

Purpose
The purpose of the Historic Residential (HR-l) District is to:

A. preserve present land Uses and character of the Historic residential Areas of Park City,
B. encourage the preservation of Historic Structures,
C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
D. encourage single family Development on combinations of 25' x 75' Historic Lots,
E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background
On January 24, 2011 the City received a complete application for the 109 Woodside

Plat Amendment. The property is located at 109 Woodside Avenue in the Historic Residential (HR-1) District. The proposed plat amendment combines Lot 2 & Lot 3, and a portion of Lot 1, 4, 29, 30 & 31 of Block 31 of the Park City Survey into one (1) legal lot of record. The requested lot is 6,428 square feet in size.

The current use of the property is residential. The site currently contains a single family dwelling and a detached accessory building. The site is currently listed as a Landmark site on Park City's Historic Site Inventory (HSI). Both the main dwelling and the accessory building have been identified as historic buildings on the HSI. The site is currently eligible for the National Register of Historic Places. The main building is structure is approximately 754.5 square feet in size (footprint) while the accessory building is approximately 370 square feet in size.

The applicant wishes to combine the lots and portions of lots as described above into one (1) lot to eliminate the various lot lines going through the main building and the accessory building, both historic structures, and to facilitate reconstruction of the accessory building.

After submitting the required Historic District Design Review (HDDR) pre-application to reconstruct the accessory building it was discovered that the historic buildings (main and accessory) were built over various lot lines. The improvements to the detached garage will be subject to the HDDR review and approval which has not been finalized. A building permit cannot be issued for reconstruction across a lot line.

The Planning Commission held a public hearing and reviewed this request as a consent agenda item during their March 23, 2011 meeting. The Commission forwarded a positive recommendation to the City Council.

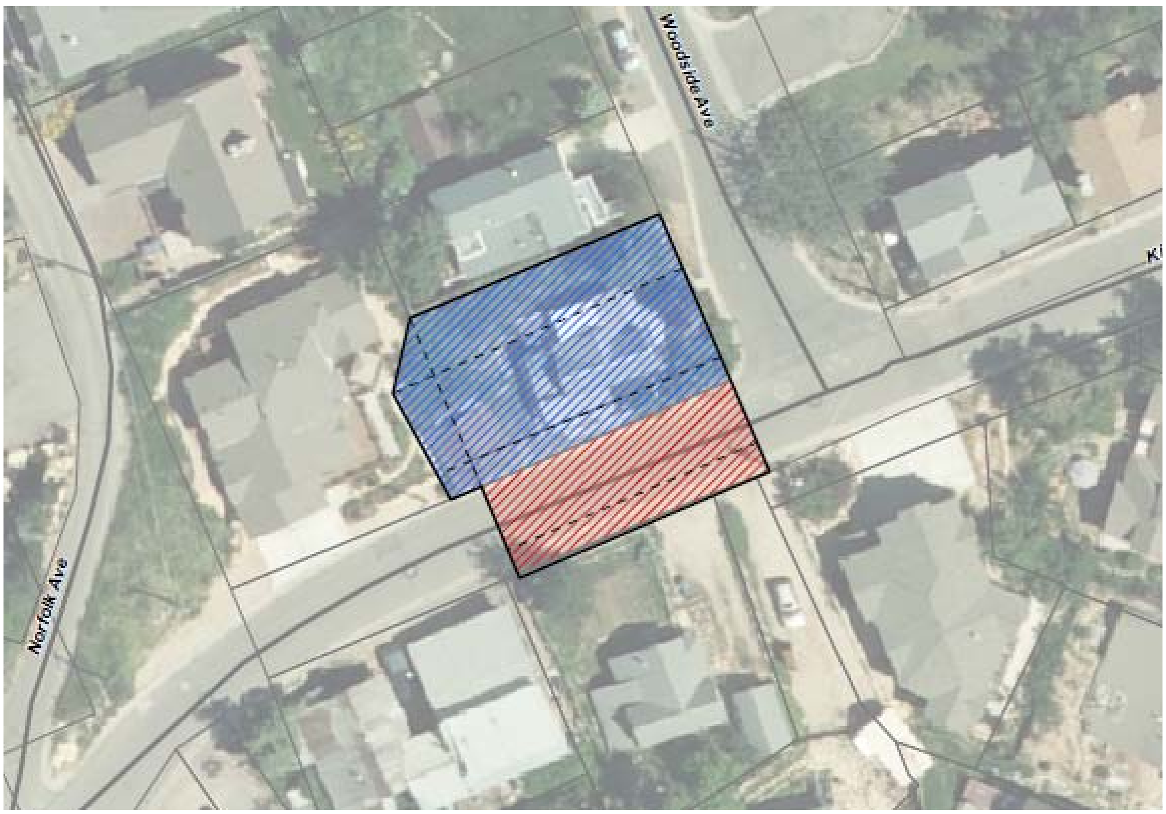
Analysis

The proposed plat amendment creates one (1) lot from two (2) Old Town lots and several portions of other adjacent Old Town lots within the HR-1 District. The lot combination will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, and eliminate remnant parcels. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	6,428 sq. ft.
Minimum lot width	25 ft.	79 ft.

There is a portion of King Road east of Woodside Avenue that currently goes through the southern portion of the subject property. This area, approximately 2,052 square feet, is owned by the applicant. There is a prescriptive easement that allows the public to utilize the built street, curb, and gutter.

The applicant requested with this plat amendment application to include this portion of King Road to be part of the lot combination. Staff does not recommend including this area as requested, but instead recommends this portion be dedicated to the City as right-of-way for King Road. The applicant will benefit by reducing the assessed area for tax purposes. The public will benefit by the area being an actual right-of-way instead of a prescribed easement over private land. The recommended lot (without the King Road right-of-way) area is 4,376 square feet in size. Staff has prepared the following exhibit below to illustrate the area owned by the applicant, the lot lines to be removed, and the recommended area to be platted a one lot of record and the area to be dedicated to the City as a right-of-way:



Staff finds good cause for this lot combination as the plat amendment will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, dedicate the portion of privately owned King Road to the City as a right-of-way, and eliminate remnant parcels. Staff's recommendation that the applicant dedicates the road over private area (2,052 sq. ft.) is consistent with Park City's Code and policies. The recommended lot is also in compliance of the following LMC requirements for lot size and width:

	LMC requirement	Proposed	Recommended
Minimum lot size	1,875 sq. ft.	6,428 sq. ft.	4,376 sq. ft.
Minimum lot width	25 ft.	79 ft.	52 ft.

The overall building footprint of the site is approximately 754.5 square feet, which is the building footprint of the main building. The accessory structure is approximately 370 square feet, which is not included in the overall building footprint per the LMC. The LMC indicates that the square footage of an accessory building listed on the HSI does not count towards building footprint. The proposed lot will meet the lot and site requirements of the HR-1 District. There are no other violations or non-compliances found on the site with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum/14 feet total
Footprint	1,711 square feet maximum
Parking	None required for historic structures
Stories	3 Stories maximum

Footprint
The maximum building footprint of structures located on a lot are regulated by the footprint formula found in the Land Management Code. The formula is determined by the size of the lot. The current building footprint is approximately 754.5 square feet. The building footprints of historic accessory structures are not included in the footprint calculation. The original lot area (6,428 square feet) yields a maximum footprint of 2,240 square feet. The recommended area yields a maximum footprint of 1,711 square feet.

Process
The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. They will also have to submit a Building Permit application. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

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

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

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

Alternatives

- The City Council may approve the 109 Woodside Plat Amendment as conditioned or amended; or
- The City Council may deny the 109 Woodside Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 109 Woodside Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The right-of-way dedication for King Road will be a benefit for the City.

Consequences of not taking the Suggested Recommendation

The historic structures would remain as is and no improvements could take place across the existing lot lines and King Road would remain within a prescriptive easement on private property.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 109 Woodside Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Topographic Survey
Exhibit C – Plat Amendment Analysis

Exhibit A: Draft Ordinance

Ordinance No. 11-

AN ORDINANCE APPROVING THE 109 WOODSIDE PLAT AMENDMENT LOCATED AT 109 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 109 Woodside Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2011, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 7, 2011, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 109 Woodside Plat Amendment.

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

SECTION 1. APPROVAL. The 109 Woodside Plat Amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 109 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The recommended lot is 4,376 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 sq. ft.
5. The lot width of the recommended lot is fifty-two feet (52').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing building footprint found on site is 754.5 square feet.
8. The maximum footprint for a lot this size is 1,711 square feet.
9. The current use of the property is a single family dwelling.

10. There are two historic structures on the site, a main building and an accessory building.
11. The historic structures were constructed across existing property lines.
12. There are no other violations or non-compliances found on the site.
13. No remnant parcels of land are created with this plat amendment.
14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

<u>Conclusions of Law:</u>

1. There is good cause for this plat amendment in that the plat amendment will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, dedicate the portion of privately owned King Road to the City as a right-of-way, and eliminate remnant parcels.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

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 request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage.
4. The area identified on the submitted proposed plat (and survey) as the King Road easement shall be dedicated to the City as a public right-of-way. This area is approximately 2,052 sq. ft.

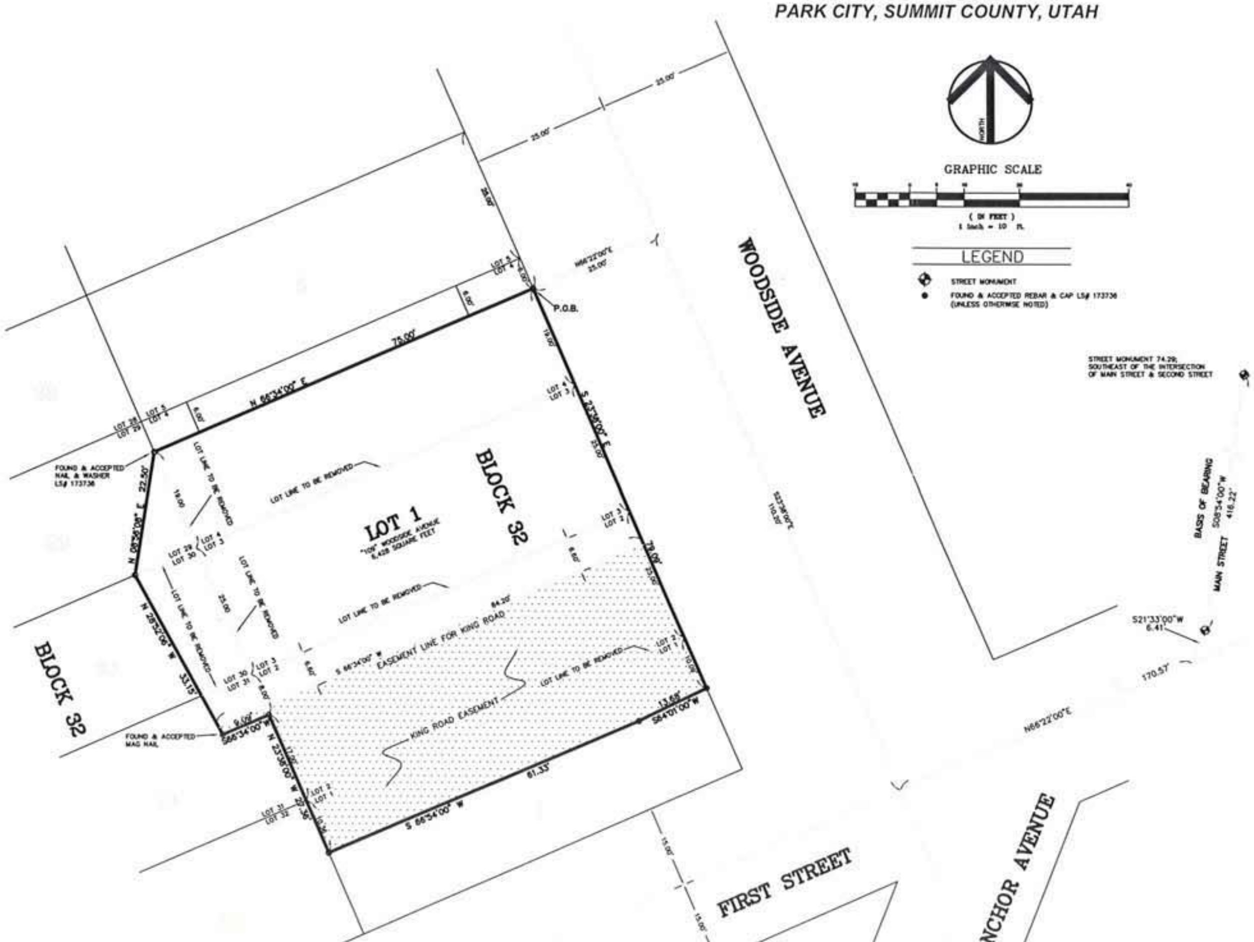
<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

Attachment A – Proposed Plat

Attachment A – Proposed Plat

109 WOODSIDE PLAT AMENDMENT

LOTS 1, 2, 3, THE SOUTHERLY 19 FEET OF LOT 4 AND A PORTION OF LOTS 29, 30 AND 31, BLOCK 32, AMENDED PLAT OF THE PARK CITY SURVEY,
LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 3 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



PLAT NOTES:

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE ALL OF THE SUBJECT LOTS AND PARCELS SHOWN HERE INTO ONE LOT
2. ALL NOTES AND COVENANTS OF SNYDERS ADDITION TO PARK CITY SURVEY PLAT REMAIN IN EFFECT ON THIS PLAT AMENDMENT.
3. PLAT BASED ON SURVEY S-4893 ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 32, AMENDED PLAT OF THE PARK CITY SURVEY; THENCE SOUTH 23°38'00" EAST ALONG THE EAST LINE OF SAID LOT 4, 8.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 23°38'00" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 32, 79.09 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 64°01'00" WEST 13.68 FEET; THENCE SOUTH 68°54'00" WEST 81.33 FEET TO THE WESTERLY LINE OF LOT 1, BLOCK 32 OF SAID AMENDED PLAT OF THE PARK CITY SURVEY; THENCE ALONG THE WESTERLY LINE OF SAID LOT 1 AND LOT 2 OF SAID BLOCK 32 NORTH 23°38'00" WEST 27.38 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 68°34'00" WEST 9.09 FEET; THENCE NORTH 28°52'06" WEST 33.15 FEET; THENCE NORTH 08°56'08" EAST 22.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 4, NORTH 88°34'00" EAST 75.00 FEET TO THE POINT OF BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land known as 109 WOODSIDE PLAT AMENDMENT, to be known hereafter as the ______________ do hereby certify that I have caused this Plat to be prepared, and we, ______________ hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this _____ day of ______________ 2011.

BY: NAME
NAME OF COMPANY/CORP.

____
NAME

____
NAME

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of ______________ 2011, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, ______________ the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: ______________

My Commission Expires: ______________

LIEN HOLDER'S CONSENT TO RECORD

State of Utah
County of Summit

The undersigned lien holder hereby consents to the recordation of this plat.

______________ BY: ______________

The foregoing consent to record was acknowledged before me this _____ day of ______________ 2011.

By: ______________

______________ My Commission Expires:
____
Notary Public

SURVEYOR'S CERTIFICATE

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

______________ ______________
Christopher R. Braun Date
PLS 5152604

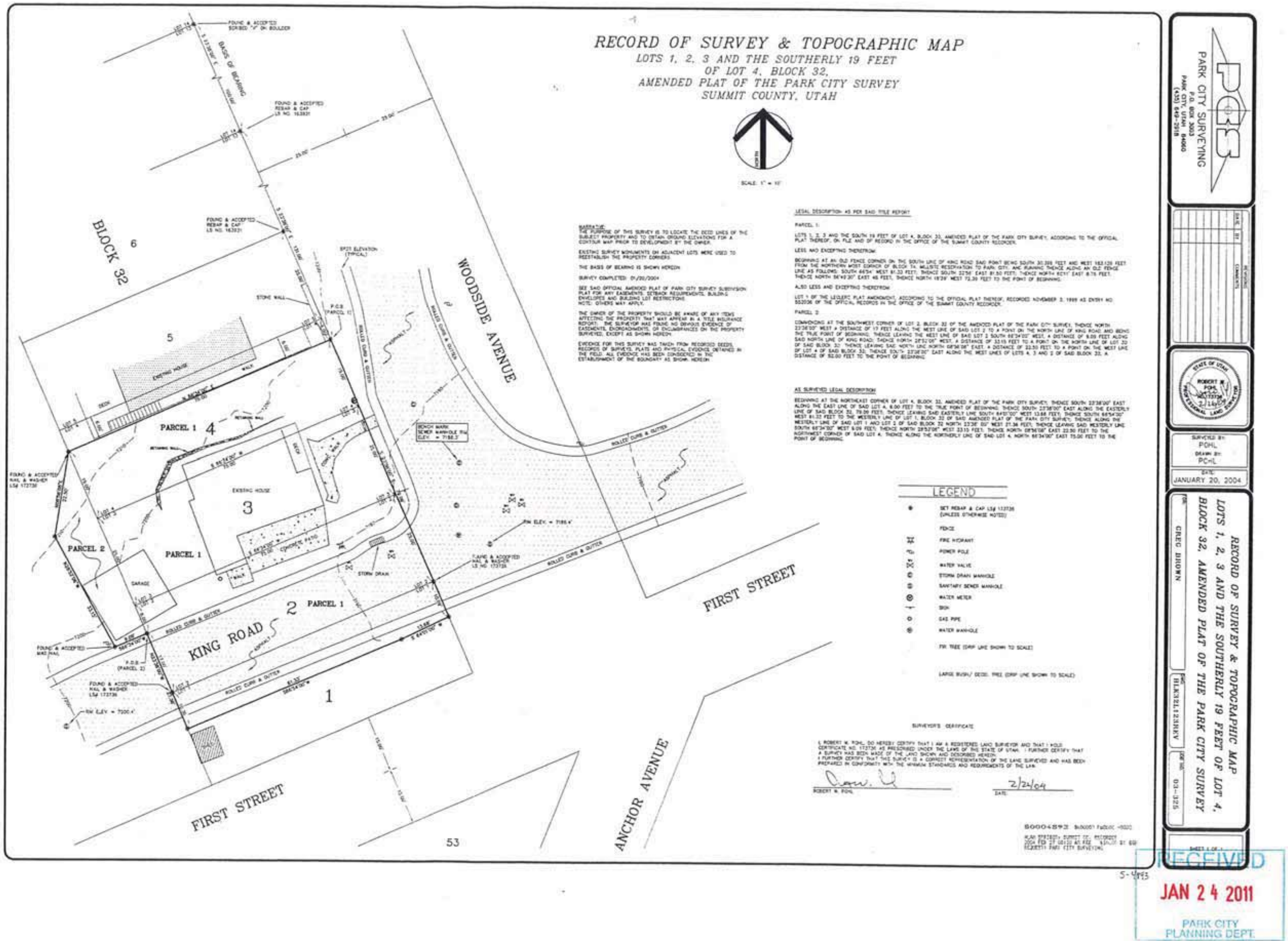
RECEIVED
JAN 24 2011
PARK CITY
PLANNING DEPT.

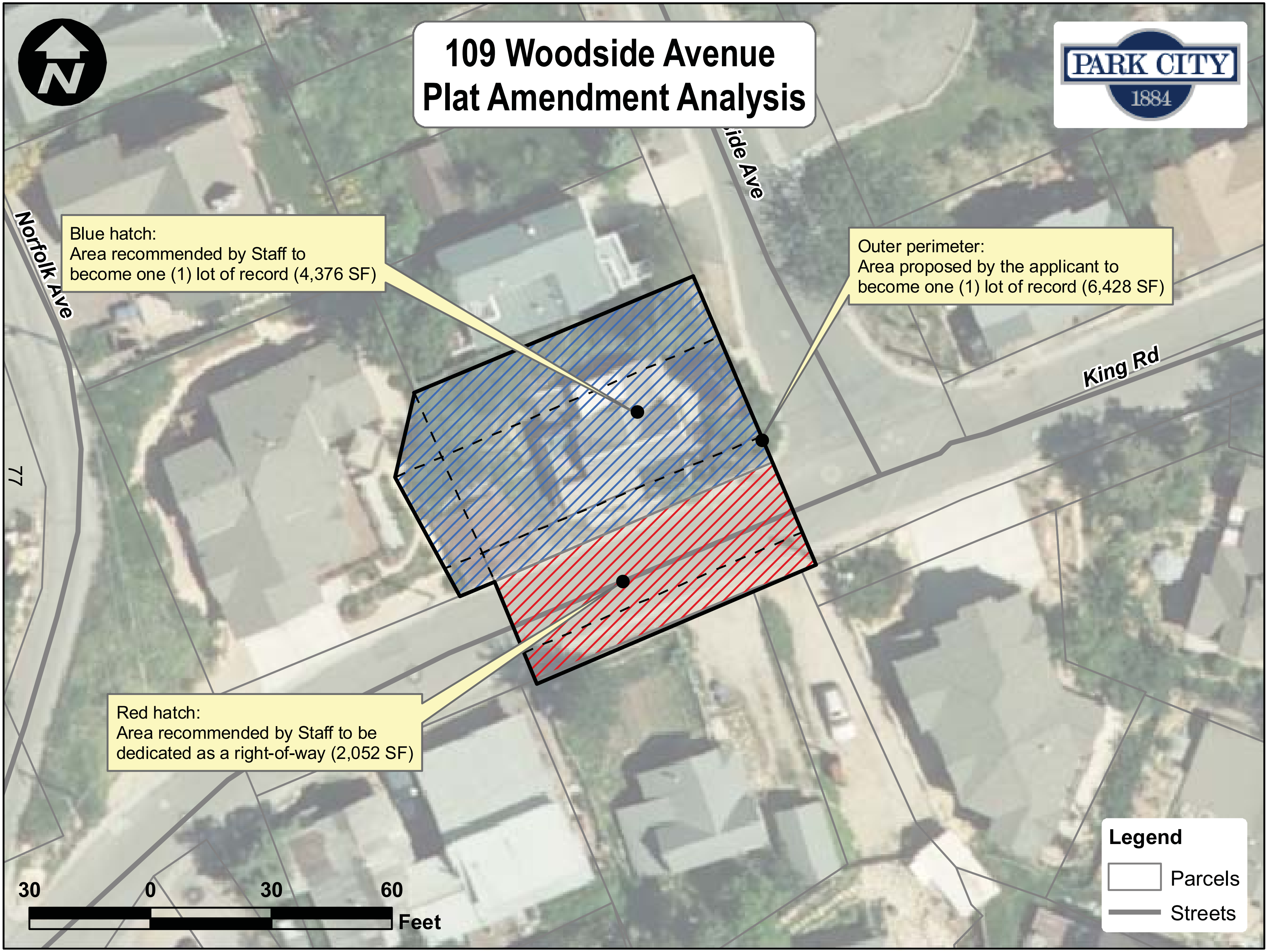
SHEET 1 OF 1

Park City Surveying

COUNCIL APPROVAL & ACCEPTANCE	PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	RECORDED
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF ______, 2011 A.D.	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ___ DAY OF ______, 2011, A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF ______ 2011 A.D.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ___ DAY OF ______ 2011 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ___ DAY OF ______ 2011 A.D.	APPROVED AS TO FORM THIS ___ DAY OF ______ 2011 A.D.	ENTRY NUMBER: ______ BOOK: ______ PAGE: ______ STATE OF UTAH, COUNTY OF ______ DATE: ______ TIME: ______ FEE PAID: ______ RECORDED AND FILED AT THE REQUEST OF:
MAYOR	CHAIRMAN	PARK CITY RECORDER	S.B.W.R.D.	PARK CITY ENGINEER	PARK CITY ATTORNEY DATE	COUNTY RECORDER

Exhibit B – Topographic Survey




109 Woodside Avenue
Plat Amendment Analysis
PARK CITY
1884
N
Blue hatch:
Area recommended by Staff to
become one (1) lot of record (4,376 SF)
Outer perimeter:
Area proposed by the applicant to
become one (1) lot of record (6,428 SF)
Red hatch:
Area recommended by Staff to be
dedicated as a right-of-way (2,052 SF)
Norfolk Ave
King Rd
ide Ave
30 0 30 60
Feet
Legend
Parcels
Streets

City Council
Staff Report

PLANNING DEPARTMENT

Application #: **PL-11-01201**
Subject: **335 Woodside Ave. Plat Amendment**
Author: **Francisco Astorga, Planner**
Date: **April 7, 2011**
Type of Item: **Administrative – Plat Amendment**

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the 335 Woodside Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description
Applicant:	John Watkins, represented by Lance Kincaid
Location:	335 Woodside Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Proposal
This is a request to combine two (2) Old Town lots into one (1) lot of record. There is an existing historic structure located at 335 Woodside Avenue which was constructed across an existing property line.

Purpose
The purpose of the Historic Residential (HR-l) District is to:

A. preserve present land Uses and character of the Historic residential Areas of Park City,
B. encourage the preservation of Historic Structures,
C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
D. encourage single family Development on combinations of 25' x 75' Historic Lots,
E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background
On February 9, 2011 the City received a completed application for the 335 Woodside

Avenue Plat Amendment. The property is located at 335 Woodside Avenue in the Historic Residential (HR-1) District. The proposed plat amendment combines Lots 9 and 10, Block 30 of the Park City Survey into one (1) lot of record. The proposed new lot will be 3,750 square feet in size.

The current use of the property is a single family dwelling. The applicant wishes to combine the two (2) lots into one (1) lot to eliminate the lot line going through the structure and to facilitate an addition to the existing historic structure. The structure is currently listed as a Landmark site on Park City's Historic Site Inventory. The historic structure is known as the William Tretheway House, built circa 1893. It is currently listed on the National Register of Historic Places. The structure is approximately 781.75 square in size.

After submitting the required Historic District Design Review (HDDR) pre-application it was discovered that the historic structure was built over the two lots. The addition will be subject to the HDDR review and approval which has not been finalized. A building permit cannot be issued for construction across a lot line. Due to the slope of the site a Steep Slope Conditional Use Permit application will also be required prior to the building permit review.

The Planning Commission held a public hearing and reviewed this request as a consent agenda item during their March 23, 2011 meeting. The Commission forwarded a positive recommendation to the City Council.

Analysis
The proposed plat amendment creates one (1) lot from two (2) Old Town lots within the HR-1 District. The applicant wishes to eliminate the lot line going through the historic structure. Because the site is designated as a landmark site within the Historic Site Inventory (HSI), the historic structure is currently protected. Even though there are two (2) lots on site, the site is limited by the existing historic structure over the two (2) lots. Two (2) single family dwellings could not be built on the two (2) lots as the historic structure is protected. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	3,750 sq. ft.
Minimum lot width	25 ft.	50 ft.

Staff finds good cause for this plat amendment as the combined lot will remove the lot line going through the historic structure. The plat amendment will also provide an opportunity for an addition. The square footage of the structure is currently 781.75 square feet (which is also the building footprint). The proposed lot will meet the lot and site requirements of the HR-1 District. There are no other violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum
Footprint	1,519 square feet maximum
Parking	None required for historic structures
Stories	3 stories maximum

LMC table 15-2.2 below illustrates the minimum side yard setbacks and maximum footprint per the width of each lot (LMC § 15-2.2-3(D)).

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	**25.0**	**3 ft.**	**6 ft.**	**1,875**	**1,045**	**844**
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	**50.0**	**5 ft.**	**10 ft.**	**3,750**	**2,200**	**1,519**
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

If any addition is to take place in the future the applicant will have to follow the adopted Historic District Design Guidelines and additional applicable LMC criteria pertaining to additions to historic Landmark structures.

<u>Process</u>

The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

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

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

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

Alternatives
- The City Council may approve the 335 Woodside Avenue plat amendment as conditioned or amended; or
- The City Council may deny the 335 Woodside Avenue plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 335 Woodside Avenue plat amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

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

Consequences of not taking the Suggested Recommendation
The historic structure would remain as is and no construction could take place across the existing lot lines.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the 335 Woodside Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Topographic Survey
Exhibit C – Aerial Photograph

Exhibit A: Draft Ordinance

Ordinance No. 11-

AN ORDINANCE APPROVING THE 335 WOODSIDE AVENUE PLAT AMENDMENT LOCATED AT 335 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 335 Woodside Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 23, 2011, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 7, 2011, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 335 Woodside Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The 335 Woodside Avenue Plat Amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 335 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 3, 750 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is fifty feet (50’).
6. The minimum lot width within the HR-1 District is twenty-five feet (25’).
7. The existing footprint of the structure is 781.75 square feet.
8. The maximum footprint for a lot this size is 1,519 square feet.
9. There are no other violations or non-compliances found on the site.
10. The current use of the property is a single family dwelling.

11. There is a historic structure on the site.
12. No remnant parcels of land are created with this plat amendment.
13. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot line going through the historic structure.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Woodside Avenue.

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

Attachment A – Proposed Plat

Attachment A – Proposed Plat

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

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 owners, I have prepared this Record of Survey map of 335 WOODSIDE AVENUE 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

LOTS 9 & 10, BLOCK 30, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as 335 WOODSIDE AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, John K. Watkins, a married person, and Erich W. Joiner, an unmarried man, as tenants in common, hereby consent to the recordation of this Subdivision Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _______________, 2011.

____
John K. Watkins, Owner

____
Erich W. Joiner, Owner

ACKNOWLEDGMENT

State of Utah:
County of Summit:

On this ______ day of ______________________, 2011, John K. Watkins and Erich W. Joiner personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, John K. Watkins and Erich W. Joiner acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: _______________

My commission expires: _________________

NOTE

Refer to recorded survey S-7249 in the office of the recorder, Summit County, Utah.

10' 0 10' 20'

A PARCEL COMBINATION PLAT

A COMBINATION OF LOTS 9 & 10 IN BLOCK 30, PARK CITY SURVEY

335 WOODSIDE AVENUE SUBDIVISION

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

2/2/11 JOB NO.: 5-1-11 FILE: X:\ParkCitySurvey\dwg\srv\plat2011\050111.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
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2011 A.D.
BY _______________ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2011 A.D.
BY _______________ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2011 A.D.
BY _______________ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF __________, 2011 A.D.
BY _______________ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2011 A.D.
BY _______________ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2011 A.D.
BY _______________ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________
DATE _______ TIME _____ BOOK _____ PAGE _____
__________ FEE _____________ RECORDER

Exhibit B – Topographic Survey

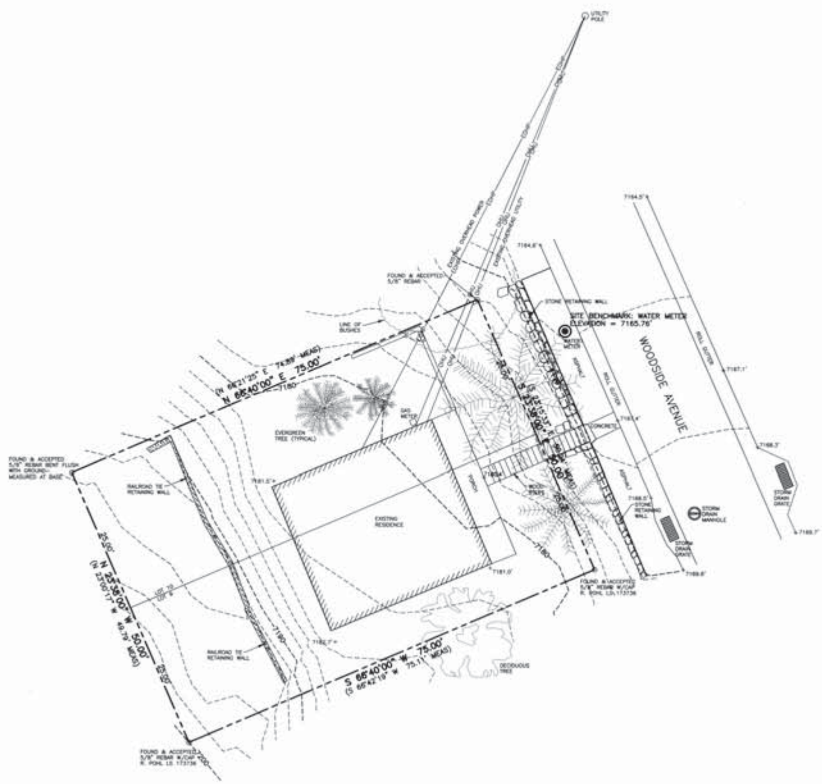
SURVEYOR'S CERTIFICATE

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. I also certify that the boundary shown hereon is in accordance with the description in that Warranty Deed recorded on December 15, 2010, as Entry No. 888443.

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

Martin A. Morrison

12-7-'10



NOTES

1. Site Benchmark: Water meter Elevation=7165.76'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on August 13, 2010.
4. Property corners were found.

Alliance Engineering Inc. (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING MARTY MORRISON	TOPOGRAPHIC SURVEY 335 WOODSIDE AVENUE LOTS 9&10, BLOCK 30, PARK CITY SURVEY		SHEET 1 OF 1
	REVISED: 12/7/10 DATE: 8/16/10	FOR: KINCAID DESIGN JOB NO.: 4-2-10 FILE: X:\ParkCitySurvey\dwg\srv\topo2010\040210.dwg		

Exhibit C – Aerial Photograph