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

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

Work Session

4:30 p.m.	Council questions/comments	
4:40 p.m.	Monthly budget update	
4:50 p.m.	Proposed mine hazard ordinance	P. 4 - 10
5:10 P.M.	Review of special event policy	P. 11 - 27
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 MEETINGS OF MARCH 3, 2011 AND MARCH 10, 2011 P. 28 - 45

V RESIGNATIONS AND APPOINTMENTS

Consideration of an appointment of Judy McKie to the Historic Preservation Board to fill an unexpired term to July 2011

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
   (a) Public hearing
   (b) **Motion to continue to March 31, 2011**

2. Consideration of an Ordinance approving the 44 Prospect Street Plat Amendment, located at 44 Prospect Street, Park City, Utah P. 46 - 53
   (a) Public hearing
   (b) Action

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
   (a) Public hearing P. 54 - 69

(b) Action

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 P. 70 - 85
   (a) Public hearing
   (b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

Closed Session – Dinner will be provided
Personnel

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: 03/21/11
See: www.parkcity.org

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

March 2011

31	Professional services contract – Bonanza Phase 3
	Bowen & Collins change order
	Professional Services Agreement with Brown and Caldwell
	Ordinance - 2800 Deer Valley Drive – KW
	Continuation of TDR Ordinance
	Board of Appeals interviews (tentative)

April 2011

7	BFO and revenue policy
	CIP budget
	Delivery ordinance update
	Addendums to facility leases extending terms – Library and Education Center, and Miners Hospital
14	**No meeting**
21	Monthly budget update
	Quarterly goal update
28	

May 2011

5	**Tom gone**
12	Monthly budget update
	PC-SLC Bus Service (45 min)
	Pavement management
19	**No meeting - Liza gone**
26	

June 2011

2
9
16
23
30

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

Subject: MINE HAZARD MITIGATION ORDINANCE
Author: Joan Card and Jason Christensen
Department: Sustainability
Date: March 24, 2011
Type of Item: Informational Work Session

Summary Recommendations:

City Council should review this staff report, the attached proposed Mine Hazard ordinance and news articles. Staff recommends Council begin the process to adopt the proposed ordinance to help ensure the safety of residents and visitors to Park City. Council should hold a public hearing to review the proposal and provide direction to staff.

Topic/Description:

Discussion of future legislation related to Mine Hazards.

Background:

Park City was founded as a mining town and has experienced several mining boom and bust mining cycles. Since 1981, no active mining has occurred in Park City and staff is not aware of any immediate plans for new mining activity. The impacts of over 100 years of mining have given the City extraordinary history and character, but have also resulted in shafts, adits, and other openings exposed on the surface within the City. These openings into the ground are no longer being used and a substantial number were driven by mining entities that are now defunct. The openings represent a hazard to residents and visitors to Park City.

State and Federal agencies have some role in closing hazards. The Surface Mining Control and Reclamation Act (SMCRA) of 1977 established national standards for coal mining and requirements for reclamation of mine sites. As part of that act Title IV created the Abandoned Mine Land (AML) Program to reclaim mined areas that meet a legal definition of abandonment (no party with continuing reclamation responsibility for mine sites abandoned prior to 1977) and that pose significant health, safety and environmental problems to the public. SMCRA requires all active coal mine operators to pay a reclamation fee on each ton of coal mined which is used to fund the AML program. The AML is a federal program and many states receive federal AML grants to fund state programs. Federal legislation targeted abandoned coal mines, and use of this legislation for non-coal reclamation is limited. Utah's Division of Oil, Gas and Mining (DOGM) implements an abandoned mine reclamation program and has inventoried mine features in the Park City area. At the state level DOGM has reportedly closed some mine sites in Park City with the consent of the landowner. Other Park City landowners have not consented to DOGM efforts to close mine sites on their property.

Despite DOGM efforts, hazards are still present within the City. These hazards have the potential to injure people, animals, and property. During a one year period around 2009, a skier fell into a hazard, a dog fell into a hazard, and a sinkhole opened up near the rail trail. Less than a month ago a 28 year old man was killed after falling into a Nevada mine shaft. Staff believes the City will be judged for decades on how well we managed this issue in 2011.

Analysis:

To address the safety hazard represented by these shafts, adits, and other openings in Park City staff has drafted a proposed amendment to the Municipal Code to give the City tools to reduce the danger. This proposal can be viewed as having two parts.

The first part, proposed to be located in Title 6, Chapter 4, is designed to declare Physical Mine Hazards as nuisances. Physical Mine Hazards, defined in detail in the proposed amendments, are basically mine related openings into the ground. According to the draft, once declared as nuisances, the Chief Building Official may order a property owner to abate, or close, the Physical Mine Hazards. If the owner fails to take action, the City may enter the property to abate the hazard and then recover its costs from the property owner.

The second part, proposed to be located in Title 11 Chapter 20, is written so as to place an obligation on land owners within the Mine Hazard Mitigation Area to conduct a search for Physical Mine Hazards and then subsequently close those hazards. This requirement would be in effect only within the Mine Hazard Mitigation Area—defined as parcels over 10 acres located within City limits. This definition includes a substantial area within the higher elevations, and it is assumed that larger lots would be more likely to include unaddressed mine hazards.

Under the second parts, land owners within Mine Hazard Mitigation Area would generally be obligated to do the following:

Obligation:	Proposed Deadline
Create an Evaluation Plan to identify Physical Mine Hazard on the Property.	Before November 1st, 2012
Submit to the Building Department the results of the Evaluation Plan and a Plan for Closure of Any Physical Mine Hazard found.	Before December 1st, 2012
Execute Plan for Closure of the Physical Mine Hazards	Within 3 years of Closure Plan submittal
Update the City when new Physical Mine Hazards are identified	Ongoing

The second part is more proactive, and actively seeks to identify Physical Mine Hazards and then requires those hazards to be closed.

Staff believes that both of these parts should be used. The first part allows the City to react to specific Physical Mine Hazards when made aware of the hazard regardless of where the hazard is located within the City. The second part targets primarily the higher elevations of town where mine hazards are known to exist and requires land owners within that area to identify Physical Mine Hazards and address them. It will be possible now or in the future to expand the area covered by the second part.

Staff previously identified several large property owners within the City as well as individuals with potential Physical Mine Hazards on their property who would be affected by the proposed ordinance. On March 16, 2011 staff met with these stakeholders to solicit informally input on the proposed ordinance. Staff expects to receive specific comments on the proposed draft from these stakeholders. While stakeholders generally agree that the safety of Park City residents and visitors is paramount, some landowners may express concern about the cost of complying with the ordinance. Staff believes that no price can be placed on safety. Several of the stakeholders requested an additional opportunity to meet with staff and provide comments on the draft before City Council action. Depending on Council input, staff suggests that Council consider adopting this ordinance on April 21, 2011.

Department Review:

Executive, Legal, Sustainability, Building have reviewed this report.

Recommendation:

City Council should review this staff report, the attached proposed Mine Hazard ordinance and news articles. Staff recommends Council begin the process to adopt the proposed ordinance to help ensure the safety of residents and visitors to Park City. Council should hold a public hearing to review the proposal and provide direction to staff.

TITLE 6—HEALTH, NUISANCE ABATEMENT, NOISE
CHAPTER 4—MINE SHAFTS AND TUNNELS

6-4-1 DEFINITIONS
All word and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

> **(A) MINING OPERATIONS**. Any activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.
>
> **(B) PHYSICIAL MINE HAZARD.** Any open mine shaft, mine tunnel, adit, underground vault, discovery pit or other mine related opening into the ground that extends more than 5 feet into the ground.

6-4-2 BARRING ENTRY AFTER MINING OPERATIONS
It is unlawful for any person, whether the owner or occupier of land, to knowingly permit or maintain on their premises any Physical Mine Hazard after Mining Operations have ended, unless the Physical Mine Hazard is:

(A) a necessary part of a public water system as determined by the public water system operator;

(B) part of Mining Operations as defined in this Chapter or U.C.A.. § 40-8-4; or

(C) identified in Section 11-20-3 or Section 11-20-4 and in compliance with the submitted schedule for mitigation.

6-4-3 VIOLATION--NUISANCE--ABATEMENT
Any Physical Mine Hazard maintained in violation of this chapter is declared to be a public nuisance. If the person responsible for maintaining such a nuisance fails to abate the same after notice to do so by the Chief Building Official, the Official may direct its summary abatement at the full expense of the owner or occupier of the land where the condition is located.

TITLE 11—BUILDING AND BUILDING REGULATIONS
CHAPTER 20—PHYSICAL MINE HAZARD MITIGATION

11-20-1 AREA
This Chapter shall be in full force and effect only in those parcels in Park City, Utah at least 10 acres in size as of January 1, 2011 as depicted in the map below and accompanied legal description, hereinafter referred to as the Mine Hazard Mitigation Area.

[Insert Map & Legal Description]

11-20-2 DEFINITIONS
All word and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) EVALUATION PLAN. Defined in Section 11-20-3.

(B) MINE HAZARD MITIGATION AREA. Defined in Section 11-20-1.

(C) MINING OPERATIONS. Any activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.

(D) MITIGATION. Actions taken to prevent accidental or unauthorized intentional access to underground working, including but not limited to backfilling, block wall enclosure, stone wall enclosure, bat gate installation, corrugated metal pipe and rebar grate or rebar grate. Fencing does not constitute Mitigation if it is possible for an unauthorized person to enter underground working by going around, over, or through the fence.

(E) MITIGATION PLAN. A written statement of the Mitigation activities to be conducted by the property owner and a schedule for the completion of those Mitigation activities.

(F) PHYSICIAL MINE HAZARD. Any open mine shaft, mine tunnel, adit, underground vault, discovery pit or other mine related opening into the ground that extends more than 5 feet into the ground.

11-20-2 PHYSICAL MINE HAZARD PROHIBITED
Physical Mine Hazards are prohibited within the Mine Hazard Mitigation Area after December 1st 2012, except for those Physical Mine Hazards that are:

(A) a necessary part of a public water system as determined by the public water system operator;

(B) part of Mining Operations as defined in this Chapter or U.C.A. § 40-8-4; or,

(C) identified as required in Section 11-20-3 or Section 11-20-4 and in compliance with the submitted schedule for Mitigation.

Physical Mine Hazards maintained in violation of this section maybe declared to be a public nuisance under Title 6 Chapter 4 of this Code. The Chief Building Official may direct their summary abatement at the full expense of the owner of the land where the condition is located.

11-20-3 OWNER EVALUATION AND INSPECTION

Property owners within the Mine Hazard Mitigation Area shall devise an Evaluation Plan. On or before November 1st, 2012, property owners shall conduct an inspection consistent with their Evaluation Plan. The Evaluation Plan and inspection shall be conducted so as to identify Physical Mine Hazard(s) located on their property. The Evaluation Plan shall include a written statement of the activities to be undertaken to identify Physical Mine Hazard(s) located on the property. At a minimum this plan shall include the visual inspection of:

(A) At a minimum any mine features shown on owner's property on the 1955 United States Geologic Services Topographic Map and may include inspection of mine features shown on other additional United State Geologic Services maps;

(B) Any possible mine feature, scarring, or discrete area with limited vegetation shown on freely accessible or previously obtained aerial photographs of the property;

(C) Any location identified as possibly containing a mine feature after discussion with staff, operators, users or other individuals known to the owner to potentially have knowledge of possible Physical Mine Hazards on the property; and

(D) Any Physical Mine Hazards known to the property owner.

11-20-4 SUBMISSION

On or before December 1st, 2012, property owners within the Mine Hazard Mitigation Area shall submit to the Building Department the results of the inspection and evaluation effort conducted pursuant to PCMC 11-20-3. The submittal shall be on a form provided by the Building Department, and at a minimum contain the following:

(A) If Physical Mine Hazards are not found or Physical Mine Hazards were present on or after January 1, 2011 and have subsequently been Mitigated:

(i) Identification of the property inspected, including a map;

(ii) a statement of the inspection results;

(iii) actions taken to Mitigate any Physical Mine Hazards that occurred after January 1, 2011 and pre and post Mitigation photos of Physical Mine Hazards; and

(iv) a signed statement certifying the following: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Mitigation Plan and report and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining and completing the information contained in the Mitigation Plan and report, I believe that the information is true, accurate and complete and that no Physical Mine Hazards exist on the property. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(B) If Physical Mine Hazards are found:

(i) identification of the property inspected, including a map;

(ii) a statement of the inspection results;

(iii) the location, including GPS coordinates, and a pre-Mitigation photograph of all Physical Mine Hazards identified;
(iv) actions taken to Mitigate any Physical Mine Hazards after January 1, 2011 and the location, including GPS coordinates, and a pre and a post Mitigation photo of such Physical Mine Hazards;
(v) a Mitigation Plan with a schedule not to exceed three (3) years for Mitigation of all identified Physical mine Hazards; and
(vi) an signed statement certifying the following: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Mitigation Plan and report and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining and completing the information contained in the Mitigation Plan and report, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

11-20-5 REQUIREMENT TO MITIGATE

After submission of the information required in Section 11-20-4, property owners within the Mine Hazard Mitigation Area shall complete the Mitigation Plan as submitted or as approved by the Chief Building Official or his designee. Each Physical Mine Hazard Mitigated shall be reported to the Chief Building Official

11-20-6 OBLIGATION TO UPDATE

After submission of the information required in Section 11-20-4, property owners within the Mine Hazard Mitigation Area shall notify the Chief Building Official or his designee if additional Physical Mine Hazards, not included in a Mitigation Plan, are later identified or if prior Mitigation work fails. The property owner shall within ninety days (90) days of notice to the Chief Building Official submit a Mitigation Plan, with a completion date not to exceed one (1) year, for the Mitigation of newly identified Physical Mine Hazard.

11-20-7 INSPECTION

The Chief Building Official or his designee may make inspections to ensure identification and Mitigation of Physical Mine Hazard consistent with Title 11 Chapter 11 of this code.

11-20-8 FAILURE TO COMPLY WITH CHAPTER

Any person failing to comply with the provisions of this Chapter may be fined up to $1,000 dollars per violation. Each day of non-compliance may be found to be an additional violation. Any person failing to comply with the provisions of this Chapter may be found to have caused a public nuisance, and appropriate legal action may be taken against that person.

City Council Staff Report

Subject:	**Special Event Overhaul**
	Author: Tommy Youngblood, Jonathan Weidenhamer, Bret Howser
Department:	**Sustainability and Budget**
Date:	**March 24, 2011**
Type of Item:	**Informational**

Summary Recommendations:
Staff recommends City Council affirm the current direction and efforts underway of the Special Events Team related to how we plan, manage and regulate events. Provide specific direction where requested.

Topic/Description:
Event policy and management discussion

Background:
Post Olympics the City saw immense opportunities in hosting and facilitating special events. Not only economic opportunity, but so many of the events we host are local, grassroots participatory events that build community character and celebrate common themes.

We’ve realized significant and extreme success in growing and populating the event calendar. From 2006 – 2008 alone we grew the total number of event days 73% (170 – 294). While additional staff resources have been added to help manage the events since 2002 (Bob Kollar through the Joint Venture, and Tommy Youngblood as a contract employee, and expansion of the roles of the Quinn’s Sports Complex management), staff believes the time is right to begin refining or prioritizing our calendar to become more efficient with staffing and resources, minimize impacts to the community and regional stakeholders, and maximize economic benefits and better reflect Council and community goals.

The number of event days on the event calendar for the past four years is as follows:

Fiscal Year	Number of Events	Number of Event days
2006	60	170
2007	71	234
2008	82	294
2009	79	264
2010	82*	226*

* - as of report date

The Economic Development Strategic Plan was updated in 2008 and established the following priority related to special events:

"Further develop and populate the event calendar while continuing to balance impacts on community character and quality of life of residents and quality of experience of visitors."

Per the Budgeting for Outcomes process we learned in 2010 that PCMC expended in excess of $1.2 million in direct event-related expenses. These events drew approximately 316,000 attendees and participants producing economic impact over 100 million dollars. The City/Chamber Joint Venture (Bob Kollar) is currently researching a study on the specifics and breakdown of the financial impacts of Special Events. We require formal economic impact studies for each event that holds a long-term city services contract.

This should be considered an introductory overview. In previous discussions with Council direction has been to continue to grow the event calendar, and that we haven't hit the breaking point in terms of impact on neighborhoods and community. Staff seeks preliminary direction. In most cases, we will need to return to codify changes through a public meeting process.

Analysis:
There are some policy-related discussions that should be explored related to event management before moving forward. We believe establishment of new "criteria" and process will facilitate a better mix of events that will ultimately keep the calendar effective, interesting, and economically rewarding for the City. The Special Events Team highlighted five areas to facilitate dialogue on these questions.

1. Administrative/Application Process - <u>Refine the event application and review process and make it more intuitive and user-friendly.</u>

Post Olympics the application and Municipal Code review process was modified to be extremely user-friendly in an attempt to garnish new events. The drawback was that the application was cumbersome and inefficient for staff to use as a management, resource allocation, and fee schedule tool.

Recent administrative updates make the application a better tool for staff to identify needed resources and reduced the application from a two-part application totaling 12 pages to a one-part application totaling 4 pages. In addition, a Special Event/MFL Planning Guide was created to introduce event organizers to the application process. Staff also worked closely with partners in Summit and Wasatch Counties along with Snyderville Basin Recreation District to incorporate requirements for all four jurisdictions into the revised application. As such, this revised application can now be used to invite comments and seek feedback across jurisdictional boundaries.

Staff is suggesting major changes to the Municipal code review criteria later in the report. In general staff reviews most event applications administratively against the Municipal Code criteria (Section 4-8-5). At a certain threshold, usually size, and/or use of public property the events need Council approval.

2. <u>Internal & Multijurisdictional Cooperation</u>

Cost & Coordination of Public Works & Public Safety services/resources An ongoing goal has been to better align resources to ensure staff can properly accommodate and address operational needs at events, without sacrificing normal responsibilities or incurring unnecessary overtime. Towards this end, staff currently convenes a monthly Special Event Operational Meetings with both internal public works staff as well as regional public safety providers.

Event Debrief - monthly meeting
Moving forward into this summer we intend to expand the meeting to include broader internal and external stakeholders. Each group will provide input and feedback on all events. Written feedback will be given to event holders. These comments will be considered as part of the special event review and approval process for the following year.

Cross Jurisdictional Events – Health, Safety and Welfare.
Staff has been working through the monthly Interagency meetings to address the increasing number of special events that take place across regional jurisdictions. Staff has taken a leading role in communicating, coordinating and collaborating with, among others, UDOT, Utah Highway Patrol, Snyderville Basin Recreation and Summit and Wasatch Counties (public safety and regulators). Staff will continue to work with these entities to insure that the regulatory treatment of event organizers is consistent, and that basic health and safety concerns are addressed. Addressing unintended consequences on other's operational budgets is ongoing. One example of this is overtime incurred for public safety and traffic control.

Interlocal Field Use Agreement (School, Basin Recreation, City)
Staff continues to work with Park City School District, City Recreation and Snyderville Basin Recreation regarding field use reservations, scheduling, fees, and definition of local stakeholders. This agreement was originally approved in 2007, with the intent of recurring updates. The group also working on better understanding impacts and effects on operational budgets resulting from events approved in the City (especially those that cross onto Basin Recreation facilities). An update to the interlocal agreement for joint use of recreation facilities is pending as staffs finalize recommendations on cost recovery goals and updated fees. Through this process a need to address trail use both for local and event use has been identified.

Administrative Trail Event Use Policies
Basin Recreation and Park City strive to provide a seamless network of urban and recreational trails for our residents and visitors. As part of the update to the Interlocal agreement (above), a sub-committee has been working on high level regional trails agreement policies that recognize trails as local facilities. By collaborating on a multi-jurisdictional event review process when use of trails are proposed for events, SBSRD and PCMC can assure the proper oversight and regulation of events, while maintaining public access on a safe, sustainable trail system. Each party is drafting an administrative Trail Event Use Policy because none exist now. The Trail Event Use Policy will set general use principles guidelines and fees intended to balance quality of

trail facilities and event vs. visitor experience and local use. The policies will be brought back to Council for review.

3. Budget Policy, Costs for City Services, Fee Schedule Update & Cost Recovery goals

The existing budget policy concerning special events will be reviewed and likely adjusted during the upcoming budget season. The policy currently addresses methodology for making budget adjustments to service departments related to events managed under multi-year contracts as well as one-time events. The policy also lists a hierarchy of funding sources for events related expenses – namely 1) Special Event Fees, 2) Economic Benefit Offset, and 3) Other General Fund Resources (subsidy).

While this approach has functioned tolerably over the years, it does not represent a comprehensive approach to the long-term financing of special events and is not rooted in a specific policy directive, except that "events pay their way" or 100% cost recovery. Staff will likely suggest a new approach which calls for isolated budgeting and tracking of events revenue and expenses, annualized comparison of the two to determine subsidization level, and clear policy direction from Council regarding an appropriate subsidy of events activities, including fee waivers.

In order to facilitate this new approach, staff is currently engaged in the process of extracting annualized event revenue and expenditure data. The BFO process gave us an idea of our "all-in" special event costs (about $1.2 M annually). This includes the economy department, police, public works, transit, building, administrative costs, etc. Revenues, however, will be equally as difficult to determine, as they are spread out into a variety of revenue codes. Staff will eventually provide a report detailing all special event revenues – where they are currently coming from, what line items they are received into, where they could come from in the future, etc.

Current revenue sources include:

- Event fees - Currently, most of our fees are 25% to 38% below actual cost of services. We have a draft update to the fee schedule that will increase fees by 15% -18%.
- Festival Facilitation Fee – tax on business licenses, that generates approximately $180,000 annually

With this information compiled, staff will be able to estimate a baseline subsidy. Then Council should have a policy discussion concerning the appropriate level of subsidization for events, which could differ by event type and should consider the amount of indirect benefit received from events (which is sometimes quantified by outside studies). Staff will then take this direction and develop a recommended fee structure with the aim of achieving the target subsidy level overall and stratifying the cost burden appropriately.

In the future, staff will endeavor to adjust the accounting structure to accommodate a simple comparison of direct event revenues to direct event expenses. Likely this will include a separate financial department with a set of GL codes set up specifically for special events. All departments incurring events related expenses would code their time and purchase orders to this cost center. Council could then expect to see regular updates on special events financing (comparison to budget, variance from target subsidy level, etc.) included in the monthly budget update.

We anticipate being able to do this exercise in-house as part of the FY 2012 budget process.

Outcome/issues for discussion

1. Is Council supportive of comparing direct revenues to direct expenses and establishing a specific events budget?
2. Including discussion on expansion of existing or new potential revenue sources

4. Event Prioritization & Use Criteria for each Facility/Venue - Further develop and populate the Event Calendar while being careful to balance impacts on community character and quality of life by mitigating potential impacts.

Prioritization of the Event Calendar

The event calendar is very robust and there are events competing for time in the months of late June, July, August, and Early September. Room for growth in summer exists in early June and after mid-September, as well as parts of February and March. The mud season in late April and May and the late fall months of October and November are challenging to program for events at any outdoor venue.

We believe we are in a position to prioritize events that better meet Council goals. The current Municipal regulations are written to facilitate events and have tools limited almost exclusively to health, safety and welfare concerns as mechanisms to deny event applications. As a method to balance impacts on community character and quality of life, Staff recommends we make changes to policies that would allow for the prioritization, and denial of certain event applications.

Criteria to rank/rate and prioritize events

We believe all events should be "graded" as one large group using the same general criteria, but allow for a few specific criteria to reflect differing goals at differing venues. Furthermore staff recommends creation of a Review Committee to help apply the criteria and make recommendations to Council for ultimate event approval (see below).

The following criteria have been drafted. The draft administrative ranking system is attached as Exhibit B.

a. Economic Impact - Lodging, Restaurant Sales, Retail Sales (40 possible points)
b. Community Impact - Enhancement to Local Quality of Life, Enhancement to Visitor Experience, Consistency with Park City brand (i.e., high altitude training; outdoor recreation; art /culture (30 possible points)
c. Mitigation of Negative Impacts on PCMC Resources and PC Community - limited use of PCMC resources; meets restrictions regarding local

stakeholder use vs. destination visitor use of venues; limited traffic, etc. (30 possible points)

Review Committee

Creation of a review committee that best represented the community at large will be an integral part to the success of any criteria based ranking of events. Staff believes this group should be comprised of both PCMC Staff and other regional entities that either produced events or would be affected by regional events, including:

- City Staff
  - Events & Joint Venture
  - Ice
  - Police
  - Transit
  - Building
  - Planning
  - Public Works
- External Stakeholders
  - Chamber
  - HPCA
  - Basin Recreation
  - Lodging, Restaurants
  - Arts Council
  - Summit County
  - Utah Olympic Park
  - Mountain Trails
  - Resorts

This will be an advisory group to City Events staff, who will be responsible for final event approvals and/or recommendations to Council.

Criteria & Use Policy for Specific Facilities/Venues

The following chart displays the use patterns of the majority of our event venues over time, and compares number (days) of event use versus days available for local use/play. In many cases we've used 150 days or 5 months of summer as the baseline because generally, there is more room for growth in the winter season, while summer events compete for time.

FY	Approved Through Recreation											
	South City Park			Rotary Park			Quinns Fields Complex			Quinns Ice Complex		
	Local Rental	participatory/small scale	MFL	Local Rental	participatory/small scale	MFL	Local	participatory/small scale	MFL	Tournament	Camps	Event
FY2006	66	8	5	80	N/A	0	N/A	N/A	N/A	N/A	N/A	N/A
FY2007	67	13	9	59	N/A	0		2	27	N/A	N/A	N/A
FY2008	53	6	9	53	N/A	1		4	24	7	5	3
FY2009	55	10	10	59	N/A	1		3	33	5	15	4
FY 2010	60	11	12	56	N/A	1		2	36	9	18	6
FY 2011										11	20	6

	Main St.				Round Valley Trails		
	participatory/small scale	MFL	Full *Winter	Partial *Winter	Participatory/small scale	MFL	
FY 2006	15	7	5	2	N/A		
FY 2007	8	18	5	3	N/A	2	
FY 2008	28	31	5	12	N/A	3	
FY 2009	31	36	5	*11-19	N/A	3	
FY 2010	16	37	5	*11-20	N/A	4	

* Sundance

Participatory / Small scale events are defined as those that would use individual stage locations or non-profit equipment swaps, gallery strolls, etc

Staff believes the best way to get the most out of our event calendar is through defining policy/use goals and criteria specific to each venue or facility. For example use of the City Park likely has different goals and should be used and programmed differently than Quinn's Sports Complex. Specific criteria may be appropriate when contemplating closure of Main Street to reflect any impacts on day-to-day business.

The Quinn's sports complex strategic plan is a perfect example of an existing policy that has helped us make tough decisions about hosting events. We believe adoption of Guiding Principles for the major event venues (above) will help. Staff intends to finalize these principles for each venue and will bring them back as an update. We intend to include these site-specific policies in the Interlocal agreement. Tonight we seek specific discussion on Main Street.

<u>Main Street closure criteria</u>
The number of Main Street Closures increased from 22 in 2006 to 67 in 2010 (204% increase). This increase includes Sundance closures. Currently Chapter 4-8-5 of the Municipal Code considers denial of events for 2 general reasons: 1) Health, safety, welfare, or circulation impacts that can't be mitigated, or 2) Conflict (calendar) with an existing MFL (Exhibit B).

As part of the new HPCA leadership, an Events Committee was created to discuss and rate events for their impact on Main Street. The HPCA identified a collective position on events which includes objectives and criteria (Exhibit C), and ultimately recommendations on which events they would like to see moved to slower times of the calendar or relocated entirely. In general, the HPCA understands the dynamic relationship and balance between their member's economic needs along with the broader community and City goals, as demonstrated in the following excerpt:

> *It is the objective of the HMBA to promote Historic Park City as a fun, friendly and vibrant destination. We are in favor of events that reinforce this brand image. However, the HPCA is not in favor of events that adversely affects business revenues and/or do not reinforce our message.*

Therefore, the HPCA requests the following considerations:

1. Major (complete or significant) street closures should be limited to 12 days/year
2. Events requiring street closures must attract a minimum of 1000 persons. High impact events should draw from the entire region.
3. Events must be inclusive, fun and lively
4. Events should be required to market HPC as their host and promote our brand message.
5. Event organizers must notify the HPCA of their events a minimum of 60 days prior (consistent with application time frame from City).
6. Street closures should not occur on consecutive weekends or back-to-back days for different events.
7. The HMBA would like to work with the City/Chamber to develop a matrix by which we can quantify and evaluate events, pre- and post-event.

8. Merchants should be surveyed after each new event to collect input and determine adjustments.
9. Events should conclude on Main Street rather than encouraging attendees to leave quickly.
10. Events should be discouraged from bringing vendors that directly compete with existing services. Events should be encouraged to use HMBA vendors.

Staff recommends we reflect on these considerations closely as we draft administrative event use criteria for Main Street. There are two existing events that HPCA recommends different outcomes:

1. Mustang Car Show – This has been a recurring Saturday event closing Main Street for a number of years. HPCA is receptive to the event only if it moves from a July or August Saturday to a non-summer weekend. The Membership feels they only have so many weekend days in the heart of the summer season to capitalize, and that this event for a myriad of reasons does not reinforce their message, including: demographic fit, marketing and outreach plan, overall size and people generated. In 2011 the event organizers have already capitulated to move the car show to Redstone, but continue to keep the lodging in City limits at the Marriott in Prospector.

2. Triple Crown Parades – Each Monday during the 3 week tournament the organizers host opening ceremonies parade and pin trading event that closes Main Street south of 5th Street. In general the merchants don't see the economic return on the impacts that are created. Staff's position is that bringing 2000-4000 new visitors to Main Street on the first day of the event is a good thing. Triple Crown is seeking other venues in the community to host the parades. Staff is attempting to keep them within City limits.

Other Cities

The overall trend especially in resort communities is more and more recruitment of events. Two comparable resort communities with reputations for holding events include:

Vail - Their visit to Park City in 2006 prompted this event prioritization discussion. They are in a very similar position as Park City in trying to balance economic and community goals. They have an adopted strategic plan for events and a formal prioritization and funding process:
http://www.vailgov.com/docs/dl_forms/CSE_Strat_Plan_Rvsd_03_14_2011.pdf

Telluride – Indicative of the growing pressure for events, Telluride was once known for holding a summer weekend event titled "no event weekend". Their current review process also includes a strict application deadline as well as a prioritization criteria:
http://www.telluride-co.gov/index.aspx?page=116
In general their policy supports and favors established events, particularly locally based ones.

Outcome/Issues for discussion

3. Should staff return with changes to policies that would allow for the prioritization and/or denial of certain event applications, including:
    a. Changing the priority given to special event applicants from “first in time” or “returning/annual” to the priority received from the review committee’s grading criteria process.
    b. Favoring destination tournaments and recreational events that drive overnight visitors as a priority?
    c. What about giving local preference?
    d. Not establishing a quota or limit on how many total events or event days we want → this could relate back to finding of the Carrying Capacity Study results anticipated in April.
4. Should staff bring back Use guidelines for the major event facilities/venues?
5. Should staff consider codifying specific criteria for events that require the partial or complete closure of Main Street?

<u>5. Temporary Uses, Licensing, Keeping commercial uses in the commercial district and competition with existing approved MFL’s.</u>

The application of convention and sales licensing fees related to temporary uses during an existing MFL can be indicative of the balance between sometimes competing objectives, including:

- Allowing the free market to operate and provide activity and vitality
- Ensuring the costs of city services and community impacts are addressed, including, trash, recycling, carbon footprint, noise, etc.
- Protecting the goals and integrity of City contracts with MFL holders, including minimizing “ambush” marketing
- Keeping commercial activity within the commercial districts, and minimizing impacts to residential neighborhoods
- Subletting provides a revenue stream to year-round merchants

Staff firmly believes temporary uses should not impact an existing MFL holder and should have to “pay to play” as is the case with most other large events like the Super Bowl. We are currently working internally on a recommended course of action as there are broad implications on the structure and operations of major tweaks to our business licensing process. As we prepare internally, f there are specific areas or concerns Council would like us to address or consider they should be identified.

<u>Issues for Discussion</u>

6. Staff seeks a discussion on Council’s goals for regulating temporary uses.

<u>Recap of Issues for Discussion</u>

Staff sees this as the beginning of a dynamic process overhauling how we regulate and manage events. While not intended to be thorough and complete the following list of questions is intended to begin to frame priorities. If there are specific areas or other questions we should address, please help frame them. Specific questions include:

1. Is Council supportive of comparing direct revenues to direct expenses and establishing a specific events budget?
2. Including discussion on expansion of existing or new potential revenue sources
3. Should staff return with changes to policies that would allow for the prioritization and/or denial of certain event applications, including:
    a. Changing the priority given to special event applicants from “first in time” or “returning/annual” to the priority received from the review committee’s grading criteria process.
    b. Favoring destination tournaments and recreational events that drive overnight visitors as a priority?
    c. What about giving local preference?
    d. Not establishing a quota or limit on how many total events or event days we want? → this could relate back to finding of the Carrying Capacity Study results anticipated in April.
4. Should staff bring back Use guidelines for the major event facilities/venues?
5. Should staff consider codifying specific criteria for events that require the partial or complete closure of Main Street?
6. Staff seeks a discussion on Council’s goals for regulating temporary uses

Recommendation:
Staff recommends City Council affirm the current direction and efforts underway of the Special Events Team related to how we plan, manage and regulate events. Provide specific direction where requested.

Exhibits
A – Event Review Process
B – Section 4-8-5 – Standards for MFL reveiw
C - HPCA submittal
D – Draft Event Rating Chart

Exhibit A
Event Review Process

Standard Master Festival and Special Event License Review Procedure

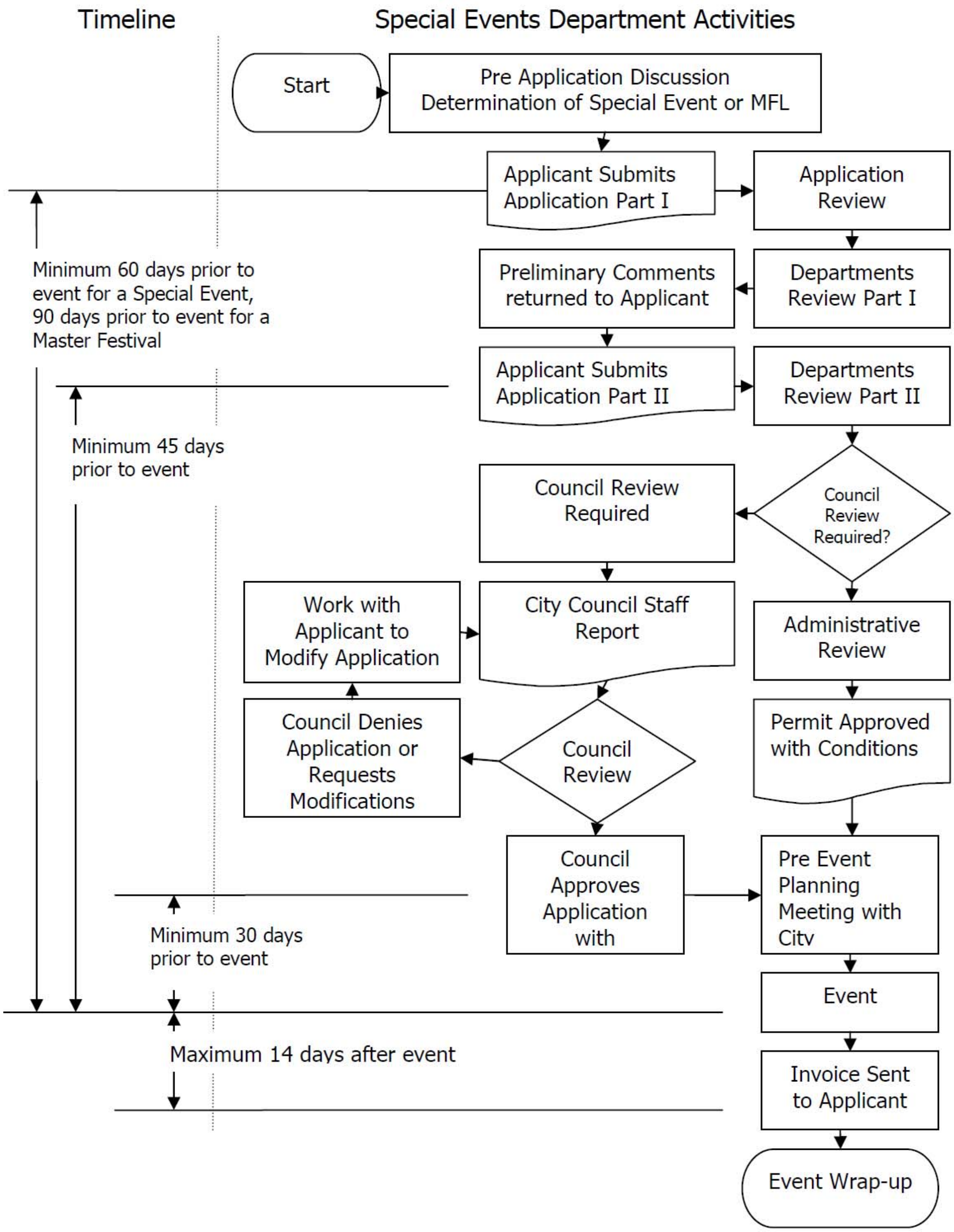


Exhibit B
Section 4-8-5 Municipal Code

(C) **ADMINISTRATIVE REVIEW**. The Special Events Manager shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

(1) Special Event applications;

(2) Applications for Master Festival License renewals where material elements of the event have not substantially changed from the previous application. Upon receipt of a complete Master Festival License application and accompanying fee, the Special Events Manager shall review the application for compliance with Section 4-8-5 herein.

Following review of the application, the Special Events Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, if applicable, and deliver written notice of such decision to the Applicant. Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events Manager within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

Upon receipt of a complete master festival license application and accompanying fee, the Special Events Manager shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, if applicable, and deliver written notice of such decision to the Applicant.

(Amended by Ord. 01-31)

4- 8- 5. STANDARDS FOR LICENSE APPROVAL.

Applications for Master Festivals and Special Events shall be reviewed for compliance with the standards provided herein. The Special Events Manager or City Council may prohibit or restrict any Special Event or Master Festival whenever any of the conditions enumerated in this Section is found likely to occur, unless the event is modified to eliminate said conditions.

(A) The conduct of the event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

(B) The conduct of the event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

(C) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.

(D) The event will substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

(E) Where applicable, the Applicant fails to provide the following:

(1) The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;

(2) Monitors for crowd control and safety;

(3) Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;

(4) Adequate off-site parking and traffic circulation in the vicinity of the event;

(5) Required insurance, cash deposit, or other security; or

(6) Any other services or facilities necessary to ensure compliance with City noise, sign, or other applicable ordinance(s).

(F) The event created the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

(G) The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

(H) The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

(Amended by Ord. No. 01-31)

4- 8- 6. CONFLICTING LICENSE APPLICATIONS.

(A) No more than one (1) Master Festival or Special Event shall be approved for the same date(s) unless the Special Events Manager or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Special Events Manager or City Council will apply the following criteria:

(1) Geographic separation of the events;

(2) Proposed time and duration of the events;

(3) Anticipated attendance volumes;

(4) Necessity for public personnel, equipment, and/or transportation services at the events; and

(5) Anticipated traffic and

Exhibit C

HPCA Position
Events & Street Closures

Summary: In spring of 2010 approximately 60 merchants participated in a series of meetings to discuss and determine a collective vision for our business district—Historic Park City. Events & street closures were a major part of this discussion. We reached the following conclusions: *…the HPCA is not currently capable of running its own events … certain events were very positive for Main Street, and reinforce our image as a fun, friendly and vibrant location… Main Street has a history of acting as a community nexus, and we support this. However …street closures should be limited to a set number, we should be more selective which events come to our district. Closures should be carefully evaluated by both the number, and quality of the visitors they bring… (we) deserve a stronger voice in selecting (and steering) the events that come to our district…we need to better communicate upcoming events and closures to our members.* These positions were outlined in a more detailed position statement—which was ratified by our membership—and shared with the City staff and Council.

Our recommendation:

1. Major (complete or significant) street closures should be limited to 12 days/year
2. Events requiring street closures must attract a minimum of 1000 persons. High impact events should draw from the entire region.
3. Events must be inclusive, fun and lively
4. Events should be required to market HPC as their host and promote our brand message.
5. Event organizers must notify the HPCA of their events a minimum of 60 prior to event start date (consistent with application time frame from City). DONE
6. Street closures should not occur on consecutive weekends or back-to-back days for different events.
7. The HMBA would like to work with the City/Chamber to develop a matrix by which we can quantify and evaluate events, pre- and post-event. DONE
8. Merchants should be surveyed after each new event to collect input and determine adjustments. DONE
9. Events should conclude on Main Street rather than encouraging attendees to leave quickly.
10. Events should be discouraged from bringing vendors that directly compete with existing services. Events should be encouraged to use HPCA vendors.

Follow-up: We formed an events sub-committee, including representatives from the City/Chamber, to review each event. We also surveyed our members after every event to get broad and timely feedback. We developed a criteria-matrix with which to evaluate events and their impacts on the District. It used the following criteria:

Major Influences: Community benefit (10%), Local economic benefit (6.5%), HPC economic benefit (10%), and PR/Marketing benefit (13.5%)

Lesser Influences: Attendance (6.5%), Integration (3.5%), Branding (3.5%), Inclusive of businesses(3.5%), National draw (10%), Regional draw (3.5%), and Green practices (3.5%)

Extra Benefits: Off-season (10%), Good demographic (6.5%), Encourages overnight stays (6.5%), Track-record (3.5%)

This makes a total possible score of 150, but there were also 50 point of possible Detracting Factors: Peak Season(-3.5%), Excessive congestion (-3.5%), Excessive Clean-up (-3.5%), Extended Closures (-6.5%), Concludes elsewhere (-3.5%), Competing vendors (-6.5%), and Draws customers away (-6.5%).

The committee then reviewed and scored each event over a series of discussions, supplemented by the event surveys. The scores are attached and a summary of our conclusions is below. The recommendation were ratified by the HPCA Board and submitted to the City in October 2010.

Savor the Summit: Reinforces the brand, good for community relations, good marketing and PR

- Good for Restaurants
- Seen as the kick-off event for summer
- Wasatch Back Relay traffic held up traffic to the street in the afternoon
- Merchants lost a day of business due to the no parking on street at 11am and street closure at noon
- What about moving this to Friday?
- Potential for a fall event?

Recommendation: The Events Committee recommends the street remain open until 4pm to allow lunch and afternoon shopping traffic on the street. The beer garden and additional food sales detracted from the event. The HPCA would rather see people visit existing businesses on the street. The HPCA further requests the gallery stroll be advertised more. The HPCA is supportive of an additional Fall event.

4th of July

- Merchants reported successful sales in the afternoon
- Dead zone in town is from 4pm until fireworks.

Recommendation: The HPCA heard many businesses reporting successful afternoon sales. No specific changes are requested for the event, however the HPCA would be supportive of relocating one of the car shows from a Summer Saturday to the 4th of July afternoon.

Triple Crown Parades: While many of the survey respondents reported the event reinforces the brand, good for community relations, good marketing and PR for District. The percentages were lower than the other events that occurred this summer. Swede Alley essentially closes as well as portions of China Bridge prior to and during the event.

Recommendation: The HPCA Events Committee is recommending the Triple Crown Softball Parades no longer be held on Main Street.

Classic Sports Car Show: Many of the survey respondents thought the survey was sent out prior to the Mustang Car Show and did not realize there was an event on Lower Main Street. While the event only closed Lower Main Street, it essentially cut those businesses off from vehicular traffic for the weekend when matched with the Park Silly Sunday Market the following day. Car shows, and other events that draw less than 5,000 people should not warrant the closure of Main Street.

Recommendation: While this is a non-event for a majority of the Street, the closure of Lower Main Street for the entire weekend is not acceptable. The Events Committee requests the event be moved to low season either in May, September or October.

Arts Festival: Reinforces the brand, good for community relations, good marketing and PR for District

- Friday night was successful for the restaurants
- Friday donation acceptance and signage was non-existent
- Now as a 2 ½ day event many artists sold out of product
- If Free Friday locals is eliminated it could be a PR problem
- Concerns regarding Wednesday closure of Heber Avenue – music was too loud for Blue Iguana
- Relocation of music to Kimball impacted draw to upper merchants
- Lack of coordination with other events in town
- Advertise ability to use China Bridge Saturday evening for parking

Recommendation: The Events Committee would like to work with the Kimball to minimize the closure of Heber Avenue prior to Friday. The Events Committee requests the Kimball look at opening the event earlier on Friday. The HPCA continues to hear from restaurants and businesses that Friday night traffic and business is good, especially compared with Saturday and Sunday. The HPCA continues to support a Free Friday Locals Event and requests the Festival remain open longer on Saturday night. The relocation of the music to the Kimball negatively impacted Blue Iguana and many upper Main Street businesses saw a decrease in traffic to the area. The Events Committee requests the Kimball look at adding a draw to the upper portion of the street.

Mustang Car Show: The responses were not high when asked if the Mustang Car Show reinforces the HPCA brand. Car shows, and other events that draw less than 5,000 people should not warrant the closure of Main Street.

Recommendation: The Events Committee requests the Mustang Car Show be moved to the off-season (May, September or October) or is paired with an existing event that closes a portion of the street such as the Park Silly Sunday Market or is held after the 4th of July Parade.

Tour of Utah: The merchants found the Tour of Utah to meet the HPCA's brand image. The 7,000 – 8,000 attendance for the Pro Race was the highlight of the event.

- Traffic re-routing due to Park City Marathon was problematic in Old Town when combined with this event.
- Audio was only at the Post Office
- Street was closed all day; main crowd arrived at the end of the day.

Recommendation: The Events Committee recommends that the Tour of Utah return with just the Pro Race and Cat 1 men and women's races. The set-up and all-day closure was negatively impactful to the businesses. The Events Committee requests the street closes around 2:30pm for set-up and races to follow. This would allow for lunch and some afternoon traffic. The HPCA encourages the Chamber and City work with Tour of Utah to ensure lodging in the area.

Exhibit D
Draft Event Rating Chart

SPECIAL EVENTS GRADING CRITERIA		Event 1	Event 2	Event 3
Economic Impact				
Lodging	20			
Restaurant Sales	10			
Retail Sales	10			
SUBTOTAL	**40**			
Community Impact				
Enhancement to local quality of life	10			
Enhancement to visitor experience	10			
Consistent with Park City brand (i.e., high altitude training; outdoor recreation; art/culture)	10			
SUBTOTAL	**30**			
Mitigation of Negative Impacts				
Limited use of PCMC resources	10			
Meets restrictions re: local use vs destination visitor use of venues	10			
Limited traffic/congestion/street closures	10			
SUBTOTAL	**30**			
TOTAL	**100**			

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 3, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Michael Kovacs, Assistant City Manager; Heinrich Deters, Trails Coordinator; and Matt Twombly, Project Manager

Rob Sunderledge, Horrocks Engineering; Arthur Percy, Questar Gas

Absent: **Council Member Candace Erickson**

1. Council questions/comments. Alex Butwinski commented on his experience at the state legislature. Cindy Matsumoto reported on the Historical Society meeting and relayed that the loan to the City will be paid off early. A new strategic plan has been formulated on the operation of the museum.

Joe Kernan stated that he would like to review all of the blank forms for all of the positions for performance reviews so he can better understand how performance is measured and how expectations are set. Tom Bakaly believed that the best practices manual may be more informational. Mr. Kernan asked if there are concerns with him examining blank forms and the City Manager encouraged him to first review the best practices manual which helps departments craft the form. Blank forms are similar for all departments but vary slightly. Mr. Kernan clarified that he is not interested in reviewing an individual's completed form but a blank form free of personal information. It would be helpful to review blank forms and the best practices manual for context. He asked if this information is protected and Mark Harrington explained that there are many variations among departments. Mr. Kernan discussed different positions and possible associated measurements for each particular position. He expressed his desire to understand what is being measured and he felt the simplest way is to look at some blank forms. If there are no blank forms, perhaps he needs to ask the broader question of what is being measured for each position in evaluating performance. Alex Butwinski believed that the best practices manual would be a good start and he personally has no interest in reading performance measurement sheets for individual positions. Mr. Kernan agreed to read the best practices manual acknowledging that he has little understanding on how everything is connected. The City Manager advised that the best practices manual will be included in an upcoming manager's report.

Liza Simpson relayed that she attended the joint use task force meeting for Quinns and the Historic Preservation Board meeting. Unfortunately, the state legislature cancelled the hearing on SB231, movie studio bill, at the last minute. Mayor Williams thanked staff for their time at the legislature and expressed appreciation of the ULCT on the movie studio bill. He attended a SBWRD meeting and expressed his appreciation of the regular snow updates. Mayor Williams commented on the information provided by the winter trail survey which was pretty positive. He spoke about bio-fuels, its use and affect on food supply, and the need to explore other green options. He commented on the HPB meeting last night where an appeal was upheld to move an historic building. The Mayor felt that the decision was defensible based on the new guidelines but the intent of the Council to not allow historic structures to be moved obviously needs to be strengthened. He suggested that pre-application hearings be recorded because a lot of hearsay was referenced during the hearing which affected the final decision.

2. Legislative update. Michael Kovacs addressed SB231, Quinns state spot zoning action, and SB293, MIDA. He noted that many amendments in SB314S01, alcohol bill, are surprising with an emphasis on over-consumption. He elaborated on features of interest, specifically not allowing events in restaurants after 2 a.m. which will affect Sundance parties. The state is planning on closing five liquor stores and to reduce hours. Park City stores may be going to eight hour days, actually costing the state money. The education budget will not be cut. He stated that HB313, legislation on charter schools, has the potential of affecting school property tax rates, shifting the burden of funding charter schools to the local school districts. This bill together with other education related legislation could significantly impact the Park City School District. SB243, historic districts, has been amended to eliminate Park City and the bill now only relates to Salt Lake City. Mr. Kovacs explained that an omnibus bill has been crafted on immigration which is still being modified. The restaurant tax boxcar is gone. Mayor Williams expressed serious doubts that immigrants will sign up for the guest worker program. Mr. Kovacs noted that the new energy code was not adopted. Members thanked Michael Kovacs for his hard work in protecting Park City's interests.

3. Comstock/Sidewinder Project. Heinrich Deters displayed a rendering of the project which has been discussed since 2008. The project area encompasses Comstock Drive from Kearns Boulevard to Sidewinder Road and Sidewinder from Comstock to Gold Dust Lane. This is a WALC project and represents the final link of the Park Meadows to Prospector spine. Users will be able to efficiently go from McLeod Creek to the Rail Trail and it provides a safe access for school children. He referred to public input in 2008, asking for the project to be deferred to a five foot at grade striped pedestrian zone along Comstock. Council directed staff to implement the plan and evaluate it in a year and in 2009, a traffic calming study was conducted by Fehr & Peers resulting in the recommendation for a sidewalk along the east side of Comstock. Several open houses and Council meetings were held in 2009 and in January 2010, Council directed staff to move forward with an eight foot separated path along the east side of Comstock. Mr. Deters pointed out that the WALC budget for this project is $1.340 million. The City entered into a design contract with Horrocks and moved forward with staff and public input. Several meetings were held with HOAs in the area and Horrocks Engineering created a public involvement team. An open house was held on March 1, emails and mailers were sent to past attendees, including door hangers. Ten residents attended the open house and most comments were positive. A pre-construction open house is scheduled for June 7 and a hotline and website will be established. There will be weekly construction updates and a public involvement team on-site once a week to canvass the neighborhood. City staff will be on-site on a regular basis. Mr. Deters emphasized that the team is communicating with the neighborhood well ahead of time. Contract approval is estimated on June 3, 2011 and mobilization on June 13 when schools let out. A mid-September finish is anticipated.

In response to a comment from Liza Simpson, Rob Sunderledge explained that a five day work week is anticipated although there may be some weeks working on Saturday may be necessary. Through illustration of drawings, Mr. Sunderledge detailed project improvements.

Mr. Deters explained that the City was contacted by Questar who wants to upgrade gas lines in the area. Arthur Percy stated that Questar is looking to upgrade some aging infrastructure on Comstock and Sidewinder and install a new 2" gas line on Comstock eliminating service lines crossing the street from the main line and addressing future conflicts with storm drain or water line improvements. Questar will limit disturbance in landscaped areas to grass and will not disrupt trees or flower beds. For a short section on the south side of Sidewinder, Questar will install a 2" gas line to again mitigate street crossings. He stated that soils will be removed from the area and a staging area is needed. Mr. Percy discussed setting a schedule and coordinating with the School District.

In response to a question from Alex Butwinski about cost sharing, Matt Twombly explained that Questar is paying for all of its improvements. In the sequence of the work on the east side, the City will be responsible for the cost of excavation and demolition. Mr. Deters continued to explain that resurfacing Sidewinder will be paid for by the pavement management fund and the WALC portion placeholder in the budget for the sidewalk is $400,000. Intersection improvements at Sidewinder and Comstock were discussed as well as installing a bench at the bus stop.

4. Closed Session. Council unanimously decided to briefly convene in closed session to discuss personnel and litigation prior to the Historic Preservation Board interviews. See Memorandum of Closed Session.

5. Historic Preservation Board interviews. – Members interviewed Matt Natt, Debi Scoggan, James Tedford, Jay Lieberman, Jeff Love, and Judy McKie.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 3, 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 3, 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; Mark Harrington, City Attorney; Matt Cassel, City Engineer; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

New Fire District Chief - Kent Cashel introduced Paul Hewlitt, the new Fire District Chief and pointed out the experience he brings to Park City. Chief Hewlitt commented on his goal over the years of getting this position in Park City and his excitement to be here. He introduced his wife Annie and daughter Heidi.

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

Children and the danger of prescribed drugs - Julie Malecki, Park Meadows resident, commented on a documentary about psychotropic drugs given to children today on a global level which compelled her to come to the meeting. Most of these drugs are being administered through the school systems in our country. Children are committing suicide because of these drugs. There are birth defects as a result of these drugs and she feels she has to do something about this and she is here to let Council know the truth. The pharmaceutical companies are making millions of dollars by not telling the truth and most parents make the right decision if they know the truth. She is speaking for the children who can not speak for themselves and the government in Washington is not going to do anything. Murder is recognized as a crime but the documentary notes that there are now 43,000 deaths a year from these drugs by suicide and other means. These drug companies are doing this and nothing is being done about it. Ms. Malecki emphasized that there has to be reverence for life. She brought copies of the documentary for each Council member.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 10, 2011

Alex Butwinski, "I move we approve the work session notes and minutes of the meeting of February 10, 2011". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye

Cindy Matsumoto	Aye
Liza Simpson	Aye

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

1. Consideration a Resolution supporting Park City's membership in the Mountain Partnership, a voluntary alliance of partners dedicated to improving the lives of mountain people and protecting mountain environments around the world, and authorizing the Mayor to sign the membership application – Mayor Williams spoke about meeting Miss Utah Christina Lowe and discussing sustainability. Ms. Lowe clarified that this request has nothing to do with her title but as a student at Utah Valley University. She is asking Park City to join the Mountain Partnership which is an organization that brings cities, countries, or international organizations together to talk about issues of sustainable development. Park City can share its ideas with other countries about projects being implemented here and it is a great way to make international connections. The Women in the Mountains Conference will be held on March 8 and 9, 2011 at UVU and Park City's membership will be announced at the conference if the resolution is approved.

Liza Simpson, "I move we approve a resolution supporting Park City's membership in the Mountain Partnership, a voluntary alliance of partners dedicated to improving the lives of mountain people and protecting mountain environments around the world, and I move to authorize the Mayor to sign the membership application". Alex Butwinski seconded. Motion carried.

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

2. Consideration of an encroachment agreement with Treasure Mountain Inn Homeowner's Association for Treasure Mountain Inn, located at 255 Main Street, Park City, Utah – Matt Cassel referred to his staff report containing drawings illustrating the proposal. Alex Butwinski supported the new design. The Mayor invited public input; there was none. Joe Kernan, "I move we approve New Business Item No. 2". Cindy Matsumoto 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 First Amendment to the Resort Townhomes Condominium Record of Survey Plat located at 1109 - 1139 Woodside Avenue, Park City, Utah – Planner Kirsten Whetstone explained this is a request to amend a Record of Survey Plat for the Resort Town Homes Condominium which is a 12 unit complex on Woodside Avenue. The amendment converts limited common area associated with the existing garages to private space. There are no changes in the building footprints. The second part deals with conversion of common area in the exterior between some of the buildings to allow construction of patios and hot tubs and is considered limited common space specific to certain units. No additional floor area is required. On February 9, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council and there was no public input at meeting. She confirmed for Ms. Simpson that the plat amendment will not change the allowed footprint or square footage in the zone in the future.

The Mayor opened the public hearing; there were no comments from the audience and the hearing was closed. Alex Butwinski, "I move we adopt an Ordinance approving the First Amendment to the Resort Townhomes Condominium Record of Survey Plat located at 1109 - 1139 Woodside Avenue, Park City, Utah". Joe Kernan seconded. Motion carried.

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

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII 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 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; Kathy Lundborg, Water Manager; Jason Christensen, Legal Intern, Joan Card, Legal Counsel, Diane Foster, Sustainability Manager; Jon Weidenhamer, Economic Development Director; Jason Glidden, Marketing Analyst; Phyllis Robinson, Public Affairs Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Liza Simpson seconded. Motion carried. The meeting opened at approximately 3 p.m. Liza Simpson, "I move to open the meeting". Alex Butwinski seconded. Motion carried.

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

The City Council met again in closed session at approximately 3:45 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Council member Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Cindy Matsumoto, "I move to close the meeting to discuss litigation and personnel". Joe Kernan seconded. Motion carried. The meeting opened at approximately 4 p.m. Cindy Matsumoto, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

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

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 10, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Michael Kovacs, Assistant City Manager; Matt Cassel, City Engineer; Diane Foster, Sustainability Manager; Katie Cattan, Planner; and Thomas Eddington, Planning Manager

Planning Commissioner Charlie Wintzer

Absent: **Council Member Candace Erickson**

1. Council questions/comments. Cindy Matsumoto commented on Library Board business. Ms. Simpson stated she attended the Mountainlands Community Housing Trust meeting and clarified the affordable housing selling and income level requirements associated with The Line Condominiums. She thanked staff for a comprehensive manager's report and Joe Kernan added that the best practices information was very useful. Alex Butwinski discussed his experiences at the legislature. He attended the Planning Commission meeting where the Park City Heights MPD is being reviewed. Mr. Butwinski stated that he continues to hear concerns from Charlie Wintzer about the construction of the Bonanza Drive Tunnel. Matt Cassel explained that the path down into the tunnel is still ten feet; the side auxiliary path on the surface was planned to be six feet but has been reduced to five.

Mayor Williams thanked staff for their hard work at the legislature. He discussed being the keynote speaker at the Women in the Mountains Conference. Diane Foster explained that this event is associated with Mountain Partners and she felt the City made some good connections at the conference.

2. Legislative update. This is the last day of the 2011 legislative session and Michael Kovacs stated that SB293, amendment to MIDA, has passed. SB301, facilitating an inter-local agreement with UTA for Salt Lake to Park City service, has passed. SB155, purchasing arrangements for construction managers, general contactors, etc. is looking like it will pass. He felt that HB313, charter schools, will hopefully stay in the House and not proceed. Mr. Kovacs advised that a decision on which state liquor stores to close will occur sometime in April. He clarified for Ms. Matsumoto that hours will be shortened in addition to store closures. Tom Bakaly understood that the state has identified 40 stores, including the Swede Alley outlet, of which five or six will be closed. Liza Simpson relayed that unfortunately profitability is not part of the criteria. Alex Butwinski understood that the rationale for closing good revenue producing stores is that people will drive anywhere to get a drink. Mr. Kovacs explained that the movie studio spot zoning bill SB231 has not moved out of the Senate and if it doesn't move out of Rules it should be stopped. Mayor Williams expressed his appreciation of other cities defending Park City on this issue and there are many people to thank.

3. Transfer of Development Rights Overlay Zone. Planner Katie Cattan explained that on November 10, and December 1, 2010, the Planning Commission held work sessions on TDRs and on December 15, 2010, held a public hearing on the draft ordinance. On February 3, 2011 during Council Visioning the TDR concept was discussed and on February 9, 2011, the Planning Commission forwarded a positive recommendation to the City Council. She explained that the purpose of the TDR process is put a mechanism in place to protect a community's assets by placing development in other areas. During the December 1, 2010 Planning Commission work session, there were quite a few sending and receiving areas proposed on Treasure, Ridge, Alice Claim pieces and the affordable housing project across from Marsac Avenue. Receiving areas included Deer Valley and Bonanza Park. On December 15, 2010 staff was asked to return with a simplified approach and the receiving area became Bonanza Park while Treasure, Alice Claim and Ridge Avenue were extended as sending areas. On February 9, 2011, staff returned to the Planning Commission and recommended to send half of Treasure which was the number one concern of the public in terms of compatibility and protection of views. Ms. Cattan commented that the one area that the Commission and staff felt comfortable designating as receiving was Bonanza Park.

She displayed a rendering of the build-out of Bonanza Park with three story buildings totaling 432,000 square feet which is half of Treasure. The Mayor pointed out that the scenario represents 100% underground parking and everything existing going away; the reality of this happening is slim. Ms. Cattan agreed; it is all underground parking and 30% open space which is mostly setback area. The build-out here would never work commercially. In response to a question from Alex Butwinski, Ms. Cattan stated that 30% open space is required for redevelopment projects and 60% for other projects. The Mayor also noted that the result is also based on the multiplier. Ms. Cattan advised that the Commission agreed to a multiplier of 2 for Treasure with a 10% transfer. During the February 9, 2011 meeting, the Planning Commission made a recommendation to include the Alice Claim, upper and lower Ridge and Treasure Hill; existing platted lots have a multiplier of 1 for each unit equivalent with the underlying minimum square footage area allowed for a lot in that zone. Metes and bounds parcels have a multiplier of .5, would be applied and located within the SLO and would be added to either the metes and bounds parcel or the platted lot.

She stated that the Planning Commission recommended 90 development credits or a total of 183,000 square feet that could transfer to Bonanza Park. The Snowcreek commercial area was also added which has a maximum density of 90,500 square feet. The goal is to protect historic preservation, view corridors, open space, wildlife, and steep slopes. Thomas Eddington explained that the Planning Commission asked staff to study Bonanza Park because using the existing GC Zone is less than ideal. He discussed using a form based planning approach to gain a better understanding of the design of a development. The Commission also wanted more detailed planning schemes for Bonanza so that a streetscape could be better understood. Staff was directed to create a set of design guidelines for the area and explore creating a tax increment financing district to incentivize the type of development desired. He felt that progressive base zoning would allow the City to be more creative in addressing the receipt of density. The reason for forwarding the more simplistic TDR ordinance was to get it going and to test the market. Mr. Eddington stated that the multipliers could be changed.

The Mayor spoke about incentivizing developments to provide trails and open space over the years which made projects bigger and over time these amenities became requirements for new development. He referred meeting with the Sweeneys on Treasure for over a year and there was never mention of a 2:1 multiplier, but rather a 50% build or zero option. He feared promoting the perception that if 50% of the density is moved, the Sweeneys will receive 400,000 square feet somewhere else by removing 250,000 off Treasure. Mark Harrington emphasized that the ordinance shouldn't have anything to do with the direct negotiations with the Sweeneys; it is simply enabling an incentive to shift density from one area of town to another from a planning perspective. The multiplier should be based on economics as it relates to the policy to incentivize and not relate to specific deals under consideration in the backdrop. Mr. Eddington explained the reason for the 2:1 and a 10% transfer is because the value of a credit on Treasure is higher than Bonanza Park and it may take 3:1 to move density off of Treasure Hill or Old Town lots. This formula is not set in stone and the market needs to be tested. Ms. Cattan explained that if the incentive is not sufficient, the tool will never be used. Mr. Butwinski stated that the multiplier doesn't concern him because the incentive to move any density off of Treasure is a good thing. The Mayor clarified his concern to be expectations of developers regarding entitlements. Mr. Kernan felt it would be helpful to know the per square foot values of various areas of town and 2:1 may simply represent an even trade for the developer because of the difference in values in the sending and receiving zones. The Mayor pointed out that no one knows for sure now if the multipliers are correct and they may hurt the City in future negotiations because of assigned multiplier values. Mr. Eddington acknowledged that the values are not exact and are based information obtained from tax records and assessments. They are not static and can change and he suggested completing a more thorough per square foot economic analysis of various parts of town to formulate better numbers. Cindy Matsumoto suggested using a range but Mr. Eddington explained that as a matter of fairness, the sender and receiver should have definitive numbers. Alex Butwinski felt that the TDR tool makes sense and could help in negotiations. He discussed the goal of getting density off Treasure but the Mayor emphasized that a transfer results in putting additional density in receiving areas which concerns him.

Mark Harrington pointed out that that should be his concern at a policy level, regardless of Treasure. There are two ways to do this and normally it is done the opposite way because most cities are reacting to a project. When there is a deal with terms, the proposal has to be sent back through a planning process with the Planning Commission and the City Council. The pressure is on the Planning Commission members who know the whole time that the terms of the deal are dependent upon their affirmative action. It is not a pure planning process. Adopting an ordinance now may or may not affect the substance of Council's negotiations with the Sweeneys, but it is a purer planning process. Policy questions are addressed City-wide and clarify where and when density should be transferred to facilitate a better community and a better development pattern consistent with the infrastructure and the policy goals of Council. He emphasized that it is better to go through a process now to evaluate areas to incentivize.

The Mayor commented on the 10% which he felt was a low percentage to get this amendment through as compared to something like 30%. Thomas Eddington agreed that it was felt that 10% would be better accepted and the Planning Commission had concerns about moving too much density to Bonanza Park. Katie Cattan noted that the first step is setting up receiving and sending zones. The second step is determining the number of development credits in the sending zone and the third step is receiving MPD approval from the Planning Commission, if required. Smaller applications wouldn't have to go through the Planning Commission process but she pointed out the large lots on the map which made the Planning Commissioners comfortable with the idea that they have control. The transfer of density would not occur until something was approved in the receiving zone and then the transfer occurs.

Planning Commissioner Charlie Wintzer disclosed that he owns property in the Bonanza Park area. There was discussion about not including Treasure because of on-going negotiations with the City, but Planning Commissioners wanted to proceed and felt that 10% of Treasure is a small enough number and won't significantly change the neighborhood. The amount of Treasure as well as the multiplier can be renegotiated when a MPD is submitted and reviewed. He cautioned not getting too hung up on Treasure and urged members to decide if they want the tool or not and if so, find a way to approve it. The Mayor agreed but noted that over the past 30 years there have been hundreds of units that have been built mainly in the Snyderville Basin through an incentive program with the perception of providing a community benefit. These were not TDRs but trades and over time, the benefits became codified and were applied as requirements to developments. Mayor Williams stated he is cautious and wants to be careful about expectations of values. Mr. Wintzer shared his concern and relayed that staff was charged with inventorying the town and did not feel that 10% of Treasure in Bonanza Park is feasible. Incentivizing people to redevelop by reducing the amount of open space in half creates problems. The Mayor again spoke about prompting unrealistic expectations. Charlie Wintzer believed the difficulty in accepting the tool is that Treasure is in front of the negotiation team and he again urged members to concentrate on making the tool work and then direct the planning staff to examine sending and receiving zones. Right now, 10% does not represent enough density to worry about.

Mr. Harrington advised that legislation includes standards and should not be negotiated on a case by case basis and there is the ability to go through the process to legislatively amend the ordinance separately. He explained that some of the problem Summit

County experienced was the criticism by the state that the process was handled on an individual basis and as a result of the state audit there is clear direction to have specific receiving zones, formulas and an administrative process which does not provide for a case-by-case determination. This tool can not be used on an ad hoc basis and the process has to be a fair and legislatively created. However, he agreed with Mr. Wintzer that the ordinance is not static. There was concern that the state legislature was going to further restrict municipalities' ability to implement these types of programs so staff wanted to get something in front of the Planning Commission and Council in case something happened this legislative session. It has not, so the Council has more time to work these issues out but it is an essential tool and staff encourages members to move forward. Mr. Harrington explained that the enabling legislation defines limits and adds to the tool box but if members do not want to pursue it, that decision should be made clear now. Mr. Wintzer stated that if this ordinance is adopted, the Council is committed to transfer 183,000 square feet from Treasure which is a relatively small amount but qualifies to be reviewed under the MPD process.

Joe Kernan pointed out the difference in value per square foot in Bonanza Park and Treasure which may change in the future. Mr. Butwinski recalled the Commission discussing the first 10% at 2:1 but the second 10% set at a different multiplier like 1.5:1. Mr. Wintzer concurred and advised if members are worried about the multipliers, remove them or make them 1:1. He hoped these transfers are reviewed in a MPD process so design and density are examined together and Council at that time may decide to change the multiplier. He again stated that more density will not fit in Bonanza Park than what is allowed and he doesn't see a community need for it, however he feels the ordinance is worth having as a tool. Mr. Wintzer would like the ordinance on the books so it can be further refined and again suggested a 1:1 multiplier.

Liza Simpson pointed out that the motivation last January to get the ordinance adopted no longer exists. She asked why 10% was decided when the Commission has the MPD process to work through issues. Planner Katie Cattan explained that when the Commission made a positive recommendation to forward the ordinance to the City Council, it was clearly understood that staff would return with a form-based code. If a project meets the requirements of a MPD (more than 15 hotel rooms, more than 10,000 square feet of commercial, or more than 10 residential lots), it would have to go through that process. Mr. Wintzer noted that it would have to go through the MPD process, but the square footage is part of the density. Mark Harrington interjected that it is treated as a transferred development credit which would entitle the applicant to ask for it and the burden will be on the City to disallow it. The project is not fully vested but the owner is allowed to ask up to the maximum which was a legitimate concern of Commission members.

In response to comments made by Cindy Matsumoto, Mr. Wintzer stated that this is a tool for the City but also for the development community who may do a better job at fitting density in a design. Mr. Eddington commented that the Commission asked staff to conduct a detailed analysis on other potential receiving areas to relieve Bonanza Park. Charlie Wintzer noted that Snowcreek is another area that could potentially accept density. The Mayor commented on the feasibility of undergrounding all parking in Bonanza Park and a maximum of three stores. Selecting 10% may not work in transferring density from a project area with five stories with surface parking to Bonanza Park. Cindy Matsumoto understood that this is just a tool and if a large project applies for a MPD then the ordinance can be amended. Katie Cattan clarified that this ordinance places a maximum transfer of 22 unit equivalents from the Treasure Project so if Council wanted to increase the number, the LMC would have to be amended to change the maximum to a higher number prior to the MPD process. Thomas Eddington acknowledged Ms. Matsumoto's interest in receiving more detailed information on the receiving zone before amending the ordinance. Mark Harrington stated that that is an option but ideally appropriate limitations should be provided for in the ordinance and application of the ordinance should not be done on a case by case basis. Council retains the ability to amend the ordinance but that is not ideal.

Alex Butwinski pointed out that the draft doesn't mandate transferring 10% to Bonanza Park; it provides 10% to whoever will take it. He relayed that there was a considerable discussion about Snowcreek where a lot of density could be hidden. The Alice Claim pieces could go to Bonanza Park or Snowcreek. He encouraged not spending too much time on specifics and recommended changing the multiplier from 2 to 1 to proceed with the ordinance. Mayor Williams stated that he understands that 1:1 could potentially result in no incentive and perhaps a formula of 1:1.25 is more appropriate.

Mr. Harrington asked if there areas in town members are comfortable with facilitating additional density. If members are not comfortable with this approach, he advised not proceeding but not letting the fear factor drive planning. This is a proactive opportunity to incentivize change that the LMC currently does not allow. He then asked what enabling mechanism Council wants to use to incentivize; is it a height increase in those zones, is it a multiplier, is it something else? With these two approaches, Council may be better able to focus on the policy debate. Notwithstanding, Council always has the ability to amend the LMC and reconsider something different in the future.

Liza Simpson referred to the Mayor's comments about incentives gradually morphing into code requirements and asked staff to return with some information on requiring the use of TDRs for things like additional height. Rather than focusing on doubling square footage, she suggested clarifying what developers will be required to do before any additional height is obtained through the MPD process. The Mayor acknowledged that the work on this concept is complex and he wants to be very careful in terms of protecting receiving areas. Ms. Simpson pointed out that the ordinance doesn't clearly identify the goals of the program and suggested that every steep lot in Old Town be on the sending list. Mr. Wintzer relayed that there was discussion about making all of Old Town a sending zone but room for density in Swede Alley was recognized. The draft should include other areas that might be able to receive density like Deer Valley, Prospector, etc. Mr. Wintzer encouraged Council to move slowly. See regular meeting minutes.

4. **HPB interviews**. Council members interviewed applicants Katherine Quinlan, Kathleen Imdahl, Lauren Clark, Puggy Holmgren, and Michael Lee.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 10, 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 10, 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; Mark Harrington, City Attorney; Phil Kirk, Police Captain; Katie Cattan, Planner; Charlie Wintzer, Planning Commissioner; and Thomas Eddington, Planning Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Swearing in of Police Officers Miguel Contreras and Travis Orawiec – Police Captain Phil Kirk introduced the officers and their families and relayed the experiences and skills they will be bringing to the City. Mayor Williams administered the oath of office.

2. American Way article on Park City - American Airlines – Michael Woody, America Airlines, explained an annual American Way competition for readers called The Road Warrior. Challenges include scavenger hunts, essays, identifying skylines from around the world, etc. and since this year was a mountain theme, they came to Park City. Adam Pitlock stated he is the Executive Editor of American Way which is the oldest in-flight magazine in the country. This is the most popular issue of the year because it is their opportunity to engage both the winners and readers estimated at 3.4 to 3.6 million. He presented a framed cover of the magazine to the Mayor and thanked a number of people from the Chamber, the City and the community. Mr. Pitlock hoped everyone will enjoy the article as much as they enjoyed writing it.

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

University of Utah planning intern program - Charlie Wintzer stated that a couple of months ago, he and Thomas Eddington met with the Planning Department at the University of Utah about getting students involved in Park City planning projects. For example, there is interest in the General Plan update and holding associated forums to encourage public participation. He acknowledged there is a cost involved probably in staff time. The Mayor liked the idea and felt the program could be discussed during the review of the budget. Ms. Simpson requested that the Planning Department research the proposal and return at a work session with information before budget discussions. Alex Butwinski believed this is exciting opportunity for the City and as a part of the analysis, felt a rough idea of costs would be helpful.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 17, 2011

Liza Simpson, "I move we approve the work session notes and minutes of February 17th". Alex Butwinski seconded. Motion carried.

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

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

Consideration of amendments to the Land Management Code considering adding Chapter 2.24, Transfer of Development Rights Overlay Zone and related amendments to Chapter 15, Definitions – The Mayor opened the public hearing; there were no comments from members of the audience. Cindy Matsumoto, "I move that we continue the public hearing to March 31st - Liza Simpson seconded. Motion carried.

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

Cindy Matsumoto stated she would like staff to look at including Old Town as a sending area as it may be a good way to incentivize owners not to build to the maximum and Ms. Simpson spoke about selling Historic District square footage. She felt it important that the Planning Commission review all of density transfers, at least initially, whether they are associated with an MPD or not. Joe Kernan asked staff to explore incentives and multipliers for historic homes so density can be moved elsewhere. Ms. Simpson stated that she would also like to focus on Council's priorities at an upcoming meeting which may lead to a more concrete discussion on what the multipliers should be, if any.

Planning Commissioner Charlie Wintzer referred to the purpose statement in the draft ordinance. Ms. Simpson explained that she is concerned about the specificity of calling out the Alice Claim lot, for instance, as a sending area with the only receiving zone being Snowcreek and Bonanza when she knows there are others. Even knowing that this type of ordinance will need to be tweaked, she prefers a broader ordinance. Alex Butwinski stated that different incentives may be needed for Old Town to be designated as a sending zone. Mr. Wintzer interjected that sensitive lots defined in the Historic District would be a higher priority than typical lots. Thomas Eddington added that staff is considering layering the map with GIS and SLO zoning and then addressing the multiplier. Ms. Simpson felt that incentives for residential and commercial would be distinct. Katie Cattan stated OT1, OT2, and OT3, Alice Claim Ridge, Upper Ridge, and Lower Ridge were created specifically with borders around them so that owners would not sell off the most developable portions of those lots resulting in 10 more lots there that really aren't developable because they are between Ridge Avenue and the back of someone's house on Daly Avenue. Staff wanted to make sure that it was *all or none* in those situations and urged members not to change the way that portion of it is set up for the larger subdivision. She explained that the Planning Commission asked staff to return on December 15, 2010 with areas around the periphery of Old Town that are large enough to be subdivided in the future and she understood Council's interest in in-fill lots throughout the Historic District. Mayor Williams added that knowing the number of in-fill lots would be helpful and probably most of the lots remaining are on steep or sensitive lands. Mr. Wintzer suggested including redevelopment lots.

Liza Simpson understood the goal of the TDR program is to transfer density in already dense areas. Old Town is an anomaly because its historic density was comprised of 900 square foot houses on an Old Town lot while the recent building pattern has been to maximize the density on the lot, build setback to setback and to the height limitation. Katie Cattan agreed that in-fill construction is jeopardizing our Historic District. Mark Harrington suggested exploring an alternative methodology which is mirrored after the oldest program in the county. The original TDR program in New York City had nothing to do with density; it was based on biometrics and specifically addressed height transfers for historic sites. He explained that historic sites could sell their height to someone else and Council may consider a hybrid approach. Liza Simpson again expressed that since time is no longer an issue that a comprehensive review can be accommodated and perhaps in a joint meeting with the Planning Commission.

Cindy Matsumoto stated that she is interested in the suggestion of transferring square footage from the Historic District. Joe Kernan mentioned that lower Park Avenue is an important area to preserve and location or visibility may be criteria for sending areas. In response to a comment from Alex Butwinski, Mark Harrington explained that once the ability to transfer density is codified, most people have a reasonable expectation to obtain approval if they comply with the terms of the enabling legislation. Mr. Butwinski believed this issues discussed by the Planning Commission.

Mayor Williams stated that he is more uncomfortable with assigning 1 as a multiplier than 1:2 because of vesting and he questioned the feasibility of transferring 10% from Treasure to Bonanza Park. Mr. Eddington urged members to consider the base zoning in Bonanza and Charlie Wintzer pointed out that the model for the area tonight illustrates the worst scenario and perhaps staff can return with some good options; maybe there is room for more density. Ms. Simpson preferred *fully formed* legislation rather than approaching this with the presumption that it can be amended. Mr. Wintzer stated that Commissioner Strachan voted against the ordinance based on that reason. Ms. Cattan relayed that the Planning Commission would like to see more research from staff but would like the tool in the toolbox.

She understood consensus to be to include Old Town and the in-fill lots and also heard interest in including the Deer Valley parking lots. Joe Kernan asked that Prospector be included. She noted that during the process, the Planning Commission kept adding more areas to look at and then moved away from adopting the tool because of the amount of research to be done. The MPDs for Deer Valley and Prospector will need to be examined and the expectation should be that amending the ordinance is likely. Mr. Kernan stated he is okay with that. She added that the Planning Commission wanted to consider Prospector but staff had not completed a full analysis on the area. Discussion ensued on creating a 1:1 multiplier with add-ons for certain circumstances. Ms. Simpson suggested framing TDRs like a MPD process where a range of options may be considered.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1 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; Joan Card, Legal Counsel; Kathy Lundborg, Water Manager; Jason Christensen, Legal intern; Thomas Eddington, Planning Manager; Michael Kovacs, Assistant City Manager; and Mark Harrington, City Attorney. Liza Simpson "I move to close the meeting to discuss personnel, property and litigation ". Alex Butwinski seconded. Motion carried. The meeting opened at approximately 3 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion carried.

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:	**44 Prospect Street**
Author:	**Jacquelyn Mauer**
Project Number:	**PL-10-01057**
Date:	**March 24, 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 44 Prospect Street plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	Len and Diane Pearson, represented by Todd Arenson (contractor)
Location:	44 Prospect Street
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Proposal

This is a request to combine two lots into one lot of record by removing a lot line at 44 Prospect Street. There is an existing non-historic structure that was constructed across existing property lines in 1973.

Background

The City received a complete application for the 44 Prospect Street plat amendment on November 4, 2010. The property is located at 44 Prospect Street in the Historic Residential (HR-1) zoning district. The proposed plat combines the south 20 feet of Lot 3 and all of Lot 4, Block 18, Park City Survey, into one lot of record. The applicants are the owners of all of the above stated property. The remaining five feet (5') of Lot 3 has the same ownership as its neighboring Lots 1 and 2 of Block 18, Park City Survey. The proposed new lot will be .08 acres or 3484.8 square feet. The property is improved with a non-historic single-family dwelling constructed in 1973 across the property line and landscaping which includes retaining walls.

In the fall of 2010, the homeowners of 44 Prospect Street proposed a small expansion of the existing front entrance porch bump-out. Since the house currently sits across property lines, this alteration triggered the plat amendment to bring the existing non-complying structure into compliance. The building permit was issued for the modification of the front entrance with a concurrent submittal of a plat amendment application to combine the lots. The twenty-five (25) square foot front porch addition did not increase the building's footprint as the addition is located under the existing second story cantilever. The front porch addition meets required front yard setbacks.

A Pre-application Historic District Design Review was submitted for this property on August 4, 2010. The proposed modifications/repairs to this non-historic structure were found to be minor and exempt from the full Historic District Design Review process.

The Planning Commission heard this application at its regular meeting on March 9, 2011, and forwards a positive recommendation. There was no public input.

Analysis

Historic Residential (HR-1) District

The purpose of the Historic Residential (HR-1) 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' by 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.

Staff finds good cause for this plat amendment as two lots will be combined into one lot of record so the existing house and addition to the front entrance will no longer cross lots lines. The lot size is consistent with the pattern of development in the neighborhood.

	Per HR-1 Zone	Proposed
Area of Lot	Minimum of 1875 sq. ft.	3484.8 sq. ft.
Area of Footprint	1432.53 sq. ft.	870 sq. ft.
Side Setback (North)	5 ft.	1.5 ft. – 3.5 ft.
Side Setback (South)	5 ft.	5.8 ft – 13.3'
Front Setback	12 ft. (25' total with Rear)	14.3 ft.
Rear Setback	12 ft. (25' total with Front)	21.3 ft.

Setbacks

Removing the lot line to combine the lots will bring the structure into compliance with all setbacks except the existing non-compliant north side yard setback. The required setbacks of the proposed lot configuration are five (5) feet for each side yard and a minimum of twelve (12) feet for the front and rear yards requiring a total of twenty-five (25) feet for the rear and front yards combined. The structure meets all of the setbacks of the proposed lot configuration except the north side yard setback which ranges from almost three and a half (3.5) feet to one and a half (1.5) feet instead of the required five (5) feet. The existing structure is 21.3' from its closest point to the rear property line and 14.3' from its closest point to the front property line. The structure ranges from 5.8' to 13.3' to the south property line.

Any expansion to the structure will need to comply with required setbacks. According to the Land Management Code, "No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in Section 15-9-6." The existing non-compliance of the north setback may remain as it is not being altered and is legally non-conforming.

Encroachments

There are multiple encroachments onto 44 Prospect Street from the neighboring property to the south, 52 Prospect Street. These encroachments include a corner of the 52 Prospect Street house as well as a corner of 52 Prospect Street's deck which extends 5.8' into 44 Prospect Street. There are also three separate retaining walls that span across both properties (44 Prospect and 52 Prospect). One is constructed of railroad ties, one of concrete, and one of stones. All encroachments will either need to be removed or have encroachment agreements recorded with the County prior to recordation of this plat. If the properties rely on the walls to retain soils and drainage adequately, it would need to be included and worked out in a reciprocal encroachment agreement that these walls remain and are necessary for both properties.

Parking

There is one off-street parking space located on the concrete drive in front of the house. Under today's code, two parking spaces are required for a single family residence. The parking requirement at 44 Prospect Street is legally non-conforming since it was not a requirement at the time the house was constructed in 1973. No change is being made to the structure or use that increases the parking demand.

Process

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

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 44 Prospect Street plat amendment as conditioned or amended; or
- The City Council may deny the 44 Prospect Street plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 44 Prospect Street 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 extension of the front entrance porch bump-out would need to be removed and no further construction could take place across the existing lot lines.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the 44 Prospect Street plat based on the findings of fact, conclusions of law and conditions of approval as found in the following draft ordinance.

Exhibits
Exhibit A – Proposed Plat
Exhibit B – Record of Survey & As-Built Map

Ordinance No. 11-

AN ORDINANCE APPROVING THE 44 PROSPECT STREET PLAT AMENDMENT LOCATED AT 44 PROSPECT STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 44 Prospect Street have petitioned the City Council for approval of the 44 Prospect Street 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 9, 2011, to receive input on the 44 Prospect Street plat amendment;

WHEREAS, the Planning Commission, on March 9, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 44 Prospect Street plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 44 Prospect Street plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 44 Prospect Street.
2. The zoning is Historic Residential (HR-1) District.
3. The plat amendment combines the south 20 feet of Lot 3 and all of Lot 4, Block 18, Park City Survey, into one lot of record.
4. The proposed lot is 3484.8 square feet in size. Minimum lot size in the HR-1 District is 1,875 sf.
5. The property is improved with a non-historic single-family dwelling constructed in 1973 across the lot line.
6. This plat amendment will bring the structure into compliance with all setbacks except the north side setback which is legally non-complying.
7. There is one off-street parking space on the property.
8. The deck of 52 Prospect encroaches onto 44 Prospect Street. There are also three retaining walls that span across both properties.

9. No change is being made to the structure or use that increases the parking demand.
10. The Planning Commission heard this application at its regular meeting on March 9, 2011, and forwards a positive recommendation. There was no public input.

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

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. 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. The deck encroachment, corner of house encroachment, and retaining wall encroachments will either need to be removed or have reciprocal encroachment agreements recorded with the County prior to recordation of this plat.

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

PASSED AND ADOPTED this 24th day of March, 2011.

Exhibit A – Record of Survey plat

44 PROSPECT ST. AMENDED PLAT

**A PORTION OF LOTS 3 & 4 OF AMENDED PLAT OF PARK CITY
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH**

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 ______________ 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 ______________ 2010.

BY: NAME
NAME OF COMPANY/CORP.

____
NAME

____
NAME

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of ______________ 2010, 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.

______________________ My Commission Expires: ______________
Notary Public

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 __________ 2004, by ______________

______________________ My Commission Expires: ______________
Notary Public

PLAT NOTES:

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE PORTIONS OF BLOCK 18, LOT 3 AND LOT 4 INTO ONE LOT.

2. ALL NOTES AND COVENANTS OF "AMENDED PLAT OF PARK CITY" SUBDIVISION REMAIN IN EFFECT ON THIS PLAT AMENDMENT.

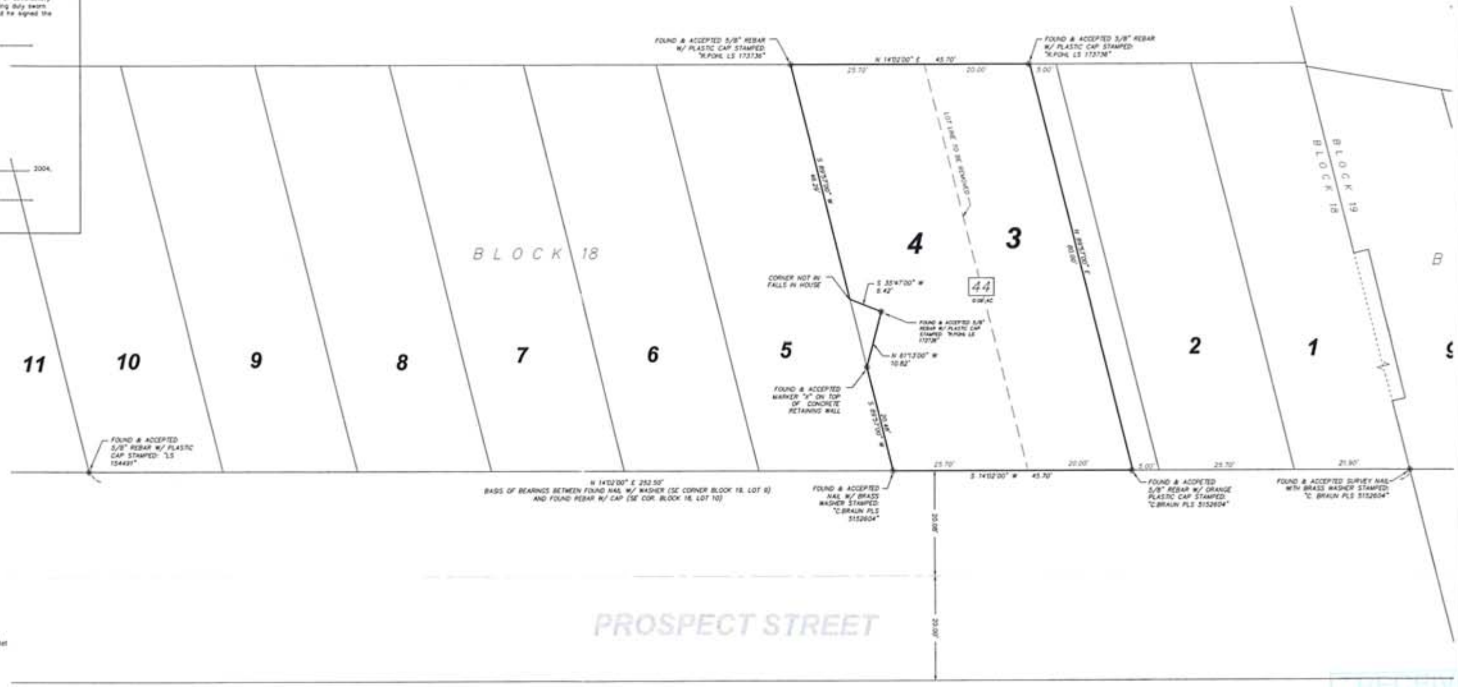
LEGAL DESCRIPTION:

THE SOUTH 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 18, OF AMENDED PLAT OF PARK CITY.

LESS AND EXCEPTING THE FOLLOWING PORTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 18, PARK CITY SURVEY (SAID POINT BEING SOUTH 14°02' WEST 8 FEET FROM A STONE WALL ON GRANTORS PROPERTY) AND RUNNING THENCE WEST 20.48 FEET, THENCE NORTH 61°13' WEST 10.82 FEET, THENCE SOUTH 35°47' WEST 6.42 FEET, THENCE WEST 46.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 18, PARK CITY SURVEY, THENCE SOUTH 13°59' WEST TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE EASTERLY TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTHERLY TO THE POINT OF BEGINNING.

CONTAINS 3511 SQUARE FEET, 0.08 ACRES, MORE OR LESS.



GRAPHIC SCALE
1 INCH = 10FEET

LEGEND

- FOUND PROPERTY MONUMENT (AS DESCRIBED)
- XXXX ADDRESS
- XXX LOT NUMBER

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

AUGUST 2010 PAGE 1 OF 1

Park City Surveying

PARK CITY FIRE SERVICE DISTRICT
THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE PARK CITY FIRE SERVICE DISTRICT.
DATE ______ PARK CITY FIRE MARSHALL ______

COUNTY ASSESSOR
APPROVED AND ACCEPTED BY:
I HEREBY CERTIFY THAT ALL TAXES, INTEREST AND PENALTIES OWING ON THE LAND INCLUDED IN THIS PLAT HAVE BEEN PAID.
DATE ______ COUNTY ASSESSOR ______

COUNTY ENGINEER
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
DATE ______ COUNTY ENGINEER ______

APPROVAL AND ACCEPTANCE
ON BEHALF OF THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS THIS____ DAY OF_______ 2010 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
ATTEST COUNTY CLERK ______ BY SUMMIT COUNTY COMMUNITY DEVELOPMENT DIRECTOR ______

APPROVAL AS TO FORM
APPROVED AS TO FORM ON:
THIS _____ DAY OF _________, 2010
COUNTY ATTORNEY ______

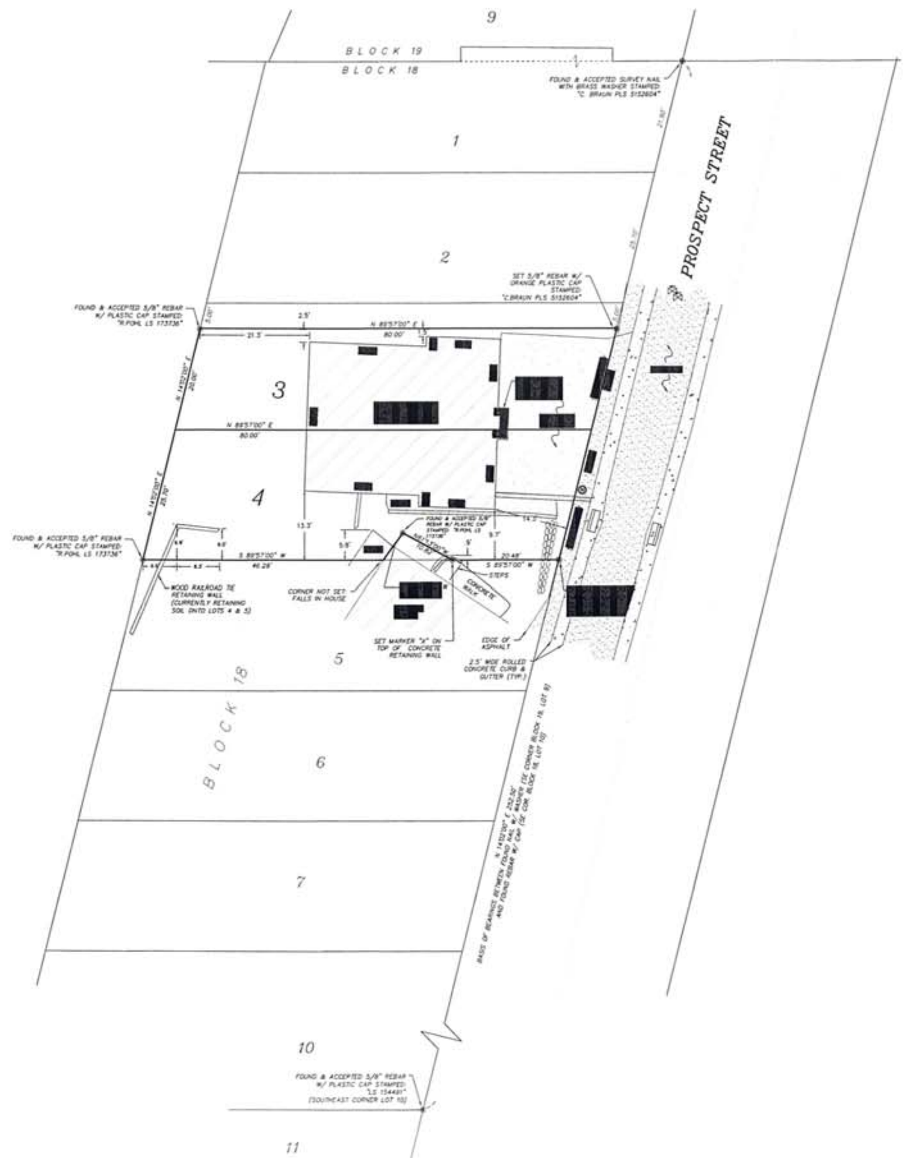
RECORDED
ENTRY NO. ________ BOOK _____ PAGES _____
STATE OF ______ COUNTY OF ________ DATE
TIME _____ FEE PAID RECORDED AND FILED
AT THE REQUEST OF:
DATE ______
TIME ______
FEE ______ COUNTY RECORDER ______

RECEIVED AUG 23 2010

Exhibit A

RECORD OF SURVEY & AS-BUILT MAP

A PORTION OF LOTS 3 & 4 OF AMENDED PLAT OF PARK CITY
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



NORTH

GRAPHIC SCALE
1 INCH = 10 FEET

LEGEND

- FOUND OR SET REBAR W/ CAP (AS DESCRIBED)
- WATER METER MANHOLE
- STORM DRAIN
- CONCRETE RETAINING WALL
- RAILROAD TIE RETAINING WALL
- STACKED ROCK WALL

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES AND EXISTING STRUCTURES OF THE SUBJECT PROPERTY.

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

THE BASIS OF BEARINGS IS BETWEEN FOUND LOT CORNERS. BEARINGS AND DISTANCES SHOWN HEREON ARE PER SUBDIVISION PLAT OF RECORD.

SURVEY COMPLETED: 11/18/2008

SEE SAID OFFICIAL "AMENDED PLAT OF PARK CITY" FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.
NOTE: OTHERS MAY APPLY.

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

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

LEGAL DESCRIPTION:

THE SOUTH 20 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 18, PARK CITY SURVEY.

LESS AND EXCEPTING THE FOLLOWING PORTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 18, PARK CITY SURVEY (SAID POINT BEING SOUTH 14°02' WEST 8 FEET FROM A STONE WALL ON GRANTORS PROPERTY) AND RUNNING THENCE WEST 20.48 FEET, THENCE NORTH 61°13' WEST 10.82 FEET, THENCE SOUTH 35°47' WEST 6.42 FEET, THENCE WEST 46.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 18, PARK CITY SURVEY, THENCE SOUTH 13°58' WEST TO THE SOUTHWEST CORNER OF SAID LOT 5, THENCE EASTERLY TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTHERLY TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

CHRISTOPHER R. BRAUN — DATE

RECEIVED AUG 23 2010

Park City Surveying

SURVEYED BY: TM/BO
DRAWN BY: MN
DATE: NOVEMBER 2008

RECORD OF SURVEY & AS-BUILT MAP
LOTS 3 & 5, BLOCK 18
AMENDED PLAT OF PARK CITY

PEARSON

PCS BLK18 L3-4 ROS-ASB.DWG

SHEET 1 OF 1

Exhibit B

City Council Staff Report

Subject: 29, 32, and 39 Silver Strike Trail
Author: Kirsten A. Whetstone, AICP
Date: March 24, 2011
Project #: PL-10-01023
Type of Item: Administrative – Supplemental Condominium Record of Survey plat of 1, 2, and 12 of the Belles at Empire Pass (formerly known as Christopher Homes)

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council conduct a public hearing for the First Supplemental Plat for Constructed Units amending Units 1, 2, and 12 of the Belles at Empire Pass and consider approving the amended plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant:	Christopher Homes HOA (as the declarant) and owners of Units 1, 2, and 12
Location:	Portions of Lots 1 and 2 of the Silver Strike Subdivision, Pod A, Village at Empire Pass
Zoning:	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses:	Other development parcels of the Village at Empire Pass, Pods A and B1, Silver Strike Lodge, Belles at Empire Pass Condominium units, ski trails and open space.

Proposal

The purpose of the amendment is to plat the as-built conditions and identify common, limited common, and private areas for Units 1, 2, and 12, as stipulated in the conditions of approval of the underlying plats (The Belles at Empire Pass that supercedes the Christopher Homes at Empire Pass- Phases I, II, III, and IV and the Silver Strike subdivision, as well as the recorded CCRs).

All conditions of the underlying approvals, namely the Village at Empire Pass MPD, Silver Strike Subdivision, and the Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed amended plat (Exhibit A).

On February 23, 2011, the Planning Commission conducted a public hearing on the plat amendment and voted to forward a positive recommendation to the Council. There was no public input.

Background
On June 29, 2010, the Planning Department received an application for an amendment to the Christopher Homes at Empire Pass Phase I condominium plat. Staff reviewed the submitted plat and required additional information to document the basement areas.

Following staff's request for additional information, the Christopher Homes condominium project, with the exception of Units 1, 2, 3, and 12, was purchased by Wichita LLP (Pat Prothro) who now represents the Belles HOA and who owns the remaining units. Units 1, 2, 3, and 12 were sold to individual property owners. Unit 3 has not been constructed. Units 1, 2, and 12 have been constructed and are subject to this plat amendment.

On December 20, 2010, a revised plat for all of the condominium units, known as the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass, was submitted. On January 21, 2011, this First Supplemental plat to the Belles at Empire Pass plat for Units 1, 2, and 12, was submitted.

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

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

On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The Belles at Empire Pass condominium Units 1 and 2 are located on Lot 2 of the Silver Strike Subdivision and Unit 12 is located on Lot 1.

On August 17, 2007, the City approved 4 units as the first Christopher Homes condominium plat on Lot 2 and on November 29, 2007, the City approved the first amended Christopher Homes condominium plat (Phase II) creating an additional 4 units on Lot 2. On April 23, 2008, the City Council approved two more condominium units (Phase III) on Lot 1 of the Silver Strike subdivision. On June 6, 2008, the City Council approved eight additional condominium units (Phase IV) on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations.

Along with this plat amendment for Units 1, 2, and 12, the Planning Commission is reviewing a request to amend, consolidate, and restate the Christopher Homes at Empire Pass Condominium plats Phases I-IV. If approved, the Belles at Empire Pass- an amended, consolidated and restated condominium plat- will supersede all of the Christopher Homes at Empire Pass condominium plats.

A condition of approval of the Belles at Empire Pass amended, consolidated, and restated condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying the as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

Analysis

This plat amendment request for The First Supplemental plat for Constructed Units at The Belles at Empire Pass amends Units 1, 2, and 12 to document the final as built conditions of these completed units in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD) subject to the Village at Empire Pass MPD. The following site and development requirements apply:

	Permitted	**Proposed**
Height	28' (+5' for pitched roof)	No height exception
Front setback	20', 25' to front facing garage	No setback reductions. Property line is the back of the street gutter.
Rear setback	15' from Lot boundary	15' from Lot boundary
Side setbacks	12' from Lot boundary	12' from Lot boundary
Parking	Two spaces required	2 per unit
Maximum house size (based on the LMC)	5,000 sf (gross floor area excludes basement area below final grade and 600 sf of garage area).	Unit 1- 4,982.9 sf Unit 2- 4,999.6 sf Unit 12- 4,984.9 sf
Unit Equivalent (based on the Village at Empire Pass MPD)	Gross ue floor area (excludes 600 sf garage and uninhabitable space, ie. crawl space, attic, chases. It includes all basement areas.)	Unit 1- 6010.8 sf/3.005 UE Unit 2- 6,614.1 sf/3.307 UE Unit 12-5275.8 sf/2.637 UE UE= gross floor area/2000 Total: 8.949 UE

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

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilitiies. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable." Basement area is included in the UE calculations. A total of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet.

Each unit meets the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. These three units utilize 8.949 Unit Equivalents (UE).

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

Department Review

This project has gone through 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

Staff has not received any public input at the time of this report.

Alternatives

- The City Council may approve the First Supplemental Plat for Constructed Units at The Belles at Empire Pass a Utah Condominium Project amending Units 1, 2, and 12 as conditioned or amended, or
- The City Council may deny the First Supplemental Plat for Constructed Units at The Belles at Empire Pass, and request staff prepare findings of fact for this decision, or
- The City Council may continue the discussion to a date certain and provide the applicant and staff direction on additional information or changes needed to make a decision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The conditions of the original plat would not be met and the as built conditions would not be correctly depicted on the plat. A final certificate of occupancy couldn't be issued.

Recommendation

Staff recommends the City Council conduct a public hearing for the First Supplemental Plat for Constructed Units amending Units 1, 2, and 12 of the Belles at Empire Pass and consider approving the amended plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance
Exhibit A- proposed plat

Ordinance No. 11-

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

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominiums Units 1, 2, and 12, have petitioned the City Council for approval of the First Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project;

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

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

WHEREAS, the Planning Commission held a public hearing on February 23, 2011, to receive input on the supplemental plat;

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

WHEREAS, the City Council held a public hearing on March 24, 2011, to receive input on the supplemental plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the First Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed UEs for these three condominium units;

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

Findings of Fact:

1. The supplemental plat includes Units 1, 2, and 12 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area. The property is located on portions of Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, in an area

known as the Village at Empire Pass. The properties are addressed at 29, 39, and 32 Silver Strike Trail.

2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village at Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD-style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010, the Planning Department received a complete application for an amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. The amended plat is an amended, consolidated, and restated condominium plat of The Belles at Empire Pass that in whole supersedes, amends, replaces, and consolidates all of the Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. The amended plat is being reviewed concurrently with this First Supplemental plat.
11. On January 21, 2011, the Planning Department received a complete application for the First Supplemental Plat for Constructed Units at the Belles at Empire Pass a Utah Condominium project amending Units 1, 2, and 12.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and UE calculations for the constructed Units 1, 2, and 12 prior to issuance of a Certificate of Occupancy and to identify private, limited common, and common area for these units.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass, that is being reviewed concurrently with this plat amendment. In addition, the three units are consistent with

the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

14. Units 1 and 2 are located on Lot 2 and Unit 12 is located on Lot 1 of the Silver Strike Subdivision.
15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf, and Unit 12 house size is 4,984.9 sf.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilitiies.Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet.
17. Unit 1 contains 6010.8 gross square feet and utilizes 3.005 UEs. Unit 2 contains 6,614.1 gross square feet and utilizes 3.307 UEs . Unit 12 contains 5,275.8 sf and utilizes 2.637 UEs. These three units utilize 8.949 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
19. The Analysis section is incorporated herein.

<u>Conclusions of Law:</u>

1. There is good cause for this supplemental plat.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions 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 review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended record of survey.
2. The applicant will record the amended record of survey 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 Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. Unit 1 utilized 3.005 UEs. Unit 2 utilized 3.307 UEs . Unit 12 utilized 2.637 UEs. The

total UEs utilized for each unit must be written on the plat under the unit name.

5. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf, and Unit 12 house size is 4,984.9 sf.
6. The supplemental plat shall be recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy for these units by the Park City Chief Building Official.

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

PASSED AND ADOPTED this 24th day of March, 2011.

ORIGINAL PLAT NOTES:

1. This Record of Survey map of the Belles at Empire Pass, supersedes, amends, replaces, and consolidates the following:

Christopher Homes at Empire Pass, Phase I, Recorded 10–3–2007, as Entry No. 827065
Christopher Homes at Empire Pass, Phase II, Recorded 2–20–2008, as Entry No. 838083
Christopher Homes at Empire Pass, Phase III, Recorded 12–1–2008, as Entry No. 860202
Christopher Homes at Empire Pass, Phase IV, Recorded 11–19–2008, as Entry No. 859543

2. A Declaration of Condominium for the Belles at Empire Pass (originally Christopher Homes at Empire Pass) was recorded on October 3, 2007 as Entry Number 827066 in Book 1892 at Page 819 in the Office of the Summit County Recorder, as amended by (i) that First Amendment to Declaration of Condominium for Christopher Homes at Empire Pass, recorded February 20, 2008 as Entry Number 838084 in Book 1915 at Page 1364 in the Office of the Summit County Recorder, State of Utah, (ii) that Second Amendment to Declaration of Condominium for Christopher Homes at Empire Pass recorded December 1, 2008 as Entry Number 860203 in Book 1958 at Page 1079 in the Office of the Summit County Recorder, State of Utah, and (iii) that Third Amendment to Declaration of Condominium for Christopher Homes at Empire Pass recorded November 19, 2008 as Entry Number 859546 in Book 1957 at Page 396 in the Office of the Summit County Recorder, State of Utah (collectively referred to herein as the "Original Declaration and First Amended and Restated Declaration of Condominium for the Belles at Empire Pass thereto is being recorded concurrently herewith (collectively the "Amended Declaration") in accordance with the Utah Condominium Act. All development within the Belles Homes at Empire Pass Condominium Project is subject to said Amended Declaration. The boundary lines of each Unit shown hereon are the as–surveyed boundary lines of completed Units 1, 2, and 12. After each Unit has been constructed ("Completed Unit") the boundary of that Unit shall automatically be amended to the actual dimensions constructed as the Condominium Unit shall include the complete interior and exterior of the Completed Unit for all Detached Units and shall include only the interior of the Units for all Town Home Units. The detailed definitions of these terms are more fully set forth in the Amended Declaration. Subject to Park City ordinances in place at the time and unless otherwise approved by the City Attorney and City Engineer, this is a Supplemental Plat as defined by the Amended Declaration after construction has been completed to reflect the as–built boundaries of the Completed Units 1, 2 and 12 and the Common Areas and Limited Common Areas affected by the completion of said Units.

3. Each Unit shall be limited to a maximum of 5,000 square feet of habitable space as measured from the finished interior walls of the exterior walls only (the "Habitable space"). This measurement does not include up to 600 square feet of garage area and does not include basement area as defined under the Park City Land Management Code as it exists on the date of recording of The Belles at Empire Pass Condominium Project (the "Basement Area").

4. The total square footage of the Condominium development of all of the Units combined may not exceed 90,000 square feet of Unit Equivalent space as measured to include the Habitable Space plus the Basement Area, but excluding up to 600 square feet of garage area.

ORIGINAL PLAT NOTES(CONT):

5. A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that Unit and 7' space below the boundary of the Unit for the purpose of providing Unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area. The use of all Common and Limited Common Areas is described in more detail in the Amended Declaration but shall include pedestrian and ski trails.

6. All Common Area is dedicated as a non–exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District(SBWRD), Park City Fire Protection District, Summit County and The Belles at Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.

7. All Units are served by private water wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc.(the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving The Belles at Empire Pass Units within this plat. The cost of such maintenance and replacement shall be paid by The Belles at Empire Pass Homeowners Association, Inc. as part of the Common Expenses.

8. Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.

9. At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.

10. Access to the Units is by private roads and is not warranted by Park City.

11. All conditions of approval of The Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.

12. A fire protection plan is requiring the use of modified 13D sprinklers is required for review by the Park City Building Department to issue of any permit.

13. Under certain limited circumstances as set forth in the Amended Declaration this Plat may be amended by the recording of Supplemental Plats without the consent 67% of the Unit Owners.

14. With regards to Units 1, 2, 3 and 12 only, the recording of Supplemental Plats for Constructed Units remains the responsibility of the original Declarant(or the Owner thereof if the Original Declarant fails to do so) as is more fully set forth in the original Declaration and in the Amended Declaration.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Belles at Empire Pass HOA and the owners of Units 1, 2 and 12, the owners of the tract of land described hereon as First Supplemental Plat for Constructed Units The Belles at Empire Pass, a Utah Expandable Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of SEVEN(7) sheets to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominium, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this_____ day of _____________, 2011.

Belles at Empire Pass HOA.

By:________________________________

Title:________________________________

ACKNOWLEDGMENT

County of Summit
State of Utah

On the_____day of _________, 2011, personally appeared before me________________, who, being by me duly sworn, did say that he is the _______________of Friends of Banner Wood LLC, a Delaware Limited Liability Company and that the within and forgoing Owner's Dedication and Consent to Record was signed on behalf of said Friends of Banner Wood LLC, a Delaware Limited Liability Company, and duly acknowledged that said Company executed the same.

____
Notary Public
Residing at:________________________
My commission expires:________________________

In witness whereof the undersigned has executed this certificate and dedication this_____ day of _____________, 2011.

Owner Unit 1

By:________________________________

Title:________________________________

ACKNOWLEDGMENT

County of Summit
State of Utah

On the_____day of _________, 2011, personally appeared before me________________, who, being by me duly sworn, did say that he is the _______________of Friends of Banner Wood LLC, a Delaware Limited Liability Company and that the within and forgoing Owner's Dedication and Consent to Record was signed on behalf of said Friends of Banner Wood LLC, a Delaware Limited Liability Company, and duly acknowledged that said Company executed the same.

____
Notary Public
Residing at:________________________
My commission expires:________________________

In witness whereof the undersigned has executed this certificate and dedication this_____ day of _____________, 2011.

Owner Unit 2

By:________________________________

Title:________________________________

ACKNOWLEDGMENT

County of Summit
State of Utah

On the_____day of _________, 2011, personally appeared before me________________, who, being by me duly sworn, did say that he is the _______________of Friends of Banner Wood LLC, a Delaware Limited Liability Company and that the within and forgoing Owner's Dedication and Consent to Record was signed on behalf of said Friends of Banner Wood LLC, a Delaware Limited Liability Company, and duly acknowledged that said Company executed the same.

____
Notary Public
Residing at:________________________
My commission expires:________________________

In witness whereof the undersigned has executed this certificate and dedication this_____ day of _____________, 2011.

Owner Unit 12

By:________________________________

Title:________________________________

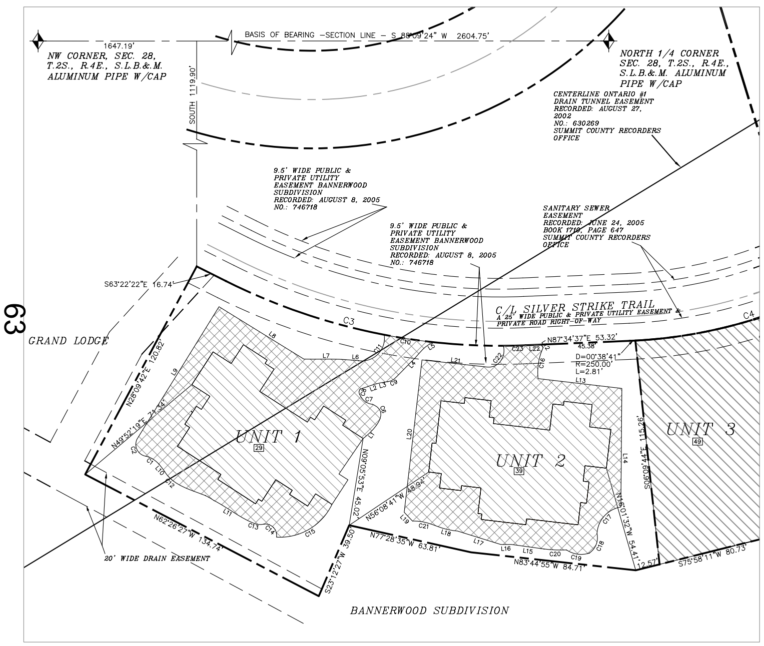
ACKNOWLEDGMENT

County of Summit
State of Utah

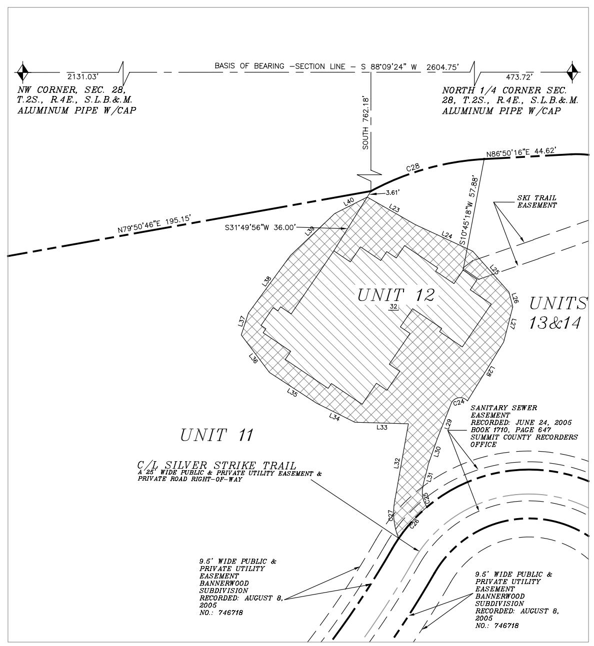
On the_____day of _________, 2011, personally appeared before me________________, who, being by me duly sworn, did say that he is the _______________of Friends of Banner Wood LLC, a Delaware Limited Liability Company and that the within and forgoing Owner's Dedication and Consent to Record was signed on behalf of said Friends of Banner Wood LLC, a Delaware Limited Liability Company, and duly acknowledged that said Company executed the same.

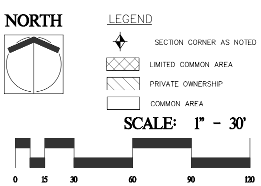
____
Notary Public
Residing at:________________________
My commission expires:________________________

UNITS 1 & 2



UNIT 12





LINE TABLE			LINE TABLE			CURVE TABLE			
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	CURVE	LENGTH	RADIUS	DELTA
L1	11.79'	N42°46'18"E	L29	19.29'	S21°29'53"W	C1	7.60'	12.25'	35°31'44"
L2	8.42'	N72°20'31"E	L30	14.37'	S19°29'55"W	C2	11.00'	6.15'	102°31'55"
L3	6.09'	N79°31'12"E	L31	12.80'	S13°08'19"W	C3	158.44'	312.50'	29°02'58"
L4	21.08'	N43°57'59"E	L32	39.00'	N10°02'28"E	C4	125.59'	250.00'	28°46'59"
L5	5.03'	N60°16'04"E	L33	27.39'	N88°22'12"W	C5	113.35'	503.03'	12°54'39"
L6	9.83'	N85°15'35"W	L34	21.97'	N63°30'25"W	C6	11.66'	5.72'	116°52'23"
L7	19.04'	N89°40'41"W	L35	28.69'	N56°51'34"W	C7	8.70'	8.22'	60°40'30"
L8	51.02'	N58°16'32"W	L36	24.05'	N36°55'20"W	C8	3.14'	1.66'	108°06'17"
L9	79.89'	S31°43'28"W	L37	11.78'	N17°58'37"E	C9	4.71'	7.56'	35°40'02"
L10	10.62'	S38°59'04"E	L38	36.56'	N36°06'58"E	C10	25.65'	312.50'	04°42'09"
L11	26.61'	S38°59'19"E	L39	31.13'	N46°30'50"E	C11	20.80'	11.60'	102°46'47"
L12	1.83'	S32°45'17"E	L40	18.69'	N63°09'17"E	C12	19.42'	69.30'	16°03'31"
L13	43.13'	S83°20'18"E				C13	6.20'	9.94'	35°45'22"
L14	60.73'	S00°27'44"W				C14	11.77'	5.84'	115°27'43"
L15	16.86'	N82°00'55"E				C15	34.95'	29.60'	67°39'49"
L16	5.40'	S89°33'30"W				C16	16.27'	32.69'	28°30'30"
L17	23.34'	N72°42'24"W				C17	19.86'	14.55'	78°12'55"
L18	10.58'	N77°12'05"W				C18	11.31'	9.47'	68°27'57"
L19	6.20'	N43°20'10"W				C19	12.20'	13.31'	52°31'01"
L20	78.56'	N06°39'38"E				C20	11.51'	55.31'	11°55'38"
L21	33.50'	S83°44'58"E				C21	12.98'	28.69'	25°54'30"
L22	7.94'	N87°34'37"E				C22	16.11'	8.25'	111°49'22"
L23	28.27'	S60°11'48"E				C23	11.43'	312.50'	2°05'46"
L24	32.48'	S65°06'34"E				C24	9.78'	4.97'	112°49'39"
L25	27.93'	S41°34'33"E				C25	9.78'	12.77'	43°53'55"
L26	7.80'	S14°40'55"E				C26	21.78'	80.79'	15°26'56"
L27	18.63'	S14°31'36"W				C27	20.69'	34.72'	34°09'02"
L28	35.45'	S31°33'57"W				C28	60.72'	137.50'	25°18'01"

BOUNDARY DESCRIPTION:

All of Units 1, 2 and 12 of The Belles at Empire Pass, A Utah Condominium Project, together with the Limited Common Space adjacent to said units as shown on this plat.

SUPPLEMENTAL PLAT NOTES:

1. The purpose of this Record of Survey map is to supplement The Belles at Empire Pass, A Utah Condominium Project, by amending the boundary lines of completed Units 1, 2 and 12 and delineating the Limited Common Area adjacent to said units as required by note No. 2 of The Belles at Empire Pass, A Utah Condominium Project Plat.

2. All floor area(Square Footage) calculations are interior dimensions and may differ from "Private Area" shown. Private Area includes exterior decorated walls.

3. Unit 2 square footage calculations were performed by Alliance Engineering.

SURVEYOR'S CERTIFICATE:

I, Charles Galati, on behalf of GC Surveying, LLC, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891–2201 as prescribed under the laws of the State of Utah. I further certify that a survey has been made of the land shown on this plat and described hereon, and that this plat is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

________________________ ________________________
Charles Galati Date

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12

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

SHEET 1 OF 7

PLANNING COMMISSION	WATER RECLAMATION DISTRICT	ENGINEER'S CERTIFICATE	COUNCIL APPROVAL AND ACCEPTANCE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	RECORDED
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF __________, 2011. BY______ CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS ______ DAY OF __________, 2011. ______ S.B.W.R.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE THIS ______ DAY OF __________, 2011. ______ DATE PARK CITY ENGINEER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF __________, 2011. ______ PARK CITY MAYOR	APPROVED AS TO FORM ON THIS ______ DAY OF __________ 2011. ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF __________, 2011. BY______ PARK CITY RECORDER	ENTRY NO. ______, BOOK ____, PAGE ______. STATE OF UTAH, COUNTY OF SUMMIT DATE ______ TIME ______ RECORDED AND FILED AT THE REQUEST OF: ______ COUNTY RECORDER

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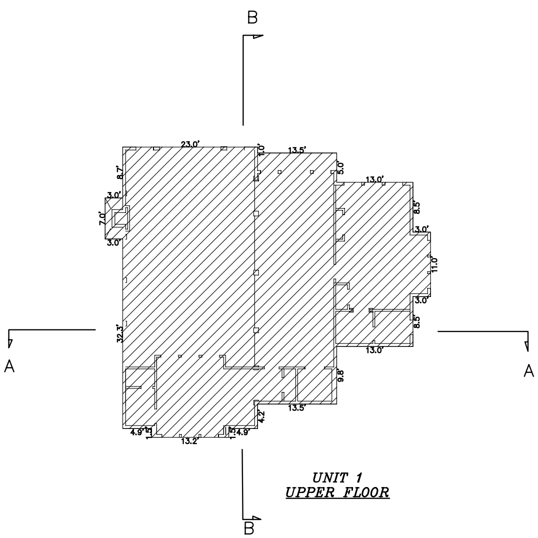
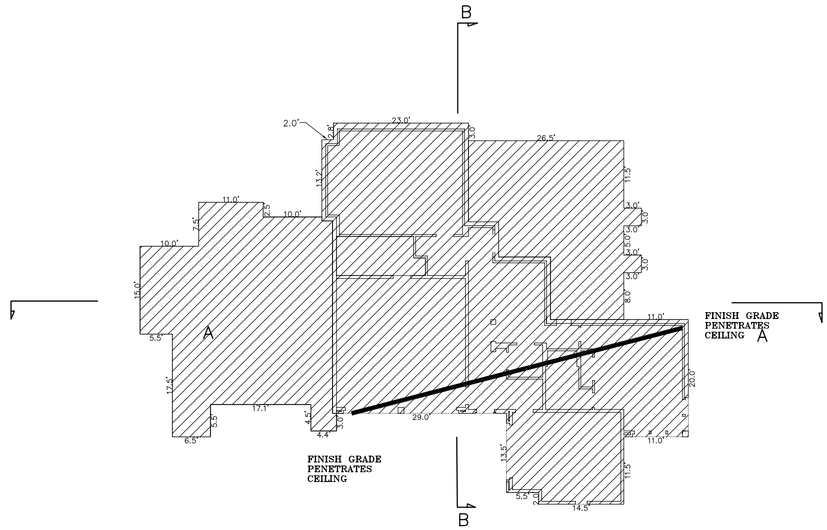
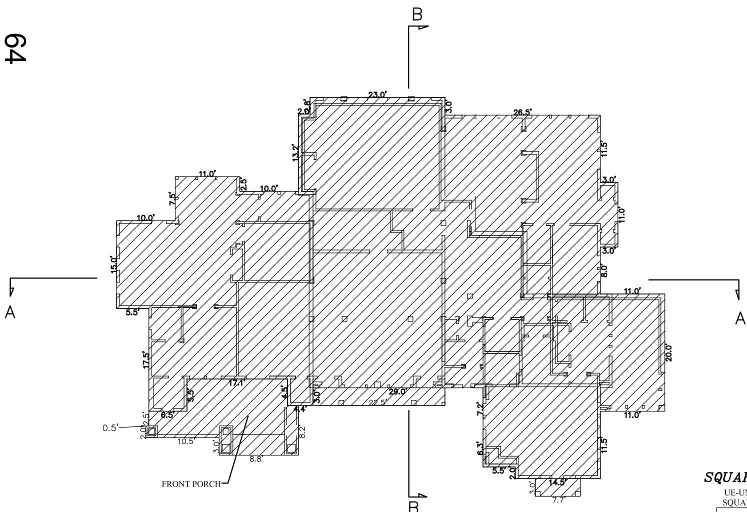
801-520-8763 435-640-4200
www.gc-surveying.com



UNIT 1
UPPER FLOOR



UNIT 1
LOWER FLOOR



UNIT 1
MAIN FLOOR

UNIT 1
SQUARE FOOTAGE CALCULATIONS

UE-UNIT EQUIVALENT SQUARE FOOTAGE-(SF)	GROSS FLOOR AREA(SF)
1212.7 sq. ft. lower level	343.9 sq. ft. lower level
3561.8 sq. ft. main level	3561.8 sq. ft. main level
1077.2 sq. ft. upper level	1077.2 sq. ft. upper level
759.1 sq. ft. garage	
6610.8 sq. ft. TOTAL	4982.9 sq. ft. TOTAL
-600.0 sq. ft. gar. allowance	
6010.8 sq. ft. TOTAL	
Gross Square Footage	
UE 3.005	

OWNERSHIP DESIGNATION

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

SCALE: 1" - 10'

0 5 10 20 30 40

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12

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

SHEET 2 OF 7

RECORDED

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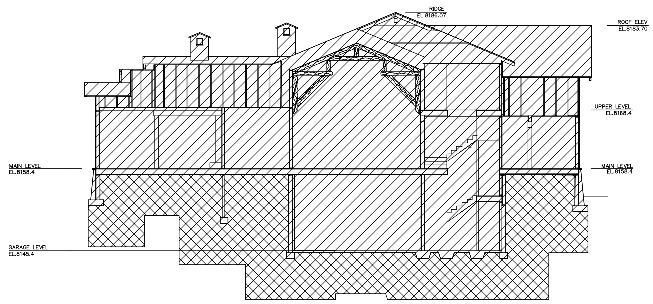
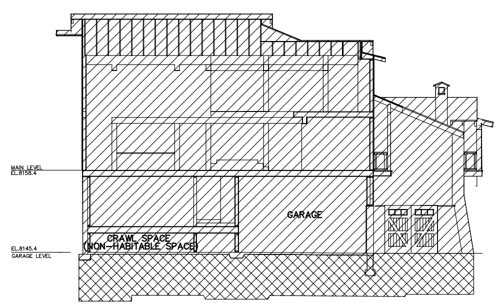


UNIT 1
SECTION A
1"=10'



UNIT 1
SECTION B
1"=10'

OWNERSHIP DESIGNATION

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12

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

SHEET 3 OF 7

RECORDED

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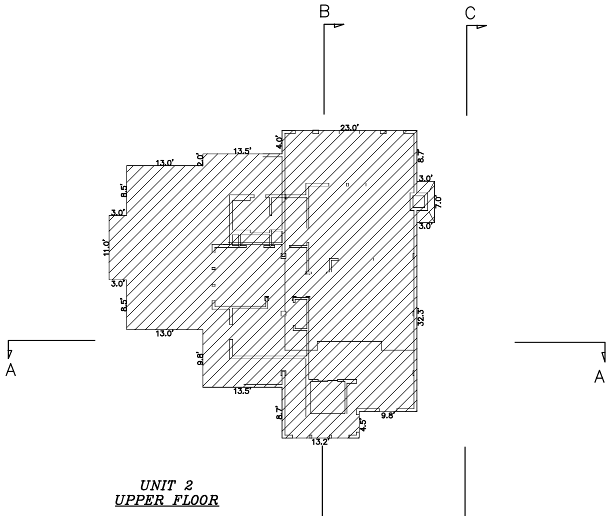
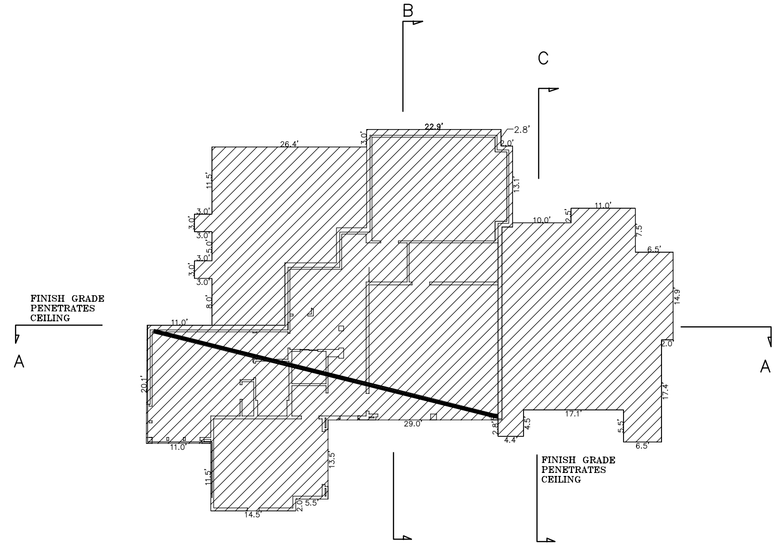
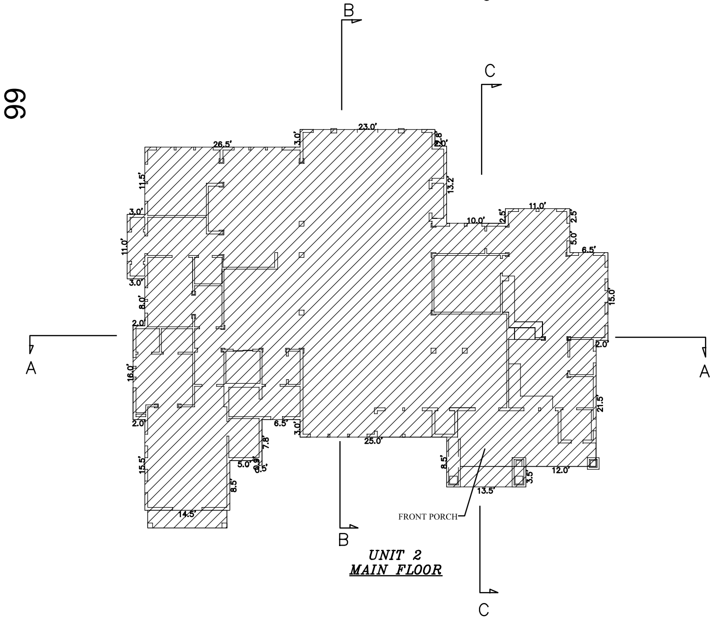


UNIT 2
UPPER FLOOR



UNIT 2
LOWER FLOOR



UNIT 2
MAIN FLOOR

UNIT 2
SQUARE FOOTAGE CALCULATIONS

UE-UNIT EQUIVALENT SQUARE FOOTAGE-(SF)	GROSS FLOOR AREA(SF)
1815.3 sq. ft. lower level	348 sq. ft. lower level
3606.1 sq. ft. main level	3606.1 sq. ft. main level
1045.5 sq. ft. upper level	1045.5 sq. ft. upper level
147.2 sq. ft. garage extra	4999.6 sq. ft. TOTAL
6614.1 sq. ft. TOTAL	
UE 3.307	

OWNERSHIP DESIGNATION

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

SCALE: 1" - 10'

0 5 10 20 30 40

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12

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

SHEET 4 OF 7

RECORDED

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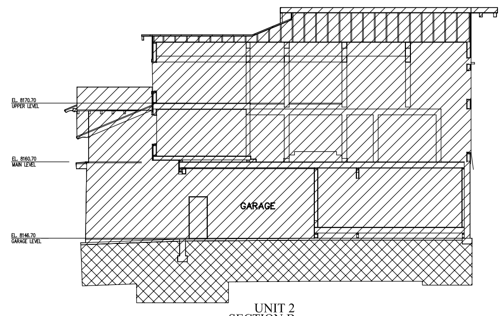
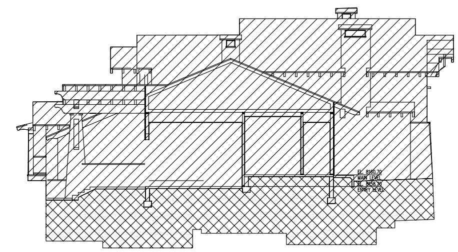
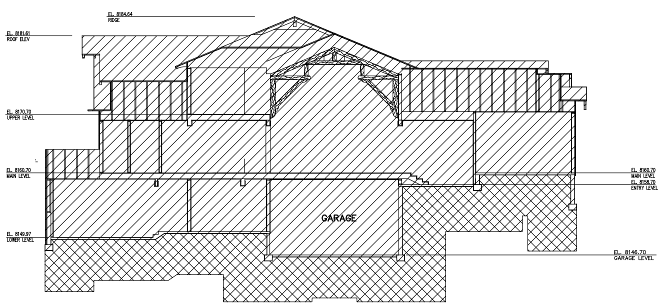


UNIT 2
SECTION B
1"=10'



UNIT 2
SECTION C
1"=10'



UNIT 2
SECTION A
1"=10'

OWNERSHIP DESIGNATION

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12

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

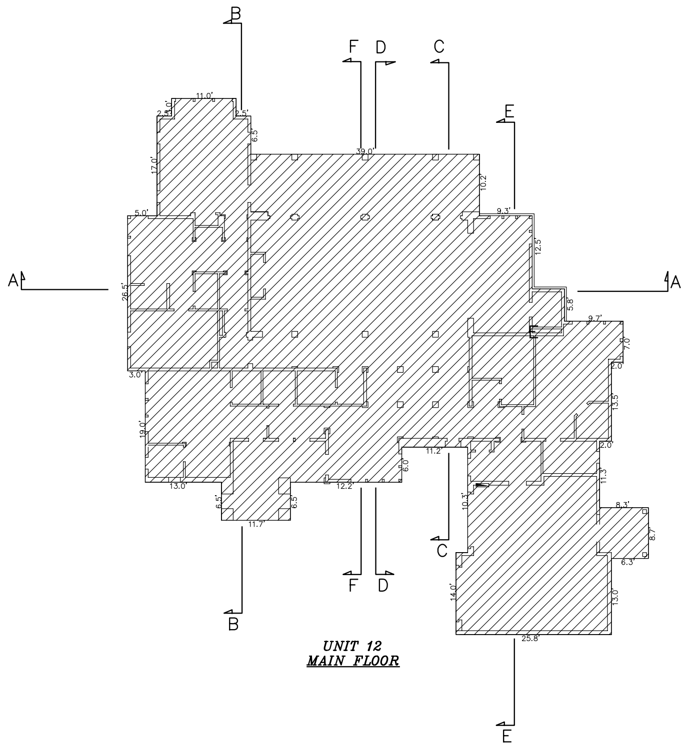
SHEET 5 OF 7

RECORDED

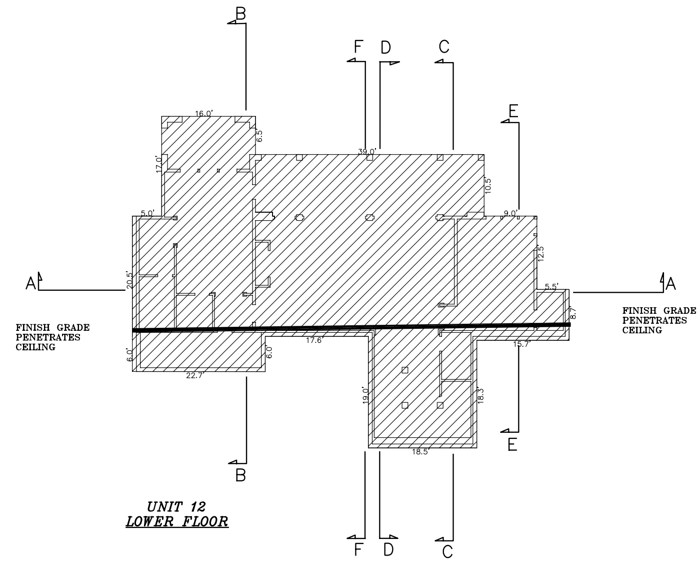
ENTRY NO. ________ , BOOK ____ , PAGE ________ .
STATE OF UTAH , COUNTY OF SUMMIT
DATE ________ TIME ________
RECORDED AND FILED AT THE REQUEST OF:

____
COUNTY RECORDER

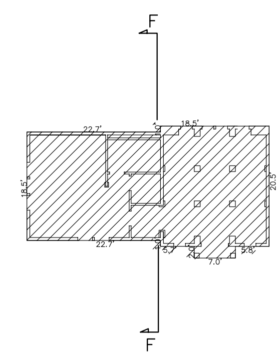
GC SURVEYING
2132 West 1235 South Lehi, Utah 84043
801-520-8763 435-640-4200
www.gc-surveying.com



UNIT 12
MAIN FLOOR



UNIT 12
LOWER FLOOR



UNIT 12
UPPER FLOOR

SCALE: 1" - 10'

0 5 10 20 30 40

UNIT 12
SQUARE FOOTAGE
CALCULATIONS

UE-UNIT EQUIVALENT SQUARE FOOTAGE-(SF)
1629.5 sq. ft. lower level
3181.2 sq. ft. main level
465.1 sq. ft. upper level
584.2 sq. ft. garage
5860.0 sq. ft. TOTAL
-584.2 sq. ft. garage
5275.8 sq. ft. TOTAL
Gross Square Footage
UE 2.637

GROSS FLOOR AREA(SF)
1338.6 sq. ft. lower level
3181.2 sq. ft. main level
465.1 sq. ft. upper level
4984.9 sq. ft. TOTAL

OWNERSHIP DESIGNATION

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12

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

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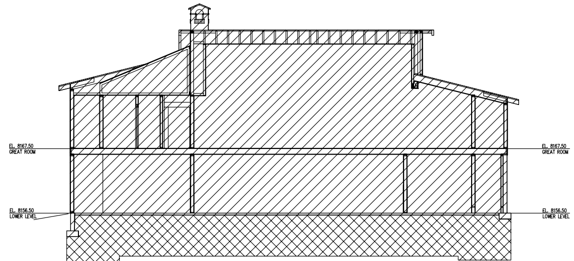
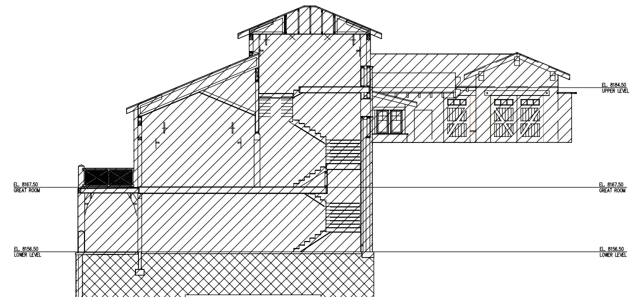
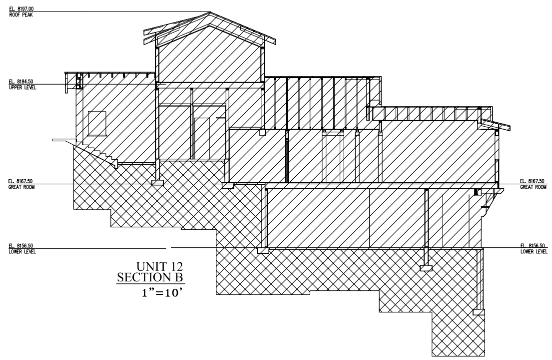


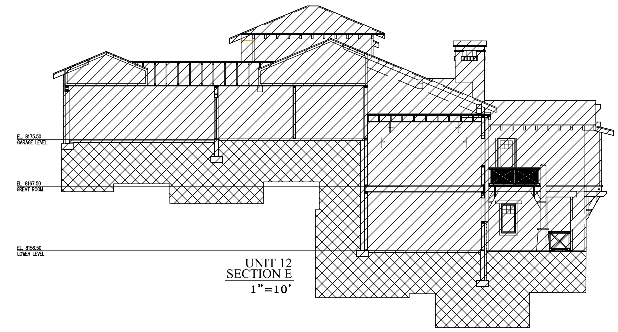
UNIT 12
SECTION A
1"=10'



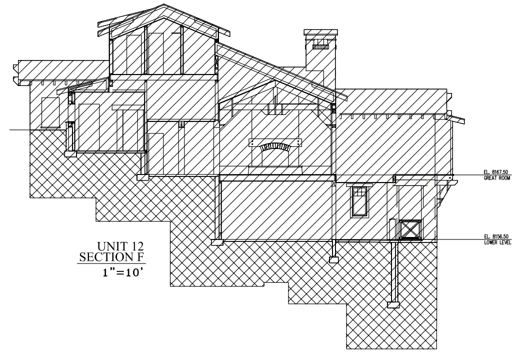
UNIT 12
SECTION D
1"=10'



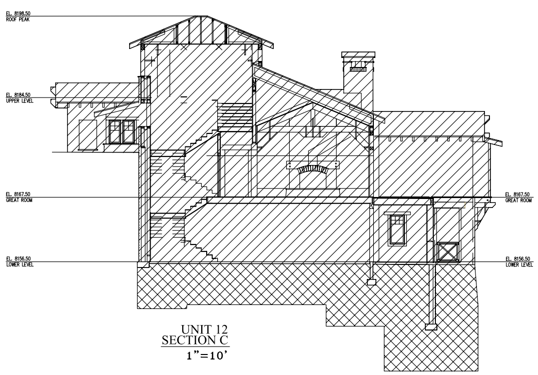
UNIT 12
SECTION B
1"=10'



UNIT 12
SECTION E
1"=10'



UNIT 12
SECTION F
1"=10'



UNIT 12
SECTION C
1"=10'

OWNERSHIP DESIGNATION

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

FIRST SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH CONDOMINIUM PROJECT AMENDING UNITS 1, 2 AND 12

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

SHEET 7 OF 7

RECORDED

ENTRY NO. ________, BOOK ____, PAGE ________.
STATE OF UTAH, COUNTY OF SUMMIT
DATE ________ TIME ________
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COUNTY RECORDER

GC SURVEYING
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City Council Staff Report

Subject:	**Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV)**
Author:	**Kirsten A. Whetstone, AICP**
Date:	**March 24, 2011**
Project #	**PL-11-01140**
Type of Item:	**Administrative – Condominium Record of Survey plat amendment**

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV), consider any public input and consider approving the plat amendment based on findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Topic

Applicant:	Wichita LLP
Location:	Lots 1 and 2 of the Silver Strike Subdivision, Pod A, Village at Empire Pass
Zoning:	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses:	Other development parcels of the Village at Empire Pass, Pods A and B1, Silver Strike Lodge, and Open Space.

Proposal

The proposed Belles at Empire Pass condominium plat (Exhibit A) is an amended, consolidated, and restated condominium plat of the previously approved and recorded Christopher Homes condominium plats (I,II, III, and IV) (Exhibit B). The majority of the property is under new ownership. The proposed plat redefines the private area boundaries for the 17 units (reduced from the originally platted 18 Christopher Homes units and reconfigured from 10 detached/ 4 duplexes (18 units total) to 11 detached/3 duplexes (17 units total)). All conditions of approval of the underlying approvals, namely the Village at Empire Pass MPD and the Silver Strike Subdivision continue to apply and are reflected as conditions of approval and plat notes on this proposed amended plat.

The Christopher Homes condominium project, with the exception of Units 1, 2, 3, and 12, was purchased by Wichita LLP (Pat Prothro) who now represents the HOA and who owns the remaining units. Units 1, 2, 3, and 12 were sold to individual property owners.

On February 23, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council. There was no public input.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement allowed a total of 60 single detached or duplex units within the entire Flagstaff annexation area with the remaining units to be configured as multi-family (stacked-flat or tri-plex or greater attached units).

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified this area of Pod A as the location for 18 detached single family homes and duplexes. (Exhibit C).

On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The Belles at Empire Pass condominiums (fka Christopher Homes) are located on Lots 1 and 2 of the Silver Strike Subdivision (which is a portion of pod A). Units 1-8 are located on Lot 2 and Units 9-17 are located on Lot 1.

Each of the successive Christopher Homes plats created units within Lots 1 and 2 of the Silver Strike Subdivision for a total of 18 units. On August 17, 2007, the City approved 4 units as the Christopher Homes condominium plat on Lot 2 and on November 29, 2007, the City approved the first amended Christopher Homes (II) condominium plat creating an additional 4 units on Lot 2. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes III. On August 28, 2008, the City Council approved the Christopher Homes IV for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. These four Christopher Homes condominium plats were subsequently recorded upon approval, at Summit County.

Analysis

The proposed Belles at Empire Pass amended record of survey plat creates 17 condominium units along Silver Strike Trail (a cul-de-sac). The layout is similar to the Nakoma and Paintbrush units in which each condo unit initially encompasses more than just the three-dimensional air space of the unit.

The prior recorded plats require that, after construction of the units, and prior to issuance of a final certificate of occupancy, the record of survey shall be amended to reflect the final as-built conditions and the boundaries of the units which identify the entire structure as private with the driveways and patio areas as limited common and the remainder of the land identified as common area in accordance with the Utah Condominium Act. These supplemental plats require Planning Commission review and final action by the City Council.

Units 1, 2 and 12 are constructed and Unit 9 is currently under construction. An application for the supplemental plat for Units 1, 2, and 12 has been submitted and is scheduled for review at this meeting, as the First Supplemental Plat for Constructed Units at The Belles at Empire Pass a Utah Condominium project. A separate supplemental plat for Unit 9 will be submitted upon completion of this unit.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the Land Management Code, plus 600 square feet for a garage. In this definition, basement area (below final grade) is exempt from the floor area calcuations for house size. A note on the plat reflects this restriction.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, distinct from maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilitiies. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable." Unit Equivalents are calculated by dividing the total square footage of all the units involved by 2,000. The unit equivalent area includes the basement area below final grade (the house size area excludes this basement area).

A maximum of 90,000 sf (45 UEs) are approved for these units under the Flagstaff Development Agreement. There are no conditions as to how the 90,000 sf may be distributed among the units. A note on the plat reflects this restriction.

The zoning is RD- Residential Development subject to the following criteria:

	Permitted	**Proposed**
Height	28' (+5' for pitched roof)	Up to 33' for pitched roof. No height exceptions proposed. **Complies.**
Front setback	20', 25' to front facing garage	No setback reductions. Property line in front is the back of the street gutter. **Complies.**
Rear setback	15' from Lot boundary	15' from Lot boundary. **Complies.**
Side setbacks	12' from Lot boundary	12' from Lot boundary. **Complies.**
Parking	Two spaces required	2 per unit. **Complies.**
Maximum House Size	5,000 sf (interior paint to paint gross floor area minus basement areas defined by LMC and 600 sf allowance for a garage).	Maximum of 5,000 sf to be verified prior to building permit issuance and reflected on the final supplemental plat.

Staff finds good cause for this record of survey amendment as it is consistent with the approved Silver Strike Subdivision. The plat is consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports related to the Flagstaff Development Agreement. The plat reduces the number of dwelling units previously approved by 1 unit, however the total UEs remains the same.

Department Review
This project has gone through an interdepartmental review. Issues regarding plat notes to reflect prior approvals and location of existing easements have been resolved with clarified plat notes. All previously recorded easements are reflected on the plat. 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 was received at the public hearing.

Alternatives

- The City Council may approve the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV).
- The City Council may deny the plat amendment and request staff to prepare findings of fact for this decision, or
- The City Council may continue the discussion to a date certain and provide the applicant and staff direction on additional information or changes needed to make a decision.

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

Consequences of not taking the Suggested Recommendation
The Christopher Homes plats (I-IV) would remain as recorded and the 18 units, instead of 17 as proposed, would be required to be constructed according to the configuration of the recorded plats.

Recommendation
Staff recommends the City Council conduct a public hearing for the Amended, Consolidated, and Restated Condominium Plat for The Belles at Empire Pass (formerly known as Christopher Homes Condominiums plats I, II, III, and IV), consider input and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Exhibits
Ordinance
Exhibit A- proposed plat (The Belles at Empire Pass)
Exhibit B- existing plats (Christopher Homes I-IV)
Exhibit C- aerial photo

Ordinance No. 11-

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

WHEREAS, the owners of the property known as the Belles at Empire Pass (formerly known as Christopher Homes at Empire Pass Condominiums I-IV), located on Lots 1 and 2 of the Silver Strike Subdivision plat, have petitioned the City Council for approval of the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass; 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 February 23, 2011, to receive input on the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass a Utah condominium project;

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

WHEREAS, the City Council held a public hearing on March 24, 2011, to receive public input on the plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass because it is consistent with the approved Silver Strike Subdivision and with the development pattern envisioned by the Village at Empire Pass Master Planned Development and the 14 Technical Reports related to the Flagstaff Development Agreement. The plat reduces the number of dwelling units previously approved by 1 unit, however the total UEs remains the same.

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 Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass 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 plat incorporates property located on Lots 1 and 2 of the Silver Strike subdivision and within Pod A of the Flagstaff Mountain Development, known as the Village at Empire Pass.
2. The property is located in the RD-MPD zoning district and is subject to the Flagstaff Mountain Development Agreement.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On December 20, 2010, the Planning Department received a complete application for an amendment to Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. The amended plat is an amended, consolidated, and restated condominium plat of The Belles at Empire Pass that supersedes, amends, replaces, and consolidates the Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV.
11. The purpose of the plat amendment is to describe and plat the private area for construction of the 17 condominium units as contemplated by the Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. Units 1-8 are located on Lot 2 and Units 9-17 are located on Lot 1 of the Silver Strike Subdivision.
12. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
13. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary

wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilitiies.Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable, such as crawl spaces and mechanical chases. .

14. As conditioned, the proposed Belles at Empire Pass condominium plat is consistent with the approved Flagstaff Development Agreement, the Master Planned Development for the Village at Empire Pass and the conditions of approval of the Silver Strike Subdivision.
15. Units 1, 2 and 12 are constructed and Unit 9 is currently under construction. An application for the supplemental plat for Units 1, 2, and 12 has been submitted by the owners as the First Supplemental Plat for Constructed Units at The Belles at Empire Pass a Utah Condominium project. A supplemental plat for Unit 9 will be submitted upon completion of this unit.
16. The Silver Strike subdivision plat requires that, after construction of the units, and prior to issuance of a final certificate of occupancy, the boundaries of the units shall be amended to reflect the final as-built conditions identifying the entire structure as private with the driveways and patio areas as limited common and the remainder of the land identified as common area in accordance with the Utah Condominium Act.
17. Analysis section is incorporated herein.

<u>Conclusions of Law:</u>

1. There is good cause for this amended condominium plat.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
4. Approval of the amended plat, 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 record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. A fire protection plan requiring the use of modified 13D sprinklers and compliance with the interface zone landscaping requirements is required to be submitted to the Building Department prior to issuance of building permits for the units.
5. All existing recorded easements shall be reflected on the plat prior to recordation.
6. Prior to issuance of final certificates of occupancy by the Park City Chief Building Official for completed units, a supplemental plat or plats shall be submitted to the City for review by the City Council and recorded at Summit County.

7. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
8. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilitiies.Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable." A total of 45 UE (90,000 square feet) are permitted for the units designated by this plat.

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

PASSED AND ADOPTED this 24th day of March, 2011.

NOTES

1. This Record of Survey map of The Belles At Empire Pass, supersedes, amends, replaces, and consolidates the following:

   Christopher Home at Empire Pass, Phase I, Recorded 10–3–2007, as Entry No. 827065
   Christopher Homes at Empire Pass, Phase II, Recorded 2–20–2008, as Entry No. 838083
   Christopher Homes at Empire Pass, Phase III, Recorded 12–1–2008, as Entry No. 860202
   Christopher Homes at Empire Pass, Phase IV, Recorded 11–19–2008, as Entry No. 859543

2. A Declaration of Condominium for The Belles At Empire Pass (originally Christopher Homes at Empire Pass) was recorded on October 3, 2007 as Entry Number 827066 in Book 1892 at Page 819 in the Office of the Summit County Recorder, as amended by (i) that First Amendment to Declaration of Condominium for Christopher Homes At Empire Pass, recorded February 20, 2008 as Entry Number 838084 in Book 1915 at Page 1364 in the Office of the Summit County Recorder, State of Utah, (ii) that Second Amendment to Declaration of Condominium for Christopher Homes At Empire Pass recorded December 1, 2008 as Entry Number 860203 in Book 1958 at Page 1079 in the Office of the Summit County Recorder, State of Utah, and (iii) that Third Amendment to Declaration of Condominium for Christopher Homes At Empire Pass recorded November 19, 2008 as Entry Number 859546 in Book 1957 at Page 396 in the Office of the Summit County Recorder, State of Utah (collectively referred to herein as the "Original Declaration and the First Amended and Restated Declaration of Condominium for The Belles at Empire Pass thereto is being recorded concurrently herewith (collectively the "Amended Declaration") in accordance with the Utah Condominium Act. All development within The Belles Homes At Empire Pass Condominium Project is subject to said Amended Declaration. The boundary lines of each Unit shown hereon are the approximate boundaries of the to be constructed Units as set forth on this Plat. After each Unit has been constructed ("Completed Unit") the boundary of that Unit shall automatically be amended to the actual dimensions constructed as the Condominium Unit and shall include the complete interior and exterior of the Completed Unit for all Detached Units and shall include only the interior of the Units for all Town Home Units. The detailed definitions of these terms are more fully set forth in the Amended Declaration. Subject to Park City ordinances in place at the time and unless otherwise approved by the City Attorney and City Engineer, the Owner will be required to amend this Plat by recording a Supplemental Plat as defined by the Amended Declaration after construction is complete to reflect the as–built boundaries of the Completed Units, Common Areas and Limited Common Areas.

3. Each Unit shall be limited to a maximum of 5,000 square feet of habitable space as measured from the finished interior walls of the exterior walls only (the "Habitable space"). This measurement does not include up to 600 square feet of garage area and does not include basement area as defined and measured under the Park City Land Management Code as it exists on the date of the recording of this Plat (the "Basement Area"). In addition, Unit 3 is limited to a maximum of 974 square feet of Basement Area.

4. The total square footage of the Condominium development of all of the Units combined may not exceed 90,000 square feet of Unit Equivalent space as measured to include the Habitable Space plus the Basement Area, but excluding up to 600 square feet of garage area.

5. A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that Unit and 10' space below the boundary of the Unit for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area. The use of all Common and Limited Common areas is described in more detail in the Amended Declaration but shall include pedestrian and ski trails.

6. All Common Area is dedicated as a non–exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), the Park City Fire Protection District, Summit County and The Belles at Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.

7. All Units are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving The Belles At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by The Belles At Empire Pass Owners Association, Inc., as part of the Common Expenses.

8. Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.

9. At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.

10. Access to the units is by private roads and is not warranted by Park City.

11. All conditions of approval of The Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.

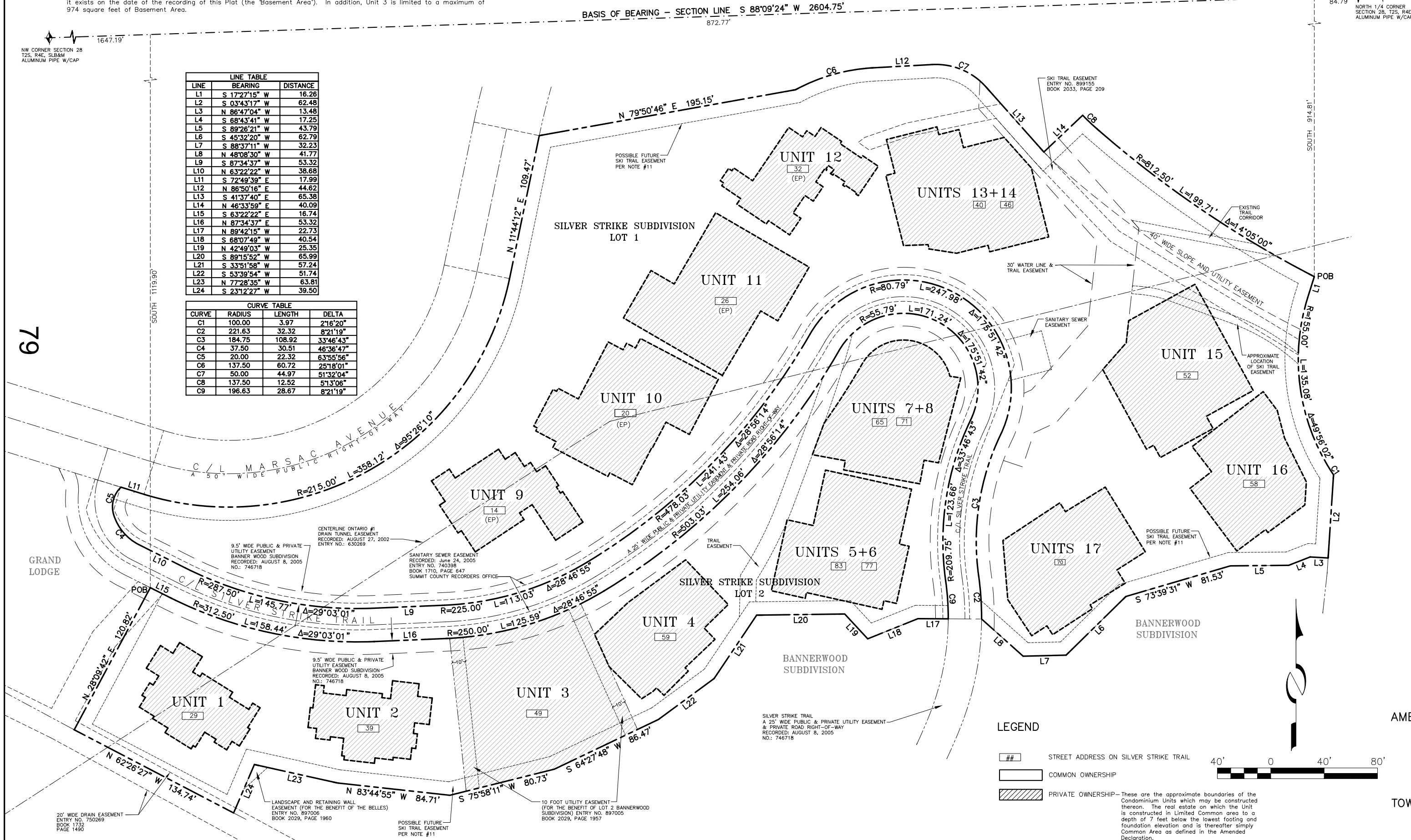
12. A fire protection plan is specifying the use of modified 13D sprinklers is required for review by the Park City Building Department prior to issuance of any permit.

13. Under certain limited circumstances as set forth in the Amended Declaration this Plat may be amended by the recording of Supplemental Plats without the consent of 67% of the Unit Owners.

14. With regard to Units 1, 2, 3 and 12 only, the recording of Supplemental Plats for Constructed Units remains the responsibility of the original Declarant (or the Owner thereof if the Original Declarant fails to so do) as is more fully set forth in the original Declaration and in the Amended Declaration.

15. Construction of units shall comply with all setback, heights and International Building Code (IBC) separation requirements.

16. Prior to issuance of a final occupancy permit, the Supplemental Plat for that Unit shall be approved by Park City Council and recorded with the Summit County Recorder.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 17°27'15" W	16.26
L2	S 03°43'17" W	62.48
L3	N 86°47'04" W	13.48
L4	S 68°43'41" W	17.25
L5	S 89°26'21" W	43.79
L6	S 45°32'20" W	62.79
L7	S 88°37'11" W	32.23
L8	N 48°08'30" W	41.77
L9	S 87°34'37" W	53.32
L10	N 63°22'22" W	38.68
L11	S 72°49'39" E	17.99
L12	N 86°50'16" E	44.62
L13	S 41°37'40" E	65.38
L14	N 46°33'59" E	40.09
L15	S 63°22'22" E	16.74
L16	N 87°34'37" E	53.32
L17	N 89°42'15" W	22.73
L18	S 68°07'49" W	40.54
L19	N 42°49'03" W	25.35
L20	S 89°15'52" W	65.99
L21	S 33°51'58" W	57.24
L22	S 53°39'54" W	51.74
L23	N 77°28'35" W	63.81
L24	S 23°12'27" W	39.50

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	100.00	3.97	2°16'20"
C2	221.63	32.32	8°21'19"
C3	184.75	108.92	33°46'43"
C4	37.50	30.51	46°36'47"
C5	20.00	22.32	63°55'56"
C6	137.50	60.72	25°18'01"
C7	50.00	44.97	51°32'04"
C8	137.50	12.52	5°13'06"
C9	196.63	28.67	8°21'19"

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by the authority of the owner(s), this Amended and Restated Condominium Plat of the BELLES AT EMPIRE PASS CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

______________________ JOHN DEMKOWICZ, L.S. #154491   ____________ DATE

BOUNDARY DESCRIPTIONS

(Parcel 1)

Units 1, 2, 3 and 4, Christopher Homes at Empire Pass Condominiums, Phase 1, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded OCTOBER 3, 2007 as Entry No. 827065 and the Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, SUMMIT County Recorder's Office.

(Parcel 2)

Units 9, 10, 11 and 12, Christopher Homes at Empire Pass Condominiums, Phase 2, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded FEBRUARY 20, 2008 as Entry No. 838083, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819 and First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, SUMMIT County Recorder's Office.

(Parcel 3)

Units 15 and 16, Christopher Homes at Empire Pass Condominiums, Phase 3, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded DECEMBER 1, 2008 as Entry No. 860202, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, Second Amendment to the Declaration of Condominium recorded DECEMBER 1, 2008 as Entry No. 860203 in Book 1958 at Page 1079 and Third Amendment to the Declaration of Condominium recorded NOVEMBER 19, 2008 as Entry No. 859546 in Book 1957 at Page 386 SUMMIT County Recorder's Office.

(Parcel 4)

Units 5, 6, 7, 8, 13, 14, 17 and 18, Christopher Homes at Empire Pass Condominiums, Phase IV, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded DECEMBER 1, 2008 as Entry No. 860202, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, Second Amendment to the Declaration of Condominium recorded DECEMBER 1, 2008 as Entry No. 860203 in Book 1958 at Page 1079 and Third Amendment to the Declaration of Condominium recorded NOVEMBER 19, 2008 as Entry No. 859546 in Book 1957 at Page 386 SUMMIT County Recorder's Office.

(Easement 1)

Parcels 1, 2, 3 and 4 are together with the following Easement:

Together with a right of way and easement for public and private utilities and a private road over the Silver Strike Trail as delineated on the official plat of Banner Wood Subdivision as recorded August 12, 2005 as Entry No. 746718 in the records of the Summit County Recorder.

The above descriptions are identical with the property contained in Lots 1 and 2, Silver Strike Subdivision, Recorded 12–1–2006, Entry # 798134.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned President of The Belles at Empire Pass Homeowners Association, Inc., and as owner of the Common Areas described herein does hereby certify that it has caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared and hereby consents to the recordation of this First Amended Condominium Plat and submit to the Utah Condominium Ownership Act. As President, he also certifies that more than 67% of the Owners of the Units have approved this First Amended Condominium Plat.

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

ACKNOWLEDGMENT

State of ____________:
ss:
County of ___________:

This instrument was acknowledged before me this _____ day of _______________, 2011.

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

____
Notary Public

____
Printed Name

Residing in: ____________________

My commission expires: ___________

LEGEND

STREET ADDRESS ON SILVER STRIKE TRAIL
COMMON OWNERSHIP
PRIVATE OWNERSHIP– These are the approximate boundaries of the Condominium Units which may be constructed thereon. The real estate on which the Unit is constructed in Limited Common area to a depth of 7 feet below the lowest footing and foundation elevation and is thereafter simply Common Area as defined in the Amended Declaration.

40' 0 40' 80'

AMENDED, CONSOLIDATED, AND RESTATED CONDOMINIUM PLAT OF

THE BELLES AT EMPIRE PASS

(FORMALLY KNOWN AS CHRISTOPHER HOMES AT EMPIRE PASS)

A UTAH CONDOMINIUM PROJECT

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

PAGE 1 OF 2

2/8/11 JOB NO.: 6–6–10 FILE: X:\Empire\dwg\SilverStrikeSub\Plat\Belles\Belles plat–2.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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, WICHITA, LP, A UTAH LIMITED PARTNERSHIP, the owner of Units 4,5,6,7,8,9,10,11,13,14,15,16,17, and 18, hereby certifies that it has caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominimum Ownership Act.

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

In witness whereof the undersigned has executed this certificate and dedication this ____ day of ____________________, 2010.

Wichita, LP
A Utah Limited Partnership
By BelleArbor, Inc
It's Managing General Partner

By: ____________________
Mark H. Prothro
President

ACKNOWLEDGMENT

State of ____________________;
ss:
County of ____________________;

This instrument was acknowledged before me this _____ day of ____________________, 2010.

by ____________________, the ____________________ of WICHITA LP, a Utah Limited Partnership.

____
Notary Public

____
Printed Name

Residing in: ____________________

My commission expires: ____________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, VAN D. GREENFIELD AND AMY GREENFIELD, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 2, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit to the Utah Condominimum Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this _____ day of ____________________, 2010.

____
Van D. Greenfield
Joint Tenant

____
Amy Greenfield
Joint Tenant

ACKNOWLEDGMENT

State of ____________;
ss:
County of ____________;

This instrument was acknowledged before me this _____ day of ____________________, 2010.

by Van D. Greenfield and Amy Greenfield, Joint Tenants.

____
Notary Public

____
Printed Name

Residing in: ____________________

My commission expires: ____________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, GREGORY D. GOVEN and JANE A. GOVEN, AS TRUSTEES OF THE GOVEN REVOCABLE FAMILY TRUST DATED MAY 4TH, 2006, the owners of Unit 12, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominimum Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of ____________________, 2010.

____
Gregory D. Goven
Trustees of the Goven Revocable Family Trust
dated May 4th, 2006

____
Jane A. Goven
Trustees of the Goven Revocable Family Trust
dated May 4th, 2006

ACKNOWLEDGMENT

State of ____________;
ss:
County of ____________;

This instrument was acknowledged before me this _____ day of ____________________, 2010.

by Gregory D. Goven and Jane A. Goven, Trustees of the Goven Revocable Family Trust.

____
Notary Public

____
Printed Name

Residing in: ____________________

My commission expires: ____________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, STEVEN H. LEVINE and CYNTHIA SILVAGNI LEVINE, CO-TRUSTEES of the STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997, the owner of Unit 1, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit to the Utah Condominimum Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this _____ day of ____________________, 2010.

____
Steven H. Levine
Co-Trustee of the Steven and Cynthia
Levine Living Trust dated April 16, 1997

____
Cynthia Silvagni Levine
Co-Trustee of the Steven and Cynthia
Levine Living Trust dated April 16, 1997

ACKNOWLEDGMENT

State of ____________;
ss:
County of ____________;

This instrument was acknowledged before me this _____ day of ____________________, 2010.

by Steven H. Levine and Cynthia Silvagni Levine co-trustees of the STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997.

____
Notary Public

____
Printed Name

Residing in: ____________________

My commission expires: ____________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, JAY FLATLEY, TRUSTEE OF THE FLATLEY FAMILY TRUST, dated July 18, 2001, the owners of Unit 3, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominimum Ownership Act.

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

In witness whereof the undersigned has executed this certificate and dedication this _____ day of ____________________, 2010.

____
Jay Flatley
Trustee of the Flatley Family Trust

ACKNOWLEDGMENT

State of ____________;
ss:
County of ____________;

This instrument was acknowledged before me this _____ day of ____________________, 2010.

by Jay Flatley, Trustee of the Flatley Family Trust
dated July 18, 2001.

____
Notary Public

____
Printed Name

Residing in: ____________________

My commission expires: ____________

THE BELLES AT EMPIRE PASS

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

RECEIVED
DEC 2 0 2010

SHEET 2 OF 2

12/13/10 JOB NO.: 6-6-10 FILE: X:\Empire\dwg\SSS\plat\Belles\ Belles plat-2.dwg

RECORDED

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

____________ FEE

____________ RECORDER

(435) 649-9467-PHONE
(435) 649-9475-FAX

Alliance Engineering Inc

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by the authority of the owner(s), this Phsae 1 Condominium Plat of the CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491 — DATE 9.13.07

BOUNDARY DESCRIPTIONS

A parcel of land located in the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is South 88°09'24" West 957.55 feet along section line and South 1119.90 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly boundary of Lot D, Northside Village Subdivision II and on the boundary of Lot 2, Silver Strike Subdivision, according to the official plats thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along the northerly boundary of said Lot 2 the following five (5) courses: 1) South 63°22'22" East 16.74 feet to a point on a curve to the left having a radius of 312.50 feet, of which the radius point bears North 26°37'38" East; thence 2) along the arc of said curve 158.44 feet through a central angle of 29°03'01"; thence 3) North 87°34'37" East 53.32 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 02°25'23" West; thence 4) along the arc of said curve 125.59 feet through a central angle of 28°46'55" to a point of compound curve to the left having a radius of 503.03 feet, of which the radius point bears North 31°12'19" West; thence 5) northeasterly along the arc of said curve 113.35 feet through a central angle of 12°54'38"; thence South 15°35'11" East 90.86 feet to the southerly boundary of said Lot 2, Silver Strike Subdivision; thence along the southerly boundary of said Lot 2 the following eight (8) courses: 1) South 33°51'58" West 57.24 feet; thence 2) South 53°39'54" West 51.74 feet; thence 3) South 64°27'48" West 86.47 feet; thence 4) South 75°58'11" West 80.73 feet; thence 5) North 83°44'55" West 84.71 feet; thence 6) North 77°28'35" West 63.81 feet; thence 7) South 23°12'27" West 39.50 feet; thence 8) North 62°26'27" West 134.74 feet to the southeast corner of Lot D, Northside Village Subdivision II; thence along the easterly boundary of Lot D, Northside Village Subdivision II, North 28°09'42" East 120.82 feet to the point of beginning.

Description contains 1.28 acres

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Friends Of Banner Wood, LLC, A DELAWARE LIMITED LIABILITY COMPANY, the owner of the tract of land described herein as CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of ONE (1) sheet to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominimum, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 13TH day of September 2007.

Friends of Banner Wood, LLC,
A Delaware Limited Liability Company

By: ______

Title: V.P. of Operations

ACKNOWLEDGMENT

State of Utah :
County of Summit : ss:

This instrument was acknowledged before me this 13 day of September, 2007.

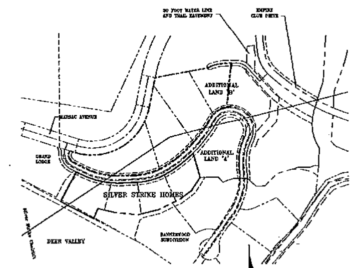
by Sailley, Kenneth R. the V.P. of Operations of Friends of Banner Wood LLC, a Delaware Limited Liability Company.

Randel Clegg
Notary Public

Randel Clegg
Printed Name

Residing in: 315 N. Main Kamas, UT 84036

My commission expires: 2/4/2011



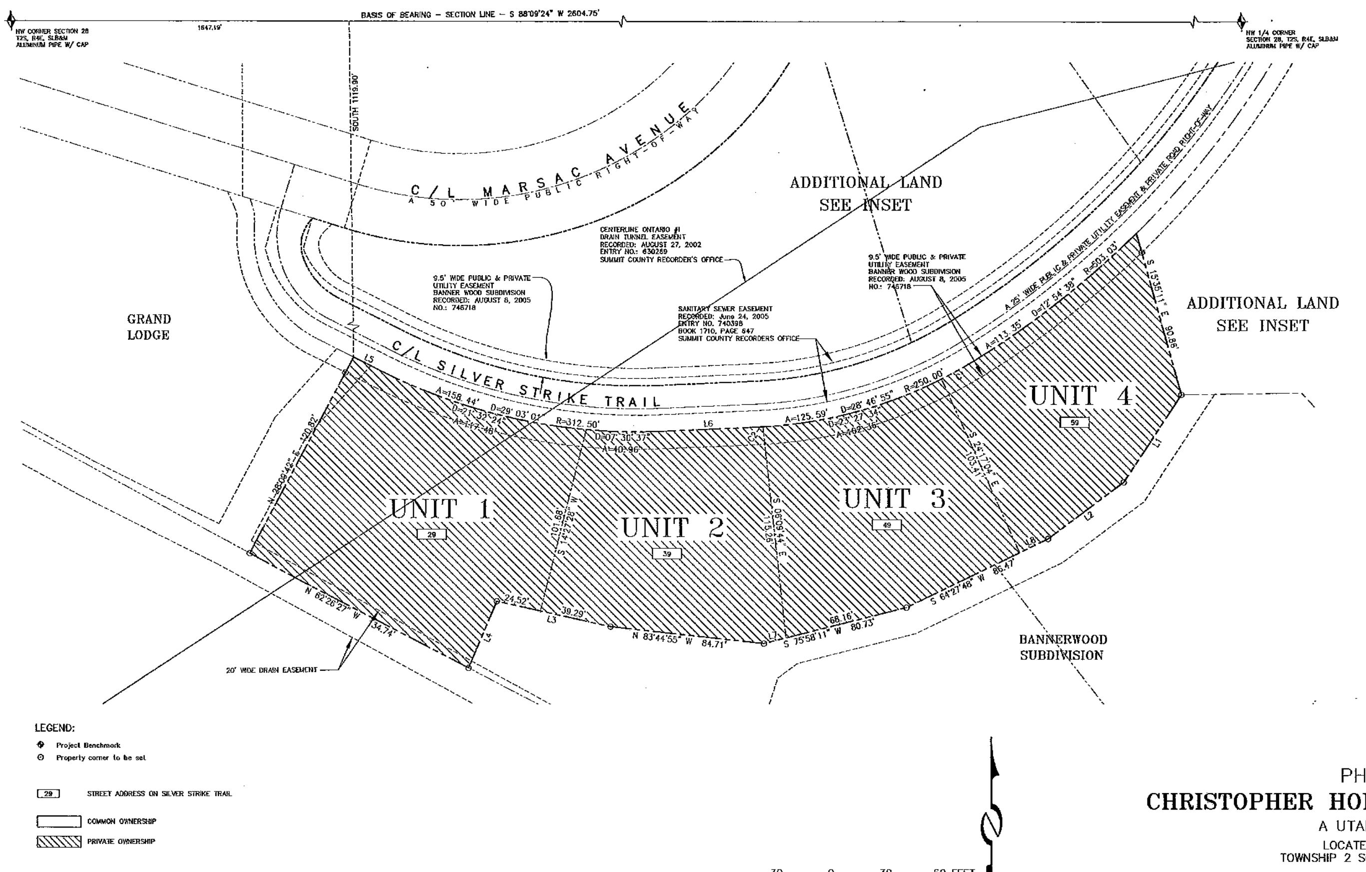
INSET
SCALE: 1"=200'

Curve Table:

CURVE	ARC	DELTA	RADIUS
C1	20.41	04°40'40"	250.00
C2	2.81	00°38'41"	250.00

Line Table:

LINE	BEARING	DISTANCE
L1	S 33°51'58" W	57.25
L2	S 53°39'54" W	51.74
L3	N 77°28'35" W	63.81
L4	S 23°12'27" W	39.50
L5	S 63°22'22" E	16.74
L6	N 87°34'37" E	53.32
L7	N 75°58'11" E	12.57
L8	N 64°27'48" E	17.41



LEGEND:

- Project Benchmark
- Property corner to be set

29 — STREET ADDRESS ON SILVER STRIKE TRAIL

COMMON OWNERSHIP

PRIVATE OWNERSHIP

30 0 30 60 FEET

NOTES:

1. A Declaration of Condominium for Christopher Homes At Empire Pass ("Declaration") is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Christopher Homes At Empire Pass Condominium Project is subject to said Declaration. The boundary lines of each Unit are as initially set forth on this Plat. Upon the completion of each dwelling unit ("Completed Unit"), the boundaries of such Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time, the Declarant will be required to amend this Plat after construction to reflect the as-built boundaries of the Completed Units, Common Areas and Limited Common Areas.
2. The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
3. A Limited Common Area will extend 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit ("Buffer Area"). All other lands within the described property shall be Common Area. Subject to Park City Ordinances in place at the time the Declarant shall be required to amend this Plat after construction of the Completed Units to reflect the adjusted boundaries of the Common and Limited Common Areas. The Snyderville Basin Water Reclamation District is hereby granted a perpetual, non-exclusive easement over all portions of the Buffer Area and all Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
4. All common area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, Summit County and the Christopher Homes At Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.
5. Christopher Homes At Empire Pass Units 1–4 are served by common private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Christopher Homes At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by Christopher Homes At Empire Pass Owners Association, Inc. as part of the Common Expenses.
6. At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
7. All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County, for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
8. There are Limited Common Areas which surround each Unit, as described in the Declaration, for the purpose of providing Unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. The use of all Limited Common Areas is described in more detail in the Declaration.
9. Access to the units is by private roads and is not warranted by Park City.
10. All property corners to be set along the perimeter boundary as shown hereon.
11. All conditions of approval of The Village of Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.
12. A fire protection plan is requiring the use of modified 130 sprinklers is required for review by the Park City Building Department prior to issuance of any permit.

PHASE 1 CONDOMINIUM PLAT
CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

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

PAGE 1 OF 1

JOB NO.: 6-12-05 FILE: X:\Empire\dwg\SilverStrikeSub\Plat\Silver Strike Plat.dwg

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 14th DAY OF Sept., 2007 A.D.

BY ______ S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th DAY OF AUGUST, 2007 A.D.

BY ______ CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 17TH DAY OF SEPTEMBER, 2007 A.D.

BY ______ PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 21ST DAY OF September, 2007 A.D.

BY ______ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 16th DAY OF AUGUST 2007 A.D.

BY ______ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 16th DAY OF AUGUST, 2007 A.D.

BY ______ MAYOR

RECORDED

#827065

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title
DATE 10/03/07 TIME 3:26 P.M. BOOK ___ PAGE ___

$33.00 FEE — Betty J. Willoughby RECORDER Deputy

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by the authority of the owner(s), this Phsae 1 Condominium Plat of the CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491 — Jan 25, 2008 DATE

BOUNDARY DESCRIPTION

A parcel of land located in the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 88°09'24" West 665.92 feet along section line and South 790.40 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the northwesterly corner of Lot 1, Silver Strike Subdivision, recorded December 1, 2006, as #798134, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along the northerly boundary of said Lot 1, Silver Strike Subdivision, the following three (3) courses: 1) North 79°50'46" East 195.15 feet to a point on a non tangent curve to the right having a radius of 137.50 feet, of which the radius point bears South 28°27'46" East; thence 2) easterly along the arc of said curve 60.72 feet through a central angle of 25°18'01"; thence 3) North 86°50'16" East 28.27 feet; thence South 05°45'19" West 162.16 feet to a point on a non tangent curve to the left having a radius of 80.79 feet, of which the radius point bears South 07°49'15" East, said point also being on the southerly boundary of said Lot 1, Silver Strike Subdivision; thence along the southerly and westerly boundaries of said Lot 1 the following eleven (11) courses: 1) southwesterly along the arc of said curve 73.78 feet through a central angle of 52°19'18" to a point of reverse curve to the right having a radius of 478.03 feet, of which the radius point bears North 60°08'33" West; thence 2) southwesterly along the arc of said curve 241.43 feet through a central angle of 28°56'14" to a point of compound curve to the right having a radius of 225.00 feet, of which the radius point bears North 31°12'19" West; thence 3) westerly along the arc of said curve 113.03 feet through a central angle of 28°46'55"; thence 4) South 87°34'37" West 53.32 feet to a point on a curve to the right having a radius of 287.50 feet, of which the radius point bears North 02°25'23" West; thence 5) along the arc of said curve 145.77 feet through a central angle of 29°03'01"; thence 6) North 63°22'22" West 38.68 feet to a point on a curve to the right having a radius of 37.50 feet, of which the radius point bears North 26°37'38" East; thence 7) along the arc of said curve 30.51 feet through a central angle of 46°36'47" to a point of compound curve to the right having a radius of 20.00 feet, of which the radius point bears North 73°14'25" East; thence 8) northerly along the arc of said curve 22.32 feet through a central angle of 63°55'56"; thence 9) South 72°49'39" East 17.99 feet to a point on a curve to the left having a radius of 215.00 feet, of which the radius point bears North 17°10'21" East; thence 10) along the arc of said curve 358.12 feet through a central angle of 95°26'10"; thence 11) North 11°44'12" East 109.47 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Friends Of Bannerwood, LLC, A DELAWARE LIMITED LIABILITY COMPANY, the owner of the tract of land described herein as CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of ONE (1) sheet to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominimum, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of ______, 2008.

Friends of Banner Wood, LLC,
A Delaware Limited Liability Company

By: ______

Title: V.P. of Operations

ACKNOWLEDGMENT

State of Utah :
County of Summit : ss:

This instrument was acknowledged before me this 1 day of February, 2008.

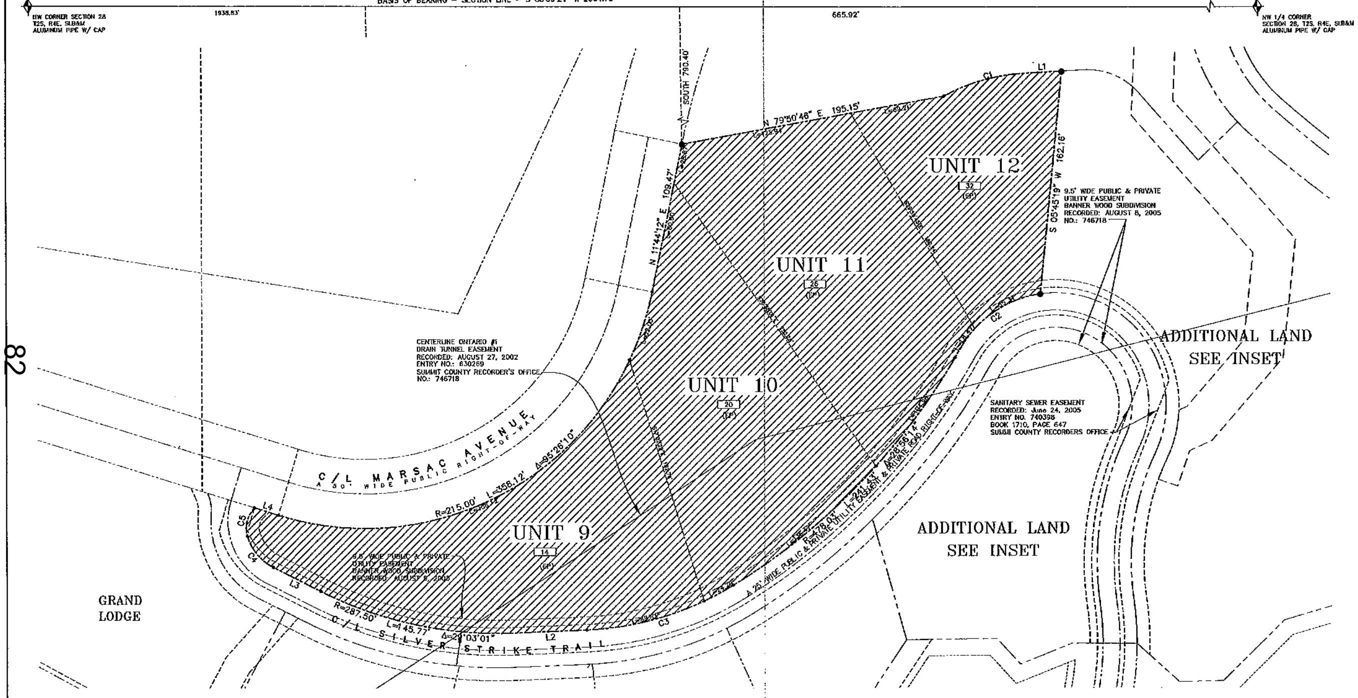
by Ken Sailley, the VP Operations of Friends of Banner Wood LLC, a Delaware Limited Liability Company.

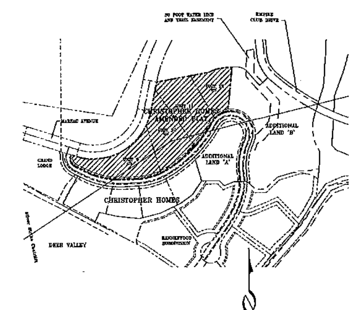
Rondel Clegg
Notary Public

Rondel Clegg
Printed Name

Residing in: 315 N. Main Kamas

My commission expires: March 21, 2011





INSET
SCALE: 1"=200'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 86°50'16" E	28.27
L2	S 87°34'37" W	53.32
L3	N 63°22'22" W	38.68
L4	S 72°49'39" E	17.99

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	137.50	60.72	25°18'01"
C2	80.79	73.78	52°19'18"
C3	225.00	113.03	28°46'55"
C4	37.50	30.51	46°36'47"
C5	20.00	22.32	63°55'56"

NOTES:

1. A Declaration of Condominium for Christopher Homes At Empire Pass was recorded on October 3, 2007 in the Office of the Summit County Recorder as Entry No. 827066, at Book 1892, Page 819, and the First Amendment thereto is being recorded concurrently herewith (collectively the "Declaration") in accordance with the Utah Condominium Act. All development within the Christopher Homes At Empire Pass Condominium Project is subject to said Declaration. The boundary lines of each Unit shown hereon are as initially set forth on this Plat. Upon the completion of each dwelling unit ("Completed Unit"), the boundaries of such Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time and unless otherwise approved by the City Attorney and City Engineer, the Declarant will be required to amend this Plat after construction to reflect the as-built boundaries of the Completed Units, Common Areas and Limited Common Areas.
2. Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
3. A Limited Common Area will extend 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit ("Buffer Area") for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area.The use of all Common and Limited Common Areas is described in more detail in the Declaration.
4. All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, Summit County and the Christopher Homes At Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.
5. Units 9–12 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Christopher Homes At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by Christopher Homes At Empire Pass Owners Association, Inc. as part of the Common Expenses.
6. At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
7. Access to the units is by private roads and is not warranted by Park City.
8. All property corners to be set along the perimeter boundary as shown hereon.
9. All conditions of approval of The Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.
10. A fire protection plan is requiring the use of modified 130 sprinklers is required for review by the Park City Building Department prior to issuance of any permit.

LEGEND:

- ● Property corner to be set
- [14] STREET ADDRESS ON SILVER STRIKE TRAIL
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP

40 0 40 80 FEET

PHASE 2 CONDOMINIUM PLAT
CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

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

PAGE 1 OF 1

8/15/07 JOB NO.: 6-12-05 FILE:X:\Empire\dwg\SilverStrikeSub\Plat\Silver Strike Plat SUP 1.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 4th DAY OF Feb., 2008 A.D.
BY ______ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 14th DAY OF NOVEMBER, 2007 A.D.
BY ______ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 4th DAY OF FEBRUARY 2008 A.D.
BY Orio W. Oaklan PE PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 14th DAY OF February, 2008 A.D.
BY ______ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 29th DAY OF NOVEMBER, 2007 A.D.
BY ______ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 29th DAY OF NOVEMBER, 2007 A.D.
BY Dana Williams MAYOR

#838083 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title
DATE 2-20-2008 TIME 4:30pm BOOK ____ PAGE ____
$34.00 FEE
______ RECORDER, Deputy

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by the authority of the owner(s), this Phase 1 Condominium Plat of the CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491 — 9.10.08 DATE

BOUNDARY DESCRIPTION

A parcel of land located in the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows: Beginning at a point that is South 88°09'24" West 84.79 feet along section line and South 914.81 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the northeasterly corner of Silver Strike Subdivision, Lot 1, recorded December 1, 2006, as Entry No. 798134, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along the easterly and southerly boundaries of said Lot 1, Silver Strike Subdivision the following eight (8) courses: 1) South 17°27'15" West 16.26 feet to a point on a curve to the left having a radius of 155.00 feet, of which the radius point bears South 72°32'45" East; thence 2) along the arc of said curve 135.08 feet through a central angle of 49°56'02" to a point of compound curve to the left having a radius of 100.00 feet, of which the radius point bears North 57°31'13" East; thence 3) southeasterly along the arc of said curve 3.97 feet through a central angle of 02°16'20"; thence 4) South 03°43'17" West 62.48 feet; thence 5) North 86°47'04" West 13.48 feet; thence 6) South 68°43'41" West 17.25 feet; thence 7) South 89°26'21" West 43.79 feet; thence 8) South 73°39'31" West 40.77 feet; thence North 22°31'05" West 76.60 feet; thence North 68°51'23" West 27.73 feet; thence North 85°07'33" West 86.92 feet to a point on a non tangent curve to the right having a radius of 184.75 feet, of which the radius point bears South 71°34'37" East, said point also being on the easterly right-of-way of Silver Strike Trail, according to the official plat of Banner Wood Subdivision, thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as Entry No. 746718; thence along the easterly right-of-way of Silver Strike Trail the following two (2) courses: 1) northerly along the arc of said curve 23.53 feet through a central angle of 07°17'45" to a point of reverse curve to the left having a radius of 80.79 feet, of which the radius point bears North 64°16'51" West; thence 2) northerly along the arc of said curve 83.19 feet through a central angle of 58°59'53"; thence North 56°43'16" East 174.75 feet to a point on a non tangent curve to the left having a radius of 812.50 feet, of which the radius point bears North 35°01'54" East, said point also being on the southerly right-of-way of Empire Club Drive as shown and dedicated on The Village at Empire Pass, West Side, recorded August 12, 2005, as Entry No. 746744, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence southeasterly along the arc of said curve 110.14 feet through a central angle of 07°46'01" to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Friends Of Bannerwood, LLC, A DELAWARE LIMITED LIABILITY COMPANY, the owner of the tract of land described herein as CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of ONE (1) sheet to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominimum, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 12th day of September 2008.

Friends of Banner Wood, LLC.
A Delaware Limited Liability Company

By: ____________

Title: Manager

ACKNOWLEDGMENT

State of Utah :
County of Summit : ss:

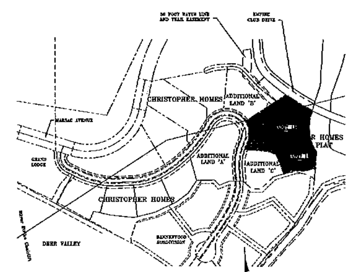
This instrument was acknowledged before me this 12th day of September 2008, by Ken Sailly the manager of Friends of Banner Wood LLC, a Delaware Limited Liability Company.

____
Notary Public

Teri Ekstrom
Printed Name

Residing in: Summit County

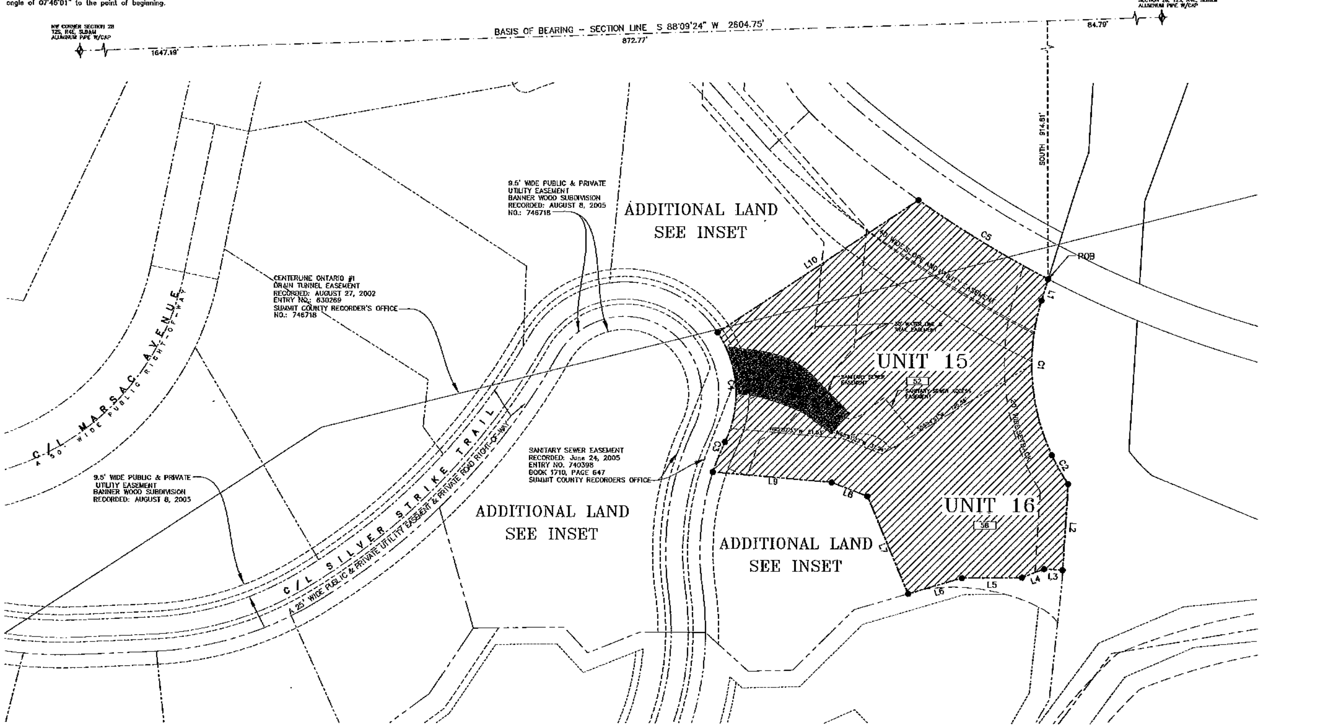
My commission expires: April 10, 2012



INSET
SCALE: 1"=200'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	155.00	135.08	49°56'02"
C2	100.00	3.97	2°16'20"
C3	184.75	23.53	7°17'45"
C4	80.79	83.19	58°59'53"
C5	812.50	110.14	7°46'01"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 17°27'15" W	16.26
L2	S 03°43'17" W	62.48
L3	N 86°47'04" W	13.48
L4	S 68°43'41" W	17.25
L5	S 89°26'21" W	43.79
L6	S 73°39'31" W	40.77
L7	N 22°31'05" E	76.60
L8	N 68°51'23" W	27.73
L9	N 85°07'33" W	86.92
L10	N 56°43'16" E	174.75



NOTES:

1. A Declaration of Condominium for Christopher Homes At Empire Pass was recorded on October 3, 2007 in the Office of the Summit County Recorder as Entry No. 827066, at Book 1892, Page 819, and the First Amendment thereto is being recorded concurrently herewith (collectively the "Declaration") in accordance with the Utah Condominium Act. All development within the Christopher Homes At Empire Pass Condominium Project is subject to said Declaration. The boundary lines of each Unit shown hereon are as initially set forth on this Plat. Upon the completion of each dwelling unit ("Completed Unit"), the boundaries of such Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time and unless otherwise approved by the City Attorney and City Engineer, the Declarant will be required to amend this Plat after construction to reflect the as-built boundaries of the Completed Units, Common Areas and Limited Common Areas.
2. Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
3. A Limited Common Area will extend 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit ("Buffer Area") for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area. The use of all Common and Limited Common Areas is described in more detail in the Declaration.
4. All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, Summit County and the Christopher Homes At Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.
5. Units 15–16 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Christopher Homes At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by Christopher Homes At Empire Pass Owners Association, Inc. as part of the Common Expenses.
6. At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
7. Access to the units is by private roads and is not warranted by Park City.
8. All property corners to be set along the perimeter boundary as shown hereon.
9. All conditions of approval of The Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.
10. A fire protection plan is requiring the use of modified 130 sprinklers is required for review by the Park City Building Department prior to issuance of any permit.
11. No construction other than utility infrastructure, driveways, and landscaping can occur over the 30-foot waterline and trail easement.
12. THE APPROVED MAXIUM HOUSE SIZE IS 5,000 FEET OF GROSS FLOOR AREA, AS DEFINED BY THE LMC. AN ADDITIONAL 600 SQ. FT. IS ALLOWED FOR A GARAGE.

LEGEND:

- ● Property corner to be set
- [XXX] STREET ADDRESS ON SILVER STRIKE TRAIL
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP

SQUARE FOOTAGE TABLE

UNIT No.	SQ. FT.
15	27,340.0
16	19,536.5

PHASE 3 CONDOMINIM PLAT

CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

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

PAGE 1 OF 1

5/12/06 JOB NO.: 6-12-05 FILE: X:\Empire\dwg\SilverStrikeSub\Plot\Silver Strike Plat SUP 2.dwg

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 15th DAY OF Sept., 2008 A.D.
BY ____________ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 11 DAY OF Nov 11, 2008 A.D.
BY ____________ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 6TH DAY OF November, 2008 A.D.
BY ____________ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 18th DAY OF November, 2008 A.D.
BY ____________ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 24 DAY OF APRIL 2008 A.D.
BY ____________ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 24 DAY OF APRIL, 2008 A.D.
BY ____________ MAYOR

 # 860202 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title
DATE 12-1-08 TIME 4:24pm BOOK ____ PAGE ____
$32.00 FEE — ____________ RECORDER

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby 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 I have caused to be made under my direction and by the authority of the owner(s), this Phase IV Condominium Plat of the CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

JOHN DEMKOWICZ, L.S. #154491 — 10-9-2008 DATE

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Friends Of Bannerwood, LLC, A Delaware limited liability company, the owner of the tract of land described herein as CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS, a Utah Expandable Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of NINE (9) sheets to be prepared, and does hereby consent to the recordation of this Condominium Plat of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 8th day of October 2008.

Friends of Banner Wood, LLC,
A Delaware Limited Liability Company

By: ____________

Title: Manager

ACKNOWLEDGMENT

State of Utah :
County of Summit : ss

This instrument was acknowledged before me this 8th day of October 2008, by Ken Sailley, the Manager of Friends of Banner Wood LLC, a Delaware Limited Liability Company.

____
Notary Public

Teri Ekstrom
Printed Name

Residing in: Summit County

My commission expires: 4/10/2012

LEGAL DESCRIPTIONS

UNITS 5, 6, 7 AND 8

A parcel of land located in the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is South 88°09'24" West 527.33 feet along section line and South 1066.80 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the boundary of Lot 2, Silver Strike Subdivision according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, and also on a curve to the left having a radius of 503.03 feet, of which the radius point bears North 44°08'56" West; thence along the boundary of said Lot 2 the following eight (8) courses: 1) northeasterly along the arc of said curve 140.71 feet through a central angle of 16°01'37" to a point of reverse curve to the right having a radius of 55.79 feet, of which the radius point bears South 60°08'33" East; thence 2) southeasterly along the arc of said curve 171.24 feet through a central angle of 175°51'42" to a point of reverse curve to the left having a radius of 209.75 feet, of which the radius point bears South 64°16'51" East; thence 3) southerly along the arc of said curve 123.66 feet through a central angle of 33°46'43" to a point of reverse curve to the right having a radius of 196.63 feet, of which the radius point bears South 81°56'26" West; thence 4) southerly along the arc of said curve 28.67 feet through a central angle of 08°21'19"; thence 5) North 89°42'15" West 22.73 feet; thence 6) South 68°07'49" West 40.54 feet; thence 7) North 42°49'03" West 25.35 feet; thence 8) South 89°15'52" West 65.99 feet; thence North 15°35'11" West 90.86 feet to the point of beginning.

UNITS 13–14

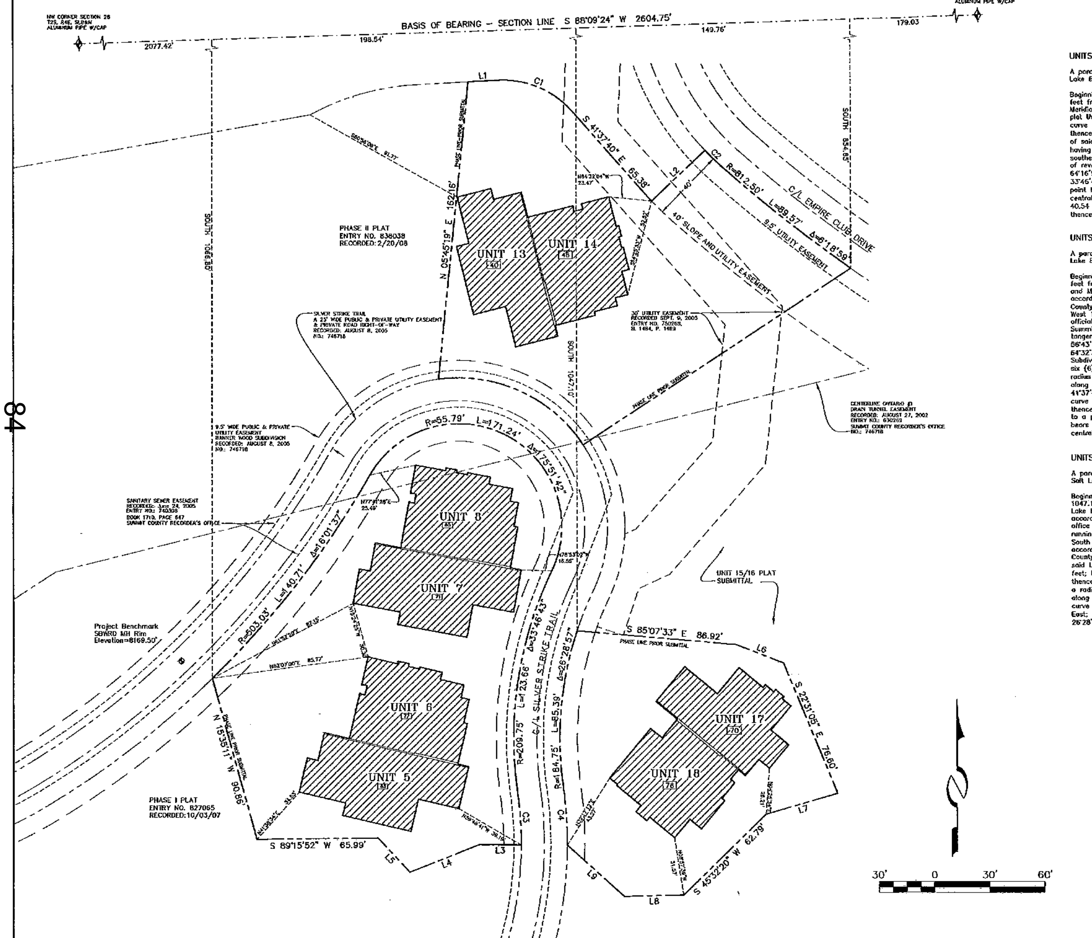
A parcel of land located in the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 88°09'24" West 179.03 feet along section line and South 854.85 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the northeasterly boundary of Silver Strike Subdivision, Lot 1, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded December 1, 2006, as Entry No. 798134; and running thence South 56°43'16" West 174.75 feet to a point on the northerly right-of-way of Silver Strike Trail, according to the official plat of Banner Wood Subdivision, thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as Entry No. 746718, said point also being on a non tangent curve to the left having a radius of 60.79 feet, of which the radius point bears South 56°43'16" West; thence northwesterly along the arc of said curve 91.01 feet through a central angle of 64°32'31"; thence North 05°45'19" East 162.16 feet to the northerly boundary of said Silver Strike Subdivision, Lot 1; thence along the northerly boundary of Silver Strike Subdivision, Lot 1 the following six (6) courses: 1) North 86°50'16" East 16.35 feet to a point on a curve to the right having a radius of 50.00 feet, of which the radius point bears South 03°09'44" East; thence 2) southeasterly along the arc of said curve 44.97 feet through a central angle of 51°32'04"; thence 3) South 41°37'40" East 65.38 feet; thence 4) North 46°33'59" East 40.09 feet to a point on a non tangent curve to the left having a radius of 137.50 feet, of which the radius point bears North 45°33'59" East; thence 5) southeasterly along the arc of said curve 12.52 feet through a central angle of 05°13'06" to a point of compound curve to the left having a radius of 812.50 feet, of which the radius point bears North 41°20'53" East; thence 6) southeasterly along the arc of said curve 89.57 feet through a central angle of 06°18'59" to the point of beginning.

UNITS 17–18

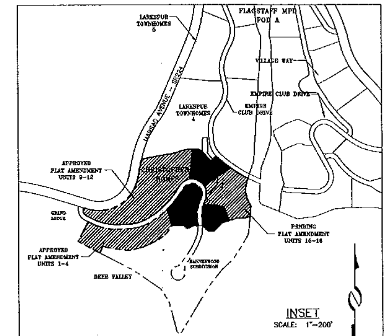
A parcel of land located in the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 88°09'24" West 328.79 feet along section line and South 1047.10 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly right-of-way of Silver Strike Trail, according to the official plat of Banner Wood Subdivision, thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as Entry No. 746718; and running thence South 85°07'33" East 86.92 feet; thence South 68°51'23" East 27.73 feet; thence South 22°31'05" East 76.60 feet to the southerly boundary of Lot 1, Silver Strike Subdivision, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded December 1, 2006, as Entry No. 798134; thence along the boundary of said Lot 1, Silver Strike Subdivision the following six (6) courses: 1) South 73°39'31" West 40.77 feet; thence 2) South 45°32'20" West 62.79 feet; thence 3) South 88°37'11" West 32.23 feet; thence 4) North 48°08'30" West 41.77 feet to a point on a non tangent curve to the left having a radius of 221.63 feet, of which the radius point bears North 89°42'15" West; thence 5) northerly along the arc of said curve 32.32 feet through a central angle of 08°21'19" to a point of reverse curve to the right having a radius of 184.75 feet, of which the radius point bears North 81°56'26" East; thence 6) northerly along the arc of said curve 85.39 feet through a central angle of 26°28'57" to the point of beginning.



NOTES:

1. A Declaration of Condominium for Christopher Homes At Empire Pass was recorded on October 3, 2007 in the Office of the Summit County Recorder as Entry No. 827066, at Book 1892, Page 819, as amended (collectively the "Declaration") in accordance with the Utah Condominium Act. All development within the Christopher Homes At Empire Pass Condominium Project is subject to said Declaration.
2. Units designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
3. It is intended that each Unit shall have a Limited Common Area extending approximately 30' from the rear boundary of each Unit and approximately 10' on the sides and front of each Unit ("Buffer Area") for the purpose of providing Unit Owners with added privacy and the exclusive right to use and occupy the Buffer Area surrounding their Unit. The Declarant shall have the sole and exclusive right to determine the actual boundaries of the Buffer Area for each Unit, which may be more or less than the 30' and 10', depending on the site conditions, the design elements of each Unit and other considerations. Declarant shall establish the actual boundaries of each Buffer Area by amendment to this plat or written notice to each Unit Owner.
4. All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, Summit County and the Christopher Homes At Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.
5. All Units are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Christopher Homes At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by Christopher Homes At Empire Pass Owners Association, Inc. as part of the Common Expenses.
6. At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
7. Access to the units is by private roads and is not warranted by Park City.
8. All property corners to be set along the perimeter boundary as shown hereon.
9. All conditions of approval of The Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.
10. A fire protection plan requiring the use of modified 13D sprinklers is required for review by the Park City Building Department prior to issuance of any permit.
11. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. An additional 600 square feet is allowed for a garage.



INSET
SCALE: 1"=200'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 86°50'16" E	16.35
L2	N 46°33'59" E	40.09
L3	N 89°42'15" W	22.73
L4	S 68°07'49" W	40.54
L5	N 42°49'03" W	25.35
L6	S 68°51'23" E	27.73
L7	S 73°39'31" W	40.77
L8	S 88°37'11" W	32.23
L9	N 48°08'30" W	41.77

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	50.00	44.97	51°32'04"
C2	137.50	12.52	5°13'06"
C3	196.63	28.67	8°21'19"
C4	221.63	32.32	8°21'19"

LEGEND:

- Project Benchmark
- [71] STREET ADDRESS ON SILVER STRIKE TRAIL
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

PHASE IV CONDOMINIUM PLAT
CHRISTOPHER HOMES AT EMPIRE PASS CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

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

PAGE 1 OF 9

10/03/08 JOB NO.: 6-12-05 FILE: X:\Empire\dwg\SilverStrikeSub\Plat\sht 1-phase4 amend.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 9th DAY OF Oct, 2008 A.D.
BY ____________ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 13th DAY OF AUGUST, 2008 A.D.
BY ____________ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 30th DAY OF October, 2008 A.D.
BY ____________ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 14th DAY OF November, 2008 A.D.
BY ____________ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 28 DAY OF August 2008 A.D.
BY ____________ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 28th DAY OF AUGUST, 2008 A.D.
BY Dana Williams MAYOR

 # 859543 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title
DATE 11-19-2008 TIME 9:11 AM BOOK ____ PAGE ____
$278.00 FEE
____________ RECORDER, Deputy

29-83 Silver Strike Trail

The Belles at Empire Pass