



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

March 21, 2019

The Council of Park City, Summit County, Utah, met in open meeting on March 21, 2019, at 3:00 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property and personnel at 3:00 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

CLOSED SESSION*

Council Member Ware Peek was recused from the first property item on the Closed agenda.

Council Member Worel moved to adjourn from Closed Meeting at 4:10 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

WORK SESSION

Council Questions and Comments:

Council reviewed the events and activities they participated in since the last meeting. Council Member Worel disclosed she would recuse herself from New Business Item One because she lived in the adjoining neighborhood and would be affected by that plat.

Discuss a Sliding Scale Scholarship Program for Recreation and the Ice Arena which is based on Summit County's Area Median Income (AMI) which Uses HUD Income Limits:

Ken Fisher and Michelle Henry, Recreation Department, presented this item. Fisher reviewed that the current scholarship discount was 70%-75%, and was based on the school age children qualifying for free school lunches. The proposed sliding scale would enlarge the program and would have a sliding discount from 20%-70%, based on the Area Median Income.

Council Member Gerber asked if the income would be declared on the honor system or would the applicants need to show proof. Henry stated that in the past it was based on the honor system because the City didn't want to keep track of the paperwork. She hoped to receive direction from the Legal Department and Council with regard to that policy. Council Member Worel was in favor of the proposed scholarship program. She thought privacy was critical and hoped the applicants could discuss the scholarship program with staff in a private setting.

Council Member Ware Peek asked about outreach to this segment of the community. Henry didn't think fliers would be distributed or announcements made on the radio. Fisher indicated a note that scholarships were available could be added to the bottom of the Rec fliers. Foster stated the program would be launched in July if it was approved in the budget. Council Member Ware Peek asked if the usage could be tracked and metrics generated on the impact of the scholarships. She thought it would be helpful as social equity was discussed.

Discussion ensued on the effect the scholarships would have with additional summer camp slots, swimming lessons, karate and other programs. Fisher stated the scholarships for Rec would be for everything except private lessons. Ice scholarships would cover beginner skate programs and the general public skate.

Council Member Worel was opposed to offering the scholarship program to patrons that lived in Wasatch County. Council Member Henney asked if this program would be for those living in the school district boundaries, to which Fisher responded in the affirmative. It was indicated that Basin Rec would consider helping fund the scholarships and if asked, Wasatch County might be amenable to that as well. Council Member Gerber clarified that Wasatch County children could receive discounts for the "Learn to Skate" program and indicated only nine children from Wasatch County used the Ice discount and therefore she wasn't concerned about covering that cost. Foster clarified that the Rec program scholarships would be for any participant regardless of age. She also noted that Summit County did not pay any operational costs for Ice.

Mayor Beerman asked if the Rec and Ice Departments considered reducing the pass price for everyone, and thought that strategy might get the maximum participation. Fisher stated he focused on the median income and then offered discounts to those that couldn't afford it. It was noted that everyone under 18 paid \$3 to get into the MARC on a day pass. Mayor Beerman asked if charging that rate to all participants might capture

those that would qualify for the scholarships. Fisher stated the one and three month passes were the most popular for MARC users. Mayor Beerman also suggested rounding the income brackets up to the next \$500 to make it easier to read. Council Member Worel indicated the proposal of charging \$3 per time would be more expensive than the \$17 per month charge that scholarship recipients would pay if they went to the MARC more than five times per month.

Council Member Gerber indicated more people could be reached if the program application was offered online. Henry stated Rec currently had the online application. Council Member Ware Peek asked if college age students could receive a discount if they showed a student ID. Fisher stated the program was focused on high school youth.

Mayor Beerman asked if Council would like to subsidize the program further than was proposed. Foster stated the Budget Department could put in options for the scholarship program. Council Member Henney stated this could be a pilot program and could be evaluated after a year. Council agreed that participants outside of the school district would not be eligible for a Rec discount, but exceptions could be made with the manager's discretion.

Drinking Water Quality Strategy Update:

Michelle DeHaan, Chad Bush, Jake Rudolph, Ebona Weedley, and Megan Newsome, Water Department, presented this item. DeHaan gave a presentation on Park City's drinking water quality. She indicated there were not many regulations on drinking water. She discussed the risks, technologies, treatment, monitoring, distribution, transparency and other information associated with water quality.

Council Member Ware Peek asked if homeowners could call the City to come check the water pipes. DeHaan stated the City was only responsible for the pipes from the street to the meter. Council Member Worel asked if the schools were responsible for the pipes going from the meters to the schools, to which DeHaan responded in the affirmative.

Council Member Gerber asked if the Water Department had a plan to get information to the public in case of an emergency. DeHaan stated there was a law that the City had to notify the public within 24 hours of an emergency and the City's emergency plan was set up to notify residents immediately. Council Member Gerber asked if an aerator would cause lead problems. DeHaan indicated the aerator needed to be removed and rinsed out every so often in case lead got into the aerator.

REGULAR MEETING

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Mark Harrington, City Attorney Michelle Kellogg, City Recorder	Present
Council Member Steve Joyce	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communication Reports:

1. Council Strategic Planning Retreat Summary:

2. Hillside Avenue Update:

Council Member Worel requested that this item be brought back for a work session discussion in order to address the operational and financial impacts on lodging and traffic impact on others. Council Member Gerber requested that staff discuss their outreach efforts with the residents and businesses. Council Member Ware Peek stated when traffic was diverted from Hillside, it affected Marsac, and she felt the Marsac residents should be contacted as well. Council Member Henney requested discussion about the sign at Hillside and Marsac that could be a “No Left Turn” sign since the street was intended to be a minor residential road. Council Member Worel also requested more information on why the study was being pushed to 2021 budget year. Foster stated funds had been requested for the coming budget year, and if approved, would be available July 1st. Council Member Ware Peek also stressed pedestrian safety. It was indicated this would come back for discussion in May.

Mark Harrington announced the Treasure Hill purchase closed on March 20th and the City was now the proud owner. Mayor Beerman thanked Harrington and announced there would be a formal celebration on the hillside in June. He noted the Planning Department would start with the zoning process for open space and the City would start the conservation process. He indicated Vail had an easement on part of the property, but there were no known concerns with that. He thanked Teri Orr and Jack Thomas, the owners of Treasure Hill, Liz Radd and the Sweeney family, and most of all the community for stepping up and making the purchase a reality.

III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for anyone wishing to address Council on issues not on the agenda.

Peter Marth stated he lived on Hillside and he reviewed the history of this road. The traffic increased from 800 cars travelling the road per day to 5,000-6,000 vehicles per day. He was worried the City would make Hillside part of the City's circulation plan. He asked that this residential area be preserved.

Mayor Beerman thanked the residents for their patience. He reviewed the improvements that had been done up to this point and noted further improvements were planned to resolve the traffic problem.

Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from February 28, 2019:

Council Member Henney stated Jessica Moran from the Recreation Department presented and not Heather Todd.

Council Member Worel moved to approve the City Council Meeting minutes from February 28, 2019 as amended. Council Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Mine Maintenance Agreement, in a Form Approved by the City Attorney, with Jordanelle Special Services District (JSSD) for a Term of One Year with Automatic Annual Renewals Thereafter Until Terminated by Either Party:

Council Member Gerber moved to approve the Consent Agenda. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

VI) NEW BUSINESS

1. Consideration to Approve Ordinance 2019-12, an Ordinance Approving the Park City Heights Phase 3 Subdivision Plat Located at 10 and 30 Sun Ridge Cove:

Council Member Worel recused herself from New Business Item One because she lived in the adjoining neighborhood and would be affected by that plat.

Kirsten Whetstone, Senior Planner, and Brad Mackay with Ivory Homes, presented this item. Whetstone indicated The Oaks Subdivision was part of the upper Solamere area. She noted the two proposed lots in Park City Heights Phase Three were adjacent to this subdivision. The lots were conditioned to be similar to The Oaks lots.

Council Member Gerber asked if the lots could be subdivided, to which Whetstone stated they could not. Council Member Ware Peek asked if Sun Ridge Cove would be extended. Whetstone stated the road could not be extended, but water and sewer lines would be extended to those lots. Council Member Ware Peek stated that although the lots were in Park City Heights, they were part of the Solamere neighborhood. Mackay stated the lots would be sold and developed with custom homes by Ivory Homes. Council Member Henney asked about the history of the lots for this subdivision. Whetstone stated the lots were written into the development agreement in 2010.

Mayor Beerman opened the public hearing.

Justin Keys, attorney for some residents on Sun Ridge Cove, distributed a handout to Council and stated there was a different character between the two communities. He noted the difference in the design guidelines for Park City Heights and The Oaks as shown in the handout. He also noted that the square footage minimum requirement for The Oaks was not required for Park City Heights. The homeowners wanted to see the Master Planned Development (MPD) enforced and the CCRs for The Oaks applied and enforced for these two lots. Council Member Henney asked if The Oaks CCR condition came up in the Planning Commission. It was indicated that condition was not a problem at the Planning Commission level.

Keys stated most of the neighbors did not receive notice or they would have been at the Planning Commission meeting when this plat was approved. Keys noted other points of concern, including the utilities. He also indicated that if Parcel D would be recorded as

open space, it should be recorded at the same time as the Phase Three plat. He also confirmed that the wildlife study included the proposed lots on Sun Ridge Cove.

Council Member Henney asked Council to remand this item back to the Planning Commission for other conditions of approval. Council Member Ware Peek asked what Council was approving that Keys addressed. Whetstone stated Parcel D was already approved and the plat was pending recordation. The utility plan had been reviewed by the Water and Engineering Departments. The water for the proposed lots would come from the Morning Star water tank. She knew The Oaks CCRs could apply, but making the homes part of the HOA would be harder. It was indicated the design guidelines that were shown in the handout were not for the custom homes. She also confirmed the noticing was sent and the two people that contacted the City had received the notices.

Council Member Henney thought the neighbors might want to go through the Planning Commission process so they could express their concerns. Council Member Gerber asked if the neighbors would be satisfied if Council added a condition of approval that would add The Oaks CCRs. Keys stated the neighbors wanted the lots to be a part of the subdivision HOA so they could attend the architectural review committee meetings and have a say in the home designs. If the HOA wouldn't cooperate and let them in, then the CCR terms would still apply and would need to be met.

Mayor Beerman opened the public hearing.

Fred Gallander requested that the process be done right, and stated the neighbors weren't opposed to the homes provided the water pressure remained good for the rest of the neighborhood.

Mayor Beerman closed the public hearing.

Mackay reviewed the history of the project. He stated Parcel D - open space was deeded to the Park City Heights HOA. He indicated the development agreement restricted the design guidelines to Park City Heights and Ivory Homes would design the homes to the guidelines in the neighborhood. He indicated the homes could be admitted to The Oaks HOA. He stated Ivory Homes was willing to see what The Oaks HOA had to offer regarding HOA dues and benefits provided.

Council Member Ware Peek asked if the pending ordinance approval had any provisions stating the water pressure needed to be satisfactory. Mark Harrington stated there was a condition of approval regarding utilities. Bruce Erickson stated there had to be adequate water for the subdivision, and upon review there were no comments. Harrington asked if the adopted design guidelines incorporated the design guidelines of The Oaks. Mackay stated there was a comment in the design guidelines that the lots would comply with the design guidelines of The Oaks. It was also noted in the MPD.

Council Member Gerber requested a separate condition of approval specifying the design guidelines of The Oaks would be used for these two lots. Harrington stated the City could not mandate that these lots be included in The Oaks HOA. He indicated Condition of Approval 12 was inaccurate and should be clarified to include The Oaks design review by the staff. Council Member Henney stated he felt the ordinance could be modified and approved.

Council Member Ware Peek moved to approve New Business Item One with the added condition of approval for an adequate water supply system to the standards of the Water Department manager. Upon further discussion Council Member Ware Peek withdrew the motion.

Harrington offered two options for the Council to consider. Option One was to continue this item to a date certain because of the residents who didn't receive a notice that this item was being discussed, and to craft a provision to join The Oaks HOA, or if the specific provisions of the CCRs could be delineated so it would be known as to what design guidelines were applicable. Option Two would be to amend Condition of Approval 12 to reflect that The Oaks design guidelines would be reviewed by staff in addition to the Ivory Homes design guidelines.

Mackay stated he needed to get bonding in place and bids sent out and asked if he could do that while he waited for the next meeting, to which Harrington responded in the affirmative.

Council Member Gerber moved to continue Ordinance 2019-12, an ordinance approving the Park City Heights Phase 3 Subdivision Plat located at 10 and 30 Sun Ridge Cove to the April 4, 2019 meeting. Council Member Ware Peek seconded the motion.

RESULT: CONTINUED TO APRIL 4, 2019

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

2. Consideration to Approve Ordinance 2019-13, an Ordinance Approving the Parkview Condominiums First Amendment to the First Amended and Restated Condominium Plat Amending Units 25 and 27, Located at 2212 and 2208 Jupiter View Drive:

Kirsten Whetstone, Senior Planner, and Derek Howard, owner, presented this item. It was indicated the proposed plat amendment would expand the private deck area.

Council Member Ware Peek stated Unit 2208 had a deck extension last year and now the owners were going to enclose it. Howard stated the other deck extensions were approved in 2016.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Gerber moved to approve Ordinance 2019-13, an ordinance approving the Parkview Condominiums First Amendment to the First Amended and Restated Condominium Plat amending Units 25 and 27, located at 2212 and 2208 Jupiter View Drive. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

3. Consideration to Authorize the Mayor to Execute a Memorandum of Agreement in a Form Approved by the City Attorney for the Lease of Surplus Water to Weber Basin through Provisions in the Western Summit County Project Master Agreement:

Clint McAfee, Water Manager, explained that in order to protect the water supply, it was necessary to interconnect the water system with Weber Basin. He indicated the water demand had been very consistent in the past five years, and he attributed that to public awareness and higher water rates. The proposed agreement would be effective until 2023. This would delay a very expensive water project for Weber Basin and would also generate revenue for Park City.

Council Member Gerber asked if the City would be able to produce the required water if the 3 Kings Water Treatment Plant was delayed, to which McAfee responded in the affirmative. McAfee stated this would be a binding commitment for the next five years, and then there was a non-binding commitment for years six through 10.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Gerber moved to authorize the Mayor to execute a Memorandum of Agreement in a form approved by the City Attorney for the lease of surplus water to Weber Basin through provisions in the Western Summit County Project Master Agreement. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

4. Consideration to Authorize the Mayor to Execute an Agreement for the Initial Interconnection under the Western Summit County Project Master Agreement in a Form Approved by the City Attorney:

McAfee stated the physical interconnections were shown on a map and pointed out the connections that would need to be made. This agreement would lay out who owned it, who would operate it, and the cost per entity involved. He indicated if the interconnections were built, an easement would need to be given to Weber Basin.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Gerber moved to authorize the Mayor to execute an agreement for the initial interconnection under the Western Summit County Project Master Agreement in a form approved by the City Attorney. Council Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

EXCUSED: Council Member Joyce

5. 2019 Legislative Update:

Matt Dias, Assistant City Manager, stated the energy bill passed and it was a huge accomplishment. The sales tax bill moved forward and plastic bag bill went in the City's favor. The idling bill passed which took an idling infraction from three warnings to one warning before a ticket would be issued. He stated Mayor Andy and Mayor Biskupski were working on a celebration in recognition of the passage of the energy bill.

Council Member Worel asked how the City could minimize the impact of the scooter bill. Dias stated the scooters were deregulated, but the weather and topography of the City might work to limit the scooter use around town. Scooters would be monitored and possible amendments to the code implemented, if necessary.

Council Member Ware Peek asked who wrote the energy bill. Dias stated Park City and Salt Lake wrote the intent of the bill and then got a drafting attorney who wrote the bill.

VII) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



Justin Keys
Justin@hlhparkcity.com
Direct: 435.731.9195

March 21, 2019

VIA HAND DELIVERY

Park City City Council
445 Marsac Avenue
Park City, UT 84060

Re: 10 and 30 Sun Ridge Cove – Ordinance No. 2019-12

Dear Park City Council Members:

My firm represents several of the residents (the “Residents”) on Sun Ridge Cove cul-de-sac in the Oaks subdivision of Park City, Utah. The Residents are concerned with the impacts of proposed Ordinance No. 2019-12 on their neighborhood. Summarized below are a number of those concerns.

1. The Park City Heights subdivision is of a substantially different character and design than the Oaks neighborhood.

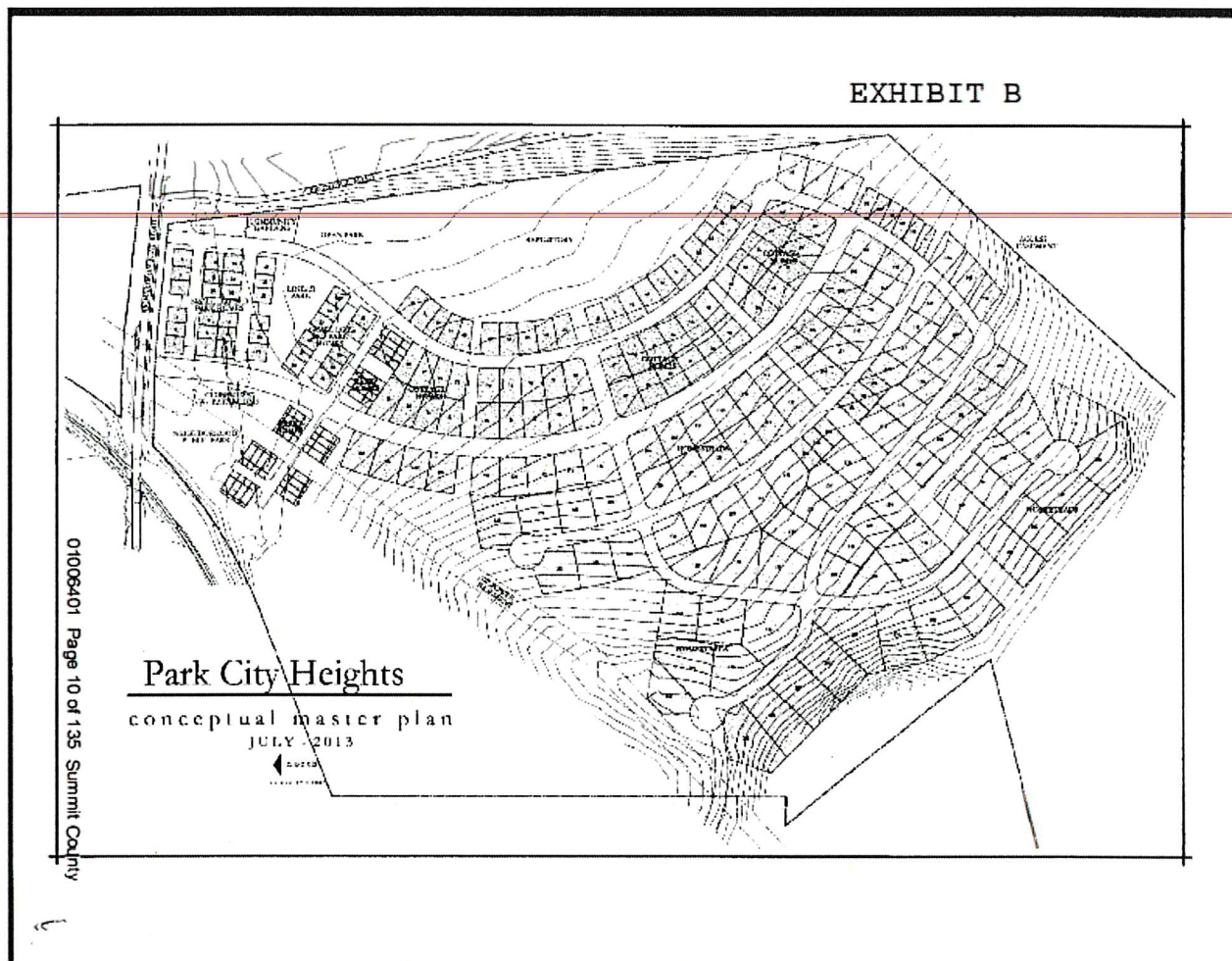
The Ordinance involves a plat approval sought by Ivory Development LLC, as part of its development of the Park City Heights subdivision. The Park City Heights subdivision is the result of the Park City Heights Master Planned Development (the “MPD”) that Ivory Development and Park City enter into in connection with the annexation of 239 acres of Ivory Development’s property near Quinn’s Junction.

Ivory Development’s property runs from the Quinn’s Junction area near highway 40 over the ridgeline to a point where it nearly abuts with the Oaks subdivision, as demonstrated by the following aerial view image:



Ivory Development's property is near the Oaks subdivision on the east side of Sun Ridge Cove. Sun Ridge Cove is a small cul-de-sac where the Residents own homes and reside. Previously, there was a strip of County property between the cul-de-sac and Ivory Development's property that blocked any access to Sun Ridge Cove from the property. In 2018, Ivory Development purchased that strip of ground from the County to facilitate the current plat application.

Of the 239 lots approved in the MPD, 237 of those lots are located in a dense cluster on the north east portion of the property. This cluster of lots is demonstrated in Exhibit B to the MPD:



The MPD speaks at length regarding the design philosophy that is to apply to the Park City Heights community. According to the MPD, “[f]or homes in Park City Heights, the emphasis is in simple structural expressional using a vocabulary of architectural elements found within Park City, including Victorian, Cottage, Arts and Crafts, Prairie Style, and Modern and Contemporary styles.”¹ And “[t]he Guidelines are not intended to create a homogeneous, look alike

¹ Amended Development Agreement, p. 70.

neighborhood of earth tones and mountain timbers, but rather are intended to create a harmonious and diverse community of unique and varied homes”² Following is an example gallery taken from the Park City Heights Design Guidelines:

A Design Guide for Park City Heights

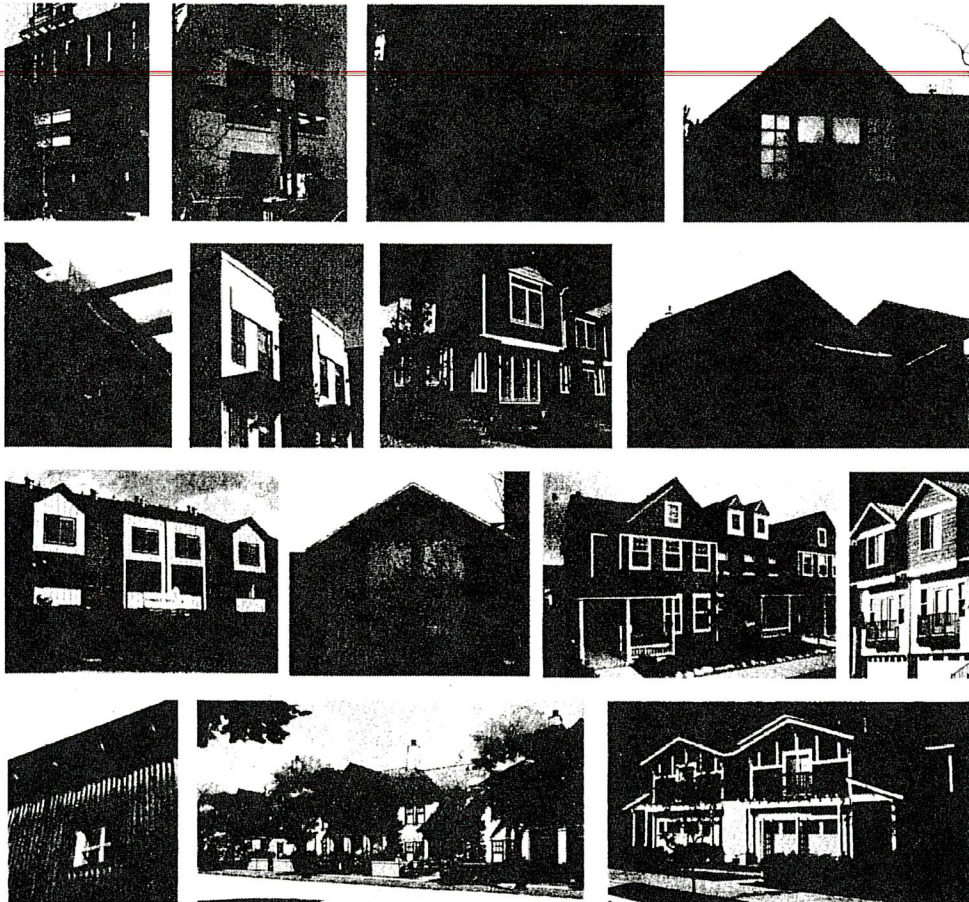
Example Gallery

Exterior Colors

The Park Homes have a diverse range of building size. With this diversity comes an opportunity to introduce color ranges seen in other phases of the development. Smaller buildings, such as duplex & fourplex buildings, should follow the standard established by the Cottage Homes guidelines & utilize primary colors. White & light gray are not considered primary colors. Buildings larger than four units must utilize colorful earth tones in an effort to lessen their visible mass.

Key Elements

- Varied Wall Planes & Massing
- Expressive Trim
- Exposed Structural Elements
- Low Sloping/Flat Roofs
- Emphasis on Front Porches
- Mining Meets Modern
- Not Resort Mountain Timber
- Mountain Contemporary
- Simple Forms
- Garages Secondary
- Grouped Windows
- Creative Materials



Park Homes

ARCHITECTURAL PATTERNS

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These design guidelines run directly counter to those applicable to the Oaks neighborhood. The Oaks CC&Rs provide:

² Id.

The Declarant and Architectural Committee shall exercise their best judgment to see that all improvements, construction, landscaping, and alteration on the lands within the Subdivision *conform and harmonize with the natural surroundings and with existing structures* as to the external design, materials, color, siting, height, topography, grade and finished grade elevation in keeping with the Design Guidelines.³

In other words, whereas Park City Heights encourages various designs and styles to provide eclectic interest in the community, the purpose of the Oaks is harmonizing building with the natural surrounding and other homes—creating a homogeneous look. This has led to the construction of earth tone mountain homes with timber and real stone accents: the very type of homes not allowed in Park City Heights.

It is likely because of this very conflict that the Amended MPD expressly states in its preamble that “[e]ach home within Park City Heights *with the exception of the 2 lots accessed from Deer Valley* will be required to meet and adhere to the following guide The Deer Valley lots must adhere to the C.C. & R.’s of the Oaks at Deer Valley.”⁴

Contrary to this requirement, the Ordinance and application state under paragraph L of the General Subdivision Requirements that “Architecture is reviewed at the time of building permit issuance for compliance with the Park City Heights Design Guidelines.” Consistent with the MPD’s requirements, the Residents request that the lots contemplated by the proposed plat be required to comply with the Oaks at Deer Valley’s CC&Rs. The Residents request that this be carried out by requiring as a condition of any approval that the CC&Rs be recorded as an encumbrance against the lots and that the same be noted on the plat.

2. The MPD and related agreements do not contemplate the provision of utilities and services to the two lots in the MPD that are not in the northeast quadrant of the Ivory Development Parcel.

The MPD and related agreements deal at length with the provision of utilities to the Park City Heights subdivision—i.e. the clustered development on the North East quadrant of the Ivory Development parcel. These documents include among other things, a detailed agreement with the City as to the provision of water to the community and the infrastructure that Ivory and the City will need to put in place to facilitate the provision of water.

Absent from the MPD, however, is any discussion as to how utilities will be provided to these two lots. The application merely states that “[p]rimary utility services are located in the vicinity of the property.” And, effectively, that Ivory Development is working on getting the approvals needed to extend utilities to the lots. For this reason, “Staff recommends a condition of approval that public improvements shall either be complete or bonded for prior to recordation of the plat.”

³ Oaks CC&Rs, Section 4 (emphasis added).

⁴ Amended Development Agreement, p. 70 (emphasis added).

The Residents would be much more comfortable with this development moving forward knowing what steps are being taken to ensure that utility services to their homes will not be negatively impacted by this development. For example, several of the Residents experience water pressure issues. Others have been required to install pumps in their homes to ensure that they have adequate water pressure. These lots are two of the highest-elevation lots in the community and will require significant water pressure. The Residents want to ensure that adequate pressure is planned and will be provided before the lots are platted.

In short, while the Residents appreciate Staff's recognition of this issue and recommendation of a condition of approval, they would feel more comfortable with a more concrete plan (e.g., if the necessary utilities were planned for similar to those being provided to the remainder of the Park City Heights community prior to plat approval).

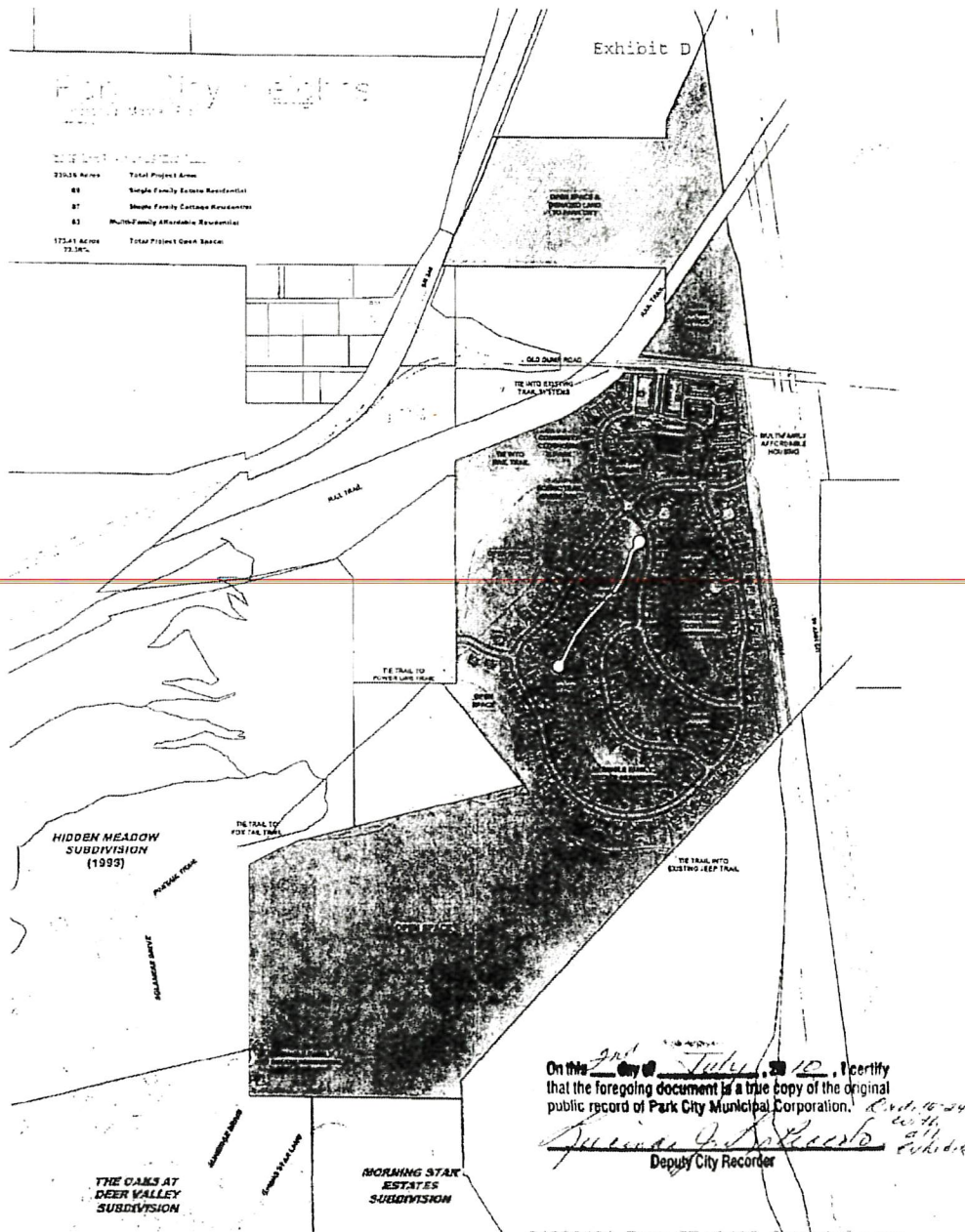
3. What steps have been taken to “dedicate” the open space to the North and East of these lots?

The MPD shows the area to the north and east of these lots to the top of the ridge and down the to the clustered development as dedicated open space. This dedication was to occur as part of Phase 2 of the development. These lots are part of phase 3 of the development. The application states that “[o]pen space parcel D, located to the north and east of these lots, was dedicated with Phase 2, consistent with conditions of the Park City Heights MPD.” But we have been unable to locate any evidence of this dedication. Indeed, the Summit County website does not show any parcel D. Nor does it show any restrictions showing as recorded against the property. The Residents would like to know what assurances they have that this step of phase 2 is complete now that Ivory Development is seeking to develop these lots adjoining the Residents' property.

It is worth noting, that when they purchased their properties, the Residents were told that the County land adjoining Sun Ridge Cove was dedicated as open space. The original developers of the Oaks led them to understand that they were surrounded by open space that would never be developed. Because they thought their community was fully built out, they were surprised to learn that two more lots would be developed on their cul-de-sac. They would like to avoid future surprises.

4. The proposed lots are critical wildlife habitat and moose and other wildlife can frequently be viewed in this area.

The area where the proposed lots are located provides habitat for wildlife, including moose, during the calving season. The Residents frequently observe cow moose and their calves in this area. A wildlife study was performed as part of the original 2010-2011 MPD agreement. But it appears from Exhibit D to that agreement that the original MPD did not contemplate these two lots. Instead the entire south west portion of the development was designated as open space.



We asked Staff and Ivory Development to confirm whether a wildlife study was performed after these lots were added to the MPD as part of the 2013 amendment, but we haven't heard back. If the wildlife study that was performed did not contemplate developing these two lots, we would ask that a new study be commissioned to determine the impact this development will have on wildlife in the area.

5. Several of the residents living within 300 feet of the proposed development did not receive mailed notice.

The Residents also note that, although their properties are within 300 feet of the proposed development, they did not receive mailed notice as indicated in the application. Instead, they

were informed by neighbors that this application was being considered for approval—but only after the Planning Commission hearing. The Residents were also unaware and did not receive any mailed notice of the prior approvals regarding the MPD. If they had received such notice, they would have attended any meeting to ensure the preservation of the character of their community and the open space they were promised existed.

CONCLUSION

The Residents are grateful for the opportunity to be heard and thank the City Council in advance for its time and attention. We ask that the Council continue this matter to allow Staff and Ivory to answer the concerns raised in this letter and in person at today's hearing.

Very Truly Yours,
HOGGAN LEE HUTCHINSON



Justin J. Keys

cc: Rick and Debbie Rees
Jacques and Susan Driscoll
Elisha and Bob Finney
Fred and Rebecca Gallander
Eric and Kathie Johnson